



# CITY OF ARCADIA

## BUSINESS LICENSE REVIEW BOARD MEETING AGENDA

**Tuesday, December 9, 2025 at 6:00 PM**

**Location: City Council Chambers, 240 W. Huntington Drive**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》，需要调整或提供便利设施才能参加会议的残障人士（包括辅助器材或服务）可与市书记官办公室联系（电话：(626) 574-5455）。请在会前 48 小时通知市书记官办公室，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：(626) 574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

### **CALL TO ORDER**

### **ROLL CALL:**

Domenico Tallerico, Chair  
Vincent Tsoi, Vice Chair  
David Arvizu, Board Member  
Angela Hui, Board Member  
Marilynne Wilander, Board Member

### **PUBLIC COMMENTS (5 minute time limit per person)**

Each speaker is limited to five (5) minutes per person, unless waived by the Board. Under the Brown Act, the Board Members are prohibited from discussing or taking action on any item not listed on the posted agenda.

### **PUBLIC HEARING**

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer at the discretion of the Board) speakers shall be limited to **five (5) minutes per person**. The applicant may additionally submit rebuttal comments, at the discretion of the Board.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- 1. RESOLUTION NO. 2179** - Recommending that the City Council approve Ordinance No. 2411 amending Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations (Business License) Code

**CEQA:** Categorically Exempt

**Recommendation:** Adopt

**Applicant:** City of Arcadia

## **ADJOURNMENT**

The Business License and Review Board will adjourn and bring the meeting to a close.

## **Welcome to the Arcadia Business License Review Board Meeting!**

The Board encourages public participation and invites you to share your views on City business.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at the Board meetings. Time is reserved at each regular meeting for those in the audience who wish to address the Board. The City requests that persons addressing the Board refrain from making personal, slanderous, profane, or disruptive remarks. When the Chair asks for those who wish to speak please come to the podium and state your name and address for the record. Please provide a copy of any written materials used in your address to the Board as well as a copy of any printed materials you wish to be distributed to the Board.

**MATTERS NOT ON THE AGENDA** should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given (5) minutes to address the Board; however, the Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the Board. **By State law, the Board may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response, or will be placed on the agenda of a future meeting.**

**PUBLIC HEARINGS AND APPEALS** are items scheduled for which public input is either required or desired. Separate and apart from an applicant or appellant (who may speak longer at the discretion of the Board), speakers shall be limited to (5) minutes per person. The Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the Board. The applicant or appellant may also be afforded an additional opportunity for rebuttal comments.

**AGENDA ITEMS:** The Agenda contains the regular order of business of the Business License Review Board. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that they can be fully informed about a matter before making its decision.

**DECORUM:** While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the Board or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak, or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat

of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, may serve as the Sergeant-at-Arms of the Review Board. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

## 欢迎来到阿卡迪亚规划委员会会议！

规划委员会鼓励公众参与并诚邀您分享对市政业务的看法。

**会议：**规划委员会的例会于每月的第二个及第四个星期二下午七时在市议会会议厅举行。可在市政厅、阿卡迪亚公共图书馆 (Arcadia Public Library) 和市政网站 ([www.ArcadiaCA.gov](http://www.ArcadiaCA.gov)) 上查阅包含所有备份信息的完整的规划委员会议程包。个人议程报告的副本可通过电子邮件的方式 ([Planning@ArcadiaCA.gov](mailto:Planning@ArcadiaCA.gov)) 索取。本议程发布后，分发至大多数规划委员会的文件可在规划服务办公室 (地址：City Hall, 240 W. Huntington Drive, Arcadia, California) 查阅。

**公民参与：**欢迎并邀请您参加规划委员会的所有会议。每次例会都为希望向规划委员会发表意见的听众预留时间。本市政要求向规划委员会发表意见的个人不得发表人身攻击、诽谤、亵渎或破坏性言论。当主持人邀请想要发言之人上台发言时，请说出自己的姓名和地址，以便记录。请向规划委员会提供您所在地址所使用的任何书面材料的副本，以及您希望分发给规划委员会的任何印刷材料的副本。

**未列入日程的事项**应在“公众征求意见”所指定的时间提出。一般而言，每位发言者都将获得 (5) 分钟的时间来向规划委员会表达自己的意见；但是主持人可以酌情缩短发言时间，以便可以让所有发言者都可以向规划委员会表达自己的想法。**根据州法律，规划委员会不得讨论或就议程外事项进行投票。此事项将自动提交至工作人员采取适当地行动或回应，或将列入今后会议的议程。**

**公众听证会或上诉**是需要或希望公众发表意见的计划项目。除了申请人或上诉人（规划委员会可酌情延长其发言时间）外，每位发言者的发言时间不得超过 (5) 分钟。市长可以酌情缩短发言时间，确保所有发言者都可以向市议会表达意见。申请人或上诉人也可获得额外的反驳意见机会。

**议程事项：**该议程包括规划委员会的正常议事日程。市政工作人员一般会在会议前审查和调查议程内事项，以便规划委员会在作出决定前充分了解有关事项。

**获准日历：**“获准日历”上所列事项被规划委员会视为例行公事，可通过一项动议采取行动。除非规划委员会成员、工作人员或公众要求，否则不会单独讨论这些事项。若出现这一情况，则该事项将从“获准日历”中删除，并对其进行单独审议和行动。

**礼节：**虽然公众可以自由地批评城市政策以及规划委员会或其成员的行动或拟议的行动，但公众不得采取破坏诉讼有序进行的行为，包括但不限于阻止其他听众在有机会发言时发表意见的行为，或阻止听众听到或看

到诉讼进程。公众不得以人身伤害威胁任何人，或以可合理地解释为迫在眉睫的人身伤害威胁的方式行事。所有参加会议的人都应遵守本市的政策，禁止基于个人的种族、宗教信仰、肤色、国籍、血统、身体残疾、医疗状况、婚姻状况、性别、性取向或年龄而进行骚扰。警务处处长或警务处的此类成员可担任规划委员会会议的警卫官。警卫官应执行主持会议的官员为维持会议秩序和礼仪而发出的所有命令和指示。任何违反会议秩序和礼仪的人均可被逮捕，并可根据《刑法典》第403条或适用的《阿卡迪亚市政法典》相关部分的规定对其提起诉讼。



# CITY OF ARCADIA

## STAFF REPORT

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### DEVELOPMENT SERVICES DEPARTMENT

**DATE:** December 9, 2025

**TO:** Honorable Chair and Members of the Business License Review Board

**FROM:** Lisa Flores, Deputy Development Services Director  
Simon Vuong, Economic Development Manager

**SUBJECT:** RESOLUTION NO. 2179 RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 2411 AMENDING ARTICLE VI OF THE ARCADIA MUNICIPAL CODE REGARDING THE BUSINESSES, PROFESSIONS, TRADES, AND OCCUPATIONS (BUSINESS LICENSE) CODE  
**CEQA: Exempt**  
**Recommendation: Adopt**

#### **SUMMARY**

The Development Services Department is proposing to amend the Arcadia Municipal Code related to the City's Businesses, Professions, Trades, and Occupations (referred to as the "Business License Code"). The Business License Code has been updated in a piecemeal fashion throughout the years, and this is the first comprehensive update in decades. The proposed amendments aim to modernize the Code, improve clarity and consistency, and ensure it aligns with current business practices and regulatory requirements.

It is recommended that the Business License Review Board adopt Resolution No. 2179 finding that the Business License Code Update (Ordinance No. 2411) is Categorically Exempt under the California Environmental Quality Act ("CEQA") and forwarding a recommendation to the City Council to approve the comprehensive update to Article VI of the Arcadia Municipal Code regarding Businesses, Professions, Trades and Occupations.

## **BACKGROUND**

The Business License Code has remained largely unchanged for many years, with modifications made only when necessary. Despite these limited updates, business owners and applicants have continued to receive consistent service without interruptions in the licensing process. Over time, new sections and definitions have been added gradually to reflect shifts in industry practices, societal and cultural trends, and emerging local issues. As businesses have evolved and increasingly resist rigid classification, the City is now proposing a broader, more flexible approach to encompass a wider range of business types under this Update.

A full rewrite of the Business License Code has never occurred, largely because updating the code was viewed as a time-intensive undertaking, and the fact that the Code was outdated was not viewed as a hindrance to licensing practices. However, allowing a patchwork of outdated rules to persist is no longer good practice. A comprehensive code update is now needed to create a consistent framework for all businesses operating within the City. Many obsolete or overly specific provisions have lingered simply because they were easy to ignore, but that will be addressed by this update.

## **PROPOSAL**

The Business License Code has been modernized to remove redundancies and outdated language, update business categories, and streamline structure and formatting to align with the City's Development Code. This effort simplifies licensing, reflects current economic realities, and ensures the code keeps pace with the City's evolving business environment. The goal is to make the business licensing process clear and to ensure effective compliance when enforcing its requirements.

The proposed update represents a near-complete reorganization, with significant restructuring and removal of obsolete sections. The final draft can be found under Attachment No. 1, with the original Code under Attachment No. 2. The changes were so extensive that producing a redline comparison is not feasible.

The Business License Division has been continually working on this update since 2022, coordinating with a consultant, Avenu Insights & Analytics, as well as the City's attorney firm Best Best & Krieger LLP (BBK) for their guidance and feedback on changes to the Code.

## **ANALYSIS**

The update to the Business License Code is driven by the City's commitment to maintain a streamlined, business-friendly process. While the current code generally functions well and has presented few challenges for businesses, modernizing the code will align it more closely with the City's broader economic development goals. This update removes outdated language and processes, clarifies licensing requirements, and eliminates unnecessary barriers, thereby creating a clearer, more efficient framework that supports both business growth and the City's responsibility to protect public health, safety, and welfare.

The Business License Code requires full reorganization, clearer terminology, and improvements to the overall process. Staff have identified several issues that necessitate these amendments to ensure the code remains clear, efficient, and aligns with current best practices. The update will remove archaic procedures and simplify implementation as well.

### **Summary of Proposed Changes:**

- Comprehensive reformatting and reorganization
- Consolidates business types into a table and simplifies related code provisions.
- Updates section numbering and sequencing for easier reference.
- Clarifies taxes and fees for specific license types.
- Distinguishes between business licenses and business permits while reducing the number of permit categories.
- Adds explanatory language throughout for greater clarity.
- Moves the definitions section toward the end for consistency.

Additional language was included to clarify the distinction between a business permit and a business license—where a permit authorizes certain activities, and a license grants permission for regulated ones. The number of permit categories was consolidated to simplify staff review. Overall, these revisions are administrative and organizational in nature, designed to reduce ambiguity, improve readability, and maintain the original intent of the code.

**Sections deleted or moved:**

- Amusement and Game Machines (*Was moved to the City's Development Code*)
- Firework Stands and Displays
- Keeping of Poultry and Animals
- Closing Out Sales
- Taxicabs
- Well Drilling
- Billboards
- Yard Sales (*Was moved to the City's Development Code in 2016*)
- Slaughterhouse
- Tip Sheet

The above sections were deleted because they are outdated, have never been used, are prohibited in the City, or are no longer applicable (e.g., Tip Sheets, Slaughterhouse, Keeping of Poultry and Animals, Closing Out Sales, Well Drilling). Other sections, such as those related to Taxicabs, were removed because they are regulated by another entity, the California Public Utilities Commission. Additional topics, including Amusement and Game Machines, Billboards, and Yard Sales were relocated in 2016 and are now addressed in the Development Code.

**Overhaul of appeal process**

Previously, a decision by the Business License Officer could be appealed to the Business License Review Board, and that decision could, in turn, be appealed to the City Council. To simplify and modernize the process, the appeal procedure has been revised so that appeals are now heard directly by a Hearing Officer, who is the City Manager or their designee. The Hearing Officer's decision is final and not subject to further appeal.

A two-tiered appeal process is uncommon. Most cities provide a single standard appeal, typically to the Hearing Officer, who is either the City Manager or their designee. Arcadia's current process, which allows appeals to both the Business License Review Board (Planning Commission) and the City Council, is not typical. The proposed code update would eliminate the need for the Business License Review Board in this context, reducing the number of hearings required for relatively minor business license matters and aligning the City with standard practice.

Overall, these changes are primarily administrative and are not expected to have a significant impact on existing or prospective businesses. Most updates concern internal processes and should not materially affect the public's experience in obtaining a business license.

### **ENVIRONMENTAL ANALYSIS**

The California Environmental Quality Act (CEQA) requires that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed update to the businesses, professions, trades and occupations, are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed municipal code amendments would not have a significant effect on the environment and, thus, are not subject to CEQA review.

### **PUBLIC COMMENTS/NOTICE**

A public hearing notice for this item was published in the Arcadia Weekly on November 20, 2025, and posted at the City Clerk's Office, City Council Chambers, at the Arcadia Library, and on the City's Business License website on November 19, 2025. In addition, the Arcadia Chamber of Commerce and the Downtown Arcadia Improvement Association were specifically notified of the proposed changes, given their role in the local business community. As of December 5, 2025, no comments were received.

### **RECOMMENDATION**

It is recommended that the Business License Review Board adopt Resolution No. 2179 finding that the Business License Code Update (Ordinance No. 2411) is Categorically Exempt under the California Environmental Quality Act ("CEQA") and forwarding a recommendation to the City Council to approve the comprehensive update to Article VI of the Arcadia Municipal Code regarding Businesses, Professions, Trades and Occupations.

Business License Code Update

December 9, 2025

Page 6 of 6

Approved:

A handwritten signature in blue ink, appearing to read 'Lisa L. Flores', with a stylized flourish extending to the right.

Lisa L. Flores

Deputy Development Services Director

Attachment No. 1: Resolution No. 2179 with Final Draft of the Business License  
Code Update

Attachment No. 2: Article VI of the Arcadia Municipal Code

# Attachment No. 1

Resolution No. 2179 and Exhibit "A"

RESOLUTION NO. 2179

A RESOLUTION OF THE BUSINESS LICENSE REVIEW BOARD RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 2411 AMENDING ARTICLE VI OF THE ARCADIA MUNICIPAL CODE REGARDING BUSINESSES, PROFESSIONS, TRADES, AND OCCUPATIONS

WHEREAS, the Business License Division of the Development Services Department has initiated an amendment to update Article VI of the Arcadia Municipal Code Regarding the Businesses, Professions, Trades, and Occupations (referred to as "Business License Code Update") to modernize the Code, improve clarity and consistency, and ensure it aligns with the current business practices and regulatory requirements; and

WHEREAS, on November 12, 2025, the Business License Division completed an environmental review of the proposed amendments to the Arcadia Municipal Code and determined that it is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that proposed amendments would not have a significant effect on the environment and, thus, is not subject to CEQA review; and

WHEREAS, on November 19, 2025, the City published the public hearing notice for the Business License Code Update at the City Clerk's Office, City Council Chambers, at the Arcadia Library, and on the City's Business License website. The notice was also published in a newspaper of general circulation (Arcadia Weekly) in the jurisdiction where the hearing will occur. At said hearing, the Business License Review Board will review the code amendments and forward a recommendation to the City Council; and

WHEREAS, on December 9, 2025, the Business License Review Board held a

duly noticed public hearing to consider the Business License Code Update, considered all public testimonies, and forwarded a recommendation to the City Council for approval.

NOW THEREFORE, THE BUSINESS LICENSE REVIEW BOARD OF THE CITY OF ARCADIA, CALIFORNIA DOES HEREBY FIND AND DETERMINE:

SECTION 1. The Business License Review Board recommends approval of the Business License Code Update, as attached hereto as Exhibit "A".

SECTION 2. The Business License Review Board determines that the proposed Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with certainty that the Business License Code Update would not have a significant effect on the environment and, thus, is not subject to CEQA review.

SECTION 3. Based on the entire record before the Business License Review Board, all written and oral evidence presented to the Business License Review Board, and the findings made in the staff report and this Resolution, the Business License Review Board hereby recommends that the City Council approve the proposed changes to Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations reflected in Exhibit "A" of this Resolution.

SECTION 4. The Secretary shall certify as to the adoption of this Resolution

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this 9th day of December, 2025.

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Dominico Tallerico  
Chair, Business License Review  
Board

ATTEST:

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Lisa L. Flores  
Secretary

APPROVED AS TO FORM:



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Michael J. Mauer  
City Attorney

# **EXHIBIT "A"**

Draft Ordinance No. 2411 and Business  
License Code Update

ORDINANCE NO. 2411

AN ORDINANCE OF THE CITY COUNCIL OF ARCADIA  
APPROVING ORDINANCE NO. 2411 AMENDING ARTICLE VI OF  
THE ARCADIA MUNICIPAL CODE REGARDING BUSINESSES,  
PROFESSIONS, TRADES, AND OCCUPATIONS

WHEREAS, the Business License Division of the Development Services Department has initiated an amendment to update Article VI of the Arcadia Municipal Code Regarding the Businesses, Professions, Trades, and Occupations (referred to as "Business License Code Update") to modernize the Code, improve clarity and consistency, and ensure it aligns with the current business practices and regulatory requirements; and

WHEREAS, on November 12, 2025, the Business License Division completed an environmental review of the proposed amendments to the Arcadia Municipal Code and determined that it is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that proposed amendments would not have a significant effect on the environment and, thus, is not subject to CEQA review; and

WHEREAS, on November 19, 2025, the City published the public hearing notice for the Business License Code Update at the City Clerk's Office, City Council Chambers, at the Arcadia Library, and on the City's Business License website. The notice was also published in a newspaper of general circulation (Arcadia Weekly) in the jurisdiction where the hearing will occur. At said hearing, the Business License Review Board will review the code amendments and forward a recommendation to the City Council; and

WHEREAS, on December 9, 2025, the Business License Review Board held a duly noticed public hearing to consider the Business License Code Update, considered

all public testimonies, and forwarded a recommendation to the City Council for approval.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. The City Council determines that the proposed Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with certainty that the Business License Code Update would not have a significant effect on the environment and, thus, is not subject to CEQA review.

SECTION 3. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made in the staff report and this Ordinance, the City Council approves the proposed changes to Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations reflected in Exhibit "A" of this Ordinance.

SECTION 4. For the foregoing reasons, the City Council adopts this Ordinance. Staff is authorized to correct typographical errors, spelling, formatting or codification and to make other minor revisions to improve the reader's comprehension of the changes from this text amendment attached hereto under Exhibit A of this Ordinance, provided that any revisions do not alter the regulatory meaning and intent.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect thirty-one (31) days after its

adoption.

SECTION 6. The Custodian of Records for this Ordinance is Linda Rodriguez, City Clerk and the records comprising the administrative record for this Ordinance are located at Arcadia City Hall, 240 W. Huntington Drive, Arcadia CA.

DRAFT

Passed, approved and adopted by the City Council this 20<sup>th</sup> day of January, 2026.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Mauer  
City Attorney

DRAFT

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**ARTICLE VI.**  
**BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS**

**TABLE OF CONTENTS**

CHAPTER 1. LICENSES

PART 1. LICENSING PROCEDURE

DIVISION 1. BUSINESS LICENSING

Section 6111. Business License and Tax Required  
Section 6111.01 Business License Application  
Section 6111.03 Application for an Annual License for a New Business  
Section 6111.05 Renewal Application for an Annual License  
Section 6111.07 Determination by the License Officer  
Section 6111.09 Denial of License  
Section 6111.11 Suspension or Revocation of License  
Section 6111.13 Appeal to a Hearing Officer  
Section 6111.15 Notice  
Section 6111.17 Appeals Fees  
Section 6111.19 Judicial Review  
Section 6111.21. Reinstatement  
Section 6111.23. Interstate/Intercity Commerce  
Section 6111.25. Claims of Exemption

DIVISION 2. LICENSE ISSUANCE

Section 6112. License Certificate  
Section 6112.01. Violations Not Authorized  
Section 6112.03. State License  
Section 6112.05. Free License  
Section 6112.07. Vehicle Tax  
Section 6112.09. Not Transferable  
Section 6112.11. Amendment  
Section 6112.13. Duplicate  
Section 6112.15. Permit Prerequisite/ Zoning

DIVISION 3. LICENSE DURATION

Section 6113. Computation of Periods

DIVISION 4. LIABILITIES AND OBLIGATIONS

Section 6114. Civil Obligation  
Section 6114.01. Payment  
Section 6114.03. Delinquency  
Section 6114.05. Penalty  
Section 6114.07. Errors  
Section 6114.09. Refunds  
Section 6114.11. Owner's and Contractor's Liability for Subcontractors  
Section 6114.13. Criminal Liability

---

## DIVISION 5. EXEMPTIONS

Section 6115. Unexpired Licenses Previously Issued  
Section 6115.01. Disabled Veterans  
Section 6115.03. Home-Grown Food Stuffs  
Section 6115.05. Commercial Agents  
Section 6115.07. Charitable Organization  
Section 6115.09. Certified Producers/Farmers

## DIVISION 6. GENERAL PROVISIONS

Section 6116. Separate Licenses  
Section 6116.01. Exception for Sale of New Automobiles  
Section 6116.03. Exhibiting of Licenses  
Section 6116.05. Enforcement

## PART 2. LICENSES AND ACTIVITIES SUBJECT TO TAXES AND FEES

Section 6120. License Taxes and Fee Rates  
Section 6120.01. Automatic Annual License Rate Adjustment  
Section 6120.03. Activities Subject to a License Tax

## CHAPTER 2. PERMITS

### PART 1. PERMIT PROCEDURES

#### DIVISION 1. APPLICATION, INVESTIGATION, AND PERMIT FEE

Section 6211. Business Permit Required  
Section 6211.01. Business Permit Application  
Section 6211.03. Permit Application Investigation  
Section 6211.05. Payment

#### DIVISION 2. ISSUANCE AND DENIAL. NEW PERMITS

Section 6212. Issuance of Permit  
Section 6212.01. Denial of Permit  
Section 6212.03. Issuance of Permit Conditions

#### DIVISION 3. ISSUANCE AND DENIAL. RENEWALS

Section 6213. Renewal Requirements  
Section 6213.01. Existing Permits

#### DIVISION 4. SUSPENSION AND REVOCATION

Section 6214. Grounds for Suspension or Revocation  
Section 6214.01. Appeal and Final Determination  
Section 6214.03. Temporary Suspension of Permit  
Section 6214.05. Reinstatement of Permit

## CHAPTER 3. SPECIAL REGULATIONS

### PART 1. ENTERTAINMENT ENTERPRISES

#### DIVISION 1. ENTERTAINMENT PERMITS

---

Section 6311.01. Any Other Business Conducted for the Purpose of Public Entertainment or Enjoyment

DIVISION 2. PRIVATE CLUBS

Section 6312. Free Entry by Law Enforcement Officers

DIVISION 3. FORTUNETELLING

Section 6313. Permit and Compliance with Conditions Required

Section 6313.01. Permit Application

Section 6313.03. Investigation

Section 6313.05. Decision by the License Officer

Section 6313.07. Issuance of Permit

Section 6313.09. Permit Revocation

Section 6313.11. Exceptions

PART 2. COMMERCIAL ENTERPRISES

DIVISION 1. MASSAGE THERAPIST REGULATIONS

Section 6321. Findings and Purpose

Section 6321.01. Definitions

Section 6321.03. Acupressure

Section 6321.05. Zoning and Building Laws Applicable to Massage Therapy Business Activities – Conditional Use Permit Required

Section 6321.07. State Massage Certification Required to Conduct Massage Therapy in the City

Section 6321.09. Business License Required

Section 6321.11. Denial, Suspension and Revocation of Massage Therapy Business License; Appeal Procedure and Reinstatement

Section 6321.13. Hours of Operation

Section 6321.15. Business Owner / Operator Responsibility

Section 6321.17. Renewal of Massage Therapy Business License

Section 6321.19. Change of Information

Section 6321.21. Cessation of Massage Therapy Services

Section 6321.23. Prohibited Activities

Section 6321.25. Operations

Section 6321.27. Exemptions

DIVISION 2. REGULATION OF WRITTEN MATERIALS

Section 6322. Refusal Register

Section 6322.01. Regulations Governing Distribution

DIVISION 3. PEDDLERS AND SOLICITORS

Section 6323. Peddlers and Solicitors License

Section 6323.01. "No Peddlers or Solicitors" Signs

Section 6323.03. Exception on Invitation

Section 6323.05. Persistence After Request to Leave

Section 6323.07. Refusal to Leave on Request

Section 6323.09. Legislative Policy

Section 6323.11. Prohibited Activities

Section 6323.13. Duties

Section 6323.15. Powers Section 6323.17. Permit Required

---

Section 6323.17. Permit Application Contents  
Section 6323.19. Permit Application Fee  
Section 6323.21. Form of Permit  
Section 6323.23. Time of Issuance  
Section 6323.25. Permit Granting and/or Denial  
Section 6323.27. Permit Transfer  
Section 6323.29. Term of Permit  
Section 6323.31. Permit Cancellation  
Section 6323.33. Permit Revocation, Suspension  
Section 6323.35. Compliance Required  
Section 6323.37. Appeals to Hearing Officer  
Section 6323.39. Permit Exemptions  
Section 6323.41. Permit and Badge to be Carried on Person  
Section 6323.43. Prohibited Acts While Soliciting, Peddling, or Canvassing  
Section 6323.45. Sign Posting  
Section 6323.47. Hours  
Section 6323.49. Distribution of Handbills Excluded  
Section 6323.51. Charitable, Religious and Political Canvassing Excluded  
Section 6323.53. Use of Sound-Making, Sound-Amplifying Devices  
Section 6423.55 Permit Holder's Books and Records  
Section 6233.57. Investigation of Solicitors and Peddlers  
Section 6323.59. Misrepresentation Prohibited  
Section 6323.61. Separate Violations  
Section 6323.63 Permittee's Books and Records  
Section 6323.65. Permittee's Reports  
Section 6323.67. Investigation of Solicitors  
Section 6323.69. Misrepresentation Prohibited  
Section 6323.71. False Application  
Section 6323.73. Separate Violations

#### DIVISION 4. PRIVATE PATROLS

Section 6324. Permit Procedure  
Section 6324.01. Approval  
Section 6324.03. Liability Insurance  
Section 6324.05. Display of Permit and License

#### DIVISION 5. RUBBISH COLLECTION, HAULING OR DISPOSAL

Section 6325. Permit Required  
Section 6325.01. Regulations  
Section 6325.03. Limitation  
Section 6325.05. Definitions  
Section 6325.07. Application Provisions  
Section 6325.09. Insurance  
Section 6325.11. Equipment, Enclosed Body  
Section 6325.13. Ownership  
Section 6325.15. Removal of Spillage  
Section 6325.17. Production of Customer Lists, Rates and Ownership Statement  
Section 6325.19. Suspension

---

## DIVISION 6. SIDEWALK AND PARKING LOT SALES

Section 6326. Commercial Use of Sidewalk  
Section 6326.01. Conditions of Sidewalk and Parking Lot Sales  
Section 6326.03. Purpose of Street Vending Provisions  
Section 6326.05. Permits Required  
Section 6326.07. Review of Permit Application; Decision  
Section 6326.09. Renewal of Sidewalk Vending Permit  
Section 6326.11. Stationary Sidewalk Vending Locations and Standards  
Section 6326.13. Sidewalk Vending in Parks, Certified Farmer's Markets  
Section 6326.15. Roaming Sidewalk Vending  
Section 6326.17. Suspension; Rescission  
Section 6326.19. Appeals  
Section 6326.21. Penalties

## DIVISION 7. MOTION PICTURE FILMING

Section 6327. Film Permit  
Section 6327.01. Application  
Section 6327.03. Scope of Permit  
Section 6327.05. Separate Permit  
Section 6327.07. Film Permit Approved  
Section 6327.09. Cost of City Services  
Section 6327.11. Written Notification  
Section 6327.13. Fee Amount  
Section 6327.15. Waiver of Fees  
Section 6327.17. Revocation or Denial of Application

## PART 3. ADULT BUSINESSES

### DIVISION 1. ADULT BUSINESS PERFORMER LICENSE

Section 6331. Purpose  
Section 6331.01. Adult Business Performer License  
Section 6331.03. Investigation and Action on Application for Adult Business Performer License  
Section 6331.05. Denial, Suspension or Revocation of Adult Business Performer License / Appeal Hearing  
Section 6331.07. Judicial Review  
Section 6331.09. Display of License Identification Cards  
Section 6331.11. Adult Business Performer License Nontransferable  
Section 6331.13. Time Limit for Filing Application for Permit  
Section 6331.15. Violations  
Section 6331.17. Regulations Nonexclusive  
Section 6331.19. Severability

### DIVISION 2. ADULT BUSINESS LICENSE

Section 6332. Purpose  
Section 6332.01. Definitions  
Section 6332.03. Permit Required  
Section 6332.05. Permit Requirements  
Section 6332.07. Investigation and Action on Application for Adult Business Regulatory Permit  
Section 6332.09. Development and Operating Standards  
Section 6332.11. Transfer of Adult Businesses or Adult Business Regulatory Permits  
Section 6332.13. Denial, Suspension, or Revocation of Adult Business Regulatory Permits / Appeal Procedure  
Section 6332.15. Judicial Review

---

Section 6332.17. Display of Adult Business Regulatory Permit  
Section 6332.19. Employment of and Services Rendered to Persons Under the Age of Eighteen (18) Years Prohibited, Twenty-One (21) if Alcoholic Beverages are Served  
Section 6332.21. Inspections  
Section 6332.23. Employment of Performers Without Valid License Unlawful  
Section 6332.25. Regulations Non-Exclusive  
Section 6332.27. Violations  
Section 6332.29. Public Nuisance  
Section 6332.31. Severability

#### CHAPTER 4 – DEFINITIONS

Section 6400. General Information about Definitions  
Section 6400.01. “A” Definitions  
Section 6400.02. “B” Definitions  
Section 6400.03. “C” Definitions  
Section 6400.04. “D” Definitions  
Section 6400.05. “E” Definitions  
Section 6400.06. “F” Definitions  
Section 6400.07. “G” Definitions  
Section 6400.08. “H” Definitions  
Section 6400.09. “I” Definitions  
Section 6400.10. “J” Definitions  
Section 6400.11. “K” Definitions  
Section 6400.12. “L” Definitions  
Section 6400.13. “M” Definitions  
Section 6400.14. “N” Definitions  
Section 6400.15. “O” Definitions  
Section 6400.16. “P” Definitions  
Section 6400.17. “Q” Definitions  
Section 6400.18. “R” Definitions  
Section 6400.19. “S” Definitions  
Section 6400.20. “T” Definitions  
Section 6400.21. “U” Definitions  
Section 6400.22. “V” Definitions  
Section 6400.23. “W” Definitions  
Section 6400.24. “X” Definitions  
Section 6400.25. “Y” Definitions  
Section 6400.26. “Z” Definitions

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## CHAPTER 1. LICENSES

### ***PART 1. LICENSING PROCEDURE***

#### ***DIVISION 1. BUSINESS LICENSING***

##### **6111. BUSINESS LICENSE AND TAX REQUIRED**

- A. No person shall conduct any business in the city without first having obtained a business license, paid the applicable business license tax and complied with any and all applicable provisions of this Code.
- B. A separate business license shall be obtained for each business location and for each separate type of business at the same location.
- C. A home-based business (“Home Occupation Permit”) shall be required to obtain a business license prior to conducting business within a residential unit or on residential property.
- D. Except as otherwise provided in this Section, an employee of a business that has obtained a valid Arcadia Business License is not required to obtain a separate business license.
- E. A business license shall not be issued to a business that requires training or state licensing for the business owner, or for each technician or employee, until satisfactory proof of training or licensing is provided to the city. These businesses include without limitation barbers, cosmetologists, estheticians and manicurists.
- F. A business license shall not be issued to a business that requires Workers' Compensation Insurance until satisfactory proof of having Workers' Compensation Insurance is provided to the city.

##### **6111.01. BUSINESS LICENSE APPLICATION**

- A. Applications for a business license shall be filed with the city and shall comply with the following requirements:
  - 1. Completion of an application on the form designated by the city and signed by the applicant under penalty of perjury;
  - 2. Applications shall be filed a minimum of 30 days prior to the date requested for issuance of the permit;
  - 3. Payment of the applicable filing fee; and
  - 4. Such other information as may be required by the city.
- B. Contents of general business license application shall contain the following information:
  - 1. Business name
  - 2. Business address
  - 3. Permanent mailing address of the applicant
  - 4. Phone number
  - 5. Email address
  - 6. Employer I.D. number (or Social Security number)
  - 7. State driver license;
  - 8. State resale permit (if applicable)

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9. State employer I.D. number
  10. State contractors/business and professional license number (if applicable)
  11. Description of the business being conducted
  12. Days and hours of operation
  13. Start date
  14. Type of ownership
  15. Owners or principal officers
  16. Description of all vehicles and mechanical equipment owned by or under the control of the business
  17. Business license number (in the case of a renewal application)
  18. Business license tax paid
  19. Health permit number (if applicable)
  20. Workers' Compensation Insurance Policy number, date and date of expiration (if applicable)
  21. Proof of any other required county, state or federal training and/or license or permit
  22. Such other information as may be required by the application form or requested by the city for enforcement and administration of this title.

### **6111.03. APPLICATION FOR AN ANNUAL LICENSE FOR A NEW BUSINESS**

If an applicant for an annual license did not engage in business in the City in the previous year, or has been engaged in business in the City for less than one year, then the application shall set forth the estimated information needed to determine the amount of tax for the year for which the application is being submitted, and such estimated information shall be used to determine the amount of license tax to be paid.

### **6111.05. RENEWAL APPLICATION FOR AN ANNUAL LICENSE**

When renewing an annual license, if the tax for the previous year was based on estimated numbers, then the actual numbers for the previous year shall be compared to the estimated numbers that were used to determine the tax, and if different, the amount of additional tax or amount of credit for the previous year shall be calculated and either added or subtracted from the amount of tax due for the new year. This provision applies to the first renewal of an annual license tax that is based on numbers from the previous tax year but does not apply to subsequent renewals of such a tax.

### **6111.07. DETERMINATION BY THE LICENSE OFFICER**

- A. If any person fails to file any required statement within the prescribed time, or if the License Officer or designee determines that a licensee has incorrectly reported any information to the City or has not paid all or any of the tax, penalties, or interest that are due, the License Officer may make a determination of the amount of license tax due from and payable by such person, using such information as the License Officer may be able to obtain.
- B. The License Officer or designee shall give notice of the determination as provided in Section 6111.15.
- C. Definition of "Business License Officer." For purposes of this Article, "Business License Officer" means the Officer or the Officer's designee.

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### **6111.09. DENIAL OF LICENSE**

- A. The License Officer may refuse to issue a license under this Article if the License Officer determines that the applicant or applicant's agent have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation, or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety, and convenience of the public such as (a) operation of a business prohibited by local, federal, or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law, or otherwise impair the free enjoyment of life and property. The License Officer may also refuse to issue a license upon any of the grounds established for license suspension or revocation as put forth in Section 6111.11.
- B. Notice of a decision to deny an application for a business license shall be served on the Licensee as provided in Section 6111.15.

### **6111.11. SUSPENSION OR REVOCATION OF LICENSE**

- A. The License Officer may suspend or revoke any business license upon receipt of information from any source that:
  - 1. The holder of the license, or the licensee's employee, agent, partner, director, officer, controlling stockholder, or manager has knowingly made any false, misleading, or fraudulent statement of material facts in the application for the license or permit, or in any report or record required to be filed with the city's police department, county health department, or any other city department or office in connection with the operation of the business; or
  - 2. The business has been expanded, or partially or wholly converted to another business without the required City approvals and permits; or
  - 3. The holder of the license has violated any of the conditions of the license, or has violated or permitted to be violated any law or laws of the United States or the State, or any ordinance applicable to the premises where the business covered by the license is conducted, or in connection with the business; or
  - 4. The holder of the license, or the licensee's employee, agent, partner, director, officer, controlling stockholder, or manager has, in the conduct of the licensed business or any similar business, been guilty of fraud, misrepresentation, or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety, or convenience of the public such as (a) operation of a business prohibited by local or state law (b) or allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law, or otherwise impair the free enjoyment of life and property; or
  - 5. The holder of the license has failed to pay either the entirety or a portion of the business license tax.
- B. Notice of a decision to suspend or revoke a business license shall be served on the Licensee as provided in Section 6111.15.

### **6111.13. APPEAL TO A HEARING OFFICER**

- A. Any person aggrieved by the decision of the License Officer with respect to the issuance or refusal of a license, or any determination pursuant to this title may appeal the decision to the Hearing Officer,

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designated by the City Manager, within ten (10) days following notice of the action. The notice of appeal shall be in writing and signed by the person making the appeal and shall contain the following information:

1. The name, address, email address, and telephone number of the Appellant;
  2. A true and correct copy of the notice of decision or action by the License Officer that the Appellant is appealing;
  3. A specific statement of the reasons and grounds for making the appeal in sufficient detail to enable the Hearing Officer to understand the nature of the controversy, the basis of the appeal, and the relief being requested;
  4. All documents or other evidence pertinent to the appeal that the Appellant requests that the Hearing Officer to consider at the hearing; and
  5. Appellant must pay the designated appeal fee at the time the appeal is filed.
- B. In the event a written notice of appeal is timely filed, the suspension, revocation, or denial is not effective until a final decision has been rendered and issued by the Hearing Officer. The Hearing Officer shall set a hearing within thirty (30) calendar days from that date unless the parties agree otherwise. Notice of the hearing shall be served as provided in Section 6111.15.
- C. At the hearing the person against whom the determination or decision was made may present evidence and argument regarding the determination or decision to show why the determination or decision is incorrect and to show what the determination or decision should be.
- D. Within sixty (60) days after the close of the hearing the Hearing Officer shall issue a final determination or decision, unless the time period is extended by the Hearing Officer for good cause. The final determination or decision of the Hearing Officer shall be served as provided in Section 6111.15.

#### **6111.15. NOTICE**

Whenever the City must give notice of an action or a document under this Article, notice shall be effective on a person when either (i) served personally on the person, (ii) deposited in the United States Mail, postage prepaid, and addressed to the person at the person's address on file with the City, or (iii) sent by email to the person using an email address provided to the City by the person. Notice provided by method (ii) above shall be deemed received within three days of mailing. Notice provided by methods (i) or (iii) above shall be deemed received immediately upon delivery.

#### **6111.17. APPEAL FEES**

Each appeal of the denial of a business license or permit shall be accompanied by the payment of the fee established by City Council by Resolution, as may be amended from time to time, to cover the City's costs of administering the hearing and appeal.

#### **6111.19. JUDICIAL REVIEW**

A final decision of the Hearing Officer under Section 6111.11 is subject to judicial review under sections 1094.5 and 1094.6 of the Code of Civil Procedure by a writ petition filed in the appropriate court within ninety (90) days of the service of the written decision.

#### **6111.21. REINSTATEMENT**

- A. If the final decision of the License Officer or the Hearing Officer, in revoking a license contains a provision that no new license may be requested by the holder of the revoked license for a certain, specified amount of time, a new license may not be requested during that amount of time by the holder of the revoked license or by his or her employee, agent, partner, director, officer, controlling stockholder, or manager, for any

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business or location within the City or by any other person for the same business on the same premises where the business covered by the revoked license was conducted or for the same business on a different premises within the City. If, after the period specified, application for a new business license is made, the applicant must comply with all requirements of this Code for issuance of a new business license. There shall be no automatic reinstatement of a revoked business license and the City is under no obligation to grant the new application.

- B. If the final decision of the License Officer or the Hearing Officer in suspending a license contains a provision that no new license may be requested by the holder of the suspended license for a certain, specified amount of time, a new license may not be requested during that amount of time by the holder of the suspended license or by his or her employee, agent, partner, director, officer, controlling stockholder, or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the suspended license was conducted or for the same business on a different premises within the City. If, after the period specified, the License Officer or Hearing Officer has determined that the holder of the suspended license has successfully met all conditions imposed by the License Officer or the Hearing Officer for reinstatement to occur, the License Officer or Hearing Officer will reinstate the license as per the instructions in the final decision of the License Officer or the Hearing Officer.

### **6111.23. INTERSTATE/INTERCITY COMMERCE**

- A. No tax shall be imposed by this Chapter so as to constitute an undue burden on interstate commerce or intercity commerce or to violate the equal protection or due process clauses of the United States or California constitutions.
- B. A person who has to pay a tax under this Chapter and who contends that the application of the tax constitutes an undue burden on interstate commerce or intercity commerce or violates the equal protection or due process clauses of the United States or California constitutions may apply to the License Officer for an apportionment of the tax that would remove the constitutional violation by filing within six months of having paid the tax a written request with the License Officer that explains the factual and legal basis for the claimed constitutional violation and proposes a method of apportionment that would resolve the alleged constitutional violations.
- C. The License Officer shall review the application and within sixty (60) days of the filing of the application issue a decision on the application. The decision on the application shall be served on the person who submitted the application as provided in Section 6111.15. The decision is a determination of the License Officer, which the applicant may contest by requesting a hearing before the License Officer under Section 6111.11, and the License Officer's final decision following a hearing may be appealed to the Hearing Officer under Section 6111.11.

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## **6111.25. CLAIMS OF EXEMPTION**

Any person who claims an exemption from a tax imposed under this Chapter by the constitution, statutes, or regulations of the United States or the State of the California; by the charter or ordinances of the City of Arcadia; or any other law may apply to the License Officer for an exemption from the tax by filing with the License Officer either before the tax is due or within six months of having paid the tax a written request that explains the factual and legal basis for the claimed exemption. The License Officer shall review the request and within sixty (60) days of the filing of the request issue a decision on the request. The decision on the request shall be served as provided in Section 6111.15. The decision is a determination of the License Officer, which the applicant may contest by requesting a hearing before the License Officer under Section 6111.11, and the License Officer's final decision following a hearing may be appealed to the Hearing Officer under Section 6111.1.

## *DIVISION 2. LICENSE ISSUANCE*

### **6112. LICENSE CERTIFICATE**

- A. Upon payment of the required tax, and upon compliance with all of the provisions of this Article, and if there are no grounds for denial under Section 6111.09, the License Officer shall prepare and issue a license certificate to any person who has applied for a business license under this Article. The License Officer shall state in the license certificate the date of its issuance, the amount of the tax, the period of time covered by the license certificate, the name of the person to whom it is issued, the business, profession, trade, commercial enterprise, or occupation thereby licensed, and the location or place of business where it shall be carried on.
- B. The License Officer may impose reasonable conditions with the license that the License Officer deems necessary to ensure compliance with the requirements of this Article. In addition, the License Officer may impose such terms, conditions, restrictions, and limitations upon the operation and conduct of a licensee's activity, not in conflict with the law, as the License Officer may deem necessary or expedient to protect the public peace, health, safety, morals, or welfare of the City or the inhabitants thereof.
- C. A licensee may contest a condition imposed by the License Officer under subsection B of this Section by requesting a hearing before the Hearing Officer under Section 6111.11 regarding the License Officer's determination to impose the condition, and the Hearing Officer's final decision following a hearing is final.

### **6112.01. VIOLATIONS NOT AUTHORIZED**

The payment of a license tax required by the provisions of this Chapter, the acceptance the payment of a license tax by the City, or the issuance of a license to any person, shall not:

- A. Entitle any person to continue or carry on business at any building or premises if it is located in a zone or locality where the conduct of such business violates any law (federal, state, or local) or provision of this Code;
- B. Authorize the conduct or continuance of any business which for any reason is in violation of any law (whether federal, state, or local) or provision of this Code;
- C. Affect or render valid any violation of any zoning regulation of the City; or
- D. Authorize the placement or installation of an advertising sign in a residential zone.

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### **6112.03. STATE LICENSE**

For any trade or profession for which a State license is required, a current State license shall first be exhibited to the License Officer before a City license will be issued.

### **6112.05. VEHICLE TAX**

Any person operating a wheeled vehicle for which a license is required or who has a fixed place of business within the City which has been licensed under this Chapter, and who in the usual course of business uses a wheeled vehicle or vehicles for the delivery of personal property or services which have been sold from said fixed place of business, shall list each vehicle on the business license and pay the tax as provided in the City's Resolution, as may be amended from time to time, for each vehicle.

### **6112.07. NOT TRANSFERABLE**

Except as specifically authorized, no license issued pursuant to this Chapter shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.

### **6112.09. AMENDMENT**

Where a license is issued authorizing a person to conduct a business at a particular place, the licensee may, upon application and paying the fee per the City's Resolution, as may be amended from time to time, have the license amended to authorize the conduct of the business at a different location.

### **6112.11. DUPLICATE**

The License Officer shall charge a fee per the City's Resolution, as may be amended from time to time, for each duplicate license issued under the provisions of this Chapter that has been lost or destroyed.

### **6112.13. PERMIT PREREQUISITE/ZONING**

The License Officer shall not issue any license for any business, profession, trade, commercial enterprise, or occupation that is not permitted by the City's zoning regulations or for which a permit is required by any provision of this Code until a permit is obtained pursuant to Chapter 2 of this Article, nor if any such permit has been revoked or has expired and has not been reinstated or renewed. Any license issued under this Chapter for any business, profession, trade, commercial enterprise, or occupation for which a permit is required by any provision of this Code, for all or part of the activities on licensed premises, shall be voidable upon the revocation or expiration of any such permit.

## *DIVISION 3. LICENSE DURATION*

### **6113. COMPUTATION OF PERIODS**

For the purpose of this Chapter:

- A. A part of a day shall be deemed a day.
- B. More than fifteen (15) days and less than one (1) month shall be deemed a month.
- C. More than one (1) month and less than two (2) months shall be deemed two-thirds ( $\frac{2}{3}$ ) of a quarter.
- D. More than two (2) months and less than three (3) months shall be deemed a quarter.
- E. When a license tax is fixed at a monthly rate, the tax shall apply to each calendar month or fraction thereof, unless otherwise provided.

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- F. When a tax is to be paid quarterly, it shall be paid on the following quarters of the calendar year and shall be due on the first day of each quarter:
    - (1) First quarter: January 1 to March 31;
    - (2) Second quarter: April 1 to June 30;
    - (3) Third quarter: July 1 to September 30;
    - (4) Fourth quarter: October 1 to December 31.
  - G. When a yearly or annual license or tax is required and imposed by this Chapter, it shall apply to the twelve (12) month period commencing on the first day of the month in which the license is issued and terminating after the last day of the twelfth (12<sup>th</sup>) month. For each year thereafter, the renewal date shall be the first day of the month in which the license was first issued.
  - H. When a business that holds a yearly or annual license makes a change requiring additional license taxes, the business shall pay the additional taxes on a prorated basis for the remainder of the license period. Proration of taxes does not apply to Section 6112.07 (Vehicle Tax) or any section that indicates taxes are per year or fraction thereof.
  - I. When a daily license is required by this Chapter, it shall be due and payable to the City each day in advance.
  - J. When the obligation to perform and act under this Article fall on a weekend or a holiday recognized by the City of Arcadia, the deadline to perform the act is extended to the next day that is not a weekend or holiday.

## ***DIVISION 4. LIABILITIES AND OBLIGATIONS***

### **6114. CIVIL OBLIGATION**

The amount of any license tax, fee, or penalty imposed under this Chapter shall constitute a debt to the City. Any person engaging in business in the City without having a license so to do shall be subject to an action in the name of the City in any court of competent jurisdiction for the collection of the amount of the license tax and penalties imposed by this Chapter.

#### **6114.01. PAYMENT**

- A. All license taxes, unless otherwise expressly stated in this Chapter, shall be paid in advance in legal currency of the United States of America at the office of the City Treasurer. The City may at its discretion accept negotiable paper in the payment of any license tax. The acceptance by the City of negotiable paper shall constitute a payment of the tax only when such paper is duly paid. If for any reason any negotiable paper is not paid on due presentation, the license tax shall be deemed not to have been paid and the license issued shall be deemed not to have been issued, and shall be void and of no effect.
- B. Any person engaging in business for which a license is required by this Chapter must submit an application for a license to the License Officer and pay the required tax before engaging in that business.
- C. Any person holding an annual business license must submit an application to renew the license and pay the required tax thirty (30) days after the renewal date for the license.

#### **6114.03. DELINQUENCY**

Any tax owed under this Chapter is delinquent on the following dates:

- A. The tax for a business that commences operation and does not hold a license is delinquent on the first day of operation if not paid before commencing operation.

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- B. The tax for a business that holds an annual business license is delinquent if the tax is not paid thirty (30) days after the renewal date.
  - C. The tax for a business that is licensed and taxed on a daily basis is delinquent on the day of operation if not paid the day before commencing operation.
  - D. The tax for a business that is licensed and taxed on a per-event basis is delinquent if not paid before the beginning of the event.

#### **6114.05. PENALTY**

- A. A penalty equal to one hundred percent (100%) of the license tax shall be automatically applied to the tax owed by any person who commences the operation of a business without first having obtained a license and paid the tax.
- B. If the tax for the renewal of an annual business license is not paid thirty (30) days after the renewal date, a penalty of twenty percent (20%) of the license tax shall be automatically added to the amount of tax due. If the tax for the renewal of an annual business license is not paid sixty (60) days after the renewal date, an additional penalty of forty percent (40%) of the license tax shall be automatically added to the amount of tax due. If the tax for the renewal of an annual business license is not paid ninety (90) days after the renewal date, an additional penalty of forty percent (40%) of the license tax shall be automatically added to the amount of tax due.

#### **6114.07. ERRORS**

In no case shall any mistake made by the City Treasurer or License Officer in collecting or stating the amount of a license tax prevent or prejudice the collection by the City of such amount as shall be due from any person engaged in business who is subject to a license under this Chapter.

#### **6114.09. REFUNDS**

- A. A person who believes that any tax, fee, or penalty has been illegally, erroneously, or mistakenly paid to, collected by, or otherwise received by the City may file a claim for a refund of the amount of tax, fee, or penalty claimed to have been improperly received by the City.
- B. The claim must be filed with the License Officer and signed under penalty of perjury. The claim must state:
  - 1. The legal and factual basis for the refund claim;
  - 2. The amount of tax, fee, or penalty allegedly improperly received by the City;
  - 3. The date or dates that the improper payments were made to the City; and
  - 4. The address of the claimant.
- C. The claim must be submitted to the License Officer within one year of the date of the allegedly improper payment to the City.
- D. The License Officer shall provide a written decision on the claim within 30 days of receipt of the claim by serving the determination on the claimant as provided in Section 6111.15.
- E. A claimant may contest the Tax Collector's decision and determination on a refund claim by requesting a hearing before the Hearing Officer under Section 6111.11, and the Hearing Officer's decision is final.

#### **6114.11. OWNER'S AND CONTRACTOR'S LIABILITY FOR SUBCONTRACTORS**

Any person operating a business shall be liable for and shall pay to the City any business license tax due to the City from any of their contractors, and contractors shall be liable for and shall pay to the City any business license

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tax due to the City from any of their subcontractors, who performed work or furnished materials to or for any improvement at such time as the statement of names and addresses of such subcontractors is required to be filed prior to final inspection or issuance of the certificate of occupancy, or if such a statement is not required to be filed, then prior to the completion of any such work or improvement.

### **6114.13. CRIMINAL LIABILITY**

The conviction and punishment of any person for engaging in business without a license shall not excuse or exempt such person from the payment of any license tax, fee, or penalty, due or unpaid, at the time of such conviction, and nothing in this Chapter shall prevent a criminal prosecution for any violation of the provisions of this Chapter.

## *DIVISION 5. EXEMPTIONS*

### **6115. UNEXPIRED LICENSES PREVIOUSLY ISSUED**

When a license for revenue purposes has been issued to any business by the City and the tax paid under the provisions of this Chapter and the term of the license has not expired, any increase in the license tax by an amendment to this Chapter shall not apply to the business until the expiration of the license.

#### **6115.01. DISABLED VETERANS**

A disabled war veteran shall be entitled to receive a free license for peddling or canvassing, if the veteran provides the License Officer with evidence of the veteran's status as a veteran, that the veteran has received an honorable discharge from the armed forces of the United States, and is physically unable to obtain a livelihood by manual labor. Applicants for free licenses under this Section shall be required to comply with all other provisions of this Article pertaining to peddlers or canvassers.

#### **6115.03. HOME-GROWN FOOD STUFFS**

A free license shall be granted to a person peddling fruits and vegetables grown by that person in the City. An application to the License Officer for a free license under this provision must state: the applicant's address; the kind of goods to be sold; the method of solicitation, sale, and delivery; the location of any warehouse used or operated by the applicant in conjunction with the raising or selling of such products; and any other facts necessary to establish a claim of exemption.

#### **6115.05. COMMERCIAL AGENTS**

No business license or tax shall be required for or from commercial travelers or selling agents selling goods, wares, or merchandise to dealers at wholesale for resale purposes, or to persons who use the purchased goods, wares, or merchandise in the making of a product manufactured in the City.

#### **6115.07. CHARITABLE ORGANIZATION**

Charitable organizations maintaining an office location within the City shall be issued a free license by the License Officer upon proof of charitable status of the organization with the State of California.

#### **6115.09 CERTIFIED PRODUCERS/ FARMERS**

Every participant in a Certified Farmer's Market as a Certified Producer of homegrown foodstuffs is exempt from payment of any license tax in this Chapter provided that the participation is with a City-authorized Farmer's Market. Proof of Certified Producer status is subject to approval by the management of the farmer's market and Los Angeles County Department of Health Services.

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"Certified Producer" shall be anyone with proper proof that they are selling what they caught, grew, collected, or raised. Each Certified Producer of fruits, nuts, or vegetables must obtain an embossed photocopy of their Certified Producer's Certificate issued by any county in the State of California.

## *DIVISION 6. GENERAL PROVISIONS*

### **6116. SEPARATE LICENSES**

A separate license shall be obtained for each establishment or location of a business. Each license shall authorize the licensee to engage only in the business licensed for that location and in the manner designated in the license.

#### **6116.01. EXCEPTION FOR SALE OF NEW AUTOMOBILES**

Where a person is engaged in the business of selling new automobiles and has procured a license under the provisions of this Chapter, a lot maintained by such person within two hundred feet (200') of the licensed place of business, where used cars owned by the licensee are displayed for sale, shall not be deemed to be a separate place of business or establishment.

#### **6116.03. EXHIBITING OF LICENSES**

Every person having a license under this Chapter and carrying on a business or pursuit at a fixed place of business shall keep the license posted in a conspicuous place in the place of business so as to be easily seen. Every person having a license but not carrying on a business or pursuit at a fixed place of business shall have the license in their possession at all times while engaging in business in the City and shall exhibit such license whenever requested to do so by any police officer, or by any officer authorized to issue or inspect licenses or collect license taxes.

#### **6116.05. ENFORCEMENT**

The License Officer shall enforce the provisions of this Article. The License Officer, in the exercise of the duties imposed by this Article, may examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Article have been fully complied with. The License Officer, the License Officer's assistants, and every police officer, shall have the power and authority to enter, free of charge and at any reasonable time, any place of business required to be licensed under this Article, and to demand the exhibition of a business's license certificate. No person having a license certificate issued under this Article shall willfully fail to exhibit the certificate on demand. The License Officer may cause a complaint to be filed against any person found to be violating any provisions of this Article.

## ***PART 2. LICENSES AND ACTIVITIES SUBJECT TO TAXES AND FEES***

### **6120. LICENSE TAXES AND FEES RATES**

Except for those businesses, trades, or occupations for which a license tax is specifically provided by any other provision of this Code, the following license taxes are established and shall be paid by the owners or agents thereof in the amounts provided in this Part.

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### 6120.01. AUTOMATIC ANNUAL LICENSE RATE ADJUSTMENT

Business license fees will be adjusted in accordance with the schedule for citywide fee updates, as determined by the City Council, as may be amended from time to time. Adjustments will occur annually, at the same time as other city fee adjustments, unless otherwise specified. Cost increases can be attributed to a variety of factors, including labor cost increases and material costs increases attributed to general inflation. Annual increases to City fees may be adjusted either by general increases to total labor costs or the Consumer Price Index (CPI) for the Los Angeles Urban Wage Earners and Clerical Workers, whichever is higher in order to ensure that fee rates and cost recovery levels are maintained over time. The City may also utilize a combination of these factors if the employee portion of a fee can easily be separated from the supplies/equipment portion of a fee.

### 6120.03. ACTIVITIES SUBJECT TO A LICENSE TAX

Activity Subject to a Tax	Description
Advertising - Distributing or Solicitation	Any person distributing advertising materials or engaging in solicitation, excluding proprietors of businesses in the City.
Apartments and Lodging	Operators of apartment buildings, motels, hotels, or lodging facilities. Rental units include manager/owner-occupied spaces with sleeping facilities. Short term rentals are not allowed in the City.
Auctions or Temporary Retail Sale	Includes auctioning goods and temporary retail sales by charitable, nonprofit, civic, or religious organizations, limited to 7 days.
Bowling Alleys or Billiards	Businesses offering billiards, bowling, shuffleboard, skee-ball, or similar entertainment.
Carnival	Shows, exhibitions, and amusement parks featuring acrobatics, horsemanship, merry go-around, or mechanical amusement devices.
Christmas Trees; Pumpkin Patches	Seasonal sales of Christmas trees or pumpkins, excluding nonprofit organizations.
Circus	Public spectacles featuring mechanical rides, animal performances, acrobatics, games, and entertainment.
Contractors and Subcontractors	Includes general engineering, building contractors, electrical, and plumbing contractors.
Dance Hall - Public	Operators of public dance halls, floors, or ballrooms.
Family Care/Day Care/Assisted Living Care Facility	Businesses provide care for 7 or more children or adults from different families, including daycare, family care, and assisted living facilities, nursing homes licensed by the State of California.

Farmer's Market	Market sponsors and vendors participating in City-approved Certified Farmer's Markets.
Fortuneteller	Individuals engaged in fortunetelling, as defined in the Municipal Code.
Moving Services	Businesses providing residential or commercial moving services.
Private Patrols	Businesses providing private security patrols.
Pawnbroker	Operators of pawnshops dealing in loans secured by personal property.
Peddlers and Solicitors	Individuals selling goods/services without a fixed business location.
Photographer/Videographer	Photographer/videographer operate without a permanent business location.
Private Clubs	Social clubs charging members for games and entertainment (excluding food services).
Professional Services	Medical office, dental offices, clinics, veterinarian, physical therapists, health services, and any use that requires licensed professionals in regulated occupations within California.
Real Estate Broker	Brokers engaged in real estate transactions.
Rental of Non-Residential Property	Entities leasing commercial, industrial, office, or vacant lots for non-residential purposes.
Salvaged Goods Dealer	Those involved in collecting, purchasing, or selling junk.
Services	Retail services or stores, restaurants, any food establishments, therapists, personal services (such as beauty, barbershop, and nail salons), kennels, laundromats, fitness facilities or studios, office spaces, service stations (with or without convenience stores), dry cleaners, consultants, financial institutions, warehousing, gardeners and landscapers, bars, lounges, manufacturing, food trucks, mobile food vendor, athletic trainers, auto repair including body and oil changes, car wash (full or self-service), charging stations, educational services, vending and reverse vending machines, and other services, as determined by the License Officer.
Taxi	Operators of taxicab services.
Theaters and Shows	Businesses conducting movie theaters, live performances, and open-air shows.

Wheeled Vehicles	Businesses use of vehicles for hauling, distributing, selling, or delivering goods within the City.
Other	Other business uses determined to be similar to any of the activities or uses listed above, but for which the City has no dedicated business use defined, as determined by the Development Services Director or designee.

**CHAPTER 2. PERMITS**  
**PART 1. PERMIT PROCEDURES**

*DIVISION 1. APPLICATION, INVESTIGATION AND PERMIT FEE*

**6211. BUSINESS PERMIT REQUIRED**

A business permit is required when a business needs specific authorization to engage in certain activities. It is distinct from a business license, as it grants permission for regulated activities, ensuring the business complies with specific laws.

- A. In addition to any other business, profession, trade or occupation for which a permit is required by some other provision of this Code, no person shall engage in any business, and no business license shall be issued for any business mentioned in Part 2 until a permit has first been obtained upon application in writing therefore pursuant to the provisions contained within Part 1 of this Chapter.
- B. A separate permit shall be applied for and obtained for each and every kind of business, occupation, trade or concession for which a permit is required by this Part or any other provision of this Code, regardless of community of ownership, management or location.

**6211.01 BUSINESS PERMIT APPLICATION**

Unless otherwise specifically provided elsewhere in this Code, every person for whom a permit is required by this Chapter shall submit an application in writing to the License Officer, shall be signed and verified by the applicant and shall provide the following information specified in subsections (A) through (J). No person shall file or cause to be filed an application for a permit containing false or fraudulent statements under penalty of perjury. This Section does not apply to adult businesses; the regulation and permitting of adult businesses and the licensing of the trades, professions, callings, and occupations thereof involved are separately enacted and provided for in Chapter 5 of this Article.

- A. The name and address of the applicant.
- B. The name and address of the person by whom the applicant is employed, if the applicant is employed by someone.
- C. The nature and a complete description of the business or activity for which a permit is requested.
- D. The place where such business is to be conducted.
- E. The zoning applicable to the property upon which such business or occupation is to be conducted.
- F. The structural development and other improvements located upon such property.

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- G. The zoning applicable to the real property adjacent to or across from alley of the premises upon which the business or occupation, for which a permit is requested, is to be conducted or maintained.
  - H. A description of the nature and amount of equipment to be used in connection with such business or activity.
  - I. An estimate of the number of persons that can attend or be served by said business or occupation at any one time.
  - J. The dates upon which such business or activity is to be conducted or maintained and the hours during which it is proposed to conduct or maintain such business.

### **6211.03. PERMIT APPLICATION INVESTIGATION**

- A. The License Officer shall, without unnecessary delay, refer any such application for a permit to the Chief of Police for investigation of any facts which in the License Officer's opinion warrant investigation. In the event the Chief of Police, in the course of investigation, determines that fingerprints and thumbprints of the applicant would aid in such investigation, the applicant shall be notified and shall comply promptly with such request. The Chief of Police shall report any criminal connections of the applicant, an officer, principal stockholder, or any person having a substantial interest in or management responsibility for any organization connected with applicant.
- B. The License Officer may, at any time after notice of the filing of any such application for a permit, refer such application to the Planning Commission when the Development Services Director and License Officer determines that any portion or portions of said permit application warrants investigation.

### **6211.05. PAYMENT**

Unless otherwise expressly stated in this Article, all permit fees and deposits required to be paid or made by Chapter 2 or Chapter 3 of this Article shall be paid in advance in legal currency of the United States of America at the office of the City Treasurer. The City may at its discretion accept negotiable paper in payment of any such fee or deposit. The acceptance by the City of negotiable paper shall constitute payment of such fee or deposit only when such paper is duly paid. If for any reason any negotiable paper is not paid on due presentation, the fee or deposit for which it was accepted shall be deemed not to have been paid, and any permit issued pursuant to such payment shall be deemed not to have been issued and shall be void and of no effect, and any action taken by City for which such payment is a prerequisite shall be deemed not to have been taken and to be void and of no effect.

## ***DIVISION 2. ISSUANCE AND DENIAL. NEW PERMITS***

### **6212. ISSUANCE OF PERMIT**

Upon the receipt of an application in the form prescribed in Division 1 of this Part for any business for which a permit is required by any provision of this Code, and upon payment of the required fee, and compliance with all of the provisions of this Article, the License Officer shall prepare and issue a permit to every person liable to pay a permit fee hereunder.

#### **6212.01. DENIAL OF PERMIT**

Subject to the appeal provisions, the License Officer may refuse to issue a permit under this Article if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons

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disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

### **6212.03. ISSUANCE OF PERMIT CONDITIONS**

- A. If such permit is granted, the License Officer may impose such terms, conditions, restrictions and limitations upon the operation and conduct of such permit activity, not in conflict with any paramount law, as it may deem necessary or expedient to protect the public peace, health, safety, morals or welfare of the City or the inhabitants thereof.
- B. The License Officer shall not deliver any permit to a permittee for any business, profession, trade, business enterprise or occupation for which a license is required by Chapter 1 of this Article until all sums due to the City thereunder have been paid.
- C. The permit shall contain the name of the applicant and of the business for which the permit is issued, the dates for which such permit is issued, the location for which such permit is issued, and the conditions and restrictions upon which such permit is issued.
- D. The permit shall be posted in a conspicuous place on the premises where the business for which such permit is issued is conducted, if conducted at a fixed place of business in the City, and shall remain so posted during the period the permit shall be in force. If the business is not conducted at a fixed place of business in the City, the permittee shall have such permit in his possession at all times while engaging in such business.
- E. No person shall violate or fail to comply with any condition, term or provision of any permit issued pursuant to this Article.

## ***DIVISION 3. ISSUANCE AND DENIAL. RENEWALS***

### **6213. RENEWAL REQUIREMENTS**

- A. The License Officer may, upon the recommendation of the Chief of Police, waive the permit requirements as to applications for renewal of any permit originally issued in accordance with the procedure outlined in this Part for a business or activity which has been conducted at the same location, and under the same ownership or management without interruption during the preceding permit period, when in the judgment of the Police Chief, there is no cause or reason to require reprocessing pursuant to this Part.
- B. In any application for the renewal of any permit issued in accordance with the procedure outlined in this Part, it shall be sufficient for applicant to insert the words "same as in prior application" wherever such words are truly applicable.
- C. Upon written request, the License Officer may waive any or all of the requirements of this Part with respect to any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable, religious, educational, recreational or scientific purposes and from which profit is not derived either directly or indirectly by any individual firm or corporation. Such institution or organization must provide proof of nonprofit status by either a federal or state governing body.

### **6213.01. EXISTING PERMITS**

All permits heretofore issued by the City under this Chapter or any other regulatory City ordinance shall remain in full force and effect until the expiration date therein specified. If no expiration date is therein specified, such permit shall expire on December 31 of the year during which it was issued. All businesses for which a permit is required by the terms of this Chapter, which are in actual operation upon the date this Chapter becomes applicable thereto, shall have to and including the 2nd day of January of the following year within which time to make application for the permit required for such business, and may continue to operate thereafter until final action is taken by the License Officer on such application. Any business for which a permit is required under this Chapter

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commencing after the provisions of this Chapter or any similar regulatory City ordinance becomes applicable thereto shall not commence operation until a valid and proper permit shall have been issued by the License Officer for such business.

## *DIVISION 4. SUSPENSION AND REVOCATION*

### **6214. GROUNDS FOR SUSPENSION OR REVOCATION**

- A. The Hearing Officer may revoke any permit issued by it under the provisions of this Chapter upon any ground upon which such permit could or should have been denied in the first instance, or whenever the Hearing Officer is satisfied that the conduct of any such business does or will in any manner endanger, threaten or jeopardize the public health, safety, morals, peace or welfare or that the same has been conducted in an illegal, improper or disorderly manner or that such permit was obtained upon false or misleading statements or representations of or on behalf of the applicant. The Hearing Officer may revoke if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local, federal or state law or (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.
- B. The Hearing Officer may revoke or suspend any permit issued by it under the provisions of this Chapter where the proprietor or person in charge thereof violates or permits any infraction of any law of the State, or any provision of this Code, or any condition of the permit.
- C. The Hearing Officer may, without necessity of any public hearing, revoke or suspend any permit issued under the terms of this Chapter if the permittee shall have been adjudged guilty of a misdemeanor under this Article.

### **6214.01. APPEAL AND FINAL DETERMINATION**

The actions taken to deny, suspend, or revoke a permit require at least ten (10) days' written notice to the applicant. Within ten (10) days of the date of the notice of denial, suspension or revocation, the applicant may file an appeal to the Hearing Officer. The same procedure for appeal and the disposition thereof shall be that established for business licenses in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.13 through 6111.19.

### **6214.03. TEMPORARY SUSPENSION OF PERMIT**

- A. For any reasons specified in the preceding sections of this Division, the Hearing Officer may seek to temporarily suspend any permit issued under the provisions of this Chapter by first providing notice of the intent to suspend the permit and at least five (5) days written notice of a hearing on the proposed suspension. The procedures for the hearing must follow the requirements in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.11 and 6111.13. Notices shall be given as provided in Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.15.
- B. A person against whom a determination to temporarily suspend a license under subsection (A) has been made may contest the determination and request an appeal to the Hearing Officer under the same procedure for appeal established for business licenses in Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.13.

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- C. The Hearing Officer can temporarily suspend a permit without a hearing if continued operation of the business constitutes a serious imminent threat to public health or safety. A hearing on such a temporary suspension must be provided as soon as practicable, following the procedure outlined in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.11 and 6111.13.
  - D. Such temporary suspension shall remain in full force and effect until the decision of the Hearing Officer, who may thereupon rescind, modify or continue such suspension or may revoke such permit or affix new or different terms to the continuation of such permit.

#### **6214.05. REINSTATEMENT OF PERMIT**

- A. If the final determination of the Hearing Officer in revoking a permit contains a provision that no new permit may be requested by the holder of the revoked permit for a certain, specified amount of time, a new permit may not be requested during that amount of time by the holder of the revoked permit or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the revoked permit was conducted or for the same business on a different premises within the City. If, after the period specified, application for a new permit is made, the applicant must comply with all requirements of this Code for issuance of a new permit. There shall be no automatic reinstatement of a revoked permit and the City is under no obligation to grant the new application.
- B. If the final determination of the Hearing Officer in suspending a permit contains a provision that no new permit may be requested by the holder of the suspended permit for a certain, specified amount of time, a new permit may not be requested during that amount of time by the holder of the suspended permit or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the suspended permit was conducted or for the same business on a different premises within the City. If, after the period specified, the License Officer has determined that the holder of the suspended permit has successfully met all conditions imposed before reinstatement may occur, the Hearing Officer will reinstate the permit.

### **CHAPTER 3. SPECIAL REGULATIONS**

#### **PART 1. ENTERTAINMENT ENTERPRISES**

##### **DIVISION 1. ENTERTAINMENT PERMITS**

A separate Entertainment Permit is required for any entertainment activity not previously approved through a Conditional Use Permit or Minor Use Permit. This includes, but is not limited to, fortunetelling, live music performances, live entertainment, and other activities as determined by the License Officer.

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**6311.01. ANY OTHER BUSINESS CONDUCTED FOR THE PURPOSE OF PUBLIC ENTERTAINMENT OR ENJOYMENT**

Any other business conducted for the purpose of public entertainment or enjoyment including but not limited to businesses where such activities accompany or are ancillary to another use such as the utilization of musicians, bands or other live entertainment provided by the licenses. In such cases, the business licensee shall be responsible for all entertainment permits applicable to the licensed premises and shall be required to set forth the schedule of performance, the nature and scope of the performance, exhibition, show or contest and provide whatever other information deemed necessary by the License Officer that is reasonably related to appropriate consideration of the permit

*DIVISION 2. PRIVATE CLUBS*

A private club is a membership system. The club's activities and amenities (e.g., bar, dining area, recreational facilities) are generally reserved for members and their guests. Access to the premises is not available to the general public.

**6312. FREE ENTRY BY LAW ENFORCEMENT OFFICERS**

Any member of the Police Department or any Peace Officer of the State shall at all times be permitted to enter the club rooms or grounds of any private club as described in Part 2 of Chapter 1 of this Article. If the owner, manager or employee of such private club shall violate any law of the United States, of the State or of the City, or permit the same or any of them to be violated within the club rooms or upon the club grounds, such license shall be revoked.

*DIVISION 3. FORTUNETELLING*

Fortunetelling is the practice of predicting information about a person's life, future, or circumstances through various methods.

**6313. PERMIT AND COMPLIANCE WITH CONDITIONS REQUIRED**

- A. No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a permit from the License Officer and without having posted and maintained in full force and effect a surety bond as required by this Division.
- B. No person shall violate any of the terms and conditions of a permit issued pursuant to this Article, nor any of the regulations and provisions within this Article. Each day such a violation or violations occur shall constitute a separate offense.

**6313.01. PERMIT APPLICATION**

- A. Every natural person who, for pay, actively conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application for a permit with the License Officer. The application shall contain, but not be limited to:
  - 1. The name, home or business address, and business phone number and email address of the applicant.
  - 2. The record of conviction for violations of the law, excluding minor traffic violations.

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3. The fingerprints of the applicant on a form provided by the Arcadia Police Department.
- B. The address, city and state, and the approximate dates where and when the applicant practices a similar business, either alone or in conjunction with others.

### **6313.03. INVESTIGATION**

Upon the filing of the application, it shall be referred by the License Officer to the Police Department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the License Officer within fourteen (14) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth. At the time of the filing of the report and recommendation with the License Officer, a copy thereof shall be served personally or by certified mail by the License Officer on the applicant.

### **6313.05. DECISION BY THE LICENSE OFFICER**

- A. The License Officer shall consider the application and the report and recommendation on or before the seventh (7th) day after the filing of the report and recommendation referred to in the above subsection, Section 6314.03 (Investigation)
- B. The decision of the License Officer to grant or deny the permit shall be in writing, and if adverse to the applicant, shall contain information on the applicant's right to appeal to the Hearing Officer.

### **6313.07. ISSUANCE OF PERMIT**

- A. The License Officer shall issue the permit when:
  1. The applicant has complied with all of the provisions of this Article, and
  2. The fee required by Part 2 of Chapter 1 of this Article for fortunetelling has been paid.
- B. The term of any permit issued under this Section shall be one (1) year subject to renewal.

### **6313.09. PERMIT REVOCATION**

Upon the discovery of any false or misleading statement in the application or any misrepresentation by the applicant in procuring the permit or upon the termination of the bond required hereunder or upon the applicant's violation of any provision of this Article, the License Officer may revoke the permit. The applicant shall have the right to appeal any permit revocation to the Hearing Officer using the procedure as set forth in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.11 and 6111.13.

### **6313.11. EXCEPTIONS**

- A. The provisions of this Section shall not apply to any person solely by reason of the fact because of their engagement in the business of entertaining the public through demonstrations of mindreading, mental telepathy, thought conveyance, or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers.
- B. No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer or clairvoyant, hereinafter collectively referred to as minister, from any bona fide church

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or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided, that:

1. Except as provided in (3) hereof, the fees, gratuities, compensation, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection (B).
2. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection (B), shall file with the License Officer a certified copy of the minister's certificate of ordination with the minister's name, age, street address, and phone number in this City where the activity set forth in this subsection (B) is to be conducted.
3. Such bona fide church or religious association, as defined in this subsection (B), may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

## ***PART 2. COMMERCIAL ENTERPRISES***

### ***DIVISION 1. MASSAGE THERAPIST REGULATIONS***

#### **6321. FINDINGS AND PURPOSE**

The City of Arcadia is authorized, by virtue of the State Constitution and Section 51031 of the Government Code, to regulate massage therapists by conditioning the issuance of a license to engage in the business of massage on reasonable standards relative to their skill and experience, and to regulate massage owners and operators of massage therapy businesses to ensure the safety of clients receiving massage therapy.

While the City Council recognizes that Section 4612 of the Business and Professions Code and Section 51034 of the Government Code gives those individuals who are certified pursuant to Chapter 10.5 of the Business and Professions Code the right to practice massage, those sections also gives the City the right to adopt reasonable business licensing and health and safety requirements for massage establishments and businesses, including requiring a conditional use permit (CUP) to operate.

The City Council finds and determines that the standards contained in this Division pertaining to massage therapy business activities are necessary to protect the public health and safety and the personal safety of massage therapists.

The City Council further finds that the public health and safety are best served by the adoption of an ordinance providing for regulation of massage therapy business activities in a manner that is consistent throughout the City of Arcadia, and that is consistent with State law (including, but not limited to Chapter 10.5 of the Business and Professions Code - Sections 4600 et seq.).

The establishment of reasonable standards for issuance of a license and restrictions on massage therapy business activities would serve to reduce the risk of illegal activities.

There is a significant risk of injury to massage clients by improperly trained and/or uneducated massage therapists and this Division provides reasonable safeguards against injury and economic loss.

#### **6321.01. DEFINITIONS**

For the purpose of this Division, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply to this Division only:

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**Employ.** Shall include, without limitation, contracting with independent contractors as well as hiring or employing persons.

**Employee.** Shall include, without limitation, independent contractors and persons hired or employed by an operator or owner of a massage therapy business.

**Operator (or Owner).** The individual(s) who are responsible for the management and/or supervision of a massage therapy business. Whenever the term owner or operator is used in this Division, it shall be deemed to include, without limitation, the manager of any massage therapy business.

### **6321.03. ACUPRESSURE**

This Division shall also apply to the administration of acupressure, except as administered by licensed acupuncturists.

### **6321.05. ZONING AND BUILDING LAWS APPLICABLE TO MASSAGE THERAPY BUSINESS ACTIVITIES - CONDITIONAL USE PERMIT REQUIRED**

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, any massage therapy business within a structure, unless the structure is located in a zone where such use is permitted and a conditional use permit has been obtained pursuant to the Arcadia Development Code, Chapter 1 of Article IX of this Code. All such established businesses shall comply with all building and zoning regulations, the regulations of this Division including licensing and permitting requirements, and all other applicable requirements of law.

### **6321.07. STATE MASSAGE CERTIFICATION REQUIRED TO CONDUCT MASSAGE THERAPY IN THE CITY**

On or after January 1, 2016, it shall be unlawful for any person to engage in massage therapy within the City (whether having a fixed or mobile place of business within the City (e.g.: "out-call", "in-home" or "in-office" services)), without having a valid Massage Certificate. To ensure compliance with this Code section, all massage therapists must file a certified copy of their Massage Certificate with the City of Arcadia Development Services Department - Business License Division. After successfully filing his or her Massage Certificate, all massage therapists will be issued a City of Arcadia Massage Verification Card. The City shall charge no fee for review of a Massage Certificate or issuance of a Massage Verification Card.

Notwithstanding the above, any person engaging in massage therapy under a valid Massage Therapist Identification Card may continue to do so until January 1, 2016 and, prior to that date, a Massage Therapist Identification Card shall be deemed equivalent to a Massage Certificate for purposes of compliance with this Division. All Massage Therapist Identification Cards shall expire on January 1, 2016. Commencing on the effective date of this Division, no further Massage Therapist Identification Cards will be issued or renewed.

Any Massage Therapist Identification Card remaining in effect may be suspended or revoked for violations of this Division, this Code or State law, pursuant to the procedures contained in Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.11.

### **6321.09. BUSINESS LICENSE REQUIRED**

Any person owning or operating a business that provides massage therapy shall apply for and obtain from the City a Massage Business License. Obtaining the required business license includes obtaining approval from the Department of Development Services, Planning Services, confirming that the proposed business location is in compliance with applicable zoning, building and other codes or laws. The applicant shall file a written application on the required form provided by the Development Services Department.

The following information, documents and other requirements shall be included with the submission of such application:

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- A. The information required from all business license applicants, pursuant to Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111 and 6111.01.
  - B. A statement in writing and dated by the applicant certifying under penalty of perjury that all information contained in the application is true and correct,
  - C. A statement in writing and dated by the applicant certifying under penalty of perjury that he or she: (a) has received a copy of this Division; (b) understands its contents; and (c) understands the duties of owners/operators of businesses that provide massage therapy as provided in this Division,
  - D. Applicant's valid Massage Certificate or valid City of Arcadia Massage Verification Card, if applicant plans to practice massage therapy, and
  - E. Proof that the applicant has obtained a conditional use permit from the City and is otherwise in compliance with the City's zoning code.

**6321.11. DENIAL, SUSPENSION AND REVOCATION OF MASSAGE THERAPY BUSINESS LICENSE;  
APPEAL PROCEDURE AND REINSTATEMENT**

A Massage Business License may be denied for the same reasons and on the same grounds as any other business license in the City, pursuant to Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.09.

A Massage Business License may be suspended or revoked by the City for the same reasons and on the same grounds as any other business license in the City, pursuant to Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.11.

The appeal of a denial, suspension or revocation of a Massage Business License shall be governed by the procedures set forth in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.11 through 6111.21.

The reinstatement of a Massage Business License shall be governed by the procedures set forth in Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.21.

**6321.13. HOURS OF OPERATION**

No massage therapist shall administer a massage in any established business between the hours of 9:00 p.m. and 7:00 a.m. A massage begun any time before 9:00 p.m. must nevertheless terminate at 9:00 p.m. All massage customers, patrons and visitors shall be excluded from the massage therapy business during these hours and be advised of these hours. The hours of operation must be displayed in a conspicuous public place within the established business.

The operator must notify the City of any change in hours, of which the City has received any prior notification, not later than seven (7) calendar days prior to said change.

**6321.15. BUSINESS OWNER/OPERATOR RESPONSIBILITY**

All massage therapy business owners and/or operators shall be responsible for the conduct of all employees and independent contractors. Any act or omission of any employee or independent contractor constituting a violation of the provisions of this Division shall be deemed the act or omission of the business owner for purposes of determining whether the owner's license shall be revoked, suspended, denied or renewed.

No business owner and/or operator shall employ any person, or allow any person, to conduct a massage or act as an independent contractor conducting massage who does not have a valid Massage Certificate and City of Arcadia Massage Verification Card. In order to ensure compliance with these Code provisions, no massage therapy business owner shall employ any person who has not shown them their valid Massage Certificate and City of Arcadia Massage Verification Card.

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### **6321.17. RENEWAL OF MASSAGE THERAPY BUSINESS LICENSE**

Owners and/or operators of businesses that provide massage therapy shall annually apply for renewal of their Massage Business License. The owner and/or operator applicant shall pay a nonrefundable application renewal fee at the time of filing a renewal application in the amount established by resolution of the City Council. as may be amended from time to time. The owner of a business that provides massage therapy shall maintain a current business license. Any owner and/or operator who currently possesses a business license allowing them to operate a massage therapy business must, upon time for the renewal of their license, apply for a Massage Business License, supplying the information as required of this Division.

### **6321.19. CHANGE OF INFORMATION**

If, during the term of a Massage Therapy Business License, a massage therapist or an owner and/or operator has any change of information submitted on the original application or license renewal application, the massage therapist shall notify the License Officer of such change in writing within ten (10) business days thereafter.

### **6321.21. CESSATION OF MASSAGE THERAPY SERVICES**

The massage therapist is required to notify the Business License Office by written notice, filed within fifteen (15) business days after the last date of the performance or offering of massage therapy services, if he or she no longer performs or offers massage therapy services in the City of Arcadia.

### **6321.23. PROHIBITED ACTIVITIES**

- A. It is unlawful for any massage therapist, employee, massage patron, or any other person present where massage therapy services are being offered or performed, to expose or touch the genitals or anal area, or the breast of any female, whether his or her own, or those of another person.
- B. It is unlawful for any massage therapist, employee, massage patron, or any other person present where massage therapy services are being offered or performed, to engage in any sexual activities.
- C. It is unlawful for any massage therapist, employee, massage patron, or any other person present where massage therapy services are being offered or performed, to be in a state of nudity or semi-nudity.
- D. No massage therapist shall provide or offer to provide any massage therapy services to a minor unless the minor's parent or legal guardian provides written permission.
- E. No person shall enter, be in, or remain in, any area where massage therapy services are offered or performed while in the possession of, consuming, using or under the influence of, any alcoholic beverage or controlled substance. Service of alcoholic beverages shall not be permitted at any established business where massage therapy services are being performed.
- F. Massage patrons shall not be prohibited from the use of, or possession of, cellular phones, pagers or any communication devices while massage therapy services are being offered or performed.
- G. It is unlawful for any massage therapist, employee, massage patron, or any other person present where massage therapy services are being offered or performed, to wear or have in their possession such items as nightgowns, negligees, bathrobes, sexually oriented merchandise or condoms. Every business owner and/or operator shall assure that such items are not being kept, possessed, stored or used on the business premises.
- H. No electrical, mechanical or artificial device shall be used for audio and/or video recording or for monitoring the performance of a massage, or the conversation or other sounds in any massage room.
- I. No person shall use or possess any sexually oriented merchandise in or on any part of a massage establishment. For purposes of this subsection, "sexually oriented merchandise" shall mean sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented

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vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similarly sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

- J. Except as provided herein, a massage therapy business may not lock any of its doors through which the public enters from an outside location during business hours. This prohibition shall not apply to a massage therapy business that is owned by one individual with one or no employees or independent contractors. No massage therapy business may lock any of its internal doors leading to a room in which massage is performed.

## **6321.25. OPERATIONS**

- A. Identification Cards. Each massage therapist shall at all times while on the massage therapy business premises have in his or her possession their Massage Certificate, a valid photo identification, and their City of Arcadia Massage Verification Card. Such card and identification shall be provided to the City upon demand. Each owner and/or operator shall at all times while on the massage therapy business premises have in his or her possession a copy of the Business License required by this Division and a valid photo identification. Such card, license and identification shall be provided to the City upon demand.
- B. Display of License. Each owner or operator of a massage therapy business shall display the Business License Certificate issued pursuant to this Division in an open and conspicuous place on the business premises where massage therapy services are performed.
- C. Clothing. Each massage therapist and all other employees shall be fully clothed at all times in compliance with the clothing standards set forth in section 4609(a)(10) of the Business and Professions Code.
- D. Sterilizing Equipment. Each massage therapist shall provide and maintain at the business location where the massage is performed adequate equipment for disinfecting and sterilizing instruments used in massage.
- E. Covering. Each massage therapist shall provide to all massage patrons clean, sanitary and opaque coverings capable of covering the massage patron's specified anatomical areas, including the genital, anal and female breast area. Reuse is prohibited unless the covering is adequately cleaned.
- F. Linen. Towels and linen shall be changed and laundered promptly after each use. Separate cabinets or containers shall be provided for the storage of clean and soiled towels and linen.
- G. Advertising. No massage therapist operating under this Division shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts nudity or semi-nudity or employs language in the text of such advertising that would reasonably suggest to a prospective massage patron that any other services are available other than those services authorized by this Division.
- H. Discrimination. No massage therapist may discriminate or exclude massage patrons on the basis of their race, sex, religion, age, handicap or any other classification protected under federal or state laws, rules or regulations.
- I. Inspections and Searches. The business owner/operator, and massage therapist, as a condition to the issuance of either each Business License or each Massage Therapist Identification Card, shall be deemed to consent to the reasonable inspection of the business premises during regular business hours by the City Development Services Department, Fire Department, Police Department and the Los Angeles County Health Department for the purpose of determining that the provisions of this Division or other applicable laws or regulations are met.
- J. Lighting. The lighting in each massage room shall be at least one (1) sixty-watt white light bulb and shall be activated at full wattage at all times (no dimming) while a massage patron is in such room or enclosure. No strobe flashing lights may be used. No colored lights shall be used nor shall any coverings be used which change the color of the primary light source.

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- K. Ventilation. Ventilation shall be provided in accordance with the applicable provisions of the building and construction codes adopted by the City of Arcadia.
  - L. Building Permits. All building, plumbing and electrical installations shall be installed under permit and inspected by the Development Services Department. Such installations shall be installed in accordance with the applicable provisions of the building and construction codes adopted by the City of Arcadia.
  - M. Separate Sexes and Rooms. If male and female massage patrons are to be treated simultaneously, the following shall be provided: separate treatment rooms (except in the case of consensual "couples massage" whereby not more than two individuals may be treated simultaneously in the same room by two massage therapists), separate dressing rooms and separate toilet facilities for each massage patron. Nothing in this Division shall prevent a massage therapist of one sex from providing massage to a massage patron of the other sex.
  - N. Maintenance. All facilities where massage therapy services are offered must be in good repair and shall be thoroughly cleaned and sanitized each day the business is in operation. All walls, floors and ceilings of each restroom and shower area shall be easily cleanable.
  - O. Massage Table. A massage table shall be provided in each massage room or enclosure and the massage shall be performed on this massage table. The tables shall have a minimum height of eighteen inches (18"). Two-inch (2") thick foam pads with maximum width of four feet (4') may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, floor mattresses, table showers and waterbeds are not permitted on the business premises.
  - P. Posting. Each service offered, the price thereof and the minimum length of time such service is performed shall be posted in a conspicuous public location on the business premises. No services shall be performed and no sums shall be charged for such services other than those posted.
  - Q. Wall/Window Requirements. The City may not require a massage therapy business to have windows or walls that do not extend from the floor to ceiling, or have other internal physical structures, including windows, that interfere with a client's reasonable expectation of privacy.
  - R. Roster of Employees. The business owner and/or operator shall maintain a register of all massage therapists and employees, showing the name, nicknames and aliases used by the massage therapist or employee, home address, age, birth date, gender, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, if any, and duties of each employee. The above information concerning each massage therapist and employee shall be maintained at the premises of the business for a period of two (2) years following their termination. The business owner and/or operator shall make the register of massage therapists and employees available immediately for inspection by the City upon demand at all reasonable times.
  - S. Living and food prohibited. No person or persons shall be allowed to live inside the massage therapy business at any time. All living quarters shall be separate from the massage therapy business. No food of any kind shall be prepared for sale or sold in the business premises.
  - T. Preemption. In the event the terms and conditions of any current, valid Massage Certificate, or any applicable regulation adopted by a state agency, conflict with or supersede the requirements of this Section, a massage therapist or massage therapy business shall not be subject to the requirements of this Section to the extent of any such conflict or inconsistency.

### **6321.27. EXEMPTIONS**

The provisions of this Division, with the exception of those provisions relating to massage therapy business ownership, shall not apply to any of the following:

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- A. State licensed physicians, surgeons, chiropractors, physical therapists, osteopaths, or any registered or licensed vocational nurses working on the premises of, and under the direct supervision of, a State licensed physician, surgeon, chiropractor or osteopath;
  - B. Barbers, beauticians, manicurists and pedicurists who are duly licensed under the laws of the State of California, except that this exemption shall apply solely to the massaging of the scalp, face, neck, arms, hands, or feet of the client for cosmetic or beautifying purposes;
  - C. Athletic trainers certified by the State of California performing training services for professionals, amateur or school athletic events or practices; and
  - D. Duly licensed businesses and government agencies only with respect to on-site massage therapy services which are offered and provided at the expense of the business or government agency, or at the expense of their employees, exclusively to their respective employees, and not to the general public, solely as a benefit of employment. Massage therapy provided hereunder must be provided by a person who (1) is a massage therapist, as defined in Chapter 7 of this Article, who maintains a valid Massage Certificate, or (2) qualifies for an exemption pursuant to subsections (A), (B) or (C) of this Section.

## ***DIVISION 2. REGULATION OF WRITTEN MATERIALS***

### **6322. REFUSAL REGISTER**

- A. The License Officer shall maintain a list of those businesses and residences whose occupants have submitted a written expression of their unwillingness to receive unsolicited written material. Such list shall be known formally as the "Refusal Register." Occupants listed on the register as not willing to receive unsolicited written material may specify whether they wish to receive no unsolicited written material at all, or may specify from whom they do or do not wish to receive unsolicited written material. Occupants may also include the name or names of minors under the care and custody of such occupants at the particular residence.
- B. The License Officer shall update the refusal register on a quarterly basis throughout the year. The License Officer shall remove any occupant or any minor under the occupant's care and custody at a particular residence from the refusal register upon the request of such occupant.
- C. The License Officer shall provide a free copy of the refusal register to any person so requesting.

#### **6322.01. REGULATIONS GOVERNING DISTRIBUTION**

It is unlawful for any person to distribute unsolicited written material in violation of the following regulations:

- A. Unsolicited written material shall not be distributed to any business or residence that is listed on the most recently updated refusal register as one who does not wish to receive written materials from the person attempting to so distribute.
- B. Unsolicited written material shall not be distributed to any business or residence that contains a "no solicitation" sign conspicuously posted on, or near, the entrance or front door of the business or residence.
- C. Unsolicited written material shall not be distributed by any person to any business or residence that contains unremoved unsolicited written material of the same person where such unsolicited written material is reasonably visible from the public right-of-way.
- D. Unsolicited written material shall not be distributed to any business or residence at any location other than at the doorknob or doorstep of such premises.
- E. All unsolicited written material shall have printed thereon, or affixed in legible form, the name, address and telephone number of the person responsible for the distribution of the unsolicited written material, together with a legible notice informing the recipient that anyone who does not desire to receive such

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unsolicited advertising material may so notify the person responsible for the distribution thereof or the License Officer in writing.

- F. Upon receipt of a notice pursuant to subsection (E) of this Section, the person responsible for distribution of any unsolicited written material shall not distribute any further unsolicited written material in contravention of such notice.
- G. It is unlawful for any person to distribute unsolicited written material unless he or she has, upon his or her person, a copy of the most recently updated copy of the refusal register, or the information contained in the most recently updated refusal register.
- H. The provisions of this Chapter shall not apply to the following:
  - 1. The distribution of United States mail, telegrams or other matter preempted by state or federal law; or
  - 2. The posting or leaving of legally required notices; or
  - 3. Distribution of any notices or other written material by persons employed by or acting at the behest of the City of Arcadia, the State of California or the Federal government; or
  - 4. Any written material which the occupant or owner has expressly requested in writing.
- I. All unsolicited written material that is distributed in violation of this Division is designated as litter and a nuisance pursuant to Government Code Section 38771.
- J. Any person violating any provision of this Division, or failing to comply with any of its requirements, shall be deemed guilty of either a misdemeanor or an infraction, punishable pursuant to Section 1200 of the Arcadia Municipal Code.

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## *DIVISION 3. PEDDLERS AND SOLICITORS*

### **6323. PEDDLING OR SOLICITATOR LICENSE**

A business license is required for any individual who engages in peddling, which includes selling or offering for sale any goods, wares, merchandise, liquids, or food intended for human consumption by traveling from house to house or business to business. All licensed peddlers and solicitors shall carry an original business license, along with a picture identification, at all times when peddling, and adhere to the following requirements:

1. No person shall engage in peddling or solicitation in any area of the city which is zoned for residential uses under this Code between the hours of 7:00 p.m. and 9:00 a.m.
2. No person shall affix any object to another person, onto private property, or public property without first receiving permission from such person or the owner of the property.
3. No peddler shall continue to engage in peddling or solicitation directed at another person, if such person informs the peddler of his or her desire not to be subject to peddling or solicitation.

#### **6323.01. "NO PEDDLERS OR SOLICITORS" SIGNS**

No peddler or solicitor selling, or pretending to sell, or offering for sale, or demonstrating or taking orders for, or soliciting orders for, goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell, or knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Peddlers or Solicitors", or words of similar import indicating that peddlers or solicitors are not wanted on said premises, is painted or affixed or exposed to public view.

#### **6323.03. EXCEPTION ON INVITATION**

The provisions of this Division shall not apply to any peddler or solicitor who knocks at any door or rings any bell at the invitation or with the consent of some member of the household at which he so applies for admission.

#### **6323.05. PERSISTENCE AFTER REQUEST TO LEAVE**

No person shall offer for sale, demonstrate, attempt to sell, or to solicit or attempt to solicit orders for goods, wares or merchandise of any kind or character, or any article, material or substance, at or in any residence, dwelling, flat or apartment after having been requested to leave such residence, dwelling, flat or apartment by the person or tenant in lawful possession thereof.

#### **6323.07. REFUSAL TO LEAVE ON REQUEST**

No peddler or solicitor shall refuse to leave any residence, dwelling, flat or apartment, or any portion of the premises thereof, when requested to leave by the tenant or person in lawful possession thereof.

#### **6323.09. LEGISLATIVE POLICY**

That the practice of going in and upon private residences in the City of Arcadia, California, by solicitors, peddlers, hawkers, itinerant merchants, salesperson and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners thereof, by the occupant or occupants of said private residence, or by the person or persons in lawful possession thereof, for the purpose of soliciting orders for the sale of services, goods, wares and merchandise, or vending, peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

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### **6323.11. PROHIBITED ACTIVITIES**

- A. No solicitor, peddler, hawker, itinerant merchant, transient vendor of merchandise, salesman or other person shall go in or upon any private residence in the City for the purpose of soliciting orders for the sale of services, goods, wares or merchandise, or vending, peddling or hawking the same, unless such person shall have first been requested or invited so to do by the owner, occupant or person in lawful possession of such private residence.
- B. The provisions of Sections 6324.09 (Legislative Policy) and subsection (A) above shall not apply to the activities of any charity, nor shall they apply to any franchisee of the City of Arcadia with a valid franchise from the City of Arcadia when the solicitation is related to the purpose and intent of said franchise and further provided the prior consent of a majority of the City Council is obtained.
- C. The provisions of Sections 6324.09 (Legislative Policy) and subsection (A) above shall not apply to the solicitation or obtaining of subscriptions to newspapers of general circulation, published for the dissemination of local or telegraphic news or intelligence of a general character and printed or published at regular intervals, biweekly or more often.

### **6323.11 DUTIES**

It shall be the duty of the License Officer or designee to investigate each application for a permit as hereinafter provided by the provisions of this Chapter. He or she shall maintain each application on file, together with his or her decision thereon, all of which shall be subject to public inspection at any reasonable time.

### **6323.13. POWERS**

The License Officer or designee shall have the power to issue and deny permits as hereinafter provided; to summon witnesses; to demand production of documents and things; to take testimony and to direct investigations as hereinafter provided; and to do and to perform all other acts that may be necessary or proper within the scope of his or her duties and functions.

### **6323.15 PERMIT REQUIRED**

No person shall exercise, practice or engage in any activity as described in Division 1 of Part 1 of this Chapter unless such person obtains a permit as provided in this chapter and pays the application and permit fees required by this chapter.

### **6323.17. PERMIT APPLICATION CONTENTS**

Each and every person desiring to practice, exercise or engage in any of the activities described in Division 1 of Part 1 of this Chapter shall personally appear before the License Officer or designee and file with him or her a written, signed and acknowledged application, showing:

- A. The true and fictitious names, aliases and residences of the applicant if an individual; the true and fictitious names, aliases and residences of all members of the applicant if applicant is a firm, association or partnership; the true and fictitious names, aliases and residences of the principal officers of the applicant if the applicant is a corporation;
- B. The length of service of the applicant with such firm, association, partnership, corporation or organization;
- C. The place of birth, birth date and social security number of each and every person enumerated in subsection (A) of this Section;
- D. The city, county and state where the persons, enumerated in subsection (A) of this Section, practiced or conducted any of the activities described in Division 1 of Part 1 of this Chapter, or any business or practice

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kindred thereto within twelve (12) months previous to the date of said application and the name under which the same was conducted;

- E. The length of residence of the persons enumerated in subsection (A) of this Section within the City, if applicable;
- F. A statement of the nature and character of applicant's proposed practice or activity;
- G. The nature and character of the goods, wares, merchandise or services to be offered by the applicant;
- H. Whether the persons enumerated in subsection (A) of this Section have ever been convicted of a felony involving murder, manslaughter, fraud, burglary or any sex crime as defined by California Penal Code 11105.2; if so, applicant shall state the nature of each offense, date of conviction, the sentence received therefore and the court in which each conviction and sentence was entered;
- I. Such other reasonable information as to the identity and background of the persons enumerated in subsection (A) of this Section as the chief of police may require, including, but not limited to, a photograph or photographs of said persons.

### **6323.19. PERMIT APPLICATION FEE**

The fee that may be established by resolution of the City Council, as may be amended from time to time, shall be paid simultaneously with the filing of each application for a permit required under this chapter, for the purpose of defraying the expenses incidental to processing said application, including the expenses of investigating applicant's character and background.

### **6323.21. FORM OF PERMIT**

Permits issued under this chapter shall bear the name and address of the person to whom it is issued, the number of the certificate, the date issued, the certificate's expiration date and the License Officer's or designee's signature.

### **6323.23. TIME OF ISSUANCE**

The License Officer or designee shall either grant or deny the requested certificate within ten (10) days of the date the application is made. If the License Officer or designee fails to act within the time prescribed, the permit shall be deemed granted.

### **6323.25. PERMIT GRANTING AND/OR DENIAL**

- A. After the receipt of a properly completed and filed application, if the application is accepted, the License Officer or designee shall issue a permit, numbered and in due form, allowing the applicant to practice the activities, proposed in said application upon payment of the prescribed permit fee, unless the applicant has been convicted of one of the crimes enumerated in Section 6412.1(H) (Permit-Application-Contents).
- B. The application may be rejected if the activities sought to be permitted do not comply in every way with the rules, regulations and laws applicable thereto, or if the License Officer or designee determines, after investigation, that the applicant's character or background is unsatisfactory. If the application is rejected, the License Officer or designee will notify the applicant in writing, giving the reason for the same and shall refund all the fees submitted with the application, save and except for costs incurred by the City in investigating the same.

### **6323.27. PERMIT TRANSFER**

No permit issued pursuant to this chapter shall be transferable to any person.

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### **6323.29. TERM OF PERMIT**

Certificates issued hereunder shall be valid for a period of one hundred eighty (180) days unless revoked pursuant to the provisions of this Chapter. A new application must be made for each certificate.

### **6323.31. PERMIT CANCELLATION**

Upon the discovery of any false or misleading statements in the application or any misrepresentation by the applicant in procuring said permit, the License Officer may, upon five (5) days' notice to said applicant, cancel and annul said permit; whereupon the applicant shall be subject to the penalties prescribed in this code from and after the date of the cancellation as though the permit had never been granted.

### **6323.33. PERMIT REVOCATION, SUSPENSION**

- A. Any permittee who commits any of the crimes specified in Section 6412.1(H) (Permit-Application-Contents) is liable to have his or its permit suspended or revoked by the License Officer. The License Officer shall also have the right to suspend or revoke such permit whenever it is shown to the satisfaction of the License Officer that the activities so licensed are being conducted in a manner that is detrimental to the public health, morals, peace, welfare or safety of the community. Any suspension or revocation shall cause to be served upon the permittee a written notice specifying the grounds for said suspension or revocation and informing the permittee of the hearing procedures before the Hearing Officer at which time the permittee shall have the opportunity to be heard and to make his or her defense against any complaints and allegations made as to his or her activities pursuant to this Chapter. Such written notice shall be served in accordance with the provisions of Code of Civil Procedure Section 1094.6.
- B. When a permit has been revoked, no other permit shall be issued under the provisions of this Chapter to the same permittee within one (1) calendar year of the date of revocation or for such other specified, certain, reasonable time determined by the Hearing Officer.

### **6323.35. COMPLIANCE REQUIRED**

No person shall commence, engage in, carry on, exercise, practice or advertise that he will engage in, carry on, exercise or practice any activity as described in Division 1 of Part 1 of this Chapter without first having procured a permit as required by the permit provision of this Chapter, or without complying with any and all regulations of such activity contained in this or any other provisions of this Code, or any City Ordinance. Engaging in or practicing any activity described in Division 1 of Part 1 of this Chapter without first having procured such a permit when required to do so, or without complying with any and all regulations of such activity contained in this Chapter, this Code, or the City's Ordinances, constitutes a nuisance and a separate violation of this Chapter for each and every day that such activity is so advertised, engaged in or carried on.

### **6323.37. APPEALS TO HEARING OFFICER**

Any applicant for a permit may appeal the License Officer's decision to the Hearing Officer, per the procedures described in Division 1 of Part 1 of Chapter 1 of this Article, Sections 6111.11 and 6111.13.

### **6323.39. PERMIT EXEMPTIONS**

The above provisions of this Division shall not apply to any person having an established route in the City, to solicitation at wholesale on business premises within the City, or to charitable or religious solicitations that are conducted solely by members of said charity or religion, at regular assemblies, meetings, services or otherwise.

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### **6323.41. PERMIT AND BADGE TO BE CARRIED ON PERSON**

Each applicant for a permit must at all times keep on his person the permit issued by the License Officer or designee. No person shall fail to wear a badge (as described herein) on his/her chest over the heart that indicates the number of the solicitation permit, its expiration date and the name of the permit holder; all badges to be white with black lettering that is legible at a distance of five feet (5') and to contain a photograph of the individual wearing each badge that has been taken within the previous six (6) months of the date of solicitation.

### **6323.43. PROHIBITED ACTS WHILE SOLICITING, PEDDLING OR CANVASSING**

For the purposes of this Section, the performance of one solicitation of any person by one individual contrary to any subsection of this Section shall constitute a separate violation.

- A. No person shall represent in any manner that the City, its departments or officers have endorsed the permit holder or the products, services or causes on behalf of which individuals are being solicited, peddled or canvassed.
- B. No person shall affix any object to, or place any object on, the body of any person to whom any solicitation, peddling or canvassing is directed without that person's express consent.
- C. No person shall touch, brush up against, or otherwise voluntarily come into physical contact with any person without that person's express consent.
- D. No person shall willfully obstruct the movement of any person on any street, sidewalk or other public place.
- E. No person shall solicit, peddle or canvass any person that has objected, by words or conduct, to such soliciting, canvassing or peddling.
- F. No person shall represent in any manner that the soliciting or peddling is conducted for anyone other than the permit holder.
- G. No person shall refuse to identify the permit holder on whose behalf the soliciting or peddling is being conducted when requested to do so by any person contacted by the solicitor or peddler, or fail to truthfully state the uses any solicited items will be put to, when requested to do so by any person being solicited.
- H. No person shall threaten any injury or damage to any person who declines to be subject to any soliciting, peddling or canvassing or who declines to make a purchase, donation or contribution.
- I. No person shall accept food stamps as a contribution.
- J. No person shall misrepresent one's physical or mental health while soliciting, peddling, or canvassing.

### **6323.45. SIGN POSTING**

- A. No peddler shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling or apartment whereon a sign bearing the words "No Peddlers" is painted, affixed or exposed to public view.
- B. No solicitor shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Solicitors" is painted, affixed or exposed to public view.
- C. No canvasser shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Canvassers" is painted, affixed or exposed to public view.
- D. No peddler or solicitor shall ring the bell of, knock on the door of, or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing, the words "No Peddlers or Solicitors" or

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words of similar import indicating that peddlers or solicitors are not wanted on said premises is painted, affixed or exposed to public view.

- E. This Section shall not apply to any peddler, solicitor or canvasser who rings the bell of or knocks on the door of any residence, dwelling, flat or apartment at the invitation of or with the consent of some adult member of the household of any such residence, dwelling, flat or apartment.

### **6323.47. HOURS**

No person shall practice or engage in peddling, soliciting or canvassing, as described in Division 1 of Part 1 of this Chapter, whether for profit or for a non-profit purpose, by traveling from place to place, or from street to street, between the hours of dusk and 8:00 a.m. of any day.

### **6323.49. DISTRIBUTION OF HANDBILLS EXCLUDED**

Nothing in this Chapter shall prohibit persons from distributing handbills door-to-door within the City without a permit. Distribution of handbills is subject to the requirements of Division 1 of Chapter 3 of Part 2 of Article VI of this Code.

### **6323.51. CHARITABLE, RELIGIOUS AND POLITICAL CANVASSING EXCLUDED**

Nothing in this chapter shall prohibit persons from canvassing door-to-door within the City without a permit, subject to the regulations set forth in this Chapter. Additionally, solicitation of donations made incidental to such canvassing is excluded from the permit requirements of this Section, but not the provisions of Section 6412.27 (Prohibited Acts while Soliciting, Peddling, or Canvassing) of this Division.

### **6323.53. USE OF SOUND-MAKING, SOUND-AMPLIFYING DEVICES**

No person shall peddle, solicit or canvass by driving, operating, propelling, stopping or parking any wagon, cart, automotive vehicle or any other type of conveyance with a sound-making device, sound-amplifying device, or loudspeaker thereof in use or operation or by making any outcry, blowing a horn, ringing a bell or using any sound device or musical instrument upon any of the streets, alleys, parks or other public places of the city:

- A. Whenever any such sound can be heard for a distance greater than three hundred feet (300');
- B. When passing a hospital at any time or a place of worship during the hour services are being held therein;
- C. Within five hundred feet (500') of the nearest property line of any property on which a school building is located during the hours school is in session;
- D. Between the hours of dusk and 8:00 a.m. of any day.

Notwithstanding the provisions of this Section, all persons who are permitted by the city to sell goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, candy, ice cream, popcorn, peanuts or any other edibles from a wagon, cart, automotive vehicle or any other type of conveyance, and whose conveyances are equipped with sound apparatus emitting sounds and amplifying sounds, including but not limited to music, shall not operate or use said apparatus unless such sounds, including but not limited to music, emitted therefrom do not exceed ninety (90) decibels measured at a distance of ten feet (10') from the speaker of said apparatus.

### **6323.55 PERMIT HOLDER'S BOOKS AND RECORDS**

Every person who engages in soliciting or peddling as permitted shall maintain a system of accounting whereby all monies collected by such person are entered upon the books or records of such person.

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### **6323.57. INVESTIGATION OF SOLICITORS AND PEDDLERS**

The License Officer or designee is authorized to investigate the affairs of any person engaged in soliciting or peddling under a permit or certificate issued under the provisions of this Chapter.

### **6323.59. MISREPRESENTATION PROHIBITED**

No person shall directly or indirectly solicit, peddle or canvass for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any misstatement, deception or fraud in connection with any soliciting, peddling or canvassing for any purpose in the City.

### **6323.61. SEPARATE VIOLATIONS**

Each separate act of soliciting or peddling for any purpose without a permit shall constitute a nuisance and a separate offense for each day such act is committed.

### **6323.63 PERMITTEE'S BOOKS AND RECORDS**

Every person who solicits any contribution for a charitable purpose shall maintain a system of accounting whereby all donations to and all disbursements by such person are entered upon the books or records of such person.

### **6323.65. PERMITTEE'S REPORTS**

Every person to whom a permit has been issued under this Part shall, within sixty (60) days after the solicitation has been completed, furnish to the License Officer a detailed report and financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection at the License Officer's office. The permit holder shall make available to the License Officer, or to any person designated in writing by the License Officer as their representative for such purpose, all books, records and papers whereby the accuracy of such report may be checked.

### **6323.67. INVESTIGATION OF SOLICITORS**

The License Officer is authorized to investigate the affairs of any person soliciting for charitable or religious purposes under a permit or certificate issued under the provisions of this Part, and may make public their written findings in order that the public may be fully informed as to the affairs of any of said persons. All such persons shall make available to the License Officer, or to any representative designated by them in writing for such specific purpose, all books, records or other information reasonably necessary to enable the License Officer to fully and fairly inform the public of all facts necessary to a full understanding by the public of the works and methods of operation of such persons. Five (5) days before the public release of any findings under this Section, the License Officer shall first serve a copy of said findings upon the person investigated, and at the time of the release of their findings they must release a copy of any written statement filed by such person in explanation, denial or confirmation of said findings.

### **6323.69. MISREPRESENTATION PROHIBITED**

No person shall, directly or indirectly, solicit for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation for any purpose in the City, or in any application or report filed under this Part.

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### **6323.71. FALSE APPLICATION**

No person shall file or cause to be filed an application for a permit or certificate under this Part containing false or fraudulent statements.

### **6323.73. SEPARATE VIOLATIONS**

Each separate act of soliciting for any charitable purposes without a permit, or soliciting for any religious purpose without a certificate, shall constitute a separate offense.

## *DIVISION 4. PRIVATE PATROLS*

### **6324. PERMIT PROCEDURE**

No person, either as owner, manager, employee or otherwise, shall solicit for, manage, conduct, carry on or assist in the solicitation for, management, conducting or carrying on of the business of a private patrol without having obtained a written permit from the License Officer pursuant to Chapter 3 of this Article, and without paying the license fee required by Part 2 of Chapter 1 of this Article for private patrols.

#### **6324.01. APPROVAL**

The License Officer shall first satisfy himself or herself that the management, conduct or carrying on of said private patrol will comport with the public welfare and for this purpose may consider any facts or evidence bearing on the moral fitness, ability, qualifications and character of any person or persons who will be in charge of, manage, conduct, or carry on said private patrol, and may require the submission of any facts or evidence tending to enlighten it in this respect.

#### **6324.03. LIABILITY INSURANCE**

A certificate of insurance shall be provided to the City of Arcadia and approved by the City Attorney. The certificate of insurance shall stipulate that the insurance will not be cancelled, reduced or allowed to expire unless ten (10) day prior written notice is provided to the City of Arcadia and shall name the City of Arcadia, its officers and employees, as an additional insured in the amount of not less than one million dollars (\$1,000,000).

#### **6324.05. DISPLAY OF PERMIT AND LICENSE**

The license and permit required for any business or occupation specified in this Division shall be conspicuously displayed in or at the place of business of the licensee, except that in all instances in which a license and permit are issued for the carrying on of any business conducted personally, the license and permit therefor shall be carried upon the person of the individual operating thereunder at all times while engaged in such business.

## *DIVISION 5. RUBBISH COLLECTION, HAULING OR DISPOSAL*

### **6325. PERMIT REQUIRED**

No person shall collect, haul or dispose of commercial refuse in the City without obtaining a permit to do so pursuant to Chapter 3 of this Article.

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## 6325.01. REGULATIONS

No person collecting, hauling or disposing of garbage, dry garbage, refuse or rubbish in the City shall fail to comply with all applicable provisions of Chapter 1 of Article V of this Code.

## 6325.03. LIMITATION

No more than three (3) permits for the collection, hauling or disposing of commercial refuse in the City shall be in effect at any one time; provided, however, that no permit renewal shall be denied to a hauler holding a permit as of June 30, 2003, if the hauler meets and complies with all applicable City requirements.

- A. Santa Anita Race Track (SART) Permit and Refuse Fee. The above limitation shall not apply to Santa Anita Race Track. A special refuse permit shall apply to SART to allow for commercial collectors who may not hold a permit pursuant to this Section, subject to payment of a permit fee as follows:
1. The Santa Anita Race Track shall be billed quarterly in the amount established in the City's Resolution to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resource Code 40000 et seq.
- B. Commercial Refuse Fee. Each commercial/industrial waste hauler shall pay a permit fee to the City in the amount of nine and one-half percent (9.5%) of any and all gross monthly receipts resulting from the operation of business in the City. This fee shall be charged to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resources Code 40000 et seq. This fee shall be in addition to any other fee or charge for solid waste collection authorized by this Code, and may be subsequently amended by resolution of the City Council.
1. Purpose of Calculation/Gross Receipts. For the purposes of calculation of such a permit fee, "gross monthly receipts" means any and all compensation received by the permitted haulers in connection with collecting, transporting, disposing and/or recycling of solid waste kept, accumulated or produced in the City plus any and all such compensation received by the waste hauler or the waste hauler's subcontractors in connection with collecting, transporting, disposing, and/or recycling of solid waste produced, kept or accumulated in the City, with the exception of compensation received from the sale of material recovered through recycling.
  2. Method of Calculation and Payment. Each month a permit fee shall be calculated as nine and one-half percent (9.5%) of the gross monthly receipts received in the preceding calendar month. The permit fee must be received by the City no later than the last day of the month following the month which is being reported.
  3. Requirements for Reporting Business Activity. The waste hauler shall file a monthly collection report to the City, and it must be received by the City no later than the last day of the month following the month which is being reported. The report shall include the following information:
    - a. Total tonnage of solid waste disposed;
    - b. Total number of accounts served;
    - c. Total gross receivables for the month.
  4. City Inspection Authority. The permitted haulers shall maintain accurate and complete books and accounts of all revenues and income arising out of its operations under the permit granted and in a manner which conforms with generally accepted accounting principals. The waste hauler's books, accounts and records, arising out of or related to its operations under the permit granted, shall at all times be open to inspection, examinations and audit by authorized officers, employees and agents of the City.

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5. Definition of Waste. In addition to those definitions set forth in Part 1 of Chapter 1 of Article V of this Code, solid waste shall include all solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded appliances, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable and animal solid and semisolid wastes, and other discarded solid and semisolid wastes excluding hazardous, infectious wastes and liquid waste.

### **6325.07. APPLICATION PROVISIONS**

Every application for a permit under this Division shall contain, in addition to the information required by Division 1 of Part 1 of Chapter 3 of Article VI of the Arcadia Municipal Code, the following:

- A. A statement of facts evidencing the applicant's ability to supply the service for which the permit is required including financial responsibility, technical ability, experience and the availability of additional equipment for use in the event of loss, destruction, damage or breakdown of the equipment regularly used in rendering service under such permit.
- B. The name and address of the person or persons who shall be responsible for the compliance with all of the provisions applicable to such permittee. Before any permit issued under this Division shall be operative, such person shall in writing acknowledge receipt of a copy of all permit conditions and shall agree to be personally responsible for compliance therewith.
- C. Names, titles and addresses of the owners of the business conducted by applicant if said business is a sole proprietorship, joint venture or co-partnership; the names, titles and addresses of the officers, directors and shareholders of applicant if applicant is a corporation; names and addresses of the trustor, trustee and beneficiaries if the business conducted by applicant is conducted by or as a trust.
- D. A description of all equipment proposed to be used in performing the service under any permit issued pursuant to this Division including the height and capacity of all such vehicles. No other equipment may be used in the performance of any service under such permit without the prior consent of the City Manager.
- E. A statement of the area or areas within the City which the applicant proposes to serve; a statement of the maximum charges to be made by permittee for any service rendered in said area or areas and under such permit; and an agreement that the applicant will if granted a permit collect refuse anywhere within said area or areas where he may lawfully do so at rates equal to or less than those specified in his application.
- F. A schedule of days and hours applicant proposes to collect garbage, refuse or rubbish within the City and an agreement that applicant will at applicant's sole expense notify each of applicant's customers in writing at least forty-eight (48) hours prior to any change from said schedule of collection.

### **6325.09. INSURANCE**

No permit required by this Division shall be issued unless and until the applicant files with the City a certificate of liability insurance evidencing insurance coverage in the following amounts:

Bodily injury/auto and other:	\$1,000,000 each person \$2,000,000 each accident
Property damage/auto:	\$1,000,000 each accident
Property damage/except auto:	\$1,000,000 each accident

Said certificate shall likewise evidence the fact that the City is named as an additional insured in the insurance policy thereby evidenced, and shall further provide that the insurance thereby evidenced shall not be cancelled, allowed to lapse or expire or be reduced in amount during the term of any such permit unless the City be given at least twenty (20) days' notice in writing by the insurer prior to any such cancellation, lapsing, expiration or reduction in coverage.

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### **6325.11. EQUIPMENT, ENCLOSED BODY**

- A. Every vehicle subject to this Division regularly used in the collecting, hauling or disposing of dry garbage, refuse (both residential and commercial) and rubbish as same are defined in Part 1 of Chapter 1 of Article V, on established routes, shall be equipped with a completely enclosed compactor-type body. Every vehicle used for the collection or hauling of garbage as defined by Chapter 1 of Part 1 of Article V of this Code shall be equipped with a completely enclosed water-tight metal body and shall be so loaded at all times as to prevent spillage or leakage therefrom. Except when the same are actually being loaded or unloaded, all such vehicles shall be kept entirely closed so that none of the contents thereof may spill or drop from such vehicle.
- B. Each vehicle used for collecting, hauling or disposing of residential or commercial refuse in the City shall be inspected and certified twice each year by the California Highway Patrol. Notice of such certification shall be filed with the License Officer and the Chief of Police each June and December prior to the issuance of a business license, and as vehicles are placed into service. Failure to submit required notice of such certification shall be grounds for suspending the Contractor's business license until a notice evidencing passage of inspection as required is received by the License Officer and Police Chief.
- C. All vehicles operated under the provisions of this Division shall at all times be maintained in a safe and sanitary condition, painted and cleaned to reflect a neat appearance. The Chief of Police may cause any such vehicle to be inspected and tested at any time in such manner as may be appropriate to determine that such vehicle is being maintained in compliance with the provisions of this Division and in compliance with the provisions of the California Vehicle Code.
- D. No vehicle used for collection, hauling or disposing of garbage, dry garbage, refuse or rubbish subject to this Division shall be loaded in excess of the manufacturer's gross vehicle weight rating or in excess of the maximum weights specified by the California Vehicle Code, whichever is less.
- E. Every permittee under this Division shall maintain on each side of every cab or body of each vehicle used in the collecting, hauling or disposing of garbage or refuse the name and phone number of the company or person to whom such permit has been granted in letters and numbers not less than three inches (3") in height and one and one-half inches (1½") in width and in a color sharply contrasting with the color of such vehicle. In addition, every permittee under this Division shall maintain in or upon every vehicle subject to this Division and available for inspection at all times, evidence of the manufacturer's name and gross vehicle weight rating for said vehicle.
- F. Each vehicle used for collecting, hauling or disposing of residential or commercial refuse shall be equipped with an audible warning device that is activated when the vehicle is backing up.

### **6325.13. OWNERSHIP**

No permit shall be issued to any person or company controlled directly or indirectly by any other person or company to whom a permit has been issued pursuant to this Division or who owns or controls directly or indirectly any person or company holding a permit issued pursuant to this Division.

### **6325.15. REMOVAL OF SPILLAGE**

No permittee under this Division shall fail to pick up and remove all refuse which has been spilled or dropped on public or private property in the course of collecting or hauling of garbage or refuse. All expenses incurred by the City in the collection and disposal of any such spilled or dropped garbage or refuse shall be paid to the City, on demand, by the permittee causing or permitting such spilling or dropping of refuse.

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## **6325.17. PRODUCTION OF CUSTOMER LISTS, RATES AND OWNERSHIP STATEMENT**

Every person or company holding a permit pursuant to this Division shall, within fourteen (14) days of demand made in writing by the City Manager, produce for his inspection on a form prescribed by the Manager, a list of the names and addresses of commercial refuse collection customers served by the permittee within the City of Arcadia, a statement setting forth frequency of collection from said customers, a list of the rates charged each such customer for said service, a profit and loss statement of permittee's operations pertaining to garbage, residential combustible and noncombustible refuse and commercial refuse collection, hauling and disposal within the City for the previous year in a form satisfactory to the City Manager and a statement of the current information required by subdivision (c) of Section 6333.07 (Application Provisions). Said information shall be certified as true and correct under penalty of perjury by permittee. Information obtained by virtue of this Section shall be and remain confidential information and not a public record.

## **6325.19. SUSPENSION**

The Chief of Police may at any time suspend any permit issued pursuant to this Division if he finds that any equipment of the permittee used in the collection or hauling of garbage or refuse in the City fails to comply with any applicable regulation. Such suspension shall remain in effect until the License Officer shall set aside such suspension, extend such suspension for a specific period of time and upon specified conditions, or revoke the permit.

## *DIVISION 6. SIDEWALK AND PARKING LOT SALES*

### **6326. COMMERCIAL USE OF SIDEWALK**

Except as otherwise expressly provided in the Arcadia Municipal Code, no person shall conduct any commercial activity on a public street, sidewalk or parkway.

#### **6326.01. CONDITIONS OF SIDEWALK AND PARKING LOT SALES**

No merchant, vendor or seller shall place his goods, wares or merchandise outside of his building for the purpose of storage, advertising, display or sale except upon applying for and receiving a permit as set forth in Division 5 of Part 2 of Chapter 3 of this Article, and such sidewalk or parking lot sales shall be permitted only in accordance with the regulations set forth in this Section:

- A. No business shall participate in more than two (2) sidewalk or parking lot sales in any calendar year. No such sale may be conducted for more than two (2) consecutive days and shall be held not earlier than 9:00 a.m. nor later than 9:00 p.m.
- B. Sidewalk and parking lot sales may only be conducted in Downtown Mixed Use (DMU) or less restrictive zones.
- C. Only the goods, wares or merchandise normally of the type sold on the premises may be offered for sale and such sale may only be conducted within the extended lot lines of the premises offering such goods for sale.
- D. For parking lot sales, twenty-five percent (25%) of the parking area may be utilized for the sales or display of merchandise. If the parking provided exceeds Code requirements, those additional spaces may be utilized.
- E. Each sidewalk sale shall include the participation of a minimum of thirty percent (30%) of the businesses on a block face.
- F. No merchandise or signs shall be displayed within fifty feet (50') of a residentially zoned property.

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- G. Tables, racks and other displays or merchandise may be placed on sidewalks provided that a walkway of a minimum width of seven feet (7') be left clear adjacent to the curb and, provided further, that all doorways, alleyways, driveways and other means of ingress or egress to adjoining buildings and property shall remain clear of obstruction.
  - H. Any signs shall be permitted only during the conduct of the event and shall be approved as to size and place by the Development Services Director or designee at the time of application approval.

### **6326.03. PURPOSE OF STREET VENDING PROVISIONS**

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

### **6326.05. PERMITS REQUIRED**

- A. All sidewalk vendors shall obtain a sidewalk vending permit from the License Officer prior to engaging in any sidewalk vending activities. All sidewalk vendors must have a valid business license issued by the City. As part of its application for a business license, the sidewalk vendor shall furnish to the City evidence of insurance, against liability for death or injury to any person as a result of ownership, operation, or use of its vendor. The City's insurance requirements are on file and available for inspection, or a copy may be obtained, at the office of the City Clerk, Arcadia City Hall. The following information shall be required.
  - 1. Name, current mailing address, and phone number of the vendor; and
  - 2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and
  - 3. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and
  - 4. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and
  - 5. A copy of the valid California Driver's license or California Identification Card issued to the vendor; or  
A copy of the individual taxpayer identification number issued to the vendor; or  
A municipal identification number.
    - a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
  - 6. If preparing or selling food, a copy of the Los Angeles County Environmental Health Department permit issued to the vendor; and
  - 7. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and

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8. If the vendor proposes to be a sidewalk vendor, an encroachment permit pursuant to Part 7 of Chapter 2 of Article VII of this Code; and
  9. A copy of general liability policy naming the City as additional insured in the amount of \$500,000.
  10. A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true.
- B. At the time the application or renewal application is filed, the applicant shall pay the permit processing fee established by separate resolution of the City Council, as may be amended from time to time.

### **6326.07. REVIEW OF PERMIT APPLICATION; DECISION**

- A. Upon acceptance of a properly completed and filed sidewalk vendor permit application, the License Officer shall conduct a preliminary investigation to determine compliance with this Chapter and shall make such determination within no more than thirty (30) days of acceptance to approve or deny the application. The License Officer shall provide the applicant with written notice of his or her decision to the address indicated in the application.
- B. The License Officer may deny an application for a permit if an applicant fails to meet any of the requirements for a new permit, or if he or she makes any of the following findings:
1. The applicant has failed to pay any fees or charges.
  2. The applicant has made one or more material misstatements in the application for a permit.
  3. The applicant does not have a valid social security card or valid California Driver's license or Identification Card; or valid individual taxpayer identification number.
  4. The applicant does not provide a certificate of liability insurance.
  5. The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.
  6. It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.
- C. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.
- D. Exemptions. A sidewalk vending permit shall not be required for the following activities:
1. The sale of agriculture products on the site where the product is grown.
  2. Catering for private parties held exclusively on private property and not open to the general public.
  3. Events permitted pursuant to a lawfully issued temporary use permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.
- E. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.
- F. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

### **6326.09. RENEWAL OF SIDEWALK VENDING PERMIT**

All sidewalk vendors shall annually apply for renewal of their sidewalk vending permit from the License Officer prior to continuing to engage in any sidewalk vending activities. Any sidewalk vendor who currently possesses

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a sidewalk vending permit allowing them to operate a vending operation must, upon time of renewal of their license, apply for a sidewalk vending permit, supplying the information as required above in Section 6336.05 (Permits Required) of this Division.

### **6326.11. STATIONARY SIDEWALK VENDING LOCATIONS AND STANDARDS**

- A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:
1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements outlined above in Section 6336.05 (Permits Required) of this Division; and
  2. The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
  3. Sidewalk vending hours shall be conducted between the hours of 7:00 AM and 10:00 PM of every day; and
  4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; removes litter caused by its products from any public or private property within a 25-foot radius of the sidewalk vendor's location; and
  5. The sidewalk vendor location does not block entrances to private buildings, private driveways, parking spaces or building windows, and driveway and intersection visibility; and
  6. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and
  7. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities; and
  8. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and
  9. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and
  10. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet or an event held pursuant to a Temporary Event Permit.
  11. The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

### **6326.13. SIDEWALK VENDING IN PARKS, CERTIFIED FARMER'S MARKETS**

- A. Sidewalk vending of food or merchandise by roaming or stationary vendors shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise or in an area occupied by a Certified Farmer's Market.
- B. Subject to Section 6336.5(A) (Permits Required), sidewalk vendors may operate in City Parks provided they meet the following:
1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements outlined above in of Section 6336.03 of this Division (Purpose of Street Vending Provisions); and

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2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
  3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and
  4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition, and removes litter caused by its products within a 25 foot radius of the vending location, and
  5. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and
  6. No vending shall occur within the immediate vicinity of an event held pursuant to a Temporary Event Permit; and
  7. In City Parks that are located within a residential area, where stationary sidewalk vending is prohibited, as described above in Section 6336.09 (Renewal of Sidewalk Vending Permit) of this Chapter, only roaming sidewalk vendors shall be allowed in such Parks; and
  8. The City can impose regulations to limit the number of sidewalk vendors in City Parks to limit the undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park or necessary to endure the public's use and enjoyment of the natural resources and recreational opportunities of City parks.

#### **6326.15. ROAMING SIDEWALK VENDING**

- A. Roaming sidewalk vendors shall meet the following:
  1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements of section 6336.03 (Purpose of Street Vending Provisions) of this Division; and
  2. Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 AM and 6:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturday, and no Sundays or holidays; and
  3. Sidewalk vending hours for non-residential zones shall be conducted between the hours of 7:00 AM and 10:00 PM every day; and
  4. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition and removes litter caused by its products within a 25-foot radius of the vending location; and
  5. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and
  6. The sidewalk vendor does not conduct sales from a public street; and
  7. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, or a Swap Meet; and
  8. The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

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### **6326.17. SUSPENSION; RESCISSION**

- A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the License Officer after four or more violations of this Chapter in accordance with Section 6336.15 (Roaming Sidewalk Vending) of this Chapter, at their discretion, for any of the following causes:
  - 1. Fraud or misrepresentation in the course of vending;
  - 2. Fraud or misrepresentation in the application for the permit;
  - 3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.
- B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.
- C. No person whose street vending permit has been revoked pursuant to this Chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final.

### **6326.19. APPEALS**

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the License Officer made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action as prescribed in Division 1 of Part 1 of Chapter 1 of this Article, Section 6111.11.

### **6326.21. PENALTIES**

- A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:
  - 1. An administrative fine not exceeding \$100 for a first violation.
  - 2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
  - 3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.
- B. A violation of vending without a sidewalk vending permit may, in lieu of the penalties set forth in subsection (A) set forth above, be punished by:
  - 1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
  - 2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
  - 3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.
- D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.
- E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.

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- F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
  - G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
    - 1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
    - 2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
  - H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

## *DIVISION 7. MOTION PICTURE FILMING*

### **6327. FILM PERMIT**

A film permit shall be required for any filming activity, including the staging, shooting, filming, videotaping, photographing, or other similar process conducted for the making of still photographs, motion pictures, television programs, commercial, and nontheatrical film productions. A film permit shall not be required for filming activities conducted for news purposes or conducted exclusively for private or family use.

#### **6327.01. APPLICATION**

All applicants shall complete a City of Arcadia film permit application package and all required forms contained therein prior to the issuance of a film permit. The forms shall require a detailed description of the filming and the equipment to be used.

#### **6327.03. SCOPE OF PERMIT**

Each film permit issued shall authorize only the filming location and the filming dates listed on the film permit application form. An approved film permit is required prior to the start of any filming activity.

#### **6327.05. SEPARATE PERMIT**

A separate film permit and fee is required for each filming location and for each set of filming dates. Set of filming dates shall mean the dates requested on the original application. The dates do not necessarily need to be consecutive.

#### **6327.07. FILM PERMIT APPROVED**

Permits will only be issued after they have been reviewed and approved by the License Officer, or designee, consistent with the designated film permit policy as set forth in the film permit application package.

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### **6327.09. COST OF CITY SERVICES**

The City will have the right to require police, fire, or other city services as part of the film permit process. The applicant shall pay directly for all services provided by the City. The fee for services will be the cost incurred by the City for providing the services. City may require a deposit applicable to these costs.

### **6327.11. WRITTEN NOTIFICATION**

Each applicant shall notify, in writing, all of the properties which are immediately adjacent to the filming location prior to the start of filming as defined in the film permit application package. The written notification shall include a general description of the filming activity that will take place and the dates and times when the filming activity is scheduled.

### **6327.13. FEE AMOUNT**

The film permit fee is as defined in the City's Resolution, as may be amended from time to time.

### **6327.15. WAIVER OF FEES**

The License Officer, or designee, may waive a film permit fee if the applicant is a student or a local charitable organization with documented proof of this status.

### **6327.17. REVOCATION OR DENIAL OF APPLICATION**

The License Officer, or designee, may revoke the film permit or deny approval of film application if any of the following circumstances occur:

- A. There has been a misrepresentation in the permit application with respect to the nature of the film activity, the number of personnel or equipment, or other relevant matter.
- B. Where the filming activity, as conducted, has become a hazard to persons or property, or unduly disruptive to neighboring residents and/or businesses.
- C. Where the film activity goes beyond the hours specified in the film permit.
- D. Where any provision of the fire/life safety requirements has not been corrected after notification by police/fire personnel.
- E. For failure to comply with insurance requirements and maintain satisfactory insurance at all times during applicant's activities in the City.
- F. Failure to abide by and comply with the terms and conditions of this permit.
- G. Allowance of conditions and/or actions that constitute a public nuisance or otherwise disturb or disrupt the neighborhood.

Revocation for any of the reasons set forth above shall be grounds to deny subject applicant subsequent permits.

## **PART 3. ADULT BUSINESSES**

### **DIVISION 1. ADULT BUSINESS PERFORMER LICENSE**

#### **6331. PURPOSE**

It is the purpose and intent of this Chapter to provide for the licensing of adult business performers in order to promote the health, safety, and general welfare of the citizens of the City. The goals of the performer licensing

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provisions are: (1) to protect minors by requiring that all performers be over the age of eighteen (18); (2) to assure the correct identification of persons performing in adult businesses; (3) to enable the City to deploy law enforcement resources effectively; and (4) to detect and discourage the involvement of crime in adult businesses by precluding the licensing of performers with certain sex-related convictions in a set time period. It is neither the intent nor the effect of these regulations to invade the privacy of performers or to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult businesses to their intended lawful market. Nothing in these regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City Ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

The definitions contained in the Arcadia Municipal Code, specifically those found in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code, shall govern for purposes of these regulations.

### **6331.01. ADULT BUSINESS PERFORMER LICENSE**

- A. No performer shall be employed, hired, contracted for or otherwise retained in an adult business to participate in or give any live performance displaying specified anatomical areas or specified sexual activities without first having a valid adult business performer license issued by the City.
- B. Consistent with Chapter 4B of Article I of this Code, for purposes of enforcing Division 1, Part 3 of Article VI of the Arcadia Municipal Code (Adult Business Performer License - Sections 6331 et seq.) Officer shall mean the License Officer or his or her designee.
- C. License applicants shall file a written, signed, and verified application or renewal application on a form provided by the Officer. Such application shall contain the following information, necessary for the City to determine an applicant's ability to function responsibly in an adult business setting, and be accompanied by the following documents:
  - 1. The license applicant's legal name and any other names (including "stage names" and aliases) used by the applicant.
  - 2. Age, date and place of birth.
  - 3. Height, weight, hair and eye color and tattoo descriptions and locations.
  - 4. Each present and/or, as the case may be, proposed business address(es) and telephone number(s) of the establishments at which the applicant intends to work.
  - 5. Driver's license or identification number and state of issuance.
  - 6. Social Security number.
  - 7. Satisfactory written proof of verifiable identification establishing that the permit applicant is at least eighteen (18) years of age or twenty-one (21) years of age if the performance is to occur in a Department of Alcoholic Beverage Control ("ABC") regulated establishment.
  - 8. The license applicant's fingerprints on a form provided by the Police Department and a color two (2) by two (2) inch photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant. Fingerprints and photograph shall be taken within six (6) months of the date of application.
  - 9. Whether the license applicant, has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of

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conviction to the date of conviction, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period. This section shall be applied consistent with California Penal Code Section 11105 and any amendments thereto.

10. If the application is made for the purpose of renewing a license, the license applicant shall attach a copy of the license to be renewed.
  11. Address of principal place of residence.
- D. The completed application shall be accompanied by a non-refundable application fee and an annual license fee. Said fees shall be set by Resolution of the City Council, as may be amended from time to time.
  - E. The completeness of an application shall be immediately determined by the Officer upon its submittal. The Officer will accept applications during normal City Hall working hours. If the Officer determines that the application is incomplete, the Officer shall immediately inform the applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Upon receipt of a completed adult business performer application and payment of the license fee specified in Subsection D of this Section, the Officer shall immediately issue a temporary license which shall expire of its own accord ten (10) business days from the date of issuance and shall only be extended as provided in Section 6331.03(C). This temporary adult business performer license shall authorize a performer to commence performance at an adult business establishment that possesses a valid adult business regulatory permit authorized to provide live entertainment.
  - F. The fact that a license applicant possesses other types of State or City permits or licenses does not exempt the license applicant from the requirement of obtaining an adult business performer license.
  - G. The information provided above in Subsections C 1, 5, 6 and 11 shall be redacted from any public disclosure under the California Public Records Act to protect the physical security of the performers.

### **6331.03. INVESTIGATION AND ACTION ON APPLICATION FOR ADULT BUSINESS PERFORMER LICENSE**

- A. Upon submission of a completed application, payment of license fees, and issuance of a temporary adult business performer license pursuant to Section 6331.01, the Officer shall immediately stamp the application "Received" and shall refer the application to the Police Department for investigation to determine whether the license applicant should be issued an adult business performer license.
- B. Investigation shall not be grounds for the City to unilaterally delay in reviewing a completed application. The Officer's decision to grant or deny the adult business performer license shall be made within ten (10) working days from the date the temporary license was issued and in no case shall the decision to grant or deny the license application be made after the expiration of the temporary license.
- C. The Officer shall render a written decision to grant or deny the license within the foregoing ten (10) day period. Said decision shall be mailed first class postage pre-paid or hand-delivered to the applicant, within the foregoing ten (10) day period, at the address provided by the applicant in the application.  
  
For good cause as set forth in writing, the ten (10) day period shall be extended up to an additional ten (10) days. This shall automatically extend the temporary license. Failure of the Hearing Officer to render a decision on the permit within the time frames established by the Section shall be deemed to constitute an approval, subject to appeal to the Hearing Officer, pursuant to Section 6331.05.
- D. The Officer shall notify the applicant as follows:

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1. The Officer shall write or stamp "Approved" or "Denied" on the application and date and sign such notation.
  2. If the application is denied, the Hearing Officer shall attach to the application a statement of the reasons for denial. Such notice shall also provide that the permit applicant may appeal the denial to the Hearing Officer in accordance with Section 6331.05.
  3. If the application is approved, the Officer shall attach to the application an adult business performer license.
  4. The application, as acted upon, and the license, if any, shall be placed in the United States mail, first class postage prepaid, or hand delivered, addressed to the license applicant at the residence address stated in the application in accordance with the time frames established herein.
- E. The Officer shall approve the application and issue the license unless the application is denied based on one of the grounds set forth in Section 6331.05(C).
- F. On determining that the grounds for license denial exist in accordance with Section 6331.05, the Officer shall furnish written notice of the denial to the applicant. Such notice shall provide, in addition to the grounds for denial, that the license applicant may appeal the denial to the Hearing Officer in accordance with Section 6331.05, and that the temporary license shall be extended through the time the appeal is concluded.
- G. Each adult business performer license, other than the temporary license described in Section 6331.01, shall expire one (1) year from the date of issuance and may be renewed only by filing with the Officer a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. If said application conforms to the previously approved application and there has been no change with respect to the license holder being convicted of any crime classified by this or any other state as a sex-related offense, the Officer shall renew the license for one (1) year. Any plea to or conviction of a sex-related offense requires the renewal application to be denied in accordance with the provisions of this Section. The denial of a renewal application is appealable pursuant to the provisions of Section 6331.05. The request for renewal shall be made at least thirty (30) days before the expiration date of the license. Applications for renewal shall be acted upon as provided herein for action upon applications for license.

#### **6331.05. DENIAL, SUSPENSION OR REVOCATION OF ADULT BUSINESS PERFORMER LICENSE/APPEAL HEARING**

- A. On determining that grounds for license denial, suspension or revocation (also referred to collectively as License Action) exist, the Officer shall furnish written notice of the license action to the license holder or applicant (hereinafter "license holder" or "licensee" shall also mean "license applicant" or "applicant"). Such notice shall set forth the procedures for appeal, the pertinent Arcadia Municipal Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the license holder, or shall be delivered to the license holder personally.
- B. During any appeal to the Hearing Officer, the applicant or license holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions.
- C. A license may be denied, suspended or revoked, based on any of the following causes arising from the acts or omissions of the permit holder:
1. The licensee has made any false, misleading, or fraudulent statement of material fact in the application for a performer license.

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2. The license applicant is under eighteen (18) years of age.
  3. The licensee has pled guilty, nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor, or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
  4. The Licensee has committed acts in violation of the requirements and standards of the Adult Business Ordinance (Sections 9104.02.020 (“Adult Business Uses”) and 6331 et seq.).
- D. After holding the hearing in accordance with the provisions of this Section, if the Board finds and determines that there are grounds for denial, suspension or revocation, the Board shall impose one of the following:
1. Suspension of the license for a specified period of either one (1) year or some other time to be determined in the Board's discretion; or
  2. Denial and/or revocation of the license; or
  3. Conditional granting of the license.
  4. The Hearing Officer shall render a written decision in accordance with the procedures of Section 6214.01.
- E. In the event a license is revoked pursuant to this Section, another adult business performer license shall not be granted to the licensee within twelve (12) months after the date of such revocation or such other time as the Board determines.

#### **6331.07. JUDICIAL REVIEW**

- A. Decisions of the Hearing Officer are final.
- B. The time for a court challenge to a decision of the City Council under Sections 6331.03 and/or 6331.05 is governed by California Code of Civil Procedure § 1094.8.
- C. Notice of the Hearing Officer decision and its findings under Sections 6331.03 and/or 6331.05 shall include citation to California Code of Civil Procedure § 1094.8.
- D. Any applicant or license holder whose license has been denied, suspended, or revoked, pursuant to Sections 6331.03 and/or 6331.05 shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure § 1094.8.

#### **6331.09. DISPLAY OF LICENSE IDENTIFICATION CARDS**

The Officer shall provide each adult business performer required to have a license pursuant to Section 6331 et seq. with an identification card containing the name, address, photograph, and permit number of such performer. Every performer shall have such card available for inspection at all times during which he or she is on the premises of the adult business at which he or she performs or entertains.

#### **6331.11. ADULT BUSINESS PERFORMER LICENSE NONTRANSFERABLE**

No adult business performer license may be sold, transferred, or assigned by any licensee or by operation of law, to any other person, group, partnership, corporation, or any other entity. Any such sale, transfer, or

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assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the adult business performer license, and the license thereafter shall be null and void.

### **6331.13. TIME LIMIT FOR FILING APPLICATION FOR PERMIT**

All persons required by Section 6331 et seq. to obtain an adult business performer license who are performing in Arcadia prior to the effective day of the Ordinance codified in this Chapter must apply for and obtain such adult business performer license within sixty (60) days of the effective date of said Ordinance. Failure to do so and continued performance that displays specified anatomical areas or specified sexual activities in an adult business after such time without a license shall constitute a violation of the Arcadia Municipal Code.

### **6331.15. VIOLATIONS**

- A. Any person violating or causing the violation of any of these provisions regulating adult business performer licenses shall be subject to license revocation pursuant to Section 6331.05 above and any and all other civil remedies. It shall be a violation of this Chapter for any principal, including but not limited to any adult business operator or permittee, to permit, procure, counsel or assist any agent of that principal, including but not limited to an employee or independent contractor, to violate any provision of this Chapter. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.
- B. The operating standards for performers of adult live entertainment are part of a regulatory licensing process, and the City does not impose a criminal penalty for violations of the provisions of this Chapter relating to sexual conduct or activities.
- C. In addition to the remedies set forth in subsection (A), any violation of any of these provisions regulating adult business performer licenses is hereby declared to constitute a public nuisance and may be abated or enjoined.

### **6331.17. REGULATIONS NONEXCLUSIVE**

The provisions of this Chapter regulating adult business performer licenses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the licensing provisions as adopted by the City Council of the City of Arcadia; provided, however, that the provisions contained in Article VI, Chapters 1 through 4, inclusive, of the Arcadia Municipal Code shall be deemed superseded by these regulations in the event a business activity therein also meets the definitions contained in this Chapter 5.

### **6331.19. SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council declares that it would have adopted this Chapter and the Ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

## **DIVISION 2. ADULT BUSINESS LICENSE**

### **6332. PURPOSE**

The intent of this chapter is to regulate uses which, because of their very nature, are believed to have any of the recognized significant secondary effects on the community which include, but are not limited to: depreciated

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property values and increased vacancies in residential and commercial areas in the vicinity of adult oriented businesses, interference with residential, commercial and industrial property owners' enjoyment of their property when such property is located in the vicinity of adult oriented businesses due to increased crime, debris, noise and vandalism; higher crime rates in the vicinity of adult oriented businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult oriented businesses. In approving the regulations contained in this Article, the city council has reviewed detailed studies, reports and letters prepared by other jurisdictions and its own staff with respect to the detrimental social, health and economic effects on persons and properties surrounding adult oriented businesses. These studies include Upland, California (1992); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977); State of Minnesota, Attorney General Report (1989); Newport news, Virginia (1996); St. Paul, Minnesota (1987); Corpus Christi, Texas (1995); National Law Center (1995); and Azusa (2003) (collectively "studies"). The studies substantiate the adverse, secondary effects of adult businesses. It is neither the intent nor effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented materials to their intended market.

Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

### **6332.01. DEFINITIONS**

In addition to any other definitions contained in the Municipal Code, the following words and phrases shall, for the purpose of this Chapter and Chapter 5 of this Article, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code, these definitions shall prevail.

- A. "Adult arcade" shall mean a business establishment to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such devices shall be referred to as "adult arcade devices."
- B. "Adult booth/individual viewing area" shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
  - 1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; or
  - 2. Where "adult arcade" devices are located.
- C. "Adult business" shall mean:
  - 1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio (as these phrases are defined in this section); or

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2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes "adult oriented material" or "sexually oriented merchandise," or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" but not including those uses or activities (as these phrases are defined in this section) which are preempted by State law.
- D. "Adult cabaret" shall mean a business establishment (whether or not serving alcoholic beverages) that features "adult live entertainment."
- E. "Adult hotel/motel " shall mean a "hotel" or "motel" (as defined in the Municipal Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" (as these phrases are defined in this section).
- F. "Adult live entertainment" shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, which (1) the performer (including but not limited to a topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, "specified anatomical areas"; and/or (2) the performance or physical human body activity depicts, describes, or relates to "specified sexual activities" whether or not the specified anatomical areas are covered.
- G. "Adult modeling studio" shall mean a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays "specified anatomical areas" to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such consideration. "Adult modeling studio" does not include schools maintained pursuant to standards set by the Board of Education of the State of California.
- H. "Adult motion picture theater" shall mean a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically-generated reproductions that is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- I. "Adult oriented material" shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult oriented material" shall include "sexually oriented merchandise."
- J. "Adult retail store" shall mean a business establishment having as a regular and substantial portion of its stock in trade, "adult oriented material" and/or "sexually oriented merchandise."
- K. "Day care facility" or "day care center" means any child day care facility as defined in Section 1596.750 of the California Health and Safety Code other than family day care homes.
- L. "Establishment of an adult business" shall mean any of the following:
1. The opening or commencement of any "adult business" (as defined earlier) as a new business;
  2. The conversion of an existing business, whether or not an "adult business," to any "adult business";
  3. The addition of any "adult business" to any other existing "adult business";
  4. The relocation of any "adult business"; or

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5. Physical changes that expand the square footage of an existing "adult business" by more than ten percent (10%).
- M. "Owner/permit holder" shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) a corporation; (4) the owner of a controlling interest in a corporation or limited liability company that owns and operates an adult business; or (5) the person designated by the officers of a corporation or the members of a limited liability company to be the permit holder for an adult business owned and operated by the corporation.
- N. "Park" shall mean any park, playground, swimming pool, golf course or athletic field within the City which is under the City's control, operation and management, and the Arcadia County Park.
- O. "Performer" shall mean any person who is an employee or independent contractor of an adult business, and who, with or without any compensation or other form of consideration, performs adult live entertainment for patrons of an adult business. Performer does not include a patron.
- P. "Religious institution" shall mean structure or facility that is used primarily for religious worship and related religious activities such as a church, temple or synagogue.
- Q. "Residential zone" shall mean any property within the City which carries a zoning designation of: R-M Residential Mountainous Zone Single Family Zone; R-O Residential First One-Family; R-1 Residential Second One-Family; R-2 Medium Density Multiple-Family Residential Zone; and R-3 Multiple Family Residential Zone.
- R. "School" shall mean any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or is maintained pursuant to standards set by the Board of Education of the State of California and has an approved use permit, if required under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. It does not include private instructional and/or tutoring facilities.
- S. "Sexually oriented merchandise" shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- T. "Specified anatomical areas" shall mean and include any of the following:
1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
    - a. Genitals, pubic region;
    - b. Buttocks, anus;
    - c. Female breasts below a point immediately above the top of the areola; or
  2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- U. "Specified sexual activities" shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual stimulation or arousal;

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3. Simulated sexual intercourse;
  4. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
  5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints;
  6. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
  7. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

### **6332.03. PERMIT REQUIRED**

In addition to the requirements of Section 9104.02.020 ("Adult Business Uses"), of this Code, no adult business shall be permitted to operate, engage in, conduct or carry on business within the City unless the owner of the business first obtains both an Adult Business Regulatory permit and a business license from the City.

### **6332.05. PERMIT REQUIREMENTS**

- A. It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the City of Arcadia unless the person first obtains, and continues to maintain in full force and effect, an adult business regulatory permit as herein required. Any occurrence of the "establishment of an adult business" as defined in Arcadia Municipal Code Section 6332.01(L) shall require a new application for an adult business use permit. The adult business use permit shall be subject to the development and operational standards contained in Sections 6332.09.
- B. Permit applicants shall file a written, signed, and verified application on a form provided by the License Officer or designee. Any changes in information on an application shall be submitted on a supplemental application within ten (10) working days of each such change. Such application shall contain the following information and shall also include applicant's acknowledgment that he/she has read and understands all requirements set forth in Section 6332.09.
  1. If the permit applicant is an individual, the individual shall state his or her legal name, including any aliases, telephone number, home address (including previous addresses), tax identification number, social security number, information regarding past adult business ownership, and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.
  2. If the permit applicant is a partnership, the partners shall state the partnership's complete name, address, and telephone number, and the names (including aliases), telephone number, home address (including previous addresses), tax identification number, social security number, and information on past adult business ownership of all partners. The applicant and all the partners shall also submit satisfactory written proof that he or she is at least eighteen (18) years of age and whether the partnership is general or limited; and shall attach a copy of the partnership agreement, if any.
  3. If the permit applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of California, the names and capacities of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.
  4. If the permit applicant is an individual, he or she shall sign the application. If the permit applicant is other than an individual, each individual or entity with a ten percent (10%) or greater interest in the business entity shall sign the application. Any individual who signs the application must also provide his or her name, including any aliases, home address (including previous addresses), telephone number, date of birth, social security number, information regarding past adult business ownership, and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.

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5. If the permit applicant intends to operate the adult business under a name other than that of the permit applicant, the permit applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.
  6. A description of the type of adult business for which the permit is requested and the proposed address where the adult business will operate, plus the names and addresses of the owners and lessors of the adult business site. If premises are leased, a complete copy of the current lease must be attached. The property owner must sign the application.
  7. The address to which notice of action on the application is to be mailed.
  8. The full names, aliases, if any, addresses, telephone numbers and date of birth of all employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 6331 et seq. to obtain an adult business performer license. This information shall be updated by the licensee of the adult business establishment within five (5) days of retention of any new or additional employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 6331 et seq. to obtain an adult business performer license. All persons who have been issued an adult business regulatory permit shall promptly supplement the information provided as part of the application for the permit with the names of all employees, independent contractors, or other persons, who are required to obtain an adult business performer license, within ten (10) working days of any change in the information originally submitted. The information obtained by the City pursuant to this Subsection B(8) shall be kept confidential.
  9. Permit applications shall include a signed and verified statement that:
    - a. The permit applicant, if an individual, or each shareholder, partner, officer and director, or other party possessing a ten percent (10%) or greater interest, if a partnership or corporation, has not pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex or sex-related offense; or
    - b. If there has been a conviction or a plea, then:
      - (1) More than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or
      - (2) More than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or
      - (3) More than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
  - C. The completed application shall be accompanied by a non-refundable application fee. Said fee shall be set forth by Resolution of the City Council.
  - D. The completeness of an application for an adult business regulatory permit shall be determined by the Officer within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental

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information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.

- E. The fact that a permit applicant possesses other types of State or City permits or licenses does not exempt the permit applicant from the requirement of obtaining an adult business regulatory permit.

### **6332.07. INVESTIGATION AND ACTION ON APPLICATION FOR ADULT BUSINESS REGULATORY PERMIT**

- A. The completeness of an application for an adult business regulatory permit shall be determined by the License Officer or his or her designee within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
- B. Upon receipt of a completed application and payment of the application and permit fees, the Officer shall immediately write or stamp the application "Received" and, in conjunction with City staff and the Chief of Police, shall promptly investigate the information contained in the application to determine whether an adult business regulatory permit shall be granted.
- C. Within ten (10) working days of receipt of the completed application, the Officer shall issue or deny the license, unless extended for five (5) additional working days upon a showing of good cause. Only one such extension shall be permitted unless requested by the applicant.
- D. In reaching a decision, the Officer shall not be bound by the formal rules of evidence in the California Evidence Code.
- E. The failure of the Officer to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to appeal to the Hearing Officer, pursuant to Section 6332.13. The Officer's decision shall be hand delivered or mailed to the applicant at the address provided in the application, and shall be provided in accordance with the requirements of this Code.
- F. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the City of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on applications.
- G. The Officer shall grant or deny the application in accordance with the provisions of this Section, and so notify the applicant as follows:
  - 1. The Officer shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.
  - 2. If the application is denied, the Officer shall attach to the application a statement of the reasons for the denial.
  - 3. If the application is granted, the Officer shall stamp "Approved" on the application.
- H. The Officer shall grant the application and issue the adult business regulatory permit unless the application is denied based upon one (1) or more of the criteria set forth in subsection J below.

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- I. If the Officer grants the application, the applicant may begin operating the adult business for which the permit was sought, subject to strict compliance with the development and operational standards and requirements of this Chapter. The permit holder shall post the permit conspicuously in the premises of the adult business.
- J. The Officer shall deny the application for any of the following reasons:
1. The adult business does not comply with the zoning and location standards found in Section 9104.02.020 (“Adult Business Uses”).
  2. The adult business does not comply with the development, operational or performance standards found in this Chapter.
  3. The permit applicant, his or her employee, agent, partner, director, officer, shareholder with a ten percent (10%) or greater interest, or manager has made any false, misleading, or fraudulent statement of material fact in the application for an adult business regulatory permit or in any report, record, or document required to be filed with the application, the Police Department, Sheriff, other law enforcement agency, or other department of the City.
  4. The permit applicant is under eighteen (18) years of age.
  5. The required application fees have not been paid.
  6. The permit applicant, if an individual, or any shareholder, partner, officer, director or other party possessing a ten percent (10%) or greater interest, if a partnership or corporation, has:
    - a. Pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex or sex-related offense; and
    - b. (i) Less than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or (ii) Less than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or (iii) Less than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
  7. Within the past eighteen (18) months the applicant, including, but not limited to, an owner, partner or shareholder with a ten percent (10%) or greater financial interest has been found to have violated any provision of this Chapter, has had an adult oriented business permit or similar entitlement permitting the establishment of an adult or sexually oriented business revoked, regardless of whether such revocation occurred within the City or in some other jurisdiction.
- K. An applicant cannot re-apply for an adult business regulatory permit for a location for which the applicant previously submitted an application within one (1) year from the date of prior denial.
- L. Any affected person may appeal the decision of the Director in writing in accordance with the provisions of Section 6332.13.

### **6332.09. DEVELOPMENT AND OPERATING STANDARDS**

- A. Hours of Operation. It shall be unlawful for any permittee, owner, operator, manager or employee of an adult business to allow such adult business to remain open for business, or to permit any employee or performer to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service,

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or solicit a service, between the hours of 2:00 a.m. and 10:00 a.m. of any day excepting here from an "adult hotel/motel."

- B. Exterior Lighting Requirements. All exterior areas, including parking lots, of the adult business shall be illuminated at a minimum of 1.50 foot-candle, maintained and evenly distributed at ground level with appropriate devices to screen, deflect or diffuse the lighting in such manner as to prevent glare or reflected light from creating adverse impacts on adjoining and nearby public and private properties. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours.
- C. Interior Lighting Requirements. All interior areas of the adult business excepting there from adult hotels and motels shall be illuminated at a minimum of 1.00 foot-candle, maintained and evenly distributed at floor level. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours.
- D. Minors' Access.
  - 1. To the extent that it is in conformity with the Penal Code, movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks rated "X" or "NC-17" by the Motion Picture Association of America ("MPAA") or which have not been submitted to the MPAA for a rating and which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas shall be restricted to persons at least eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under eighteen (18) years of age sells, rents, or displays movies, videos, DVDs, or laser disks that have been rated "X" or rated "NC-17" by the MPAA, or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited.
  - 2. For material relative to adult businesses not covered by Subsection (D)(1), of this Section, access shall be restricted to persons over eighteen (18) years of age.
  - 3. It shall be unlawful for any employee, owner, operator, responsible managing employee, manager or permittee of an adult business to allow any person under the age of eighteen (18) years upon the premises or within the confines of any adult business, either as a patron or employee, if no liquor is served, or under the age of twenty-one (21) if liquor is served.
- E. Regulation of Adult Booth/Individual Viewing Area.
  - 1. No adult booth/individual viewing area shall be occupied by more than one (1) individual at a time.
  - 2. Each adult booth/individual viewing area within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the adult booth/individual viewing area from the main aisle. A manager shall be stationed in the main aisle at all times. Further, no one shall maintain any adult booth/individual viewing area in any configuration unless the entire interior wherein the picture or entertainment is viewed is visible from one main aisle. The entire body of any patron in any adult booth/individual viewing area must be visible from the main aisle without the assistance of mirrors or other device.
  - 3. No doors are permitted on an adult booth/individual viewing area. No partially or fully enclosed adult booth/individual viewing areas or partially or fully concealed adult booth/individual viewing areas shall be permitted.
  - 4. No holes or other openings (commonly known as "glory holes") shall be permitted between adult booths/individual viewing areas. Any such hole or opening shall be repaired within twenty-four

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(24) hours using "pop" rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates.

5. No beds shall be permitted in an adult booth/individual viewing area.
- F. Interior of Premises. No exterior door or window on the premises of an adult business shall be propped or kept open at anytime while the business is open and any exterior windows shall be covered with opaque coverings at all times.
- G. On-Site Manager—Security Measures. All adult businesses shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be registered with the Director to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises.

All adult businesses shall provide a security system that visually records and monitors all parking lot areas during all business hours. At least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking lot at all times. The security guard shall be charged with preventing violations of law and enforcing the provisions of this Chapter. All security guards shall be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a door person, ticket taker or seller, or any similar function, while acting as a security guard. For all adult oriented businesses providing live entertainment, an additional security guard shall be provided with each increase in maximum occupancy of two hundred (200) persons. Security guards shall be licensed under the California Private Security Services Act, Business & Professions Code Section 7580 et seq.

- H. Sign Requirements. All adult businesses shall comply with the following sign requirements, in addition to those otherwise set forth in the Arcadia Municipal Code. Should a conflict exist between the other requirements of the Arcadia Municipal Code and this Subsection, the more restrictive shall prevail.
  1. If an adult business does not serve alcohol, it shall post a notice inside the establishment, within ten (10) feet of every entrance used by customers for access to the establishment, stating that persons below the age of eighteen (18) years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the notice shall be no less than six (6) inches by six (6) inches, with a minimum typeface of twenty-five (25) points on contrasting background. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department.
  2. No material relative to adult businesses on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
- I. Adult Live Entertainment—Additional Operating Requirements. The following additional requirements shall pertain to adult businesses providing live entertainment. No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit the operation of an adult business to engage in, conduct or carry on unless all of the following requirements are met:
  1. No employee, owner, operator, responsible managing employee, manager or permittee of such use shall allow any person below the age of eighteen (18) years upon the premises or within the confines if no liquor is served, or under the age of twenty-one (21) if liquor is served.
  2. Except as provided below, no performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall perform such adult live entertainment at an adult business except upon a permanently fixed stage at least eighteen (18) inches above the level of the floor surrounded by a railing at least thirty (30) inches high which railing is set back from the outside edges of the stage by six (6) feet. The performer then performing live entertainment characterized by the exposure of specified anatomical areas or

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specified sexual activities shall only perform such live entertainment six (6) feet or more from a patron while the performer is so performing.

3. A performer shall only be permitted to perform off-stage adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities when such performer is at least six (6) feet from a patron while the performer is so performing. This provision shall not apply to an individual viewing area where the performer is completely separated from the patron by a floor to ceiling permanent solid barrier enclosed on all sides such that access by the patron is not possible.
  4. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall have physical contact with any patron, and no patron shall have physical contact with any performer, while the performer is performing on the premises. In addition, while on the premises, no performer shall have physical contact with a patron and no patron shall have physical contact with a performer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft or the buttocks, perineum, anal region, or female breast with any part or area of any other person's body either before or after any adult live entertainment by such performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs conspicuously placed on the barrier between patrons and performers. If necessary, patrons shall also be advised of the separation and no touching requirements by employees or independent contractors of the adult business.
  5. All employees, except therefrom performers while performing, shall, at a minimum while on or about the premises or tenant space, wear an opaque covering which covers their specified anatomical areas.
  6. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall accept directly from a patron, and no patron shall directly hand to such performer any tip or gratuity, throw tips to performers, or place tips in the performers' costumes. Patrons shall be advised of these tipping and gratuity requirements by signs conspicuously placed on the premises. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.
  7. The adult business shall provide dressing rooms for performers that are separated by gender and exclusively dedicated to the performers' use, and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
  8. The adult business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons, which the performers shall use at all times.
  9. The adult business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three (3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility.
  10. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Subsection.
- J. Adult Motion Picture Theater. An adult motion picture theater shall observe the following special requirements:

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1. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
    - a. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;
    - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
    - c. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.
  2. If an adult motion picture theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons may not be seen from any public right-of-way, day care facility, park, school, or religious institution, as those terms are defined in this Chapter.
- K. Regulation of Public Restroom Facilities. If the adult business is required to provide restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time, unless otherwise required by law, in which case the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall ensure that no person of the opposite sex is permitted into the restroom, and that not more than one (1) person is permitted to enter a restroom stall, unless otherwise required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.
- L. Trash. All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag at least once a day.

### **6332.11. TRANSFER OF ADULT BUSINESSES OR ADULT BUSINESS REGULATORY PERMITS**

- A. A permit holder shall not operate an adult business under the authority of an adult business regulatory permit at any place other than the address of the adult business stated in the application for the permit.
- B. In the event of a transfer of ownership of the adult business or the adult business regulatory permit, the new owner shall be fully informed by the transferor' of the requirements of this Chapter, including the operational and development standards of Section 6332.09 and the provisions relating to adult business performer licenses including disqualification from certain criminal convictions pursuant to Sections 6332.07(J)(6) and 6331.05(C)(3).
- C. In the event of a transfer of the adult business or the adult business regulatory permit, the transferee must provide the City with the following information at least thirty (30) days prior to the transfer.
- D. No permit shall be transferred to a transferee with criminal convictions as set forth in Section 6332.07(J)(6). Such transfers are deemed to be null and void.
- E. If the permit holder is a corporation and the corporation retains ownership of the business, the sale of the corporate stock shall not be considered a transfer of an adult business regulatory permit under this section. The new shareholders shall provide all information required under Section 6332.05(B)(4) within ten (10) working days of sale of stock.

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### **6332.13. DENIAL, SUSPENSION OR REVOCATION OF ADULT BUSINESS REGULATORY PERMITS/APPEAL PROCEDURE**

- A. On determining that grounds for permit denial, suspension or revocation exist, the Officer shall furnish written notice of the permit action to the license holder or applicant (hereinafter "permit holder" shall also mean "permit applicant" or "applicant"). Such notice shall set forth the procedures for appeal, the pertinent Arcadia Municipal Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permit holder, or shall be delivered to the permit holder personally.
- B. During any appeal to the Hearing Officer, the applicant or permit holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions. If the Board finds and determines that there are grounds for denial, suspension or revocation, the Board shall impose one (1) of the following:
1. Denial of the permit or conditional granting of the permit;
  2. Suspension of the permit for a specified period of at least one (1) year; or
  3. Revocation of the permit.

The Board shall render a written decision that shall be hand delivered or overnight mailed to the permit holder within five (5) working days of the Board convening to render its decision.

- C. A permit may be suspended or revoked based on the following causes arising from the acts or omissions of the permit holder, or an employee, agent, partner, director, stockholder with a ten percent (10%) or greater interest, or manager of the permittee (unless an entertainer is an employee, any entertainer shall be deemed to be an agent of the permittee for purposes of this Chapter):
1. The use or building, structure, equipment, or location used by the adult business fails to comply with applicable building, fire, electrical, plumbing, health, and those zoning requirements of the Arcadia Municipal Code or this Chapter relating to adult businesses, including the adult business development and operating standards contained in Section 6332.09.
  2. The permit holder has failed to obtain or maintain all required city, county, and State licenses and permits.
  3. The permit holder has made any false, misleading, or fraudulent statement of material fact in the application for an adult business regulatory permit.
  4. The permit is being used to conduct an activity different from that for which it was issued.
  5. The permit holder has failed to submit and/or update the information pertaining to performers in accordance with Section 6332.05(B)(8).
  6. An adult business has been operated without a responsible adult on the premises, officially acting in the capacity of manager, at all times during which the business is open or operating.
  7. That a permittee, including, but not limited to, an owner, partner, or shareholder with a ten percent (10%) or greater financial interest, or employee of an adult business, has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and: (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; (b) less than five (5) years have elapsed since the date of

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conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

8. That an individual employed by the adult business has been convicted of two (2) or more sex-related offenses that occurred in or on the licensed premises within a twelve (12) month period and was an employee of the adult business at the time the offenses were committed.
  9. That the use for which the approval was granted has ceased to exist or has been suspended for more than six (6) months.
  10. That the transferee/new owner of an adult business or adult business regulatory permit fails to comply with the requirements of Section 6332.11.
  11. The permit holder, employee, agent, partner, director, stockholder with at least a ten percent (10%) interest in the business, or manager has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business; or a permittee has been convicted of violating any of the following State laws on the premises of the adult business:
    - a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.
    - b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.
    - c. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, 318 of the California Penal Code.
    - d. Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.
    - e. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.
    - f. An act or omission in violation of any of the requirements of this Chapter if such act or omission is with the knowledge, authorization, or approval of the permit holder or is as a result of the permit holder's negligent supervision of the employees of the adult facility. This includes the allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.
- D. In the event a permit is revoked (or suspended) pursuant to this Section, another adult business regulatory permit to operate an adult business shall not be granted to the permittee, or any other owner, manager, director, board member or immediate family member of any of the above within eighteen (18) months after the date of such revocation (or if suspended, during the period of suspension) or as otherwise ordered by the Hearing Officer.
- E. Notwithstanding any other provision of this Code, the decision of the Hearing Officer on any suspension or revocation is final.

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### **6332.15. JUDICIAL REVIEW**

- A. Decisions of the Hearing Officer is final.
- B. The time for a court challenge to a decision of the City Council under Sections 6331.03 and/or 6331.05 is governed by California Code of Civil Procedure § 1094.8.
- C. Notice of the Hearing Officer decision and its findings under Sections 6331.03 and/or 6331.05 shall include citation to California Code of Civil Procedure § 1094.8.
- D. Any applicant or license holder whose license has been denied, suspended, or revoked, pursuant to Sections 6331.03 and/or 6331.05 shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure § 1094.8.

### **6332.17. DISPLAY OF ADULT BUSINESS REGULATORY PERMIT**

Every adult business shall display at all times during business hours the permit issued pursuant to the provisions of this Division for such adult business in a conspicuous place so that the same may be readily seen by all persons entering the adult business.

### **6332.19. EMPLOYMENT OF AND SERVICES RENDERED TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS PROHIBITED, TWENTY-ONE (21) IF ALCOHOLIC BEVERAGES ARE SERVED**

- A. Employees. Employees of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least eighteen (18) years of age. If alcoholic beverages are served at the adult business, employees of the adult business must be at least twenty-one (21) years of age. If alcoholic beverages are served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not twenty-one (21) years of age; and said persons shall exercise reasonable care in ascertaining the true age of persons seeking to contract with, be employed by, or otherwise service the adult business.

The provisions of this Subsection do not apply to service employees (e.g., janitors, repair and maintenance workers, or similar service workers) whose work is not conducted during the normal hours of operation as set forth in Section 6332.09.

- B. Patrons. Patrons of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least eighteen (18) years of age. If alcoholic beverages are served at the adult business, patrons must be at least twenty-one (21) years of age. If alcoholic beverages are served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least twenty-one (21) years of age; and said persons shall exercise reasonable care in ascertaining the true age of persons entering the adult business.
- C. X-rated Movies. The selling, renting and/or displaying of movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks rated "X" or "NC-17" by the Motion Picture Association of America ("MPAA") shall be restricted to persons at least eighteen (18) years of age or older. If an establishment that is not otherwise prohibited from providing access to persons under eighteen (18) years of age sells, rents,

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or displays movies, videos, DVDs, CDs, or laser disks that have been rated "X" or rated "NC-17" by the MPAA, or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment from which persons under the age of eighteen (18) shall be prohibited.

### **6332.21. INSPECTIONS**

Each permit applicant, permit holder, owner, operator, partner, director, officer, shareholder with a ten percent (10%) or greater interest, agent, employee or other person in charge of an adult business shall permit representatives of the Police Department, Health Department, Fire Department, Development Services Department, other City departments, to inspect the adult business for the purpose of insuring compliance with the law and the development and operating standards applicable to adult businesses at any time it is occupied or opened for business. Such inspections shall be conducted in a reasonable manner.

### **6332.23. EMPLOYMENT OF PERFORMERS WITHOUT VALID LICENSE UNLAWFUL**

It shall be unlawful for any owner, operator, manager, permit holder, partner, director, officer, shareholder with a ten percent (10%) or greater interest, agent, employee or other person in charge of an adult business which provides live entertainment displaying specified anatomical areas or specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, un-revoked, un-suspended adult business performer license.

### **6332.25. REGULATIONS NON-EXCLUSIVE**

The provisions of this Chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Arcadia; provided, however, that the provisions contained in Article VI, Chapters 1 through 4, inclusive, of the Arcadia Municipal Code shall be deemed superseded by these regulations in the event a business activity therein also meets the definitions contained in this Chapter.

### **6332.27. VIOLATIONS**

- A. Any owner, permit holder, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including without limitation permit revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.
- B. The restrictions imposed pursuant to this Chapter are part of a regulatory licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of the Arcadia Municipal Code, the City does not impose a criminal penalty for violations of the provisions of this Chapter related to sexual conduct or activities.

### **6332.29. PUBLIC NUISANCE**

In addition to the penalties set forth in Section 6332.27 above, any adult business which is operating in violation of these provisions regulating adult businesses is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

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## 6332.31. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council hereby declares that it would have adopted this Chapter and the Ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

## CHAPTER 4. DEFINITIONS

### 6400. GENERAL INFORMATION ABOUT DEFINITIONS

This Chapter provides definitions of terms and phrases used in this Article as a means of providing consistency in its interpretation. Where any definition in this Chapter conflicts with definitions in other Articles of the Arcadia Municipal Code, these definitions shall prevail for the purposes of this Article. If a word is not defined in this Chapter or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

#### 6400.01. "A" DEFINITIONS

**Acupressure.** The stimulation or sedation of specific meridian points and trigger points near the surface of the body by the use of pressure applied in order to prevent or modify perception of pain or to normalize physiological functions, including pain control, in the treatment of certain diseases or dysfunctions of the body.

**Acupuncture.** The stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.

**Acupuncturist.** An individual to whom a license has been issued to practice acupuncture pursuant to Chapter 12 of the Business and Professions Code, which is in effect and is not suspended or revoked.

**Advertising Matter.** Printed handbills, posters, booklets, cards in excess of two and one-half (2½) inches by four (4) inches, and any other printed advertising matter describing or calling attention to any product, business, enterprise, person, firm, or corporation for any purpose other than solely for religious or political purposes, but excluding a newspaper.

**Advertising Vehicle.** The business of operating upon the street any wheeled vehicle equipped with music or a musical device, loud speaker or other device for attracting attention, or of operating any wheeled vehicle for advertising purposes and to which wheeled vehicle there are attached signs, placards, billboards or other advertising matter.

**Apartment Building.** Any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied or which is occupied as the home or residence of four or more families living independently of each other and doing their own cooking in said building, and includes flats and apartments.

**Arcade (or Electronic Game Center).** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

**Automobile for hire.** Shall mean and include every motor vehicle, including limousines, not equipped with a taximeter which is used to provide prearranged transportation service for a fee. No automobile for hire shall be painted a distinctive color for the purpose of identification.

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## 6400.02. "B" DEFINITIONS

## 6400.03. "C" DEFINITIONS

**Canvassing.** Shall include the act of any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, advocating or proselytizing on behalf of a religious, charitable, social or political cause.

**Carnival Ride.** Rides that are typically found at a carnival, circus, or entertainment park, including, but not limited to, Ferris wheel, merry-go-round, and miniature railways.

**Certified copy.** A copy of a document that is certified by the issuer as being a true and accurate copy of the original document or a similar document bearing an original signature of the issuer.

**Chief of Police.** The Chief of Police of the City of Arcadia, or a designated representative.

**City Clerk.** The City Clerk of the City of Arcadia, or the authorized designee thereof.

**City of Arcadia Massage Verification Card.** The no fee business license issued by the City of Arcadia after receiving a certified copy of a Massage Certificate which verifies the massage therapist's ability to practice massage in the City of Arcadia.

**Commercial Recreation.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code, including, but not limited to, axe, ball, dart, knife, or ring throwing or other similar device throwing, billiards and pool halls, bowling alleys, country clubs, and skating rinks.

**Commercial Building Rental.** Any building or portions thereof which is designed, built, rented, leased, let, or hired out to be occupied or which is occupied as the business address of two (2) or more companies or businesses.

**Contractor.** Any person who engages with the owner or lessee or other person in possession of any lot or parcel of land or building, for the erection, construction, or repair of any building or structure; or for the construction or doing of any heating, air conditioning, automatic or other sprinkler system, paving, wrecking, excavating, drainage, irrigation, electric signs, sign devices, gas filled luminous tube signs or designs, brick laying, cement work, sewer work, painting, paperhanging, tile work, carpenter work, glazing, insulation, structural pest control, lathing, plastering, roofing, sheet metal, shingling, flooring, swimming pools, landscaping, fencing, or interior decorating; whether it be by contract at a fixed price, upon the cost of materials and labor basis, or upon the basis of the cost of construction or repair plus a percentage thereof. Each contractor is required to have a vehicle tag.

## 6400.04. "D" DEFINITIONS

**Day Care.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

**Daytime Sports and Athletics Events.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code, including but not limited to boxing match or contest, races and speed contests either by human beings, animals other than horses, or vehicles of any kind and wrestling match or contest.

**Disseminate.** To distribute, deposit, hand out, pass out, give out, deliver, or throw away, including causing or permitting any of the foregoing.

**Distribute.** The act of throwing, casting, or scattering, or causing the same to be done.

**Driver.** Shall mean and include any person in actual charge and control of any automobile for hire or taxicab.

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## 6400.05. "E" DEFINITIONS

**Employee.** One who is on duty at least four (4) hours out of twenty-four (24) hours.

**Engaged in Business.** The conducting, managing, or carrying on of any business, profession, trade, occupation, or commercial enterprise for which a license or permit is required under the provisions of this Article, as owner, officer, agent, manager, employee, or lessee of any of them. "Engaged in Business" also means "doing business."

## 6400.06. "F" DEFINITIONS

**Farmers' Market.** Shall mean a location operated in accordance with the City's Development Code, Division 9 of Chapter 1 of Article IX of this Code; "An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers' Markets can also include limited sales of crafts and goods."

**For Pay.** Shall mean for a fee, reward, donation, loan or receipt of anything of value.

**Fortunetelling.** Shall mean telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic of any kind or nature.

## 6400.07. "G" DEFINITIONS

**Game Machine.** Machines or games for skill or amusement/music boxes and mechanical devices, including remote control machines operating from a central station means any person engaged in the business of maintaining any machines or games for skill or amusement that involve the deposit or payment of a slug or coin and any vending machines or games operated mechanically or otherwise in which slugs or coins are deposited and in addition to vending or discharging merchandise make any display other than the merchandise offered for sale or which emit anything whether of value or not in addition to merchandise or any person engaged in the business of maintaining any amusement machine, apparatus or device designed or constructed for the purpose of producing or reproducing or playing any musical tone or tones or combination of tones, or any similar instrument, recording device, music box, jukebox, motion picture or photograph machine.

## 6400.08. "H" DEFINITIONS

## 6400.09. "I" DEFINITIONS

**Indoor Entertainment.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code, including but not limited to dance halls, motion picture theaters, opera houses, and performing arts centers.

## 6400.10. "J" DEFINITIONS

## 6400.11. "K" DEFINITIONS

**Kennel.** Any place where four (4) or more dogs and cats, or four (4) or more of either, are maintained at any one location.

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## 6400.12. "L" DEFINITIONS

## 6400.13. "M" DEFINITIONS

**Massage (or Massage Therapy).** Shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as creams, ointments, or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on their behalf will pay money or give any other consideration or any gratuity therefor.

**Massage Business License.** The City of Arcadia business license required to be applied for and obtained by anyone wishing to own or operate a massage therapy business.

**Massage Certificate.** Shall mean a certificate issued pursuant to Sections 4600 et seq. of the Business and Professions Code.

**Massage Patron.** Any person who receives a massage in exchange for any form of consideration including, but not limited to, the payment of money.

**Massage therapist.** Any person who, for any consideration whatsoever, performs or offers to perform a massage in a massage therapy business.

**Massage therapy business.** Shall mean both massage establishments or businesses that are sole proprietorships, where the sole proprietor has a Massage Certificate and massage establishments or businesses that employ or use only persons that have a Massage Certificate to provide massage services.

**Massage Therapist Identification Card.** Shall mean a certain card issued by the City of Arcadia, pursuant to Municipal Code provisions no longer in effect, which allows the holder of the card to practice massage in the City.

**Minor.** Any individual under the age of eighteen (18) years.

## 6400.14. "N" DEFINITIONS

**Newspaper.** A publication which has been and at the time of its dissemination or distribution is a second-class matter under applicable United States Postal regulations, is a newspaper of general circulation under the laws of the State, and at the time of its dissemination or distribution maintains a bona fide list of paying subscribers at regular published rates.

**Nudity (or Semi-nudity).** Shall mean any of the following:

1. The appearance or display of an anus, male or female genital, pubic region or a female breast; or
2. A state of undress which less than completely covers an anus, male or female genital, pubic region or a female breast.

## 6400.15. "O" DEFINITIONS

## 6400.16. "P" DEFINITIONS

**Park.** Shall mean a public park owned by the City.

**Parking Lot Sales.** Sales that take place within an automobile parking lot.

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**Peddlers and Solicitors.** Every person who travels from place to place or house to house and makes demonstrations of; solicits, takes orders, or canvasses for the sale of; or who sells any goods, wares, merchandise, or things or articles of value of any nature, kind, or description.

**Peddling.** Shall include the acts of any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions offering and exposing the same for present sale, or making sales and delivering articles to purchasers or offering services to be performed immediately.

**Person.** Shall mean any individual, group, firm, partnership, corporation, company, business trust, Massachusetts Trust, syndicate, association, church, sect, denomination, society, league, or organization of any kind, and every city, county, quasi-public unit, body, agency, or entity.

**Poultry and Animal Business.** The business of owning or maintaining twenty-five (25) or more birds, fowl, poultry, rabbits, or animals (other than horses); and offering to sell, trade, or exchange for anything of value or offering by any sign or other means of advertising to sell, trade, or exchange for anything of value, any birds, fowl, poultry, rabbits, or animals (other than horses) or the offspring, products, or by-products thereof. Every person who owns or maintains twenty-five (25) or more birds, fowl, poultry, rabbits, or animals (other than horses) and who sells, offers to sell, trades, or exchanges for anything of value, or who by any sign or other means of advertising offers to sell, trade, or exchange for anything of value, any birds, fowl, poultry, rabbits, or animals (other than horses) or the offspring, products or by-products thereof, shall conclusively be presumed to be conducting, managing, and carrying on a business subject to the provisions of this Article.

**Premises.** Includes a house, dwelling, building, structure, enclosure, business establishment, lot, yard, location, place, alley, parkway, sidewalk, street, public way, or vehicle.

**Printed.** Includes mimeographed, lithographed, handwritten, stereotyped, typewritten, or painted.

**Private Patrol.** The operation, maintenance, or conduct of the business or occupation of night watchman, night watch service, or agency; private policeman, police patrol service, or any other occupation the purpose of which is to afford, for hire or reward, additional police, guard, or fire protection in addition to that furnished by the City.

**Private School.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

**Public Dance Hall.** A dance hall, dance floor, or ballroom open to the public.

## **6400.17. "Q" DEFINITIONS**

## **6400.18. "R" DEFINITIONS**

**Rate Type.** The business license tax schedule in Chapter 1, Part 2 of this Article to which a business or occupation is subject.

**Refusal register.** Shall mean the most recent edition of the unsolicited written material refusal register maintained by the City Clerk.

**Residential Care Facility.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

**Roaming sidewalk vendor.** Shall mean a sidewalk vendor who moves from place to place and stops only to complete a transaction.

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## 6400.19. "S" DEFINITIONS

**Sidewalk vendor.** Shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

**Soliciting.** Shall include the act of any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, requesting money or personal property, or taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether such person is collecting advance payment on such sale or not.

**Special Outdoor Events.** Shall have the same definition as "Special Events," defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code, including but not limited to carnivals, circus, exhibition, fair, and side show.

**Specified anatomical area.** Shall mean human genitals, pubic region or a female breast.

**Supportive Housing.** Shall have the same definition as defined in the Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

**Swap Meet.** Any location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

## 6400.20. "T" DEFINITIONS

**Taxicab.** Shall mean and include an automobile having a distinctive insignia and color scheme, used for the transportation of not more than five passengers for hire, excluding the driver, at rates based on the distance, direction, number of trips, waiting time or any combination thereof.

**Transitional Housing.** Shall have the same definition as defined in the Arcadia Development Code, Arcadia Development Code, Division 9 of Chapter 1 of Article IX of this Code.

## 6400.21. "U" DEFINITIONS

**Unsolicited written material.** Shall mean written material that is distributed to a business or residence in the absence of a subscription agreement.

## 6400.22. "V" DEFINITIONS

## 6400.23. "W" DEFINITIONS

**Wheeled Vehicle.** An automobile, truck, tank truck, trailer, wagon, cart, or any and all contrivances used or capable of being used as a means of transportation of persons or property, that move or roll on one or more wheels.

**Written material.** Shall mean any handbill, pamphlet, circular, newspaper, paper, booklet, poster, leaflet or other printed matter.

## 6400.24. "X" DEFINITIONS

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**6400.25. "Y" DEFINITIONS**

**6400.26. "Z" DEFINITIONS**

# Attachment No. 2

Article VI of the Arcadia Municipal Code

ARTICLE VI. - BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS

CHAPTER 1. - DEFINITIONS

6100. - DEFINITIONS.

Unless further defined for the purpose of any particular Division, Part or Chapter of this Article, and unless it is apparent from the context that another meaning is intended, the following words when used in this Article shall have the meaning ascribed to them by the following sections of this Chapter.

6101. - ADVERTISING BENCH.

Advertising Bench shall mean and include any bench on or upon which any kind of advertising matter is placed, maintained or displayed.

6102. - ADVERTISING MATTER.

Advertising Matter shall mean and include printed handbills, posters, dodgers, booklets, cards in excess of two and one-half (2½) inches by four (4) inches, and any other printed advertising matter describing or calling attention to any product, business, enterprise, person, firm or corporation for any purpose other than solely for religious or political purposes, but excluding a newspaper.

6103. - ADVERTISING VEHICLE.

Advertising Vehicle shall mean the business of operating upon the street any wheeled vehicle equipped with music or a musical device, loud speaker or other device for attracting attention, or of operating any wheeled vehicle for advertising purposes and to which wheeled vehicle there are attached signs, placards, billboards or other advertising matter.

6104. - APARTMENT HOUSE.

Apartment House shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of four or more families living independently of each other and doing their own cooking in said building, and shall include flats and apartments.

6105. - AUTOMOBILE FOR HIRE.

Automobile for Hire shall mean and include every automobile or motor propelled vehicle used for the transportation of passengers for compensation over the streets and not over a fixed or defined route, irrespective of whether the operations extend beyond the boundary limits of the City, at rates for distance traveled, per mile, per trip, for waiting time or otherwise. Automobile for Hire shall include taxi and taxicab.

6106. - BENCH.

Bench shall mean and include any seat, chair, bench or similar device located in or upon any street or other public property for the use or accommodation of passersby or persons awaiting transportation.

6107. - BUNGALOW COURT.

Bungalow Court shall mean four or more separate or connected dwelling units on any one parcel or contiguous parcels of land.

6108. - CLUB DANCE.

Club Dance shall mean any dance held or conducted by a dancing club.

6109. - COMMERCIAL BUILDING RENTAL.

Commercial Building Rental shall mean any building or portions thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the business address of two (2) or more companies or businesses.

(Added by Ord. 1896 adopted 10-20-88)

6110. - CONTRACTOR.

Contractor shall mean any person who engages with the owner or lessee or other person in possession of any lot or parcel of land or building, for the erection, construction or repair of any building or structure, or for the construction or doing of any heating, air conditioning, automatic or other sprinkler system, paving, wrecking, excavating, drainage, irrigation, electric signs, sign devices, gas filled luminous tube signs or designs, brick laying, cement work, sewer work, painting, paperhanging, tile work, carpenter work, glazing, insulation, structural pest control, lathing, plastering, roofing, sheet metal, shingling, flooring, swimming pools, landscaping, fencing or interior decorating, whether the same be by contract at a fixed price, or upon the cost of materials and labor basis, or upon the basis of the cost of construction or repair plus a percentage thereof.

(Amended by Ord. 1896 adopted 10-20-88)

6111. - DANCING CLUB.

Dancing Club shall mean any club or association of persons which conducts dances other than public dances for its members or bona fide guests more often than once per month, at which a fee is charged either for admission to such dance or for dancing therein, or at which any collection or donation of money is made or received, or in which the amount of dues to be paid by each member is dependent upon attendance at such dances by such member.

(Amended by Ord. 1896 adopted 10-20-88)

6112. - DISSEMINATE.

Disseminate shall mean and include the terms distribute, deposit, hand out, pass out, give out, deliver and throw away, as well as causing or permitting any of the foregoing.

(Amended by Ord. 1896 adopted 10-20-88)

6113. - DRIVER.

Driver shall mean a person who drives or is in actual physical control of an automobile for hire.

(Amended by Ord. 1896 adopted 10-20-88)

6114. - EMPLOYEE.

Employee shall mean one who is on duty at least four (4) hours out of twenty-four (24) hours.

(Amended by Ord. 1896 adopted 10-20-88)

6115. - ENGAGED IN BUSINESS.

Engaged in Business shall mean the conducting, managing or carrying on of any business, profession, trade, occupation or commercial enterprise for which a license or permit is required under the provisions of this Article, as owner, officer, agent, manager, employee, servant or lessee of any of them. Engaged in Business shall also mean "doing business."

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 1905 adopted 4-4-89)

6115.1. - GAME MACHINE.

Game Machine shall mean any device for amusement or pastime, including but not limited to a pinball machine or video game, of whatever kind or nature, whether electronically activated or not, which may be activated by a coin or any consideration paid for its usage.

(Added by Ord. 1764 adopted 2-15-83; amended by Ord. 1896 adopted 10-20-88)

6115.2. - GAME MACHINE ARCADE.

Game Machine Arcade shall mean any place of business containing four (4) or more game machines.

(Added by Ord. 1764 adopted 2-15-83; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2032 adopted 1-17-95)

6116. -

(Repealed by Ord. 1905 adopted 4-4-89)

6117. - KENNEL.

Kennel shall mean any place where four (4) or more dogs and cats, or four (4) or more of either, are maintained at any one location.

(Amended by Ord. 1896 adopted 10-20-88)

6118. - LICENSE OFFICER.

Whenever the name or term "Business License Officer," "License Officer" or "Officer" is used in this Article VI, such name or term shall be deemed or construed to mean either the Business License Officer or his or her designee in the Business License Office of the Development Services Department of the City of Arcadia.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6119. - MAINTAIN.

Maintain shall mean and include, construct, erect, install, place and permit to be.

(Amended by Ord. 1896 adopted 10-20-88)

6120. - NEWSPAPER.

Newspaper shall mean and be limited to a publication which has been and at the time of its dissemination or distribution is admitted as second class matter under applicable United States Postal regulations, is a newspaper of general circulation under the laws of the State, and at the time of its dissemination or distribution maintains a bona fide list of paying subscribers at regular published rates.

(Amended by Ord. 1896 adopted 10-20-88)

6121. - NONADVERTISING BENCH.

Nonadvertising Bench shall mean and include any bench on or upon which no kind of advertising matter is placed, maintained or displayed.

(Amended by Ord. 1896 adopted 10-20-88)

6122. - OWNER.

Owner, when used with reference to an automobile for hire, shall mean and include any person other than a driver who or which owns, operates, controls or directs the use of an automobile for hire.

(Amended by Ord. 1896 adopted 10-20-88)

6123. - PEDDLERS AND SOLICITORS.

Peddlers and Solicitors shall include every person who travels from place to place or house to house and makes demonstrations of, or solicits, takes orders or canvasses for the sale of, or who sells any goods, wares or merchandise, or things or articles of value of any nature, kind or description, whether he does one or more of the things described in this Section.

(Amended by Ord. 1896 adopted 10-20-88)

6124. - POULTRY AND ANIMAL BUSINESS.

Poultry and Animal Business shall mean the business of owning or maintaining twenty-five (25) or more birds, fowl, poultry, rabbits or animals (other than horses), and the offering to sell, trade or exchange for anything of value and the offering by any sign or other means of advertising to sell, trade or exchange for anything of value, any birds, fowl, poultry, rabbits or animals (other than horses) or the offspring, products or by-products of any thereof. Every person who owns or maintains twenty-five (25) or more birds, fowl, poultry, rabbits or animals, other than horses, and who sells, offers to sell, trades or exchanges for anything of value, or who by any sign or other means of advertising offers to sell, trade or exchange for anything of value, any birds, fowl, poultry, rabbits or animals (other than horses) or the offspring, products or by-products of any thereof, shall conclusively be presumed to be conducting, managing and carrying on a business and subject to the provisions of this Article.

(Amended by Ord. 1896 adopted 10-20-88)

6125. - PREMISES.

Premises shall mean and include every house, dwelling, building, structure, enclosure, business establishment, lot, yard, location, place, alley, parkway, sidewalk, street, public way and every vehicle.

(Amended by Ord. 1896 adopted 10-20-88)

6126. - PRINTED.

Printed shall mean and include the terms, mimeographed, lithographed, handwritten, stereotyped, typewritten and painted.

(Amended by Ord. 1896 adopted 10-20-88)

6127. - PRIVATE PATROL.

Private Patrol shall mean the operation, maintenance or conduct of the business or occupation of night watchman, night watch service or agency, private policeman, police patrol service or any other occupation the purpose of which is to afford, for hire or reward, additional police, guard or fire protection in addition to that furnished by the City.

(Amended by Ord. 1896 adopted 10-20-88)

6128. - PUBLIC DANCE.

Public Dance shall mean a gathering of persons in or upon any premises where dancing is participated in, either as the main purpose for such gathering or as an incident to some other purpose, and to which premises the public is admitted.

(Amended by Ord. 1896 adopted 10-20-88)

6129. - PUBLIC DANCE HALL.

Public Dance Hall shall mean a place where dancing is conducted, whether for profit or not for profit, and to which the public is admitted either with or without charge, or at which the public is allowed to participate in the dancing either with or without charge.

(Amended by Ord. 1896 adopted 10-20-88)

6130. - SLAUGHTER HOUSE.

Slaughter House shall mean a place where anyone slaughters more than three (3) fowls or three (3) rabbits per day for other than the personal use of such person.

(Amended by Ord. 1896 adopted 10-20-88)

6131. - WHEELED VEHICLE.

Wheeled Vehicle shall mean and include an automobile, truck, tank truck, trailer, wagon, cart and any and all contrivances used or capable of being used as a means of transportation of persons or property, that move or roll on one or more wheels.

(Amended by Ord. 1896 adopted 10-20-88)

CHAPTER 1.5. - BUSINESS PERMIT AND LICENSE REVIEW BOARD

*Footnotes:*

*--- (1) ---*

*(Chapter 1.5 added by Ord. 1520 adopted 10-15-74)*

6150. - CREATION AND DUTIES.

The Business Permit and License Review Board (hereinafter referred to as the "Board") is hereby created to hear appeals of business license denials and revocations, permit denials and revocations, and appeals of business license fees pursuant to this Article and take such action as is authorized herein.

(Amended by Ord. 1802 adopted 11-6-84; amended by Ord. 2263 adopted 12-1-09)

6151. - MEMBERSHIP.

The Board shall be comprised of the members of the Arcadia Planning Commission, as defined in Article II, Part 5, Section 2251 of the Arcadia Municipal Code. When meeting as the Board, the members of the Planning Commission will retain none of their duties, obligations, or rights as Planning Commission members and will act solely in their capacity as Board members.

The Chairperson of the Board shall be the Chairperson of the Planning Commission or his/her designee. The Development Services Director or his/her designee shall serve as the Secretary to the Board.

(Amended by Ord. 2158 adopted 6-04-02; amended by Ord. 2197 adopted 9-21-04; amended by Ord. 2263 adopted 12-1-09)

#### 6152. - MEETINGS.

The Board shall meet at such times and dates, and in such places, as shall be designated by the Chairperson of the Board, or his/her designee; provided, however, that the Board shall meet within thirty (30) days of receiving a notice of appeal pursuant to Section 6216.8, or as soon thereafter as possible. The Chairperson of the Board, or his/her designee, shall give written notice of each such meeting called to the other members of the Board not less than twenty-four (24) hours before the time specified for the proposed meeting, unless an emergency requires shorter notice as permitted by the Ralph M. Brown Act of the State of California or its successor statute. Attendance of members at such a meeting shall be deemed to constitute waiver of the requirement of written notice for such members. The Board may only act when a majority of its members are present.

(Amended by Ord. 2197 adopted 9-21-04; amended by Ord. 2263 adopted 12-1-09)

#### 6153. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 5, adopted Dec. 1, 2009, repealed § 6153, in its entirety. Former § 6153 pertained to Standards. See "Ordinance List and Disposition Table" and "Code Comparative Table and Disposition List" for derivation.

#### 6154. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 5, adopted Dec. 1, 2009, repealed § 6154, in its entirety. Former § 6154 pertained to Appeal. See "Ordinance List and Disposition Table" for derivation.

#### 6155. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 5, adopted Dec. 1, 2009, repealed § 6155 in its entirety. Former § 6155 pertained to Board Substituted for Council. See "Ordinance List and Disposition Table" for derivation.

### CHAPTER 2. - LICENSES

#### PART 1. - LICENSING PROCEDURE

##### DIVISION 1. - LICENSE APPLICATION

#### 6211. - LICENSE REQUIRED.

There are imposed upon the business trades, professions, callings and occupations specified in this Division license taxes in the amounts hereinafter prescribed. No person shall engage in business or transact and carry on any business, trade, profession, calling or occupation in the City, without first having procured a license from the City so to do and without fully complying with any and all other provisions of this Code. This Section does not apply to adult businesses; the regulation and permitting of adult businesses and the licensing of the trades, professions, callings, and occupations thereof involved are separately enacted and provided for in Sections 9279 and 6700 et seq. of this Code. This Section does apply to massage therapy businesses and shall be read in conjunction with those regulations which are separately enacted and provided for in Sections 6418 et seq. of this Code.

(Amended by Ord. 2103 adopted 5-18-99; Amended by Ord. 2260 adopted 8-19-09)

(Ord. No. 2326, § 1, 4-21-2015)

6211.1. - APPLICATION CONTENTS.

Every person for whom a license is required by this Chapter shall make application therefore in writing to the License Officer setting forth the information specified in the following subsections. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements, and, if found to do so, may be subject to penalty of perjury.

(Amended by Ord. 2263 adopted 12-1-09)

6211.1.1. - SAME. NAME AND ADDRESS.

The name and address of the applicant.

6211.1.2. - SAME. BUSINESS NAME.

The name, if any, under which such business or occupation is or will be conducted.

6211.1.3. - SAME. BUSINESS ADDRESS.

The address at which such business or occupation is or will be conducted, and the portion of such property devoted to such business or occupation.

6211.1.4. - SAME. BUSINESS DESCRIPTION.

The nature of the business or occupation conducted thereon, including each separate and distinct type of business conducted on the premises under the same ownership.

6211.1.5. - SAME. NUMBER OF EMPLOYEES.

The estimated average number of employees the applicant intends to employ during the year for which the license is to be issued.

6211.1.6. - SAME. SAME. IN CITY.

If the business is located outside of the City, the estimated average number of employees the applicant intends to employ for work in the City.

6211.1.7. - SAME. EQUIPMENT.

The nature, quantity and location of all equipment used in connection with the business or occupation for which application is made, and in the case of a business, trade or occupation involving birds, fowl, poultry, rabbits or animals, the number of each of the foregoing located on the premises upon the date of the application.

6211.1.8. - SAME. SIGNATURE AND CAPACITY.

Each application shall be signed by the owner of the business, trade or occupation on behalf of which the application is filed, shall set forth whether the business be owned and operated by an individual, by a partnership or by a corporation; if by a partnership the names and addresses of each partner; and if by a corporation the names and addresses of the officers of such corporation.

6211.2. - SAME. PRIOR BUSINESS.

At the time of applying for a license for a business specified in subsections 6220.33, 6220.43.1 or 6220.47, if the applicant has been engaged in business in the City continuously for one year or more, he shall file with the License Officer a sworn statement showing the average number of persons employed by or associated with him in connection with said business during the year prior to the date of making such application, and said statement shall be used by the License Officer in determining the amount of license fee to be paid for the next ensuing year. In determining such average, the number so associated with or employed by the applicant on the last business day of each calendar month shall be added together and the sum thereof divided by twelve.

(Amended by Ord. 1896 adopted 10-20-88)

6211.2.1. - SAME. NEW BUSINESS.

If the applicant has not previously been engaged in business in the City, or has been so engaged for less than one year, he shall file with the License Officer a sworn statement setting forth the estimated average number of persons he intends to employ in connection with the operation of said business during the ensuing year, and such estimated average number shall be used at arriving at the amount of license fee to be paid.

6211.2.1.1. - SAME. SAME. PROCESSING FEE.

Before accepting for filing any application for a business license under this Title, the City shall charge and collect a processing fee for a new business license in an amount established by resolution of the City Council.

(Added by Ord. 2183 adopted 9-16-03)

6211.2.2. - SAME. PREVIOUS BUSINESSES AND AFFILIATIONS.

The names and addresses of all previous businesses the applicant has been either the owner, partner, director, officer, controlling stockholder or manager of during the five (5) years immediately preceding the filing of the license application. The applicant shall also list any relationship, partnership, or affiliation of any kind between any previous business they were the owner, partner, director, officer, controlling stockholder or manager of and the business for which a license is sought, whether or not their relationship with the previous business occurred during the five (5) years immediately preceding the filing of the license application.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 7, adopted Dec. 1, 2009, amended § 6211.2.2, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6211.2.2 pertained to Same. Year End Report. See "Ordinance List and Disposition Table" for derivation.

6211.2.3. - SAME. CITATIONS/CONVICTIONS RECEIVED.

The date and type of any previous citations or convictions the applicant has received in their role as either the owner, partner, director, officer, controlling stockholder or manager of any business during the five (5) years immediately preceding the filing of the license application regardless of the jurisdiction issuing the citation or conviction. The applicant shall also list the date and type of any previous citations received by any business they were the owner, partner, director, officer, controlling stockholder or manager of during the five (5) years immediately preceding the filing of the license application.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 8, adopted Dec. 1, 2009, amended § 6211.2.3, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6211.2.3 pertained to Same. Audit. See "Ordinance List and Disposition Table" for derivation.

6211.2.4. - SAME. DEFAULT DETERMINATION.

If any person fails to file any required statement within the prescribed time, the License Officer may determine the amount of license tax due from and payable by such person, by means of such information as he may be able to obtain. The License Officer shall give notice of the amount assessed by serving it personally or by depositing it in the United States Post Office at Arcadia, California, postage prepaid, addressed to the person so assessed at his last known address.

6211.2.5. - SAME. SAME. APPEAL.

Such person may, within ten (10) days after the mailing or serving of such notice, make application in writing to the License Officer for a hearing on the amount of the license tax. If such application is not made within the time prescribed, the assessment shall become final. If such application is made within the time prescribed, the License Officer shall cause the matter to be set for hearing before the Board. The Board shall consider all evidence produced, and the amount of the license tax so determined by the Board shall be the amount due and payable for such license. The Board's decision may be appealed to the City Council per the terms of Section 6216.9.

(Amended by Ord. 2263 adopted 12-1-09)

6211.3. - INTERSTATE COMMERCE.

Every peddler, solicitor or other person claiming to be entitled to exemption from the payment of any license provided for in this Chapter upon the ground that such license casts a burden upon his right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, shall file a verified statement with the License Officer disclosing the interstate or other character of his business entitling such exemption. Such statement shall contain the name and location of the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his address, the kind of goods, wares or merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory

or plant within the State, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish the identity of applicant and such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the License Officer.

#### 6211.4. - PERIODICALS AND PUBLICATIONS.

Every peddler, solicitor or other person claiming to be entitled to any exemption from any license provided for in this Chapter on the ground that he is peddling or soliciting for the sale of newspapers, periodicals or other goods not herein specifically mentioned, shall file a verified statement with the License Officer containing the information required by Section 6211.3 and any other facts necessary to establish such claim of exemption.

#### 6211.5. - HOME-GROWN FOOD STUFFS.

Every peddler, solicitor or other person claiming to be entitled to exemption from the payment of any license provided for in this Chapter upon the ground that he is the vendor of fruits, vegetables or any other food stuffs raised by him in the City, shall file with the License Officer a verified statement containing his address, the kind of goods to be sold, the method of solicitation, sale and delivery, the location of any warehouse used or operated by him in conjunction with the raising or selling of such products, and any other facts necessary to establish such claim of exemption.

### DIVISION 2. - LICENSE ISSUANCE

#### 6212. - LICENSE CERTIFICATE.

If there are no grounds for denial as set forth in Section 6216.6, upon payment of the required fee, and upon compliance with all of the provisions of this Article, the License Officer shall prepare and issue a license certificate to every person liable to pay a license fee hereunder, with any reasonable conditions attached to the license that the License Officer deems necessary to ensure compliance with the requirements set forth in this Article. The License Officer shall state in such license certificate the date of its issuance, the amount of such fee, the period of time covered by such license certificate, the name of the person to whom it is issued, the business, profession, trade, commercial enterprise or occupation thereby licensed, and the location or place of business where the same is to be carried on. If such license is granted, the License Officer may impose such terms, conditions, restrictions and limitations upon the operation and conduct of such business activity, not in conflict with any paramount law, as it may deem necessary or expedient to protect the public peace, health, safety, morals or welfare of the City or the inhabitants thereof.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6212.1. - SAME VIOLATIONS NOT AUTHORIZED.

Neither the payment of a license fee required by the provisions of this Chapter, nor its acceptance by the City and the issuance of the license to any person, shall entitle the holder thereof to continue or carry on any business in or on any building or premises designated in such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law (whether federal, state or local) or provision of this Code, nor shall the same authorize the conduct or continuance of any business which for any reason is in violation of any law (whether federal, state or local) or provision of this Code, nor affect or render valid any violation of any zoning regulation of the City, nor authorize the erection of an advertising sign in a residential zone.

(Amended by Ord. 2261 adopted 8-19-09; Amended by Ord. 2262 adopted 9-1-09)

#### 6212.2. - SAME. STATE LICENSE.

In any trade or profession where a State license is required, a current State license shall first be exhibited to the License Officer before a City license will be issued.

#### 6212.3. - SAME. FREE LICENSE.

All applications for free licenses shall in the first instance be determined by the License Officer who shall approve or reject the same. If the License Officer finds that said application shall be approved, they shall issue to said applicant a free license. If the License Officer finds that said application should be disapproved, the License Officer shall reject the application and the applicant shall have the right of appeal as set forth in Sections 6216.8 and 6216.9.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6212.4. - VEHICLE DECALS.

Every person operating any wheeled vehicle for which a license is required or who has a fixed place of business within the City which has been licensed under this Chapter, and who in the usual course of business uses a wheeled vehicle or vehicles for the delivery of personal property or services which have been sold from said fixed place of business, shall procure from the License Officer, in addition to such license certificate, a license decal upon which the License Officer shall impress a serial number to be designated by him and license expiration date. The License Officer shall make a charge of ten dollars (\$10.00) for each license decal issued under the provisions of this Section, which shall be paid by the licensee before the issuance thereof.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1753 adopted 7-20-82)

6212.5. - SAME. NOT TRANSFERABLE.

Except as specifically authorized, no license issued pursuant to this Chapter shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the business thus licensed.

(Amended by Ord. 1126 adopted 5-2-61)

6212.6. - SAME. AMENDMENT.

Where a license is issued authorizing a person to conduct a business at a particular place, such licensee may, upon application therefor and paying a fee of Ten Dollars (\$10.00), have the license previously issued amended so as to authorize the conduct of such business at some other location.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6212.7. - SAME. DUPLICATE.

The License Officer shall make a charge of Ten Dollars (\$10.00) for each duplicate license and Five Dollars (\$5.00) for each duplicate license decal issued under the provisions of this Chapter which has been lost or destroyed.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6212.8. - PERMIT PREREQUISITE/ZONING.

The License Officer shall not issue any license for any business, profession, trade, commercial enterprise or occupation which is not permitted pursuant to the City's zoning regulations or for which a permit is required by any provision of this Code until a permit is obtained pursuant to Chapter 3 of this Article, nor if any such permit has been revoked or has expired and has not been reinstated or renewed. Any license issued under this Chapter for any business, profession, trade, commercial enterprise or occupation for which a permit is required by any provision of this Code, for all or part of the activities on licensed premises, shall be voidable upon the revocation or expiration of any such permit.

(Amended by Ord. 1802 adopted 11-6-84; amended by Ord. 2263 adopted 12-1-09)

DIVISION 3. - LICENSE DURATION

6213. - COMPUTATION OF PERIODS.

For the purpose of this Chapter a part of a day shall be deemed a day; more than fifteen (15) days and less than one (1) month shall be deemed a month; and more than one (1) month and less than two (2) months shall be deemed two-thirds ( $\frac{2}{3}$ ) of a quarter; and more than two (2) months and less than three (3) months shall be deemed a quarter.

6213.1. - SAME. MONTHLY.

Where a license fee in this Chapter is fixed at a monthly rate, the same shall apply to the calendar month or fraction thereof, unless otherwise herein provided.

6213.2. - SAME. QUARTERLY.

Where a quarterly license is provided for herein, the same shall apply to the portion of a year as follows:

- (1) First quarter: January 1st to March 31st, inclusive;
- (2) Second quarter: April 1st to June 30th, inclusive;
- (3) Third quarter: July 1st to September 30th, inclusive;

(4) Fourth quarter: October 1st to December 31st, inclusive.

6213.3. - SAME. ANNUALLY.

Where a yearly or annual license is provided for in this Chapter, the same shall apply to the twelve (12) month period commencing on the first day of the month during which the license is issued and terminating after the last day of the twelfth (12th) month.

(Amended by Ord. 1753 adopted 7-20-82)

6213.3.1. - PRORATION OF ANNUAL FEE.

Where a yearly or annual license is provided for in this Chapter, a business with an existing license that makes changes requiring additional license fees, shall pay the additional fees on a prorated basis for the remainder of the license period. Proration of fees does not apply to Section 6212.4 (Vehicle Decals) or any section that indicates fees are per year or fraction thereof.

(Added by Ord. 1992 adopted 8-3-93)

6213.4. - SAME. DAILY.

Where a daily license is provided for in this Chapter, the same shall be due and payable to the City each day in advance.

6213.5. -

(Repealed by Ord. 1753 adopted 7-20-82)

6213.6. -

(Repealed by Ord. 1753 adopted 7-20-82)

DIVISION 4. - LIABILITIES AND OBLIGATIONS

6214. - CIVIL OBLIGATION.

The amount of any license fee imposed under this Chapter shall constitute a debt to the City. Any person engaging in business in the City without having a license so to do shall be subject to an action in the name of the City in any court of competent jurisdiction for the collection of the amount of the license fee and penalties imposed by this Chapter.

6214.1. - PAYMENT.

All licenses, unless otherwise expressly stated in this Chapter, shall be paid in advance in legal currency of the United States of America at the office of the City Treasurer. The City may at its discretion accept negotiable paper in the payment of any license fee. The acceptance by City of negotiable paper shall constitute a payment of the fee only when such paper is duly paid. If for any reason any negotiable paper is not paid on due presentation, the license fee shall be deemed not to have been paid and the license issued shall be deemed not to have been issued, and shall be void and of no effect.

6214.2. - CRIMINAL LIABILITY.

The conviction and punishment of any person for engaging in business without a license shall not excuse or exempt such person from the payment of any license or penalty, due or unpaid, at the time of such conviction, and nothing in this Chapter shall prevent a criminal prosecution for any violation of the provisions of this Chapter.

(Amended by Ord. 1617 adopted 11-23-77)

6214.3. - PENALTY.

Except as provided in Section 6214.3.1, the License Officer shall, on the 30th day following the due date thereof, add a penalty of twenty percent (20%) of the license fee for failure to pay any license fee when due. On the 60th day following the due date the penalty fee shall be sixty percent (60%) of the license fee for failure to pay. Commencing on the 90th day following the due date and thereafter the penalty shall be one hundred percent (100%) of the license fee for failure to pay.

(Amended by Ord. 1617 adopted 11-23-77; amended by Ord. 1753 adopted 7-20-82; amended by Ord. 1767 adopted 3-1-83)

6214.3.1. - SAME. BUSINESS COMMENCED WITHOUT A LICENSE.

The License Officer shall not issue a license to any person who has commenced business without a license unless there is first paid the license fee itself and a penalty equal to one hundred percent (100%) of the license fee.

(Added by Ord. 1617 adopted 11-23-77; amended by Ord. 1753 adopted 7-20-82; amended by Ord. 1767 adopted 3-1-83)

6214.4. - ERRORS.

In no case shall any mistake made by the City Treasurer or License Officer in collecting or stating the amount of a license fee prevent or prejudice the collection by the City of such amount as shall actually be due from any person engaged in business who is subject to a license under this Chapter.

6214.5. - REFUNDS. DUPLICATE FEES.

Upon certification by the License Officer that a duplicate license fee has been paid in error and that the duplicate license has been surrendered to and canceled by the License Officer or that no duplicate license was issued, the City shall refund to such licensee the full amount of the duplicate license fee thus paid in error.

(Amended by Ord. 1234 adopted 2-4-64)

6214.5.1. - SAME. ERRONEOUS PAYMENT.

Upon certification by the License Officer that a license fee has been erroneously accepted by the City and that the license erroneously issued has been surrendered to and cancelled by the License Officer or that no license was issued pursuant to such erroneous payment, the City shall refund to the payer the full amount of the license fee thus received in error. The mere fact that no business was conducted under a City license shall not authorize a refund under this Section.

(Added by Ord. 1234 adopted 2-4-64)

6214.5.2. - SAME. COUNCIL ACTION.

No other refund of any license fee collected by the City under this Chapter shall be made, except that in the case of written claims for refunds the License Officer shall have the discretionary power to refund not to exceed seventy-five percent (75%) of the unused portion of any fee paid when the total amount of the unused portion exceeds Twenty-five Dollars (\$25.00). Said discretionary power shall only be exercised in the interest of justice and to prevent extreme hardship.

(Added by Ord. 1234 adopted 2-4-64; amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6214.6. - OWNER'S AND CONTRACTOR'S LIABILITY FOR SUBCONTRACTORS AND MATERIALMEN.

Owners shall be liable for and shall pay to the City any business license fee due to the City from any of their contractors, and contractors shall be liable for and shall pay to the City any business license fee due to the City from any of their subcontractors or materialmen, who performed work or furnished materials to or for any improvement at such time as the statement of names and addresses of such subcontractors and materialmen is required to be filed by Arcadia Municipal Code Section 8130.3.1 prior to final inspection or issuance of the certificate of occupancy, or if such a statement is not required to be filed, then prior to the completion of any such work or improvement.

(Added by Ord. 1676 adopted 5-1-79)

DIVISION 5. - EXEMPTIONS

6215. - UNEXPIRED LICENSES HERETOFORE ISSUED.

Where a license for revenue purposes has been issued to any business by the City and the tax paid therefor under the provisions of this Chapter theretofore enacted and the term of such license has not expired, a license tax prescribed for said business by any amendment of this Chapter hereafter shall not be payable until the expiration of the term of such unexpired license, unless the ordinance enacting such amendment specifically provides otherwise.

6215.1. - DISABLED VETERANS.

Disabled war veterans shall be entitled to receive free licenses for peddling or canvassing, provided that said persons first exhibit to the License Officer evidence of such character as shall satisfy said License Officer that the veteran applying therefor has received an honorable discharge from the United States naval or land forces, that he is physically unable to obtain a livelihood by manual labor and that he is a qualified elector of the State. Applicants for free licenses under this section shall be required to comply with all other provisions of this Article pertaining to peddlers or canvassers.

6215.2. - HOME-GROWN FOOD STUFFS.

A free license shall be granted to a person peddling fruits and vegetables grown by him in the City upon compliance with subsection 6211.5.

6215.3. - AGENTS OF LICENSED LOCAL BUSINESS.

Upon compliance with Division 1 of this Part, a free peddler's or solicitor's license shall be granted to the bona fide agents or employees of a business, trade or occupation having an established place of business in the City and licensed as such under this Chapter, if more than fifty percent (50%) of the business thereof is conducted solely at the established place of business and if less than fifty percent (50%) of this business conducted thereby results from peddling or solicitation by such bona fide employees or agents.

6215.4. - INTERSTATE COMMERCE.

Upon compliance with Division 1 of this Part, a free peddler's or solicitor's license shall be granted to a person engaged in Interstate Commerce Business while so engaged.

6215.5. - COMMERCIAL AGENTS.

No business license or fee shall be required for or from commercial travelers or selling agents selling goods, wares or merchandise to dealers at wholesale for resale purposes, or to persons who use the purchased goods, wares or merchandise in the making of a product manufactured in the City.

6215.6. - CHARITABLE AND FRATERNAL EXHIBITIONS.

Subsections 6220.40, 6220.41 and 6220.41.1 shall not apply to exhibitions or entertainments given exclusively for the benefit of churches or schools, or charitable entertainments given by any fraternal organization of the City.

(Amended by Ord. 1896 adopted 10-20-88)

6215.7. - CHARITABLE EVENTS, FEES.

The City Council may by three-fifths (3/5) vote, reduce license fees required by Section 6220.4 for amusement and game machines for any event conducted for charity in the City of Arcadia.

(Added by Ord. 1688 adopted 9-18-79)

6215.7.1. - CHARITABLE ORGANIZATION.

Charitable organizations maintaining an office location within the City shall be issued a free license by the License Officer upon proof of charitable status of the organization with the State of California.

(Added by Ord. 1896 adopted 10-20-88)

6215.8 - CERTIFIED PRODUCERS/ FARMERS.

Every participant in the Certified Farmer's Market as a Certified Producer of home grown foodstuffs would be exempted from payment of any license provided for in this Chapter provided that their participation is with a City authorized Farmer's Market. Proof of Certified Producer status is subject to approval by the management of the farmer's market and Los Angeles County Department of Health Services.

"Certified Producer" shall be anyone with proper proof that they are selling what they caught, grew, collected or raised. Each Certified Producer of fruits, nuts and vegetables must obtain an embossed photocopy of their Certified Producer's Certificate issued by any County in the State of California.

(Added by Ord. 2090 adopted 8-4-98)

DIVISION 6. - GENERAL PROVISIONS

6216. - SEPARATE LICENSES.

A separate license shall be obtained for each branch establishment or location of the business engaged in, and each license shall authorize the licensee to engage only in the business licensed therefor at the location and in the manner designated in such license.

6216.1. - SAME. EXCEPTION.

Where a person is engaged in the business of selling new automobiles and has procured a license therefor under the provisions of this Chapter, a lot maintained by such person within two hundred feet (200') of his licensed place of business, where used cars owned by the licensee are displayed for sale, shall not be deemed to be a separate place of business or branch establishment.

6216.2. - EXHIBITING OF LICENSES.

Every person having a license under this Chapter and carrying on a business or pursuit at a fixed place of business shall keep such license posted in a conspicuous place in such place of business so as to be easily seen. Every person having a license but not carrying on a business or pursuit at a fixed place of business shall have the license in his possession at all times while engaging in business in the City and shall exhibit such license whenever requested to do so by any police officer, or by any officer authorized to issue or inspect licenses or collect license fees.

6216.3. - SAME. VEHICLE DECAL.

No person or persons shall operate a wheeled vehicle for which a decal is required by Section 6212.4 unless said decal is at all times securely affixed to the left rear bumper of said vehicle for which the decal has been issued, in such a manner that said license decal shall be plainly visible.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1753 adopted 7-20-82)

6216.4. - MISUSE OR REMOVAL OF LICENSE DECAL.

No person shall place or keep any license decal issued pursuant to Section 6212.4 on any vehicle after the expiration of the term for which the license is granted. No person except the licensee, his authorized agent, or any police officer of the City, shall take or remove any such license decal from such vehicle to which the same has been attached.

(Amended by Ord. 1354 adopted 7-18-67)

6216.5. - ENFORCEMENT.

The License Officer shall assist the City Manager in the enforcement of each and all of the provisions of this Article. The License Officer, in the exercise of the duties imposed upon him hereunder, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Article have been fully complied with. The License Officer, each of his assistants, and every police officer, shall have the power and authority to enter, free of charge and at any reasonable time, any place of business required to be licensed herein, and demand the exhibition of its license certificate. No person having such license certificate theretofore issued in his possession or under his control shall willfully fail to exhibit the same on demand. The License Officer shall cause a complaint to be filed against any and all persons found to be violating any provisions of this Article.

6216.6. - DENIAL OF LICENSE.

Subject to appeal pursuant to Section 6216.8, the License Officer may refuse to issue a license under this Article if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local, federal or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property. The License Officer may also refuse to issue a license upon any of the grounds established for license suspension or revocation as put forth in Section 6216.7.

(Added by Ord. 1802 adopted 11-6-84; amended by Ord. 2261 adopted 8-19-09; amended by Ord. 2262 adopted 9-1-09; amended by Ord. 2263 adopted 12-1-09)

6216.7. - SUSPENSION OR REVOCATION.

The License Officer may suspend or revoke any business license upon receipt of information from any source that:

The holder of the license, or his or her employee, agent, partner, director, officer, controlling stockholder or manager has knowingly made any false, misleading or fraudulent statement of material facts in the application for the license or permit, or in any report or record required to be filed with the city's police department, county health department, or any other city department or office in connection with the operation of the business; or

- (2) The business has been expanded, or partially or wholly converted to another business without the required City approvals and permits; or
- (3) The holder of the license has violated any of the conditions of said license, or has violated or permitted to be violated any law or laws of the United States or the State, or any ordinance applicable to the premises where the business covered by said license is conducted, or in connection with said business; or
- (4) The holder of the license, or his or her employee, agent, partner, director, officer, controlling stockholder or manager has, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 15, adopted Dec. 1, 2009, amended § 6216.7, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6216.7 pertained to Revocation. See "Ordinance List and Disposition Table" for derivation.

#### 6216.8. - APPEAL AND FINAL DETERMINATION.

The actions taken pursuant to Section [6216.6](#) and [6216.7](#) require at least ten (10) days' written notice to the applicant. Within ten (10) days of the date of the notice of denial, suspension or revocation, the applicant may file an appeal to the Business Permit and License Review Board.

Upon the filing of an appeal, and within thirty (30) days of the date of such appeal, or as soon thereafter as possible, a hearing shall be conducted by the Board. Any Board member who has any financial interest in the outcome of the hearing or is unable to make a fair, impartial and unbiased determination shall not participate in either the hearing or in any determination or recommendation after the hearing. Prior to the hearing, City staff may, in their sole and absolute discretion, request the presence of an attorney from the City Attorney's office at the hearing, if one is not already scheduled to appear, or his/her designee, in order to present evidence on behalf of the City. During the hearing, all parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence and may require the presentation of additional evidence from any party involved. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or witness at the request of the permit applicant or permit holder, or any other party. Extensions of time or continuances sought by a permit applicant or permit holder shall not be considered delay on the part of the City and shall not be deemed to constitute failure by the City to provide for prompt decisions on permit denials, suspensions, or revocations.

At the conclusion of the hearing, but no later than ten (10) days thereafter, the Board shall, by a majority vote of the members present at the hearing, order that the license be revoked, suspended, reinstated, or reinstated contingent upon the applicant performing some remedial action such as, but not limited to, paying a fine or penalty. The Board may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified reasonable time period as the Board deems prudent. In lieu of conducting a hearing itself, but only upon recommendation of the City Manager, the Board may choose to refer the matter to an Administrative Law Judge provided by the Office of Administrative Hearings pursuant to Government Code Section 27727. After referral and a hearing, the Administrative Law Judge shall render a written decision based solely on the relevant ordinance and findings of fact within five (5) days of the hearing. The written decision of the Administrative Law Judge shall carry the same weight and authority as decisions of the Board.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 16, adopted Dec. 1, 2009, amended § 6216.8, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6216.8 pertained to Notice of Appeal. See "Ordinance List and Disposition Table" for derivation.

#### 6216.9. - APPEAL TO THE CITY COUNCIL.

Within ten (10) days of receipt of any final decision by either the Board or an Administrative Law Judge, either the holder of the revoked license or applicant for the denied license, any member of the City Council, any affected City Department Head or any other business or resident of the City may appeal the decision by filing an appeal with the Board. Immediately upon receipt of such appeal, the Board shall transmit to the City Council the final decision and all findings for placement on the agenda at the first regularly scheduled Council meeting subsequent to the filing of the appeal, or as soon thereafter as possible. The City Council shall consider the findings and recommendations of the Board and may adopt them in total, hold a de novo hearing, or the City Council may amend, modify or reject the recommended decision of the Board. In addition, the City Council may send the findings and recommendations back to the Board with instructions to rehear any relevant matter not previously heard and then resubmit additional amended or

modified findings to the City Council. The City Council may revoke, amend or modify the license, or impose such other or further reasonable terms, conditions or restrictions on the terms, conditions or restrictions theretofore placed on said license as the City Council finds reasonable or necessary to ensure that the business enterprise, occupation or activity will not be contrary to or inimical to or jeopardize the preservation of the public peace, safety or welfare of the City or its inhabitants, or be detrimental to other properties or businesses in its vicinity. The City Council may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified, reasonable time period as the City Council deems prudent. The decision of the City Council shall be final.

(Added by Ord. 2263 adopted 12-1-09)

#### 6216.10. - APPEALS FEES.

Each appeal of the denial of a business license or permit shall be accompanied by the payment of the fee established by City Council Resolution to cover the cost of the hearing and appeal. No fees shall be required in the case of an appeal of the revocation or suspension of a business license or permit.

(Added by Ord. 2263 adopted 12-1-09)

#### 6216.11. - REINSTATEMENT.

If either the final determination of the City Council, the Board, or the Administrative Law Judge in revoking a license contains a provision that no new license may be requested by the holder of the revoked license for a certain, specified amount of time, a new license may not be requested during that amount of time by the holder of the revoked license or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the revoked license was conducted or for the same business on a different premises within the City. If, after the period specified, application for a new business license is made, the applicant must comply with all requirements of this Code for issuance of a new business license. There shall be no automatic reinstatement of a revoked business license and the City is under no obligation to grant the new application.

If either the final determination of the City Council, the Board, or the Administrative Law Judge in suspending a license contains a provision that no new license may be requested by the holder of the revoked license for a certain, specified amount of time, a new license may not be requested during that amount of time by the holder of the suspended license or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the suspended license was conducted or for the same business on a different premises within the City. If, after the period specified, the License Officer has determined that the holder of the suspended license has successfully met all conditions imposed by the City Council, the Board, or Administrative Law Judge before reinstatement may occur, the License Officer will reinstate the license as per the instructions from the City Council, Board, or Administrative Law Judge.

(Added by Ord. 2263 adopted 12-1-09)

### PART 2. - SCHEDULE OF FEES

#### 6220. - LICENSE RATES.

Except for those businesses, trades or occupations for which a license fee is specifically required by any other provision of this Code, the following license fees are established and shall be paid by the owners or agents thereof at the time, in the manner and in the amount in the following subsections specified respectively for each of the following businesses, trades or occupations.

(Amended by Ord. 1896 adopted 10-20-88)

#### 6220.1. - AUTOMATIC ANNUAL LICENSE RATE ADJUSTMENT.

Effective January 1, 1989 and each succeeding January 1 thereafter, the schedule of business fees established by the City Council shall be adjusted in accordance with the provisions of this Section. In December of each year, the Finance Director shall review the most recent October All Urban Consumer Price Index (CPI), for the Los Angeles-Anaheim-Riverside Area published by the U.S. Department of Labor Statistics. When such index differs from the index for the previous October, the factor of increase or decrease shall be applied to the schedule of business fees. Such factor shall be computed by dividing the CPI for the current October by that pertaining to the previous October. The business fees then in effect shall be multiplied by said factor and rounded off to the nearest dime, to determine the adjusted business fees for the following calendar year.

(Added by Ord. 1896 adopted 10-20-88)

#### 6220.2. - ADVERTISING AND DISTRIBUTING.

For every person/company who distributes posters, dodgers, free samples and printed advertisements, One Hundred Fifty Dollars (\$150.00) per year. This subsection shall not apply to the proprietors of businesses in the City when advertising such business and possessing a valid license for such business.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2052 adopted 6-4-96)

6220.2.1. -

(Repealed by Ord. 1528 adopted 4-15-75)

6220.3. - ADVERTISING SOLICITATION.

For every person engaged in soliciting advertising where no regularly established place of business is maintained in the City, One Hundred Dollars (\$100.00) per year or fraction thereof, and for every such person who has a regularly established place of business, Fifty Dollars (\$50.00) per year plus Ten Dollars (\$10.00) per year for each employee.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.4. - ADVERTISING VEHICLE.

For every person operating an advertising vehicle on public streets or property, Fifty Dollars (\$50.00) per day per vehicle.

(Amended by Ord. 1896 adopted 10-20-88)

6220.5. - AMUSEMENT AND GAME MACHINES.

For every person renting, leasing, owning or maintaining, as a business or in connection with any business, any amusement or game machine or device, any jukebox, any device for the playing of records or music automatically upon deposit of a coin, slug or other device, any pinball machine or any other or similar instrument, machine or device of like character not prohibited by law, where any sum is charged by means of a coin, slot or otherwise, Sixty Dollars (\$60.00) per year or fraction thereof for each such machine or device.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.6. - APARTMENTS.

For every person engaged in the business or occupation of conducting an apartment house or a bungalow court, Forty Dollars (\$40.00) per year for the first four (4) rental units plus Ten Dollars (\$10.00) for each additional rental unit.

(Amended by Ord. 1146 adopted 11-29-61; amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.6.1. - LODGINGS.

For every person engaged in the business or occupation of conducting a motel, motor court, auto camp, hotel, rooming house or lodging house, Forty Dollars (\$40.00) per year for the first four (4) rental units plus Six Dollars (\$6.00) for each additional rental unit.

(Added by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88. Formerly 6220.5.1 added by Ord. 1126 adopted 5-2-61 and repealed by Ord. 1146 adopted 11-29-61)

6220.6.2. - COMPUTATION.

For the purpose of computing the fee applicable under Section 6220.6 or Section 6220.6.1, any portion of the premises occupied by the manager or owner thereof or any other person shall be deemed a rental unit if such portion contains dwelling or sleeping facilities.

(Added by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.7. - AUCTIONS OR TEMPORARY RETAIL SALE.

For every auction or retail sale conducted by the day from a temporary location in the City, Fifty Dollars (\$50.00) per day. No license shall be required for selling of goods at public sale belonging to the United States or to the State or for the sale of property by virtue of any process issued by any State or Federal Court, etc.

(Amended by Ord. 1896 adopted 10-20-88)

6220.7.1. - TEMPORARY RETAIL SALES SPONSORED BY ORGANIZATIONS.

For every retail sales vendor conducting business by the day from a temporary location in the City and sponsored or organized and operated by a charitable, nonprofit, civic or religious organization, there shall be a daily fee of Eight Dollars and Fifty Cents (\$8.50) for the first three (3) consecutive days. If the event exceeds three (3) consecutive days, there shall be one fee of Twenty-five Dollars and Fifty Cents (\$25.50). Events organized and sponsored as above shall not exceed seven (7) consecutive days. Qualifying events must have a charitable solicitation permit approved and issued by the City.

(Added by Ord. 2052 adopted 6-4-96)

6220.7.2. - FARMER'S MARKETS.

For every City-authorized farmer's market, the sponsor of the farmer's market shall pay an annual/seasonal fee of Two Hundred and Fifty Dollars (\$250).

(Added by Ord. 2090 adopted 8-4-98)

6220.7.3. - TEMPORARY RETAIL SALES SPONSORED BY CERTIFIED FARMER'S MARKET.

For every retail sales vendor conducting business and approved to participate in the Certified Farmer's Market and not qualifying under Section 6211.5.1 from the location specified as the Certified Farmer's Market approved by the City, the seasonal fee of Thirteen Dollars and Twenty Cents (\$13.20) shall be assessed. The Business License will be in effect for the duration of the annual Certified Farmer's Market. The Business License issued for retail sales will expire on the last approved date of the annual season of the Certified Farmer's Market.

(Added by Ord. 2090 adopted 8-4-98)

6220.8. - BANKRUPT, ASSIGNED OR DAMAGED GOODS.

For every person conducting or managing any business, occupation or enterprise described in and regulated by Division 3 of Part 2 of Chapter 4 of this Article, the fee for such license shall be and the same is hereby fixed as follows: For a period not to exceed thirty (30) days, Fifty Dollars (\$50.00); for a period not exceeding sixty (60) days, One Hundred Dollars (\$100.00); for a period not exceeding ninety (90) days, One Hundred Fifty Dollars (\$150.00); provided that only one (1) such license shall be issued to any one (1) person within a twelve (12) month period, and no such license shall be issued for less than thirty (30) days nor more than ninety (90) days.

(Amended by Ord. 1896 adopted 10-20-88)

6220.9. - BILLBOARDS.

For every person conducting or managing the business of advertising by means of billboards, bulletins, searchlights or other media on private property, Two Hundred Dollars (\$200.00) per year, plus Ten Dollars (\$10.00) per billboard.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.10. - BOWLING ALLEYS OR BILLIARDS, ETC.

For every place where billiards or pool are played, or bowling or tenpin alleys, shuffleboard, table shuffleboard, skee-ball or other similar device, One Hundred Dollars (\$100.00) per year, plus Ten Dollars (\$10.00) per year for each table or alley or device.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.11. - CARNIVAL.

For every wild west show, carnival or other exhibition or entertainment at which feats of horsemanship, acrobatic feats or mechanical amusement devices are exhibited or displayed, or other similar show or exhibitions, One Hundred Fifty Dollars (\$150.00) for the first day and Twenty Dollars (\$20.00) for each additional day.

(Amended by Ord. 1896 adopted 10-20-88)

6220.12. - CHRISTMAS TREES. PUMPKINS.

For every person selling Christmas trees or pumpkins other than as a part of and at the same location as a business then and theretofore licensed on an annual basis pursuant to Section 6220.33.1, Sixty Dollars (\$60.00) per month or fraction thereof.

(Added by Ord. 1184 adopted 8-21-62; amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1846 adopted 4-21-87; amended by Ord. 1896 adopted 10-20-88)

6220.12.1. - SAME. EXCEPTION.

The fee specified in the preceding Section shall not apply to a nonprofit charitable, religious, patriotic, philanthropic, benevolent or fraternal organization if no portion of the proceeds of any such sales inures to the personal benefit of any individual engaging in such sales.

(Added by Ord. 1184 adopted 8-21-62; amended by Ord. 1896 adopted 10-20-88)

6220.13. - CIRCUS.

For each exhibition for pay of a circus, One Hundred Dollars (\$100.00).

(Amended by Ord. 1896 adopted 10-20-88)

6220.14. - COMMERCIAL BUILDING RENTAL.

For every person engaged in the business or occupation of conducting the rental of commercial building property, Fifty Dollars (\$50.00) per year for the first two (2) rental units plus Ten Dollars (\$10.00) for each additional rental unit thereafter.

(Added by Ord. 1896 adopted 10-20-88)

6220.15. - CONTRACTORS. GENERAL.

For every general engineering contractor or general building contractor One Hundred Fifty Dollars (\$150.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.15.1 - CONTRACTORS. SPECIALTY.

For every contractor as defined in Section 6110, other than a general engineering contractor or a general building contractor required to be licensed under the preceding Section, One Hundred Twenty Dollars (\$120.00) per year. A separate license shall be required by this Section for an electrical contractor or a plumbing contractor even though licensed under the preceding Section as a general contractor.

(Added by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.16. - DANCE HALL. PUBLIC.

For every person conducting, managing or carrying on any public dance hall, dance floor or ballroom open to the public, One Hundred Dollars (\$100.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.17. - EXHIBITIONS.

For each exhibition for pay of any rare or unusual animal or thing, Ten Dollars (\$10.00) per day.

(Amended by Ord. 1896 adopted 10-20-88)

6220.18. - FAMILY CARE.

For every person engaged in the business of care of seven (7) or more children or adults from two (2) different families and having a license from the State of California Department of Social Services, Sixty-two Dollars and Thirty Cents (\$62.30) per year. The Code Sections 9285.1 through 9285.17 do not apply to this occupation.

(Former Section repealed by Ord. 1549 adopted 12-2-75 and a new Section was added by Ord. 2052 adopted 6-4-96)

6220.19. - BOUTIQUES AND CRAFT SHOWS.

For every boutique sale and craft show held from a residential location in accordance with the regulations in Sections 6437.1.2 and 6437.2 the fee shall be Eight Dollars and Fifty Cents (\$8.50) per day with a limit of Fifty-one Dollars (\$51.00) per year. Sales from a church, school, place of assembly or commercial location shall charge a fee of Eight Dollars and Fifty Cents (\$8.50) per day with a limit of Seventy-six Dollars and Fifty Cents (\$76.50) per year.

(Former Section repealed by Ord. 1146 adopted 11-29-61 and a new Section was added by Ord. 2052 adopted 6-4-96; amended by Ord. 2062 adopted 12-17-96)

6220.20. - HOUSE MOVER.

For every person engaged in the business of moving houses, One Hundred Twenty Dollars (\$120.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.21. - JUNK DEALER.

For every person engaged in the business of collecting, purchasing, selling or dealing in junk, One Hundred Dollars (\$100.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.22. - LAUNDROMAT.

For each self-service laundry, laundromat, or launderette, Twenty Dollars (\$20.00) per year plus One Dollar (\$1.00) per year for each washing machine upon the premises of such laundry, laundromat or launderette.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.23. - LAUNDRY COLLECTIONS.

For every business operating any vehicle gathering, securing or accumulating soiled articles of clothing, bedding or any other article or articles in the City for the purpose of carrying, hauling or transporting the same to any laundry located outside of the City, Sixty Dollars (\$60.00) per year or fraction thereof per vehicle.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.24. - MERRY-GO-ROUND. TRANSIENT.

For every person conducting or operating any flying horses, merry-go-rounds, ferris wheels, or other riding devices, upon a temporary or transient basis, when said flying horses, merry-go-rounds, ferris wheels, or other riding devices are not shown with any other show, game, attraction or carnival as mentioned in this Part, Twenty Dollars (\$20.00) per day.

(Amended by Ord. 1896 adopted 10-20-88)

6220.25. - MINING.

For every person engaged in the business of extracting, excavating or exploiting natural resources such as rock, sand, gravel or other rock products, the sum of one percent (1%) of the gross receipts derived by such person from the sale thereof.

For every person engaged in the business of receiving any material authorized for a classified or unclassified landfill, the sum of one percent (1%) of the gross receipts derived by such business.

(Amended by Ord. 1421 adopted 11-3-70; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2052 adopted 6-4-96)

6220.25.1 - SAME. GROSS RECEIPTS DEFINED.

Gross receipts shall mean and include the total amount of the sales price of all sales of material extracted, excavated or exploited, including any sum charged or collected for the performance of any act or service in connection therewith.

(Amended by Ord. 1896 adopted 10-20-88)

6220.25.2 - SAME. PAYABLE QUARTERLY.

The license fee thus imposed shall be computed and payable upon a quarterly basis and shall be paid within ten (10) days after the end of each quarter for which it is thus payable.

(Amended by Ord. 1896 adopted 10-20-88)

6220.26. - PATIO, GARAGE AND/OR BACKYARD SALES FEE.

For every person conducting a patio, garage and/or backyard sale from their residence with a permit and in compliance with the regulations in Division 7, a fee of Five Dollars (\$5.00) per permit with a limit of Ten Dollars (\$10.00) per year for each location.

(Former Section repealed by Ord. 1793 adopted 7-17-84 and a new Section was added by Ord. 2052 adopted 6-4-96)

6220.27. - FORTUNETELLING, ETC.

Those engaged in fortunetelling as defined in Section 6616 of the Arcadia Municipal Code shall pay an annual fee of Five Hundred Dollars (\$500.00).

(Amended by Ord. 1817 adopted 8-6-85; amended by Ord. 1896 adopted 10-20-88)

6220.28. - PATROLS. PRIVATE.

For every person engaging in the business of a private patrol, Two Hundred Dollars (\$200.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.29. - PAWNBROKER.

For every pawnbroker, One Hundred Dollars (\$100.00) per year.

(Amended by Ord. 1896 adopted 10-20-88)

6220.30. - PEDDLERS AND SOLICITORS. TRANSIENT.

For every peddler or solicitor having no established place of business in the City, Forty Dollars (\$40.00) per month per peddler or solicitor.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.30.1 - SAME. ESTABLISHED BUSINESS.

For every peddler or solicitor having an established place of business in the City, Two Hundred Dollars (\$200.00) per year for a master license and an additional fee of Ten Dollars (\$10.00) per peddler or solicitor per year for each individual peddler or solicitor.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.31. - PHOTOGRAPHER. TRANSIENT.

For every person not having a regularly established place of business in the City and engaged in making photographic exposures for sale within the City, One Hundred Twenty Dollars (\$120.00) per year or fraction thereof.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.32. - POULTRY, ANIMALS AND PRODUCTS.

For every person conducting, managing or carrying on a business of hatching, raising, breeding or selling birds, fowl, poultry, rabbits or animals, other than horses, or the business of selling any of the foregoing or the offspring, products or by-products of any of the foregoing, Fifty Dollars (\$50.00) plus Ten Dollars (\$10.00) for each employee.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.33. - PROFESSIONAL SERVICES.

For every person engaged in any professional occupation or semiprofessional occupation which is regulated by the State of California, either as an individual, partner, associate or otherwise than as an employee, Fifty Dollars (\$50.00) per year, plus Twenty Dollars (\$20.00) per year for each employee required by the State of California to be licensed, plus Ten Dollars (\$10.00) per year for each other employee.

(Amended by Ord. 1256 adopted 8-27-64; amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.33.1. - TRADE SERVICES.

For every person engaged in trade services listed below and any occupation, trade or craft for which no license is herein otherwise specified, and persons primarily engaged in selling, performing or furnishing services other than commodities, including trades and crafts, and all other persons engaged in a business for which no license is herein otherwise specified, an annual license fee computed as follows: Fifty Dollars (\$50.00) plus Ten Dollars (\$10.00) for each employee employed in such business. Employees engaged solely in rendering services to the City, either under contract or as employees, shall be excluded in computing the amount of fee due under this Section:

- a. Barber shop/beauty parlor;
- b. Charter buses;
- c. Fumigating and spraying;
- d. Hospital/nursing home / convalescent home/ maternity home;
- e. Kennels;
- f. Laundry;
- g. Photograph studios;
- h. Photograph laboratory;
- j. Restaurant;
- k. Retail outlets;
- l. Private schools.

(Added by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 1905 adopted 4-4-89)

#### 6220.34. - REAL ESTATE BROKER.

For every person engaged in business as a real estate broker, Fifty Dollars (\$50.00) per year plus Ten Dollars (\$10.00) per year for each salesman and employee.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

#### 6220.35. - SIDE SHOWS.

For each side show where a separate admission is charged, Twenty Dollars (\$20.00) per day, unless such side show is a part of a carnival or circus licensed under this Chapter.

(Amended by Ord. 1896 adopted 10-20-88)

#### 6220.36. - SKATING RINK OR SHOOTING GALLERY.

For every skating rink or shooting gallery, Two Hundred Dollars (\$200.00) per year or fraction thereof.

(Amended by Ord. 1896 adopted 10-20-88)

#### 6220.37. - SOCIAL CLUBS.

For every person operating or maintaining a social club in which club charges are made to members in addition to membership fees, for games or entertainment, excepting the food furnished the members of said club, One Hundred Dollars (\$100.00) per year.

(Amended by Ord. 1896 adopted 10-20-88)

#### 6220.38. - SOUVENIRS, ETC.

For every person engaged in the business of selling upon the streets flags, balloons, banners, canes, horns, trumpets, musical instruments, toys, buttons, badges, serpentine or souvenirs of any kind, Twenty Dollars (\$20.00) per day.

(Amended by Ord. 1896 adopted 10-20-88)

#### 6220.39. - TAXI.

For every person operating a taxicab business, Fifty Dollars (\$50.00) per year for each taxi or taxicab.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.40. - THEATRES AND SHOWS.

For every person engaged in the business of conducting a theatre or moving picture show, either at an established place of business or by means of a mobile unit, Two Hundred Dollars (\$200.00) per year.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.41. - SAME. OPEN-AIR AND TENT.

For every person engaged in the business of conducting an open air theatre or tent show wherein vaudeville, comic, dramatic or operatic productions or performances are given, motion pictures shown or exhibited, as an independent business and not as a part of any other business or entertainment, Fifty Dollars (\$50.00) per day.

(Amended by Ord. 1896 adopted 10-20-88)

6220.41.1 - SAME. EACH PERFORMANCE.

For each separate exhibition of minstrels, opera or concert singers, Fifty Dollars (\$50.00).

(Amended by Ord. 1896 adopted 10-20-88)

6220.42. - TIP SHEETS.

For every person who by any means engages in the business or practice of disseminating, distributing, passing out, giving away, handing out, selling, offering for sale, or soliciting for the sale of any sheet, dodger, handbill, circular, letter, booklet, or any other printed, typewritten, mimeographed or written matter of any kind, other than a newspaper, pertaining to any horse race, choice of a horse or horses, recommending any horse or horses, or giving or conveying any information about any horse, horse race or contest of endurance or speed between horses or beasts, if upon property owned and controlled by any racing association duly licensed by the State to conduct horse racing under and in accordance with the laws of the State relating to such matters and in conjunction with which such property is used by such racing association, Three Hundred Dollars (\$300.00) for a twelve (12) months period commencing December 1 and ending November 30; if upon any other privately owned property, Twelve Hundred Dollars (\$1,200.00) for such twelve (12) months period. The number of persons allowed to distribute such material under any one license shall not exceed the number specified in Section 6426.

(Amended by Ord. 1104 adopted 11-1-60; amended by Ord. 1107 adopted 12-6-60; amended by Ord. 1127 adopted 5-16-61; amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.42.1 - RACING INFORMATION.

For every person who, by any means other than by newspaper or by any means described in Section 6220.42, engages in the business or practice of disseminating, distributing, conveying, passing out, giving away, handing out, selling, offering for sale or soliciting for the sale of any information or recommendation pertaining to the probable or possible outcome of any race or contest of endurance between horses or beasts or any choice of, preference for, or recommendation concerning any horse or beast engaged therein, Twelve Hundred Dollars (\$1,200.00) for a twelve (12) month period commencing December 1 and ending the following November 30, for each person so engaged. (Added by Ord. 1159 adopted 12-19-61; amended by Ord. 1896 adopted 10-20-88; repealed and re-enacted by Ord. 1165 adopted 2-20-62)

(Former Section 6220.56.1 added by Ord. 1104 adopted 11-1-60 and repealed by Ord. 1107 adopted 12-6-60)

6220.43. - VENDING AND WEIGHING MACHINES OR DEVICES.

For every person engaged in the business of renting, leasing, operating or maintaining any vending, weighing, or merchandise machine or device, not otherwise licensed under this Part and not prohibited by law, charged by means of a coin or token slot or otherwise, Ten Dollars (\$10.00) per year or fraction thereof for each such machine or device.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.43.1. - SAME. BULK VENDING MACHINES IN CLUSTERS.

For the purpose of this section, a bulk vending machine is defined as a nonelectrically operated vending machine, containing unsorted confections, nuts or merchandise which, upon insertion of a coin, dispenses the same or equal portions at random and without selection by the customer. Notwithstanding the provisions of Section 6220.43, when bulk vending machines are locked, bolted or otherwise firmly attached in clusters of two (2) or more machines on one (1) stand, the following fee shall be Ten Dollars (\$10.00) per year.

(Added by Ord. 1378 adopted 3-19-68; amended by Ord. 1896 adopted 10-20-88)

6220.44. - WHEELED VEHICLES.

Every person who, in conjunction with the business in which such person is engaged, runs, drives or operates, and every person engaged in the business of running, driving or operating, for hire or otherwise, any wheeled vehicle for the purpose of hauling, distributing, selling, receiving or delivering, and who actually hauls, distributes, sells, receives or delivers within the City for resale or otherwise, personal property of any kind, nature or description, unless otherwise provided in this Part, Fifty Dollars (\$50.00) per year for each such wheeled vehicle so run, driven or operated. The provisions of this Part, unless otherwise in this Chapter provided, shall not apply to any person having a fixed place of business within the City which has been licensed under this Chapter and who in the usual course of business uses a wheeled vehicle or vehicles for the delivery of personal property which has been sold from said place of business.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.45. - SAME. FLEET LICENSE.

Every person who, in conjunction with the business in which such person is engaged, uses, drives or operates a fleet of five (5) or more wheeled vehicles for any of the purposes stated in subsection 6220.44, and no more than five (5) wheeled vehicles are used by such person in the City in any one (1) day in connection with the business in which such person is engaged, shall be deemed to have complied with the license requirements for all such wheeled vehicles of such fleet, upon payment of a license of Two Hundred Fifty Dollars (\$250.00) per year and the compliance with the provisions of subsection 6212.4 as to license decals for each wheeled vehicle of such fleet. The license provided for in this section shall be known as a "Fleet License."

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.46. - SAME. LOCAL VENDORS.

For every person, including persons having a fixed place of business in the City, engaged in the business of selling at retail foodstuffs for human consumption from a wheeled vehicle upon the streets, over a fixed route from door to door or otherwise, except retail milk delivery or retail ice delivery, and unless otherwise provided in this Part, One Hundred Dollars (\$100.00) per year for each vehicle so used.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

6220.47. - WHOLESALERS.

For every person engaged in the business of selling goods, wares or merchandise at wholesale and for every person engaged in the business of manufacturing, processing or fabricating goods, wares or merchandise, unless otherwise in this Part expressly provided, an annual license fee computed as follows: Fifty Dollars (\$50.00) plus Ten Dollars (\$10.00) for each employee of said person actually employed in said business within the City.

(Amended by Ord. 1354 adopted 7-18-67; amended by Ord. 1896 adopted 10-20-88)

CHAPTER 3. - PERMITS

PART 1. - PROCEDURE

DIVISION 1. - APPLICATION, INVESTIGATION AND PERMIT FEE

6311. - APPLICATION.

Unless otherwise specifically provided elsewhere in this Code, the application for any permit required by any provision of this Code shall be made to the License Officer, shall be signed and verified by the applicant and shall set forth the information specified in Sections 6311.1 through 6311.7.4. No person shall file or cause to be filed an application for a permit containing false or fraudulent statements under penalty of perjury. This Section does not apply to adult businesses; the regulation and permitting of adult businesses and the licensing of the trades, professions, callings, and occupations thereof involved are separately enacted and provided for in Sections 6700 et seq. of this Code.

(Amended by Ord. 2103 adopted 5-18-99; amended by Ord. 2263 adopted 12-1-09)

6311.1. - SAME. NAME AND ADDRESS. APPLICANT.

The name and address of the applicant.

6311.1.1. - SAME. SAME. EMPLOYER.

The name and address of the person by whom the applicant is employed, if he is thus employed.

6311.2. - SAME. BUSINESS DESCRIPTION.

The nature and a complete description of the business or activity for which a permit is requested.

(Amended by Ord. 1802 adopted 11-6-84)

6311.3. - SAME. BUSINESS LOCATION.

The place where such business is to be conducted.

6311.3.1. - SAME. ZONING.

The zoning applicable to the property upon which such business or occupation is to be conducted.

6311.3.2. - SAME. IMPROVEMENTS.

The structural development and other improvements located upon such property.

6311.3.3. - SAME. ADJACENT ZONING.

The zoning applicable to the real property adjacent to and within five hundred (500) feet of the premises upon which the business or occupation, for which a permit is requested, is to be conducted or maintained.

6311.3.4. - SAME. ADJACENT IMPROVEMENTS.

The structural improvement and other developments located in or upon the real property described in Section 6311.3.3.

6311.3.5. - SAME. ADJACENT USES.

The use to which the property described in Section 6311.3.3 is actually devoted.

6311.4. - SAME. EQUIPMENT.

A description of the nature and amount of equipment to be used in connection with such business or activity.

(Amended by Ord. 1802 adopted 11-6-84)

6311.5. - SAME. CUSTOMER LOAD.

An estimate of the number of persons that can attend or be served by said business or occupation at any one time.

6311.6. - SAME. DATES AND HOURS.

The dates upon which such business or activity is to be conducted or maintained and the hours during which it is proposed to conduct or maintain such business.

(Amended by Ord. 1802 adopted 11-6-84)

6311.7. - SAME. APPLICANT'S DESCRIPTION.

The personal description of the applicant.

6311.7.1. -

(Repealed by Ord. 1522 adopted 11-5-74)

6311.7.2. - SAME. IDENTIFICATION.

Adequate evidence of the identity of the applicant.

6311.7.3. - SAME. PAST RECORD.

Statement of the entire criminal record of the applicant for the past five (5) years.

6311.7.4. - SAME. PRIOR RESIDENCE.

The address of all residences of the applicant during the past five (5) years, the address at which the applicant has engaged in any business or occupation during the past five (5) years, and the name and nature of such business at such address.

6311.7.5. - GAME MACHINE.

In addition to the information required for an entertainment permit pursuant to the provisions of Article VI of the Arcadia Municipal Code, any application for an entertainment permit for a game machine shall be made in writing on a form provided by the Business License Officer and shall contain the following information:

1. The name and address of the establishment.
2. The name and address of the owners, partners or corporate officers of the establishment.
3. The number of game machines to be placed at the establishment.
4. The name and address of the distributor or supplier of each game machine.
5. A statement setting forth the manner and method of providing supervision at the establishment.
6. A statement setting forth the manner and method of providing off-street parking spaces and storage facilities for automobiles, bicycles, skateboards and other modes of transportation.
7. A statement setting forth any arrests or convictions of the owners, partners or corporate officers of the establishment for crimes involving minors or related to gambling, theft, drugs, sex or violence within the past ten (10) years. Arrests or convictions may be cause of denial or revocation of a permit application.
8. Such other information as may be required by the Business License Officer or other City divisions for determination of the applicant's qualifications for a permit.

(Added by Ord. 1764 adopted 2-15-83)

6311.8. - INVESTIGATION.

The License Officer shall, without unnecessary delay, refer any such application for a permit to the Chief of Police for investigation of any facts which in his opinion warrant investigation. In the event the Chief of Police, in the course of investigation, determines that fingerprints and thumbprints of the applicant would aid in such investigation, the applicant shall be notified and shall comply promptly with such request. The Chief of Police shall report any criminal connections of the applicant, an officer, principal stockholder, or any person having a substantial interest in or management responsibility for any organization connected with applicant. The License Officer may, at any time after notice of the filing of any such application, refer the same to the Chief of Police, Planning Commission, City Engineering Department or to any other department or agency for investigation and report to the License Officer upon any portion or portions of said application.

(Amended by Ord. 1522 adopted 11-5-74; amended by Ord. 1764 adopted 2-15-83; amended by Ord. 2263 adopted 12-1-09)

6311.9. - FEE.

Each application for a permit for any business for which such a permit is required by any provision of this Code shall be accompanied by the payment of One Hundred Fifty Dollars (\$150.00) to cover the cost of advertising and investigation relative to such application.

(Amended by Ord. 1155 adopted 12-5-61; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2052 adopted 6-4-96)

6311.9.1. -

(Repealed by Ord. 1155 adopted 12-5-61)

6311.10. - FREE PERMITS.

All applications for free permits shall be determined by the Council pursuant to Section 6313.1.3.

6311.11. - PAYMENT.

Unless otherwise expressly stated in this Article, all fees and deposits required to be paid or made by Chapter 3 or Chapter 4 of this Article shall be paid in advance in legal currency of the United States of America at the office of the City Treasurer. The City may at its discretion accept negotiable paper in payment of any such fee or deposit. The acceptance by City of negotiable paper shall constitute payment of such fee or deposit only when such paper is duly paid. If for any reason any negotiable paper is not paid on due presentation, the fee or deposit for which it was accepted shall be deemed not to have been paid, and any permit issued pursuant to such payment shall be deemed not to have been issued and shall be void and of no effect, and any action taken by City for which such payment is a prerequisite shall be deemed not to have been taken and to be void and of no effect.

## DIVISION 2. - ISSUANCE AND DENIAL. NEW PERMITS

### 6312.1. - ISSUANCE OF PERMIT.

Upon the receipt of an application in the form prescribed in Division 1 of this Part for any business for which a permit is required by any provision of this Code, and upon payment of the required fee, and compliance with all of the provisions of this Article, the License Officer shall prepare and issue a permit to every person liable to pay a permit fee hereunder.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 22, adopted Dec. 1, 2009, amended § 6312.1, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6312.1 pertained to Public Hearing. See "Ordinance List and Disposition Table" for derivation.

#### 6312.1.1. - DENIAL OF PERMIT.

Subject to appeal pursuant to Sections 6216.8 and 6216.9, the License Officer may refuse to issue a permit under this Article if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 23, adopted Dec. 1, 2009, amended § 6312.1.1, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6312.1.1 pertained to Same. Notice. See "Ordinance List and Disposition Table" for derivation.

#### 6312.1.2. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 24, adopted Dec. 1, 2009, repealed § 6312.1.2, in its entirety. Former § 6312.1.2 pertained to Same. Continuation. See "Ordinance List and Disposition Table" and "Code Comparative Table and Disposition List" for derivation.

#### 6312.2. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 24, adopted Dec. 1, 2009, repealed § 6312.2, in its entirety. Former § 6312.2 pertained to Council Action. See "Ordinance List and Disposition Table" and "Code Comparative Table and Disposition List" for derivation.

#### 6312.2.1. - ISSUANCE OF PERMIT. CONDITIONS.

If such permit is granted, the License Officer may impose such terms, conditions, restrictions and limitations upon the operation and conduct of such permit activity, not in conflict with any paramount law, as it may deem necessary or expedient to protect the public peace, health, safety, morals or welfare of the City or the inhabitants thereof.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 25, adopted Dec. 1, 2009, amended § 6312.2.1, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6312.2.1 pertained to Same. Conditions. See "Ordinance List and Disposition Table" for derivation.

6312.3. - ISSUANCE.

The License Officer shall not deliver any permit to a permittee for any business, profession, trade, business enterprise or occupation for which a license is required by Chapter 2 of this Article until all sums due to the City thereunder have been paid.

(Amended by Ord. 2263 adopted 12-1-09)

6312.3.1. - PERMIT CONTENTS.

The permit shall contain the name of the applicant and of the business for which the permit is issued, the dates for which such permit is issued, the location for which such permit is issued, and the conditions and restrictions upon which such permit is issued.

(Amended by Ord. 2263 adopted 12-1-09)

6312.4. - POSTING.

The permit shall be posted in a conspicuous place on the premises where the business for which such permit is issued is conducted, if conducted at a fixed place of business in the City, and shall remain so posted during the period the permit shall be in force. If the business is not conducted at a fixed place of business in the City, the permittee shall have such permit in his possession at all times while engaging in such business.

6312.5. - COMPLIANCE.

No person shall violate or fail to comply with any condition, term or provision of any permit issued pursuant to this Article.

(Added by Ord. 1216 adopted 7-16-63)

6312.6. - TEMPORARY PERMIT.

(Added by Ord. 1345 adopted 4-18-67; inoperative after 6-16-67)

DIVISION 3. - ISSUANCE AND DENIAL. RENEWALS

6313.1. -

(Repealed by Ord. 1802 adopted 11-6-84)

6313.1.1. - REQUIREMENTS WAIVED.

The License Officer may, upon the recommendation of the Chief of Police, waive the permit requirements as to applications for renewal of any permit originally issued in accordance with the procedure outlined in this Part for a business or activity which has been conducted at the same location, and under the same ownership or management without interruption during the preceding permit period, when in the judgment of the Police Chief, there is no cause or reason to require reprocessing pursuant to this Part.

(Amended by Ord. 1764 adopted 2-15-83; amended by Ord. 1802 adopted 11-6-84; amended by Ord. 2263 adopted 12-1-09)

6313.1.2. - APPLICATION ABBREVIATION.

In any application for the renewal of any permit issued in accordance with the procedure outlined in this Part, it shall be sufficient for applicant to insert the words "same as in prior application" wherever such words are truly applicable.

6313.1.3. - NONPROFIT ORGANIZATIONS.

Upon written request, the License Officer may waive any or all of the requirements of this Part with respect to any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable, religious, educational, recreational or scientific purposes and from which profit is not derived either directly or indirectly by any individual firm or corporation.

(Amended by Ord. 2263 adopted 12-1-09)

6313.2. - EXISTING PERMITS.

All permits heretofore issued by the City under this Chapter or any other regulatory City ordinance shall remain in full force and effect until the expiration date therein specified. If no expiration date is therein specified, such permit shall expire on December 31 of the year during which it was issued. All businesses for which a permit is required by the terms of this Chapter, which are in actual operation upon the date this Chapter becomes applicable thereto, shall have to and including the 2nd day of January of the following year within which time to make application for the permit required for such business, and may continue to operate thereafter until final action is taken by the License Officer on such application. Any business for which a permit is required under this Chapter commencing after the provisions of this Chapter or any similar regulatory City ordinance becomes applicable thereto shall not commence operation until a valid and proper permit shall have been issued by the License Officer for such business.

(Amended by Ord. 2263 adopted 12-1-09)

#### DIVISION 4. - SUSPENSION AND REVOCATION

##### 6314. - GROUNDS.

The License Officer may revoke any permit issued by it under the provisions of this Chapter upon any ground upon which such permit could or should have been denied in the first instance, or whenever the License Officer is satisfied that the conduct of any such business does or will in any manner endanger, threaten or jeopardize the public health, safety, morals, peace or welfare or that the same has been conducted in an illegal, improper or disorderly manner or that such permit was obtained upon false or misleading statements or representations of or on behalf of the applicant. The License Officer may revoke if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local, federal or state law (b) allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.

(Amended by Ord. 1802 adopted 11-6-84; Amended by Ord. 2261 adopted 8-19-09; Amended by Ord. 2262 adopted 9-1-09; amended by Ord. 2263 adopted 12-1-09)

##### 6314.1. - STATUTE VIOLATION.

The License Officer may revoke or suspend any permit issued by it under the provisions of this Chapter where the proprietor or person in charge thereof violates or permits any infraction of any law of the State, or any provision of this Code, or any condition of the permit.

(Amended by Ord. 2263 adopted 12-1-09)

##### 6314.2. - MISDEMEANOR.

The License Officer may, without necessity of any public hearing, suspend or revoke any permit issued under the terms of this Chapter if the permittee shall have been adjudged guilty of a misdemeanor under this Article.

(Amended by Ord. 2263 adopted 12-1-09)

##### 6314.3. - APPEAL AND FINAL DETERMINATION.

The actions taken pursuant to Sections 6312.1.1, 6314, 6314.1, and 6314.2 require at least ten (10) days' written notice to the applicant. Within ten (10) days of the date of the notice of denial, suspension or revocation, the applicant may file an appeal to the Business Permit and License Review Board. The same procedure for appeal and the disposition thereof shall be that established for business licenses in Sections 6216.8 through 6216.10, inclusive, of this Code.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 34, adopted Dec. 1, 2009, amended § 6314.3, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6314.3 pertained to Public Hearing.

##### 6314.4. - TEMPORARY.

For any reasons specified in the preceding sections of this Division, the Chief of Police may by written order temporarily suspend any permit issued under the provisions of this Chapter by posting a copy of such order of suspension at any conspicuous portion of the premises for which such permit was issued. Such suspension shall remain in full force and effect until the decision of the License Officer, who may thereupon rescind, modify or continue such

suspension or may revoke such permit or affix new or different terms to the continuation of such permit.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6314.5. - REINSTATEMENT OF PERMIT.

If either the final determination of the City Council, the Board, or the Administrative Law Judge in revoking a permit contains a provision that no new permit may be requested by the holder of the revoked permit for a certain, specified amount of time, a new permit may not be requested during that amount of time by the holder of the revoked permit or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the revoked permit was conducted or for the same business on a different premises within the City. If, after the period specified, application for a new permit is made, the applicant must comply with all requirements of this Code for issuance of a new permit. There shall be no automatic reinstatement of a revoked permit and the City is under no obligation to grant the new application.

If either the final determination of the City Council, the Board, or the Administrative Law Judge in suspending a permit contains a provision that no new permit may be requested by the holder of the revoked permit for a certain, specified amount of time, a new permit may not be requested during that amount of time by the holder of the suspended permit or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the suspended permit was conducted or for the same business on a different premises within the City. If, after the period specified, the License Officer has determined that the holder of the suspended permit has successfully met all conditions imposed by the City Council, the Board, or Administrative Law Judge before reinstatement may occur, the License Officer will reinstate the permit as per the instructions from the City Council, Board, or Administrative Law Judge.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 36, adopted Dec. 1, 2009, amended § 6314.5, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6314.5 pertained to Notice to License Officer. See "Ordinance List and Disposition Table" for derivation.

## PART 2. - BUSINESSES REQUIRING PERMITS

### DIVISION 1. - GENERAL REQUIREMENTS

#### 6321. - PERMIT REQUIRED.

In addition to any other business, profession, trade or occupation for which a permit is required by some other provision of this Code, no person shall engage in any business, and no license shall be issued for any business mentioned in the following Divisions of this Part until a permit has first been obtained upon application in writing therefore pursuant to the provisions of Part 1 of this Chapter.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6321.1. - SAME. SEPARATE.

A separate permit shall be applied for and obtained for each and every kind of business, occupation, trade or concession for which a permit is required by this Part or any other provision of this Code, regardless of community of ownership, management or location.

#### 6321.2. - SAME. BUSINESSES SPECIFIED ELSEWHERE.

A permit shall be required for any other business, profession, trade or occupation for which a permit is required by any other provision of this Code.

### DIVISION 2. - INSTITUTIONAL PERMITS

#### 6322. - PERMIT REQUIRED.

A separate permit shall be required for each business, occupation, trade or concession mentioned in any of the following subsections of this Division.

#### 6322.1. - CHAUTAUQUAS.

#### 6322.2. - CHILDREN'S BOARDING SCHOOL.

6322.3. - DAY NURSERY OR DAY NURSERY SCHOOL.

6322.4. - HOME FOR AGED.

6322.5. - HOSPITAL.

6322.6. - PRIVATE DAY OR BOARDING SCHOOL.

6322.7. - REST HOME.

6322.8. - SANITARIUM.

DIVISION 3. - ENTERTAINMENT PERMITS

6323. - PERMIT REQUIRED.

A separate permit shall be required for each business, occupation, trade, concession or activity mentioned in any of the following subsections of this Division.

(Amended by Ord. 1802 adopted 11-6-84)

6323.1. - AMUSEMENT CENTER, GAME MACHINE OR GAME MACHINE ARCADE.

(Amended by Ord. 1764 adopted 2-15-83)

6323.2. - BALL, DART, KNIFE OR RING THROWING OR OTHER SIMILAR DEVICE.

6323.3. - BAZAAR.

6323.4. - BILLIARD HALL.

6323.5. - BOWLING ALLEY.

6323.6. - BOXING MATCH OR CONTEST.

6323.7. - CARNIVALS.

6323.8. - CHUTE.

6323.9. - CIRCUS.

6323.10. - DANCE HALL, DANCING CLUB OR PUBLIC DANCE.

6323.11. - EXHIBITION.

6323.12. - FAIR.

6323.13. - FERRIS WHEEL.

6323.14. -

(Repealed by Ord. 2052 adopted 6-4-96)

6323.15. -

(Repealed by Ord. 1905 adopted 4-4-89)

6323.16. - LEGITIMATE THEATRE HOUSE.

6323.17. -

(Repealed by Ord. 1905 adopted 4-4-89)

6323.18. - MERRY-GO-ROUND.

6323.19. -

(Repealed by Ord. 1905 adopted 4-4-89)

6323.20. - MINIATURE RAILWAY.

6323.21. - MOTION PICTURE THEATRE.

6323.22. -

(Repealed by Ord. 1905 adopted 4-4-89)

6323.23. - OPERA HOUSE.

6323.24. - OPERA AND OPERETTA.

6323.25. - POOL ROOM.

6323.26. - PRACTICE OF ASTROLOGY, PALMISTRY, PHRENOLOGY, LIFE READING, MINEROLOGY, FORTUNE- TELLING, CARTOMACY, CLAIRVOYANCE, CLAIRAUDIENCE, CRYSTAL GAZING, HYPNOTISM, MEDIUMSHIP, PROPHECY OR AUGURY FOR WHICH A FEE IS DEMANDED OR RECEIVED.

6323.26.5. -

(Repealed by Ord. 2052 adopted 6-4-96)

6323.27. - RACES AND SPEED CONTESTS EITHER BY HUMAN BEINGS, ANIMALS OTHER THAN HORSES OR VEHICLES OF ANY KIND.

6323.28. - ROAD SHOW.

6323.29. - SHOOTING GALLERY.

6323.30. - SIDESHOW.

6323.31. - SKATING RINK.

6323.32. - SOCIAL CLUB.

6323.33. - TELESCOPE, SHOWING OR RENTING USE OF.

6323.34. - WRESTLING MATCH OR CONTEST.

6323.35. - ZOO OR MENAGERIE.

6323.36. - ANY OTHER BUSINESS CONDUCTED FOR THE PURPOSE OF PUBLIC ENTERTAINMENT OR ENJOYMENT.

Any other business conducted for the purpose of public entertainment or enjoyment including but not limited to businesses where such activities accompany or are ancillary to another use such as the utilization of musicians, bands or other live entertainment provided by the licenses. In such cases, the business licensee shall be responsible for all entertainment permits applicable to the licensed premises and shall be required to set forth the schedule of performance, the nature and scope of the performance, exhibition, show or contest and provide whatever other information deemed necessary by the License Officer that is reasonably related to appropriate consideration of the permit.

(Amended by Ord. 1802 adopted 11-6-84)

6323.37. -

(Repealed by Ord. 1165 adopted 2-20-62)

DIVISION 4. - COMMERCIAL PERMITS

6324. - PERMIT REQUIRED.

A separate permit shall be required for each business, occupation, trade or concession mentioned in any of the following subsections of this Division.

6324.1. - ADMINISTRATOR'S SALE, ASSIGNEE'S SALE, BANKRUPTCY SALE, CLOSING OUT SALE, CREDITOR'S SALE, EXECUTOR'S SALE, FORCED SALE, INSOLVENCY SALE, RECEIVER'S SALE, REMOVAL SALE, SALE OF GOODS DAMAGED BY FIRE, SMOKE, WATER, WRECK, EARTHQUAKE OR OTHER CALAMITY EXCEPT THOSE CONDUCTED UNDER AND PURSUANT TO THE ORDER OF ANY COURT.

6324.2. - AUTOMOBILE FOR HIRE.

6324.3. - AUTOMOBILE OR TRUCK DISMANTLING OR DISASSEMBLING OR SELLING OF DISMANTLED PARTS.

6324.4. - AUTO WRECKING BUSINESS.

6324.5. - BENCHES ON STREETS.

6324.6. - COMMERCIAL DUMP.

6324.7. - DOG KENNELS.

6324.8. - ITINERANT VENDOR.

(Amended by Ord. 1896 adopted 10-20-88)

6324.9. - JUNK DEALER.

(Amended by Ord. 1896 adopted 10-20-88)

6324.10. - JUNK YARD.

(Amended by Ord. 1896 adopted 10-20-88)

6324.11. - KENNEL.

(Amended by Ord. 1896 adopted 10-20-88)

6324.11.8. - PARKING LOT SALES.

(Added by Ord. 1527 adopted 3-4-75; amended by Ord. 1896 adopted 10-20-88)

6324.13. - PAWN BROKER.

6324.14. - PEDDLER.

6324.15. - PUBLIC AUCTION EXCEPT AUCTION OF HORSES HELD IN CONNECTION WITH HORSE RACING LICENSED BY THE STATE.

6324.16. - RIDING STABLE OR ACADEMY.

6324.17. - RUBBISH, REFUSE, GARBAGE AND DRY GARBAGE COLLECTION, HAULING OR REMOVAL.

(Amended by Ord. 1256 adopted 8-27-64)

6324.18. - SECOND HAND STORE OR DEALER.

6324.18.5. -

(Repealed by Ord. 2052 adopted 6-4-96)

6324.19. - SLAUGHTER HOUSE.

6324.20. - SOLICITOR.

6324.21. - TAXICAB OR TAXI.

6324.22. - TRAILER PARK.

6324.23. - USED MOTOR VEHICLE OR TRAILER BUSINESS.

6324.24. - WEIGHT GUESSING MACHINE, SHOWING OR RENTING USE OF, OR ANY OTHER SIMILAR MACHINE, INSTRUMENT OR DEVICE NOT NAMED HEREIN.

6324.25. - WELLS, WATER, OIL, ETC.

6324.26. - EVERY BUSINESS, PRACTICE OR OCCUPATION FOR WHICH A LICENSE FEE IS SPECIFIED IN SECTION 6220.56 OR SECTION 6220.56.1.

(Added by Ord. 1165 adopted 2-20-62)

DIVISION 5. - MISCELLANEOUS PERMITS

6325. - PERMIT REQUIRED.

A separate permit shall be required for each business, occupation, trade or concession mentioned in any of the following subsections of this Division.

6325.1. - STREET BANNERS.

6325.2. - PARKWAY SIGNS.

6325.3. - PATIO, GARAGE, AND/OR BACKYARD SALES.

(Added by Ord. 1905 adopted 4-4-89)

6325.4. - PROMOTIONAL EVENTS, PARKING LOTS.

(Added by Ord. 2052 adopted 6-4-96)

6325.5. - GAME MACHINES.

(Added by Ord. 2052 adopted 6-4-96)

6325.6. - SIDEWALK SALES.

(Added by Ord. 2052 adopted 6-4-96)

6325.7. - BOUTIQUES AND CRAFT SHOWS.

(Added by Ord. 2052 adopted 6-4-96; amended by Ord. 2062 adopted 12-17-96)

CHAPTER 4. - SPECIAL REGULATIONS

PART 1. - ENTERTAINMENT ENTERPRISES

DIVISION 1. - AMUSEMENT AND GAME MACHINES

6411. - APPLICATION.

Each application for a license under Section 6220.5 shall describe the location where each machine is to be operated.

(Amended by Ord. 1764 adopted 2-15-83)

6411.1. - DISPLAY OF LICENSEE'S NAME.

Each machine shall also bear the name of the licensee in plain view in letters of not less than one-fourth inch in height.

6411.2. -

(Repealed by Ord. 1764 adopted 2-15-83)

6411.3. - PENALTIES.

Each and every machine described in Section 6220.5 and operated in the City and not licensed or not complying with other regulations of this Article may be sealed against further operation and held by the City, at the owner's risk, until all license fees, storage charges and other accumulated costs are paid.

6411.4. - GAMBLING PROHIBITED.

No person, either as principal, agent, employee or otherwise, shall operate, play or utilize, or permit any person or persons to operate, play or utilize any amusement machine, game or device described in Section 6220.5 for the purpose of gambling, betting, wagering or pledging in any manner whatsoever any money, thing or consideration of value or the equivalent or memorandum thereof, upon the outcome, score or result of the playing or operation of said amusement machine, game or device.

6411.5. - GAME MACHINE REGULATIONS.

Each entertainment permit issued for a game machine shall be subject to the following conditions:

1. The location where each game machine is operated shall provide sufficient security measures to effectively regulate interior and exterior loitering, parking congestion, disturbing noise and light, loud conversations and criminal activities.
2. Any locations where a game machine is operated shall provide personnel over twenty-one (21) years of age to maintain supervision of each game machine and patrons thereof.
3. Any locations where any game machine is operated shall prohibit persons under the age of eighteen (18) years from using or playing any game machine between the hours of 8:00 A.M. and 3:00 P.M., Monday through Friday and after 10:00 P.M. daily, unless accompanied by a parent or guardian. The 8:00 A.M. through 3:00 P.M. restriction shall not apply during school holidays and school vacation periods recognized by schools within the City of Arcadia.
4. No game machine arcade or game machine shall be permitted in a building an entrance of which is within five hundred (500) feet walking distance of any real estate parcel boundary containing any elementary school, junior high school or senior high school, whether public or privately operated. This subsection 6411.5.4 shall not apply to any building in which a game machine or machines were lawfully in operation on the effective date of Ordinance No. 1764 provided no such building shall contain nor shall a permit be issued for more game machines than the number lawfully in operation on the effective date of Ordinance No. 1764 until such time such building complies with this subsection.
5. No game machine(s) shall be permitted in liquor stores. For the purpose of this Division "liquor store" shall be defined as any establishment which has obtained an ABC license to sell alcoholic beverages in an unopened container for consumption off the premises.

EXCEPTION: Supermarkets or convenience stores which have less than ten percent (10%) of their floor area devoted to the sales of alcoholic beverages.

(Added by Ord. 1764 adopted 2-15-83; amended by Ord. 1977 adopted 8-4-92)

DIVISION 2. - DANCES AND DANCE HALLS

6412. - PERMIT REQUIRED FOR ATTENDANCE.

No person shall participate in any public dance or any dance conducted at or by any public dance, dance hall or dancing club unless a permit has been obtained pursuant to Chapter 3 of this Article and is in effect for such public dance, dance hall or dancing club.

6412.1. - ADDITIONAL REGULATIONS.

The License Officer may from time to time, by permit conditions generally or individually, prescribe rules governing dance halls, dancing clubs or public dances maintained, conducted or operated within the City, and pursuant to Division 4 of Part 1 of Chapter 3 of this Article may revoke or suspend permits issued for same where the proprietor or person in charge thereof violates or permits any infraction of any rules or any law of the State or of the City.

(Amended by Ord. 2263 adopted 12-1-09)

6412.2. - PERMIT FACTORS.

Before granting a permit to conduct a dance hall, dancing club or public dance, the License Officer shall first satisfy himself or herself that the conduct of such dance hall, dancing club or public dance will comport with the public welfare and, for this purpose, may consider any facts or evidence bearing on the place where the proposed dance hall, dancing club or public dance is to be located, the character, reputation and moral fitness of those who will be in charge of it, and any other facts or evidence tending to enlighten the License Officer in this respect. The License Officer may establish any conditions to the issuance of a permit, including the prohibition of alcoholic beverages, which are deemed reasonably necessary to protect the public health, welfare and safety.

(Amended by Ord. 1444 adopted 12-21-71; amended by Ord. 2263 adopted 12-1-09)

6412.3. - MINORS.

No minor person under the age of eighteen (18) years shall enter, be or dance in any public dance hall or club dance after 1:00 a.m., or where alcoholic beverages are being served, unless accompanied by parent or guardian; provided, however, that nothing herein shall be construed to prevent a minor person under the age of eighteen (18) years from being in a bona fide cafe, restaurant or other place where meals are regularly served and where a public dance is being held after 1:00 a.m., in the event such minor person does not participate in the dancing therein; provided further, that nothing in this Section shall be so construed as to apply to children under the age of five (5) years. The License Officer may provide permit conditions relating to adequate supervision, chaperons or security officers at any public dance hall or club dance where minors are to be in attendance.

(Amended by Ord. 1525 adopted 12-3-74; amended by Ord. 2263 adopted 12-1-09)

6412.4. - HOURS.

No person shall conduct or assist in conducting any public dance, dance hall or dance club on Sunday or between the hours of 1:00 a.m. and 8:00 a.m. on any other day.

6412.5. - LIGHTING.

All dance halls or places where public or club dances are held must at all times, when open for dancing therein, be brightly lighted throughout and the volume of illumination must not vary during the time such dance hall or public dance is open to the public or such club is open to its members or guests.

6412.6. - DISORDERLY CONDUCT AND INTOXICATION.

No person shall take any alcoholic liquor into the premises where any public dance or club dance is being held, and no person in charge or assisting in the conduct of any dance hall or any public dance or any club dance shall permit any person therein, and no person shall remain therein, who has any such alcoholic liquor in his possession, or permit any intoxicated, boisterous or disorderly person to enter, be or to remain in or assist in any such dance hall, public dance or club dance. No person in an intoxicated condition shall enter or remain in any dance hall, public dance or club dance or conduct himself in a boisterous or disorderly manner in any dance hall, public dance or club dance.

6412.7. - ALCOHOLIC BEVERAGES.

If a permit authorizes the serving of alcoholic beverages at a public dance, no person other than the owner of an on-sale license and his bona fide employees acting in the course of their employment shall possess any alcoholic beverage at said dance unless the same has been lawfully sold, served, or dispensed thereat by said licensee.

(Amended by Ord. 1444 adopted 12-21-71)

6412.8. - ENCLOSURES PROHIBITED.

No person conducting, maintaining or carrying on a dance hall, dancing club or any public dance shall permit any booth, box, loge, alcove or enclosure to be closed, curtained off, or permit anything that will not permit a clear view into said booth, box, loge, alcove or enclosure from the dance floor located upon the same floor upon which such booth, box, loge, alcove or enclosure is located.

6412.9. - FRATERNAL AND OCCASIONAL DANCES.

Upon the application in writing of any club or association of persons to conduct a dance, other than a public dance, for its members or bona fide guests, the License Officer is hereby authorized and empowered to issue a permit to conduct such a dance. The provisions of this Section shall apply to dances held by memorial or fraternal associations and dances held in connection with patriotic or holiday celebrations or festivals where such dances are casual or for one such occasion only and at a particular date, and are not conducted more often than once a month, and are attended only by a special and bona fide selection of persons to be admitted or to be permitted to dance thereat.

6412.10. - SAME. REVOCATION BY LICENSE OFFICER.

Any permit issued under the preceding Section may be revoked at any time by the License Officer, pursuant to Division 4 of Part 1 of Chapter 3 of this Article, if the License Officer becomes satisfied that the conduct of such dance does not or will not comport with the public welfare for any reason or that the same will be conducted in an illegal, improper or disorderly manner.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 41, adopted Dec. 1, 2009, amended § 6412.10, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 6412.10 pertained to Same. Revocation by Council.

DIVISION 3. - MOTION PICTURE THEATRES

6413. - HOURS.

No person shall conduct, maintain or keep open any moving picture house or theatre on any Sunday prior to the hour of 1:00 o'clock p.m.

DIVISION 4. - SOCIAL CLUBS

6414. - FREE ENTRY BY OFFICERS.

Any member of the Police Department or any Peace Officer of the State shall at all times be permitted to enter the club rooms or grounds of any social club as described in Section 6220.37. If the owner, manager or keeper of such social club shall violate any law of the United States, of the State or of the City, or permit the same or any of them to be violated within the club rooms or upon the club grounds, such license shall be revoked.

(Amended by Ord. 1896 adopted 10-20-88)

DIVISION 5. - PROMOTIONAL ENTERTAINMENT EVENTS PARKING LOTS

*Footnotes:*

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(Division 5 added by Ord. 1527 adopted 3-4-75)

**Editor's note**— Ord. No. 2287, § 1, adopted Oct. 18, 2011, effective Nov. 18, 2011, repealed Art. VI, Ch. 4, Pt. 1 Div. 5, §§ 6415, 6415.1—6415.6, in its entirety. Former Art. VI, Ch. 4, Pt. 1, Div. 5 pertained to Promotional Entertainment Events Parking Lots and derived from Ord. 1527, adopted Mar. 4, 1975; Ord. 1812, adopted May 21, 1985; Ord. 1882, adopted June 7, 1988; Ord. 1923, adopted June 5, 1990 and Ord. 2263, adopted Dec. 1, 2009.

DIVISION 6. - FORTUNETELLING

*Footnotes:*

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(Division 6 added by Ord. 1817 adopted 8-6-85)

6416. - DEFINITIONS.

"Board" shall mean the City Business Permit and License Review Board.

"For Pay" shall mean for a fee, reward, donation, loan or receipt of anything of value.

"Fortunetelling" shall mean telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic, of any kind or nature.

6416.1. - PERMIT AND COMPLIANCE WITH CONDITIONS REQUIRED.

(a) No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a permit from the License Officer and without having posted and maintained in full force and effect a surety bond as required in Arcadia Municipal Code Section 6616.5(c)(2).

(b) No person shall violate any of the terms and conditions of a permit issued pursuant to this Article, nor any of the regulations and provisions within this Article. Each day such a violation or violations occur shall constitute a separate offense.

(Amended by Ord. 2263 adopted 12-1-09)

6416.2. - PERMIT APPLICATION.

Every natural person who, for pay, actively conducts, engages in, carries on, or practices fortunetelling shall file a separate verified application for a permit with the License Officer. The application shall contain, but not be limited to:

(a) The name, home and business address, and home and business phone number of the applicant.

(b) The record of conviction for violations of the law, excluding minor traffic violations.

(c) The fingerprints of the applicant on a form provided by the Arcadia Police Department.

(d) The address, city and state, and the approximate dates where and when the applicant practices a similar business, either alone or in conjunction with others.

(Amended by Ord. 2263 adopted 12-1-09)

6416.3. - INVESTIGATION.

Upon the filing of the application, it shall be referred by the License Officer to the Police Department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the License Officer within fourteen (14) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth. At the time of the filing of the report and recommendation with the License Officer, a copy thereof shall be served personally or by certified mail by the License Officer on the applicant.

(Amended by Ord. 2263 adopted 12-1-09)

6416.4. - DECISION BY THE LICENSE OFFICER.

(a) The License Officer shall consider the application and the report and recommendation on or before the seventh (7th) day after the filing of the report and recommendation referred to in Arcadia Municipal Code Section 6416.3.

(b) The decision of the License Officer to grant or deny the permit shall be in writing, and if adverse to the applicant, shall contain information on the applicant's right to appeal to the Business License Review Board.

(Amended by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, adopted Dec. 1, 2009, amended § 6416.4 in its entirety. Prior to amendment, § 6416.4 pertained to Hearing and Decision by the Board. See "Ordinance List and Disposition Table" for derivation.

6416.5. - ISSUANCE OF PERMIT.

The Business License Officer shall issue the permit when:

(1) The applicant has complied with all of the provisions of this Article,

- (2) The fee required by Arcadia Municipal Code Section 6220.27 has been paid, and
- (3) The applicant has posted with the City Clerk, a surety bond in the principal sum amount of ten thousand dollars (\$10,000.00) executed as surety by a good and sufficient corporate surety authorized to do a surety business in the State of California and as a principal by the applicant. The form of the bond shall have been approved by the City Attorney and shall have been given to insure good faith and fair dealing on the part of the applicant and as a guarantee of indemnity for any and all loss, damage, theft or other unfair dealings suffered by any patron of the applicant within the City during the term of the permit.

The term of any permit issued under this Section shall be one (1) year subject to renewal.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

#### 6416.6. - PERMIT REVOCATION.

Upon the discovery of any false or misleading statement in the application or any misrepresentation by the applicant in procuring the permit or upon the termination of the bond required hereunder or upon the applicant's violation of any provision of this Article, the License Officer may revoke the permit. The applicant shall have the right to appeal any permit revocation to the Business License Review Board using the procedure as set forth in Sections 6216.8 and 6216.9.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6416.7. - EXCEPTIONS.

- (a) The provisions of this Section shall not apply to any person solely by reason of the fact that he or she is engaged in the business of entertaining the public by demonstrations of mindreading, mental telepathy, thought conveyance, or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers.
- (b) No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer or clairvoyant, hereinafter collectively referred to as minister, from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided, that:
  - (1) Except as provided in (3) hereof, the fees, gratuities, emoluments, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection (b).
  - (2) The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection (b), shall file with the License Officer a certified copy of the minister's certificate of ordination with the minister's name, age, street address, and phone number in this City where the activity set forth in this subsection (b) is to be conducted.
  - (3) Such bona fide church or religious association, as defined in this subsection (b), may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

(Amended by Ord. 2263 adopted 12-1-09)

### DIVISION 7. - OUTDOOR ENTERTAINMENT PERMIT

#### 6417. - PURPOSE AND FINDINGS.

As set forth in the preamble portion of the Ordinance codified in this Division, the purpose of this Division of the Code is to accord a major outdoor facility with significant space and value to the community, the opportunity to conduct certain entertainment type events as defined as authorized by Text Amendment No. 94-002 (AMC 9273.1.15), subject to the attainment of a special permit and compliance with the following Code Sections which are necessary to allow these uses in view of the unique outdoor characteristics of the contemplated events and the need to protect the health, safety and welfare of the community, and specifically the neighborhoods surrounding the entertainment site in the S-1 Zone, consistent with the following findings:

- (a) Historically, the primary use of SART is seasonal horse racing. These permit requirements and related zone use changes are promulgated in recognition of the continuance of this use with a reasonable transition and accommodation to additional uses that enhance the current underutilized status of SART property with uses that are consistent with the capabilities of that property, and not inconsistent with the residential qualities that are an integral part of Arcadia's community character.
- (b)

The primary control that is necessary to allow certain entertainment events at SART relates to noise. In this regard, the City Codes and regulations applicable to this subject make no reference to content and are promulgated as content neutral.

- (c) The City determines that noise regulations and controls are to create a situation that allows sound that is satisfactory to the audience in attendance at entertainment events without intruding on residential neighborhoods.
- (d) Outdoor concerts have been the source of problems throughout their history including disturbance to neighborhoods, frustration to entertainment event audience attendees and performing artists. These problems have been adequately addressed by reasonable governmental controls seeking a workable balance amongst these interests and enhanced by full cooperation between the participants and regulators.
- (e) Amplified noise is part of the current operation of SART with regard to certain events including horse racing. The goal of this Code and related regulations is to assure retention of the character of the community in view of amplified sound concomitant to entertainment activities.
- (f) City goals are to provide the best sound for all events and to insure appropriate sound quality balanced with respect for nearby residential neighborhoods.
- (g) City sound amplification provisions and management shall not sanction inadequate sound systems or vary sound quality or volume based on the message being delivered by performers. City shall assure sound amplification sufficient to reach all listeners within the defined concert grounds.
- (h) City shall promulgate and apply all ordinance and regulation provisions applicable to noise controls in a manner that does not cause prior restraint on the content of any entertainment event, nor in any way effect the message of the performance.
- (i) SART officials and entertainment promoters associated with SART have acknowledged the purpose and goals set forth herein, the contemplated techniques and management of noise controls to be applied, and the time duration of this Division with the full understanding that no vested rights or a continuation of entertainment event permits shall accrue to them or other interested parties, and that the renewal of any permit procedures is totally within the discretion of the Arcadia City Council.
- (j) SART and their promoters have committed to a certain type of programming that is generally described as family oriented as opposed to what is generally termed "rock concert." It is acknowledged that this commitment was not imposed by Arcadia and the City government is not imposing content-related provisions to specify forms and types of entertainment.
- (k) In relation to finding (j), it is determined that the nature of SARTs proposal was related to approval of the land use additions to the S-1 Zone as set forth in Ordinance No. 2011 adding outdoor entertainment events as permitted use in that zone.

It is further determined that for purposes of the transitional nature of the new use, the pilot program nature of this use as sanctioned by the sunset clause provisions, and the need to balance the needs and goals of SART with those of the community, adherence to SARTs commitment as to the type of entertainment is an integral part of the new land use and therefore the requirements of the permit process.

#### 6417.1. - DEFINITION AND APPLICATION.

"Event" shall be a specific program, show, concert, performance, festival or similar occurrence. "Outdoor entertainment events" includes any entertainment oriented event held at the Santa Anita Race Track open to the general public and held when on premises horse racing is not in session. Events must be a permitted use according to the zoning regulations of the property as defined in Arcadia Municipal Code Sections 9273.1.14 and 9273.1.15. No use as set forth is permitted unless there is compliance with all of the provisions of this Division 7. "Permittee" includes Santa Anita Race Track, and the promoter-procedures of a specific event.

#### 6417.2. - PERMIT REQUIRED. APPLICATION/CITY COUNCIL REVIEW.

- (a) Every separate outdoor entertainment event shall be held and open to the general public only with an approved outdoor entertainment event permit issued by the City of Arcadia for that event. Subject to the requirements set forth below, outdoor entertainment event permits for the Santa Anita Race Track property shall be issued by the Business License Officer upon approval by the City Manager, who can condition any approval.
- (b) Before granting a permit to conduct an outdoor entertainment event at the Santa Anita Race Track property, the City will evaluate the complete application to assure that the event will not be detrimental to public health, safety and welfare. The City may establish any conditions to the issuance of the permit, in addition to the conditions set forth below, which are deemed reasonably necessary to protect the public health, safety and welfare.
- (c) Upon receipt of all information necessary to process an outdoor entertainment permit application, it shall be transmitted to the City Council, and placed on the next Council meeting agenda under City Manager for purposes of review and comment, including review and direction with regard to the conditions imposed by staff.
- (d)

Consistent with the pilot program goals, all events recommended for approval by staff shall proceed with whatever recommendations are added by Council, if consistent with applicable ordinance requirements. However, if Council as a body through majority vote expresses a negative view of the particular permit, such vote shall be noted for purposes of the official record upon future consideration of the continuation or repeal of the land use change and permit ordinance authorizing outdoor entertainment activities and permits at SART.

#### 6417.2.1. - COMMUNITY PARTICIPATION PROCESS.

- (a) Prior to the granting of any outdoor entertainment permit, staff shall provide written materials related to the application to interested neighborhood representatives, and conduct a noticed public meeting with the neighborhood to receive their views, and input with regard to noise, traffic, site regulations and other related permit factors. Representatives of all involved City departments including the Police shall participate.
- (b) Notice shall include specific letter notice to those individuals who addressed the City Council at the public hearings on this Division at the meeting of June 21, 1994, plus published notice in the local newspapers, and at least one posting in the neighborhoods represented by those speaking at the referred to Council meeting. In addition, notice shall be mailed to property owners within one thousand (1,000) feet of the boundaries of SART.

#### 6417.3. - HOURS, DURATION, NUMBER OF EVENTS. TYPE.

Entertainment events as authorized by Arcadia Municipal Code Sections 9273.1.14 and 9273.1.15 and as defined in Section 6417.1 are subject to the following permit requirements:

- (a) In no case shall there be in excess of thirty (30) event days per year. The yearly period shall commence upon the effective date of the ordinance codified in this Division and terminate on October 1, 1995.
- (b) Weekday events are those that fall between six (6:00) p.m. on Sunday and six (6:00) p.m. on Thursdays, excluding holiday weekend Mondays that are National legal holidays. No weekday events shall occur beyond the time frames set forth in this Section, except for three (3) days to be designated by permittee on which days the time limit applicable to weekend events shall apply.
- (c) Weekend events shall include Friday and Saturday events plus Sunday when Monday is a national legal holiday. These events shall be conducted between the hours of nine (9:00) a.m. and eleven (11:00) p.m.
- (d) Conduction during the above permitted hours means that no aspect of the entertainment activity and/or performance itself including noise attributable to the specific activity shall occur before or after the prescribed times.
- (e) Those events conducted at SART by nonprofit organizations as defined at Arcadia Municipal Code Section 9273.1.14 shall not be counted as part of the day requirements set forth above. In all other respects, the provisions of this Division shall apply to approved nonprofit organization events, unless exempted by the City Manager upon a showing of good cause.
- (f) Consistent with the specific commitment of SART and their promoter, they shall submit at the earliest time possible prior to the granting of any permit, a complete list and description of each and every event that they contemplate for scheduling during the ordinance period. This submittal shall be to determine consistency with the commitment for family oriented entertainment as opposed to what is generally described as "rock concerts." Based on the following special finding, it is acknowledged that the City's intent is not to impose specific definitional criteria to musical products or entertainment.
  - (1) Finding and City Determination/Indemnity. Santa Anita is not a traditional outdoor entertainment forum for the events that are contemplated by the land use amendment approved by the City Council. It was not built or designed for that purpose. Surrounding neighborhoods were constructed and inhabited, partly in consideration of SART's long history as a seasonal horse racing site. Accordingly, in recognition of changing trends and the needs of SART, their significant investment and the underutilized status of subject property, they requested a text amendment to the Zoning Code to expand their uses on an experimental basis before adoption of a permanent ordinance. In recognition of these and other factors set forth in this Division, and in view of the types of problems that can evolve from the contemplated uses such as excessive noise, crowd control problems, traffic and potential law enforcement problems, all of which have been documented throughout the United States, SART has committed to forms of entertainment that best meets these goals. Accordingly, they will abide by any determination by City that a submitted entertainment request is not eligible for the application process. This includes their commitment to hold Arcadia harmless, and to defend and indemnify the City, its officers, agents and employees, from any action that arises out of such a determination.

#### 6417.4. - TRAFFIC.

The Arcadia Police Department will evaluate the application submitted for all "events" and apply any necessary regulations and traffic control requirements. No outdoor entertainment event permit will be issued without review and approval from the Arcadia Police Department for traffic control with written concurrence by the permittee with regard to applicable conditions.

6417.5. - VENDING.

All business activity of vending and/or offering for sale, merchandise, souvenirs, drinks, food and services will require a business license according to Section 6211. Fees for business license are based on Part 2, Sections 6220 through 6220.47. All food vendors will display a valid Health Department Certificate.

6417.6. - NOISE, REGULATORY GUIDELINES AND PERFORMANCE AGREEMENT.

Permittees shall acknowledge on the permit form their understanding that the previous exemption of City noise requirements for amplified sound in the S-1 Zone as set forth at Arcadia Municipal Code Section 4620.1 has been repealed and that other sections have amended the City Noise Code all of which are affixed to the permit as part of the conditions of such permit. "Sound" regulations shall be prepared by the City Manager and City Attorney with approval by the City Council to supplement and implement the provisions and goals of this Division. They shall include sound control guidelines to administer and manage all aspects of noise/sound controls and management. Additionally, permittee shall as a condition precedent to the granting of an outdoor entertainment permit, execute a performance agreement in a form as approved by the City Attorney to commit to the following:

- (a) The City Manager shall appoint a Noise Monitor (sound technicians or technicians) to act as its direct agent for purposes of noise control on the premises of the permittee. Permittee shall fund the cost of the monitor, shall allow the Monitor full access to the applicable sound system (including sound or mixing board) with the right and ability to control same, subject to the following:
  - (1) Control shall relate to violations of the City Noise Ordinance including the nuisance provisions and sound regulations.
  - (2) The City, its officer, agents and employees shall be held harmless by permittee with regard to any losses, claims, suits or liability that arise out of the actions of the City Noise Monitor, and shall agree in writing to the satisfaction of the City Attorney to indemnify the City with regard to any such actions.
- (b) Permittees shall provide City with a staging plan at least thirty (30) days in advance of the event. This plan shall show the location of the stage or performance area, and details of the sound system and amplification to enable review by the City Noise Monitor. Permittees shall review this plan with the City and adhere to reasonable conditions as recommended by the City with regard to noise mitigation in relation to the staging plan. These conditions may include, but are not limited to, the location of the performance area, the location and/or utilization of sound mitigation structures or devices, and configuration of the stage and program area.
- (c) Permittees agree to allow Arcadia Police personnel as designated by the Chief of Police to have full access to the property to assist the City Noise Monitor.
- (d) Permittees agree to pay for or provide whatever communication, devices, aides, and equipment and instruments that may be necessary to effectively monitor and control the noise system as prescribed by the City.
- (e) Permittees shall agree to cooperate in good faith with the City and to abide by any other reasonable conditions for noise control as may be set forth in the performance agreement.
- (f) Compliance with Subsections (a) through (e) of this Section is required regardless of whether a performance agreement is executed. Violation is subject to the following Section 6417.7 and 6417.8.

6417.7. - PENALTIES. MISDEMEANOR VIOLATIONS.

For every violation of the City Noise Ordinance or the provisions of this Code, permittees shall pay a penalty of one thousand dollars (\$1,000.00) to the City. Prior to imposition of any such penalty, City shall give specific notice of the violation to permittees who shall have the right to appeal the penalty to the City Business License Review Board, which Board shall hear the appeal and make a recommended decision to the City Manager.

Nothing in this Section shall preclude additional fines or penalties that arise out of any legal action taken by the City or preclude the City from recovering the above penalties in a civil action.

Violation of any Section of this Division shall constitute a misdemeanor.

6417.8. - SUSPENSION/REVOCAION OF PERMIT—CONDITIONS.

Any violation of this Division, the City's Noise Ordinance or the performance agreement or related provisions is cause to suspend or revoke any permit upon the service of written notice to permittee or permittees' agent. For purposes of such notice, service on any employee or agent of permittee shall suffice. Officer or designee shall suffice. A list of such officers and their designees shall be submitted to City in advance of any permitted event.

Any documented problem as determined by the City Manager or the Manager's designee shall justify the imposition of new or revised conditions applicable to any event for which a permit has already been issued, or any future event at which the City Manager or his designee determines that similar problems may arise.

6417.9. - APPLICATION PROCESS, FEES AND DEPOSIT.

Each separate entertainment event as defined by the above Code Sections shall require a separate application and permit. Each application for which a permit is required shall be accompanied by the payment of one thousand dollars (\$1,000.00) for processing the application, plus the following deposits:

- (a) One Thousand Dollars (\$1,000.00) to be applied as a deposit to cover the costs of the Noise Monitor. Permittees shall be responsible for costs incurred by the City with regard to the Noise Monitor.
- (b) One Thousand Dollars (\$1,000.00) to be applied as a deposit towards the cost of any equipment, or other special needs of the City in relation to noise monitoring, that are not otherwise provided.
- (c) Records of the above costs shall be maintained by the City and shall be reviewable by permittees who shall be fully responsible for all costs incurred in excess of the deposits and shall be entitled to a refund of those portions of the amounts deposited not utilized for the applicable costs.

#### 6417.10. - APPLICATION AND EXPIRATION OF ORDINANCE.

The terms and provisions of this Division (Sections 6417 through 6417.9) shall be of no force and effect as of October 1, 1995, at which time Sections 6417 through 6417.9 are repealed. As of October 1, 1995, Arcadia Municipal Code Section 9273.1.15 will no longer be in effect and therefore neither outdoor entertainment events or permits related to same will be authorized or permitted. Consistent with this Section, no permit shall be granted prior to expiration of this Division that authorizes an "event" after said expiration date. The provisions of this Division shall remain in effect only until October 1, 1995, unless a later enacted ordinance deletes, amends or extends such date.

(Division 7 added by Ord. 2013 adopted 7-5-94)

#### DIVISION 8. - MASSAGE THERAPIST REGULATIONS

*Footnotes:*

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*(Division 8 added by Ord. 2163 adopted 11-5-02; amended in its entirety by Ord. 2175 adopted 5-6-03; amended in its entirety by Ord. 2215 adopted 5-20-06; amended by Ord. 2235 adopted 1-15-08; amended in its entirety by Ord. 2260 adopted 8-19-09)*

#### 6418. - FINDINGS AND PURPOSE.

The City of Arcadia is authorized, by virtue of the State Constitution and Section 51031 of the Government Code, to regulate massage therapists by conditioning the issuance of a license to engage in the business of massage on reasonable standards relative to their skill and experience, and to regulate owners and operators of massage therapy businesses to ensure the safety of clients receiving massage therapy.

While the City Council recognizes that section 4612 of the Business and Professions Code and section 51034 of the Government Code gives those individuals who are certified pursuant to chapter 10.5 of the Business and Professions Code the right to practice massage, those sections also gives the City the right to adopt reasonable business licensing and health and safety requirements for massage establishments and businesses, including requiring a conditional use permit (CUP) to operate.

The City Council finds and determines that the standards contained in this division pertaining to massage therapy business activities are necessary to protect the public health and safety and the personal safety of massage therapists.

The City Council further finds that the public health and safety are best served by the adoption of an ordinance providing for regulation of massage therapy business activities in a manner that is consistent throughout the City of Arcadia, and that is consistent with State law (including, but not limited to chapter 10.5 of the Business and Professions Code - Sections 4600 et seq.).

The establishment of reasonable standards for issuance of a license and restrictions on massage therapy business activities would serve to reduce the risk of illegal activities.

There is a significant risk of injury to massage clients by improperly trained and/or uneducated massage therapists and this Division provides reasonable safeguards against injury and economic loss.

(Ord. No. 2326, § 2, 4-21-15)

#### 6418.1. - DEFINITIONS.

"Acupressure" shall mean the stimulation or sedation of specific meridian points and trigger points near the surface of the body by the use of pressure applied in order to prevent or modify perception of pain or to normalize physiological functions, including pain control, in the treatment of certain diseases or dysfunctions of the body.

"Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.

"Acupuncturist" means an individual to whom a license has been issued to practice acupuncture pursuant to chapter 12 of the Business and Professions Code, which is in effect and is not suspended or revoked.

"Applicant" means the individual seeking a business license pursuant to this Division.

"Certified copy" shall mean a copy of a document that is certified by the issuer as being a true and accurate copy of the original document or a similar document bearing an original signature of the issuer.

"Chief of Police" means the Chief of Police of the City of Arcadia, or his or her designated representative.

"City of Arcadia Massage Verification Card" shall mean the no fee business license issued by the City of Arcadia after receiving a certified copy of a Massage Certificate which verifies the massage therapist's ability to practice massage in the City of Arcadia.

"City regulatory officials" shall mean the City's Licensing Authority, Building and Planning Services, Code Services Officers, Fire Department and the Police Department.

"Employ" shall include, without limitation, contracting with independent contractors as well as hiring or employing persons.

"Employee" shall include, without limitation, independent contractors and persons hired or employed by an operator or owner of a massage therapy business.

"Health Department" means the County of Los Angeles Department of Health Services.

"Licensing Authority" shall mean the Business License Officer or the designated official responsible for issuing, revoking and otherwise administering the provisions of this Division.

"Massage" or "massage therapy" shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without supplementary aids such as creams, ointments, or other similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

"Massage Business License" or "Business License" or "License" shall mean the City of Arcadia business license required to be applied for and obtained by anyone wishing to own or operate a massage therapy business.

"Massage Certificate" shall mean a certificate issued pursuant to Sections 4600 et seq. of the Business and Professions Code.

"Massage therapist" shall mean any person who, for any consideration whatsoever, performs or offers to perform a massage in a massage therapy business.

"Massage therapy business" shall mean both massage establishments or businesses that are sole proprietorships, where the sole proprietor has a Massage Certificate and massage establishments or businesses that employ or use only persons that have either a Massage Certificate to provide massage services.

"Massage Therapist Identification Card" shall mean a certain card issued by the City of Arcadia, pursuant to Municipal Code provisions no longer in effect, which allows the holder of the card to practice massage in the City.

"Minor" means any individual under the age of eighteen (18) years.

"Nudity" or "semi-nudity" shall mean any of the following:

- (A) The appearance or display of an anus, male or female genital, pubic region or a female breast; or
- (B) A state of undress which less than completely covers an anus, male or female genital, pubic region or a female breast.

"Operator" or "owner" means the individual(s) who are responsible for the management and/or supervision of a massage therapy business. Whenever the term owner or operator is used in this Division, it shall be deemed to include, without limitation, the manager of any massage therapy business.

"Patron" shall mean any person who receives a massage in exchange for any form of consideration including, but not limited to, the payment of money.

"Specified anatomical area" shall mean human genitals, pubic region or a female breast.

(Amended by Ord. 2275 adopted 7-6-10)

(Ord. No. 2326, § 2, 4-21-15)

6418.2. - ACUPRESSURE.

This Division shall also apply to the administration of acupressure, except as administered by licensed acupuncturists.

(Ord. No. 2326, § 2, 4-21-15)

6418.3. - ZONING AND BUILDING LAWS APPLICABLE TO MASSAGE THERAPY BUSINESS ACTIVITIES - CONDITIONAL USE PERMIT REQUIRED.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, any massage therapy business within a structure, unless the structure is located in a zone where such use is permitted and a conditional use permit has been obtained pursuant to Division 5 of Part 7 of Chapter 2 of Article IX of this Code (commencing with Section 9275.1). All such established businesses shall comply with all building and zoning regulations, the regulations of this Division including licensing and permitting requirements, and all other applicable requirements of law.

(Ord. No. 2326, § 2, 4-21-15)

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, changed the title of § 6418.3 from "Permissible Massage Therapy Business Activities" to read as set out.

6418.4. - STATE MESSAGE CERTIFICATION REQUIRED TO CONDUCT MASSAGE THERAPY IN THE CITY.

On or after January 1, 2016, it shall be unlawful for any person to engage in massage therapy within the City (whether having a fixed or mobile place of business within the City (e.g.: "out-call", "in-home" or "in-office" services)), without having a valid Massage Certificate. To ensure compliance with this Code section, all massage therapists must file a certified copy of their Massage Certificate with the City of Arcadia Development Services Department - Business License Division. After successfully filing his or her Massage Certificate, all massage therapists will be issued a City of Arcadia Massage Verification Card. The City shall charge no fee for review of a Massage Certificate or issuance of a Massage Verification Card.

Notwithstanding the above, any person engaging in massage therapy under a valid Massage Therapist Identification Card may continue to do so until January 1, 2016 and, prior to that date, a Massage Therapist Identification Card shall be deemed equivalent to a Massage Certificate for purposes of compliance with this Division. All Massage Therapist Identification Cards shall expire on January 1, 2016. Commencing on the effective date of this Division, no further Massage Therapist Identification Cards will be issued or renewed.

Any Massage Therapist Identification Card remaining in effect may be suspended or revoked for violations of this Division, this Code or State law, pursuant to the procedures contained in Section 6216.7 of this Code (Suspension/Revocation of Business Licenses).

(Ord. No. 2326, § 2, 4-21-15)

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, changed the title of § 6418.4 from "Certification or Identification Required to Conduct Massage Therapy" to read as set out.

6418.5. - BUSINESS LICENSE REQUIRED.

Any person owning or operating a business that provides massage therapy shall apply for and obtain from the City a Massage Business License. Obtaining the required business license includes obtaining approval from the Department of Development Services, Planning Services, confirming that the proposed business location is in compliance with applicable zoning, building and other codes or laws. The applicant shall file a written application on the required form provided by the Development Services Department.

The following information, documents and other requirements shall be included with the submission of such application:

- (A) The information required from all business license applicants, pursuant to Sections 6211 - 6211.5 of this Code.
- (B) A statement in writing and dated by the applicant certifying under penalty of perjury that all information contained in the application is true and correct,
- (C) A statement in writing and dated by the applicant certifying under penalty of perjury that he or she: (a) has received a copy of this Division; (b) understands its contents; and (c) understands the duties of owners/operators of businesses that provide massage therapy as provided in this Division,
- (D) Applicant's valid Massage Certificate or valid City of Arcadia Massage Verification Card, if applicant plans to practice massage therapy, and
- (E) Proof that the applicant has obtained a conditional use permit from the City and is otherwise in compliance with the City's zoning code.

All applicants shall pay a nonrefundable business licensing processing fee sufficient to cover the costs of business licensing activities, in the amount established by resolution of the City Council, pursuant to Section 6211.2.1.1 of this Code.

(Ord. No. 2326, § 2, 4-21-15)

6418.6. - DENIAL, SUSPENSION AND REVOCATION OF MASSAGE THERAPY BUSINESS LICENSE; APPEAL PROCEDURE AND REINSTATEMENT.

A Massage Business License may be denied for the same reasons and on the same grounds as any other business license in the City, pursuant to Section 6216.6 of this Code.

A Massage Business License may be suspended or revoked by the City for the same reasons and on the same grounds as any other business license in the City, pursuant to Section 6216.7 of this Code.

The appeal of a denial, suspension or revocation of a Massage Business License shall be governed by the procedures set forth in Section 6216.8 of this Code.

The reinstatement of a Massage Business License shall be governed by the procedures set forth in Section 6216.11 of this Code.

(Ord. No. 2326, § 2, 4-21-15)

6418.7. - Reserved.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.7 which pertained to Number of Licenses Permitted. This section bore no history note.

6418.8. - HOURS OF OPERATION.

No massage therapist shall administer a massage in any established business between the hours of 9:00 p.m. and 7:00 a.m. A massage begun any time before 9:00 p.m. must nevertheless terminate at 9:00 p.m. All customers, patrons and visitors shall be excluded from the massage therapy business during these hours and be advised of these hours. The hours of operation must be displayed in a conspicuous public place within the established business.

The operator must notify the City of any change in hours, of which the City has received any prior notification, not later than seven (7) calendar days prior to said change.

(Ord. No. 2326, § 2, 4-21-15)

6418.9. - BUSINESS OWNER/OPERATOR RESPONSIBILITY.

All massage therapy business owners and/or operators shall be responsible for the conduct of all employees and independent contractors. Any act or omission of any employee or independent contractor constituting a violation of the provisions of this Division shall be deemed the act or omission of the business owner for purposes of determining whether the owner's license shall be revoked, suspended, denied or renewed.

No business owner and/or operator shall employ any person, or allow any person, to conduct a massage or act as an independent contractor conducting massage who does not have a valid Massage Certificate and City of Arcadia Massage Verification Card. In order to ensure compliance with these Code provisions, no massage therapy business owner shall employ any person who has not shown them their valid Massage Certificate and City of Arcadia Massage Verification Card.

(Ord. No. 2326, § 2, 4-21-15)

6418.10. - Reserved.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.10 which pertained to Massage Therapist Identification Card Required if no Massage Certificate. This section bore no history note.

6418.11. - Reserved.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.11 which pertained to Processing the Application. This section bore no history note.

6418.12. - Reserved.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.12 which pertained to Issuance of Identification Card. This section bore no history note.

6418.13. - Reserved.

**Editor's note—** Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.13 which pertained to Disapproval of Massage Therapist Identification Card. This section bore no history note.

6418.14. - Reserved.

**Editor's note—** Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.14 which pertained to Renewal of Massage Therapist Identification Card. This section bore no history note.

6418.15. - RENEWAL OF MASSAGE THERAPY BUSINESS LICENSE.

Owners and/or operators of businesses that provide massage therapy shall annually apply for renewal of their Massage Business License. The owner and/or operator applicant shall pay a nonrefundable application renewal fee at the time of filing a renewal application in the amount established by resolution of the City Council. The owner of a business that provides massage therapy shall maintain a current business license. Any owner and/or operator who currently possesses a business license allowing them to operate a massage therapy business must, upon time for the renewal of their license, apply for a Massage Business License, supplying the information as required in Section 6418.5 of this Division.

6418.16. - Reserved.

**Editor's note—** Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.16 which pertained to Transfer of License. This section bore no history note.

6418.17. - CHANGE OF INFORMATION.

If, during the term of a Massage Therapy Business License, a massage therapist or an owner and/or operator has any change of information submitted on the original application or license renewal application, the massage therapist shall notify the Business License Officer of such change in writing within ten (10) business days thereafter.

(Ord. No. 2326, § 2, 4-21-15)

6418.18. - CESSATION OF MASSAGE THERAPY SERVICES.

The massage therapist is required to notify the Business License Office by written notice, filed within fifteen (15) business days after the last date of the performance or offering of massage therapy services, if he or she no longer performs or offers massage therapy services in the City of Arcadia.

6418.19. - PROHIBITED ACTIVITIES.

- (A) It is unlawful for any massage therapist, employee, patron, or any other person present where massage therapy services are being offered or performed, to expose or touch the genitals or anal area, or the breast of any female, whether his or her own, or those of another person.
- (B) It is unlawful for any massage therapist, employee, patron, or any other person present where massage therapy services are being offered or performed, to engage in any sexual activities.
- (C) It is unlawful for any massage therapist, employee, patron, or any other person present where massage therapy services are being offered or performed, to be in a state of nudity or semi-nudity.
- (D) No massage therapist shall provide or offer to provide any massage therapy services to a minor unless the minor's parent or legal guardian provides written permission.
- (E) No person shall enter, be in, or remain in, any area where massage therapy services are offered or performed while in the possession of, consuming, using or under the influence of, any alcoholic beverage or controlled substance. Service of alcoholic beverages shall not be permitted at any established business where massage therapy services are being performed.
- (F) Patrons shall not be prohibited from the use of, or possession of, cellular phones, pagers or any communication devices while massage therapy services are being offered or performed.
- (G) It is unlawful for any massage therapist, employee, patron, or any other person present where massage therapy services are being offered or performed, to wear or have in their possession such items as nightgowns, negligees, bathrobes, sexually oriented merchandise or condoms. Every business owner and/or operator shall assure that such items are not being kept, possessed, stored or used on the business premises.
- (H) No electrical, mechanical or artificial device shall be used for audio and/or video recording or for monitoring the performance of a massage, or the conversation or other sounds in any massage room.
- (I)

No person shall use or possess any sexually oriented merchandise in or on any part of a massage establishment. For purposes of this subsection, "sexually oriented merchandise" shall mean sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similarly sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

- (J) Except as provided herein, a massage therapy business may not lock any of its doors through which the public enters from an outside location during business hours. This prohibition shall not apply to a massage therapy business that is owned by one individual with one or no employees or independent contractors. No massage therapy business may lock any of its internal doors leading to a room in which massage is performed.

(Ord. No. 2326, § 2, 4-21-15)

6418.20. - OPERATIONS.

- (A) Identification Cards. Each massage therapist shall at all times while on the massage therapy business premises have in his or her possession their Massage Certificate, a valid photo identification, and their City of Arcadia Massage Verification Card. Such card and identification shall be provided to City regulatory officials upon demand. Each owner and/or operator shall at all times while on the massage therapy business premises have in his or her possession a copy of the Business License required by this Division and a valid photo identification. Such card, license and identification shall be provided to City regulatory officials upon demand.
- (B) Display of License. Each owner or operator of a massage therapy business shall display the Business License Certificate issued pursuant to this Division in an open and conspicuous place on the business premises where massage therapy services are performed.
- (C) Clothing. Each massage therapist and all other employees shall be fully clothed at all times in compliance with the clothing standards set forth in section 4609(a)(10) of the Business and Professions Code.
- (D) Sterilizing Equipment. Each massage therapist shall provide and maintain at the business location where the massage is performed adequate equipment for disinfecting and sterilizing instruments used in massage.
- (E) Covering. Each massage therapist shall provide to all patrons clean, sanitary and opaque coverings capable of covering the patron's specified anatomical areas, including the genital, anal and female breast area. Reuse is prohibited unless the covering is adequately cleaned.
- (F) Linen. Towels and linen shall be changed and laundered promptly after each use. Separate cabinets or containers shall be provided for the storage of clean and soiled towels and linen.
- (G) Advertising. No massage therapist operating under this Division shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts nudity or semi-nudity or employs language in the text of such advertising that would reasonably suggest to a prospective patron that any other services are available other than those services authorized by this Division.
- (H) Discrimination. No massage therapist may discriminate or exclude patrons on the basis of their race, sex, religion, age, handicap or any other classification protected under federal or state laws, rules or regulations.
- (I) Inspections and Searches. The business owner/operator, and massage therapist, as a condition to the issuance of either each Business License or each Massage Therapist Identification Card, shall be deemed to consent to the reasonable inspection of the business premises during regular business hours by the City Development Services Department, Fire Department, Police Department and the Los Angeles County Health Department for the purpose of determining that the provisions of this Division or other applicable laws or regulations are met.
- (J) Lighting. The lighting in each massage room shall be at least one (1) sixty-watt white light bulb and shall be activated at full wattage at all times (no dimming) while a patron is in such room or enclosure. No strobe flashing lights may be used. No colored lights shall be used nor shall any coverings be used which change the color of the primary light source.
- (K) Ventilation. Ventilation shall be provided in accordance with the applicable provisions of the building and construction codes adopted by the City of Arcadia.
- (L) Building Permits. All building, plumbing and electrical installations shall be installed under permit and inspected by the Development Services Department. Such installations shall be installed in accordance with the applicable provisions of the building and construction codes adopted by the City of Arcadia.
- (M) Separate Sexes and Rooms. If male and female patrons are to be treated simultaneously, the following shall be provided: separate treatment rooms (except in the case of consensual "couples massage" whereby not more than two individuals may be treated simultaneously in the same room by two massage therapists), separate dressing rooms and separate toilet facilities for each patron. Nothing in this Division shall prevent a massage therapist of one sex from providing massage to a patron of the other sex.
- (N) Maintenance. All facilities where massage therapy services are offered must be in good repair and shall be thoroughly cleaned and sanitized each day the business is in operation. All walls, floors and ceilings of each restroom and shower area shall be easily cleanable.
- (O) Massage Table. A massage table shall be provided in each massage room or enclosure and the massage shall be performed on this massage table. The tables shall have a minimum height of eighteen inches (18"). Two-inch (2") thick foam pads with maximum width of four feet (4') may be used on a massage table and must be covered with durable, washable plastic or other waterproof material. Beds, floor mattresses, table showers

and waterbeds are not permitted on the business premises.

- (P) Posting. Each service offered, the price thereof and the minimum length of time such service is performed shall be posted in a conspicuous public location on the business premises. No services shall be performed and no sums shall be charged for such services other than those posted.
- (Q) Wall/Window Requirements. The City may not require a massage therapy business to have windows or walls that do not extend from the floor to ceiling, or have other internal physical structures, including windows, that interfere with a client's reasonable expectation of privacy.
- (R) Roster of Employees. The business owner and/or operator shall maintain a register of all massage therapists and employees, showing the name, nicknames and aliases used by the massage therapist or employee, home address, age, birth date, gender, height, weight, color of hair and eyes, phone numbers, social security number, date of employment and termination, if any, and duties of each employee. The above information concerning each massage therapist and employee shall be maintained at the premises of the business for a period of two (2) years following their termination. The business owner and/or operator shall make the register of massage therapists and employees available immediately for inspection by the City regulatory officials upon demand at all reasonable times.
- (S) Reserved.
- (T) Living and food prohibited. No person or persons shall be allowed to live inside the massage therapy business at any time. All living quarters shall be separate from the massage therapy business. No food of any kind shall be prepared for sale or sold in the business premises.
- (U) Preemption. In the event the terms and conditions of any current, valid Massage Certificate, or any applicable regulation adopted by a state agency, conflict with or supersede the requirements of this section, a massage therapist or massage therapy business shall not be subject to the requirements of this section to the extent of any such conflict or inconsistency.

(Ord. No. 2326, § 2, 4-21-15)

6418.21. - RESERVED.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.21, which pertained to Suspension and Revocation of Massage Therapist Identification Card and Business License. This section bore no history note.

6418.22. - RESERVED.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.22, which pertained to Return of License Certificate and Identification Card. This section bore no history note.

6418.23. - RESERVED.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.23, which pertained to Appeals. This section bore no history note.

6418.24. - RESERVED.

**Editor's note**— Ord. No. 2326, § 2, adopted Apr. 21, 2015, deleted § 6418.24, which pertained to Reapplication After Revocation. This section bore no history note.

6418.25. - EXEMPTIONS.

The provisions of this Division, with the exception of those provisions relating to massage therapy business ownership, shall not apply to any of the following:

- (A) State licensed physicians, surgeons, chiropractors, physical therapists, osteopaths, or any registered or licensed vocational nurses working on the premises of, and under the direct supervision of, a State licensed physician, surgeon, chiropractor or osteopath;
- (B) Barbers, beauticians, manicurists and pedicurists who are duly licensed under the laws of the State of California, except that this exemption shall apply solely to the massaging of the scalp, face, neck, arms, hands, or feet of the client for cosmetic or beautifying purposes;
- (C) Athletic trainers certified by the State of California performing training services for professionals, amateur or school athletic events or practices; and
- (D) Duly licensed businesses and government agencies only with respect to on-site massage therapy services which are offered and provided at the expense of the business or government agency, or at the expense of their employees, exclusively to their respective employees, and not to the general public, solely as a benefit of employment. Massage therapy provided hereunder must be provided by a person who (1) is a massage therapist, as defined in this Division, who maintains a valid Massage Certificate, or (2) qualifies for an exemption pursuant to Subsections (A), (B) or (C) of this Section.

(Ord. No. 2326, § 2, 4-21-15)

PART 2. - COMMERCIAL ENTERPRISES

DIVISION 1. - REGULATION OF WRITTEN MATERIALS

6421. - DEFINITIONS.

For the purpose of this Division, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

- A. "City Clerk" means the City Clerk of the City of Arcadia, or the authorized designee thereof.
- B. "Distribute" means the act of throwing, casting, or scattering, or causing the same to be done.
- C. "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.
- D. "Refusal register" means the most recent edition of the unsolicited written material refusal register maintained by the City Clerk in accordance with this Division.
- E. "Unsolicited written material" means written material that is distributed to a business or residence in the absence of a subscription agreement.
- F. "Written material" means any handbill, pamphlet, circular, newspaper, paper, booklet, poster, leaflet or other printed matter.

6421.1. - REFUSAL REGISTER.

- A. The City Clerk shall maintain a list of those businesses and residences whose occupants have submitted a written expression of their unwillingness to receive unsolicited written material. Such list shall be known formally as the "Refusal Register." Occupants listed on the register as not willing to receive unsolicited written material may specify whether they wish to receive no unsolicited written material at all, or may specify from whom they do or do not wish to receive unsolicited written material. Occupants may also include the name or names of minors under the care and custody of such occupants at the particular residence.
- B. The City Clerk shall update the refusal register on a quarterly basis throughout the year. The City Clerk shall remove any occupant or any minor under the occupant's care and custody at a particular residence from the refusal register upon the request of such occupant.
- C. The City Clerk shall provide a free copy of the refusal register to any person so requesting.

6421.2. - REGULATIONS GOVERNING DISTRIBUTION.

It is unlawful for any person to distribute unsolicited written material in violation of the following regulations:

- A. Unsolicited written material shall not be distributed to any business or residence that is listed on the most recently updated refusal register as one who does not wish to receive written materials from the person attempting to so distribute.
- B. Unsolicited written material shall not be distributed to any business or residence that contains a "no solicitation" sign conspicuously posted on, or near, the entrance or front door of the business or residence.
- C. Unsolicited written material shall not be distributed by any person to any business or residence that contains unremoved unsolicited written material of the same person where such unsolicited written material is reasonably visible from the public right-of-way.
- D. Unsolicited written material shall not be distributed to any business or residence at any location other than at the doorknob or doorstep of such premises.
- E. All unsolicited written material shall have printed thereon, or affixed in legible form, the name, address and telephone number of the person responsible for the distribution of the unsolicited written material, together with a legible notice informing the recipient that anyone who does not desire to receive such unsolicited advertising material may so notify the person responsible for the distribution thereof or the City Clerk in writing.
- F. Upon receipt of a notice pursuant to subsection E of this section, the person responsible for distribution of any unsolicited written material shall not distribute any further unsolicited written material in contravention of such notice.
- G. It is unlawful for any person to distribute unsolicited written material unless he or she has, upon his or her person, a copy of the most recently updated copy of the refusal register, or the information contained in the most recently updated refusal register.
- H. The provisions of this chapter shall not apply to the following:
  - 1. The distribution of United States mail, telegrams or other matter preempted by state or federal law; or
  - 2. The posting or leaving of legally required notices; or
  - 3. Distribution of any notices or other written material by persons employed by or acting at the behest of the City of Arcadia, the State of California or the Federal government; or

4. Any written material which the occupant or owner has expressly requested in writing.
- I. All unsolicited written material that is distributed in violation of this Division is designated as litter and a nuisance pursuant to Government Code Section 38771.
- J. Any person violating any provision of this Division, or failing to comply with any of its requirements, shall be deemed guilty of either a misdemeanor or an infraction, punishable pursuant to Section 1200 of the Arcadia Municipal Code.

(Division 1 amended completely by Ord. 2138, adopted 11-21-2000)

#### DIVISION 2. - KEEPING OF POULTRY AND ANIMALS

##### 6422. - OFFAL REMOVAL STATEMENT.

Every person keeping or maintaining animals, rabbits, poultry or domestic fowls, who by reason thereof is required by the provisions of Chapter 2 of this Article to have a business license therefor, shall at all times either have in his possession upon the premises and make available for inspection at any time by the Manager, Health Officer or any other city officer or employee, a signed receipt stating in substance that all manure and droppings have been removed from the premises within the time specified by subsection 5310.9 or by any notice issued under subsections 5310.3 or 5310.4; or shall have on file with the Clerk a written statement signed by such person stating that all manure and droppings have been removed from such premises within the time specified by subsection 5510.3 or by any notice issued under subsections 5310.3 or 5310.4.

##### 6422.1. - SAME. CONTENTS.

Such receipt or statement shall specify the address of the premises from which manure and droppings were removed, the name (if any) of the business conducted upon such premises, the name of the person keeping or maintaining animals, rabbits, poultry or domestic fowls on such premises, the name and address of the individual who removed such manure or droppings from the premises, the date of such removal, a statement that all manure and droppings were removed from the premises described thereby on the date specified therein or as required by Part 1 of Chapter 3 of Article V of this Code, and shall be signed by the owner or tenant of the premises from which such manure or droppings were thus removed, and by the person who removed such manure or droppings from the premises if he be not the owner or tenant of the premises. No person shall sign, display or file with the Clerk any false or fraudulent receipt of notice required by this Division.

#### DIVISION 3. - CLOSING OUT SALES

##### 6423. - FILING OF INVENTORY.

No person shall advertise or conduct any sale of goods, wares or merchandise, at retail, that is represented as a bankrupt, insolvent, assignee, adjusters, trustees, executors, administrators, receivers, wholesalers, jobbers, manufacturers, closing out, liquidation, closing stock, fire or water damage sale, or any other sale which is by representation or advertisement intended to lead the public to believe that the person conducting such sale is selling out or closing out the goods, wares or merchandise of any business for less than the current or going retail price thereof in the City, without first filing with the License Officer the inventory hereinafter provided for and obtaining from him a license to do so, to be known as a "Closing Out Sale License."

##### 6423.1. - SAME. MERCHANDISE LIST.

The inventory required by Section 6423 shall contain a complete and accurate list of the stock of goods, wares and merchandise to be sold at such sale for which a license is hereby required, together with the wholesale price thereof, which inventory or list shall be signed by the person seeking the license or by a resident agent thereunto authorized, and by affidavit at the foot thereof he or such agent shall swear or affirm that the information therein given is full and true and known by him or such agent to be so.

##### 6423.2. - SAME. SALES RECORD.

No person shall sell, offer or expose for sale at any such sale or list on such inventory any goods, wares or merchandise which are not the regular stock of the store or other place the business of which is to be closed out by such sale, or make any replenishments or additions to such stock for the purposes of such sale or during the time thereof, or fail, neglect or refuse to keep accurate records of the articles or things sold, from which records the License Officer may ascertain the kind and quantity of goods sold.

##### 6423.3. - SAME. EXCEPTION.

The provisions of this Division shall not apply to a bona fide closing out sale of merchandise by a person who has conducted said business for a period of one year immediately preceding such sale.

DIVISION 4. - FIREWORKS STANDS AND DISPLAYS

16424. -

(Repealed by Ord. 1880 adopted 3-1-88)

6424.1. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.1. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.2. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.3. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.4. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.5. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.6. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.7. -

(Repealed by Ord. 1856 adopted 4-21-87)

6424.2.8. -

(Repealed by Ord. 1880 adopted 3-1-88)

6424.3. -

(Repealed by Ord. 1880 adopted 3-1-88)

6424.4. -

(Repealed by Ord. 1880 adopted 3-1-88)

6424.5. -

(Repealed by Ord. 1880 adopted 3-1-88)

DIVISION 5. - PEDDLERS AND SOLICITORS

6425. - MASTER LICENSE.

The master license described in subsection 6220.30.1 shall at all times be kept and displayed in the established place of business and the individual license shall be carried upon the person of the licensed peddler or solicitor at all times when he is engaged in peddling or soliciting. Each individual license issued under the master license shall carry the name of the peddler or solicitor below the name of the company by whom he is employed.

(Amended by Ord. 1896 adopted 10-20-88)

6425.1. - "NO PEDDLERS" SIGNS.

No peddler selling or pretending to sell, or offering for sale or demonstrating goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell, or knock on the door of or attempt to gain admittance to any residence, dwelling, flat, or apartment whereon a sign bearing the words "No Peddlers" is painted or affixed or exposed to public view.

6425.2. - "NO SOLICITORS" SIGNS.

No solicitor selling or pretending to sell, or offering for sale, or demonstrating or taking orders for, or soliciting orders for goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell, or knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Solicitors" is painted or affixed or exposed to public view.

6425.3. - "NO PEDDLERS OR SOLICITORS" SIGNS.

No peddler or solicitor selling, or pretending to sell, or offering for sale, or demonstrating or taking orders for, or soliciting orders for, goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell, or knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Peddlers or Solicitors", or words of similar import indicating that peddlers or solicitors are not wanted on said premises, is painted or affixed or exposed to public view.

6425.4. - EXCEPTION ON INVITATION.

The provisions of this Division shall not apply to any peddler or solicitor who knocks at any door or rings any bell at the invitation or with the consent of some member of the household at which he so applies for admission.

6425.5. - PERSISTENCE AFTER REQUEST TO LEAVE.

No person shall offer for sale, demonstrate, attempt to sell, or to solicit or attempt to solicit orders for goods, wares or merchandise of any kind or character, or any article, material or substance, at or in any residence, dwelling, flat or apartment after having been requested to leave such residence, dwelling, flat or apartment by the person or tenant in lawful possession thereof.

6425.6. - REFUSAL TO LEAVE ON REQUEST.

No peddler or solicitor shall refuse to leave any residence, dwelling, flat or apartment, or any portion of the premises thereof, when requested to leave by the tenant or person in lawful possession thereof.

6425.7. - LEGISLATIVE POLICY.

That the practice of going in and upon private residences in the City of Arcadia, California, by solicitors, peddlers, hawkers, itinerant merchants, salesmen and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners thereof, by the occupant or occupants of said private residence, or by the person or persons in lawful possession thereof, for the purpose of soliciting orders for the sale of services, goods, wares and merchandise, or vending, peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

(Added by initiative Ord. 1188 approved 11-6-62; effective 12-29-62)

6425.8. - PROHIBITED ACTIVITIES.

No solicitor, peddler, hawker, itinerant merchant, transient vendor of merchandise, salesman or other person shall go in or upon any private residence in the City for the purpose of soliciting orders for the sale of services, goods, wares or merchandise, or vending, peddling or hawking the same, unless such person shall have first been requested or invited so to do by the owner, occupant or person in lawful possession of such private residence.

(Added by initiative Ord. 1188 approved 11-6-62; effective 12-29-62)

6425.9. - SAME. EXCEPTION.

The provisions of Section 6425.7 and 6425.8 shall not apply to the activities of any Charity, as defined by Section 6611.2, conducted in compliance with Chapter 6 of this Article, nor shall they apply to any franchisee of the City of Arcadia with a valid franchise from the City of Arcadia when the solicitation is related to the purpose and intent of said franchise and further provided the prior consent of a majority of the City Council is obtained.

(Added by initiative Ord. 1188 approved 11-6-62; effective 12-29-62; Amended by Ord. 1649 adopted 8-15-78)

6425.10. - SAME. SAME. NEWSPAPERS.

The provisions of sections 6425.7 and 6425.8 shall not apply to the solicitation or obtaining of subscriptions to newspapers of general circulation, published for the dissemination of local or telegraphic news or intelligence of a general character and printed or published at regular intervals, biweekly or more often.

(Added by Ord. 1196 adopted 3-5-63)

DIVISION 6. - TIP SHEETS

6426. - DISTRIBUTORS.

Any person licensed under the provisions of section 6220.42 of this Code shall be entitled to disseminate, distribute, pass out, give away, hand out, sell, offer for sale, or solicit for the sale of any of the said materials described in Section 6220.56 through not more than six (6) persons during any day; provided, however, that no person shall be entitled to act for and on behalf of such licensee until such licensee has filed with the Chief of Police the name, address and photograph of the person so authorized to act.

(Amended by Ord. 1896 adopted 10-20-88)

6426.1. - FILED COPIES.

No person shall sell, solicit for sale or offer for sale any of such material or materials upon any day unless a true copy of such material or materials has been filed in the office of the Chief of Police at or before 11:00 o'clock a.m. of said day.

6426.2. - DISTRIBUTING.

No person shall, in the disseminating, distributing, passing out, giving away, handing out, selling, offering for sale, or soliciting for the sale of any of said materials described in Section 6220.42, interfere with or cause interference with the normal flow of traffic upon the city streets. For the purpose of preventing congestion in traffic upon the public streets, the location occupied by such person in the conduct of such business on private property shall be subject to the approval of the License Officer with input from the Chief of Police; provided, however, that any person aggrieved by the decision of the License Officer under this Division may appeal to the Business License Review Board, using the procedure as set forth in Sections 6216.8 and 6216.9.

(Amended by Ord. 1104 adopted 11-1-60; amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6426.3. - SAME. STREETS.

No person shall disseminate, distribute, pass out, give away, hand out, sell, offer for sale or solicit for the sale of any of said materials described in Section 6220.42 of this Code either in violation of any provision of Chapter 2 of Article M of this Code, or in, on, or from that portion of any street customarily travelled by motor vehicles.

(Amended by Ord. 1896 adopted 10-20-88)

6426.4. - SAME. HOURS.

No person shall disseminate, distribute, pass out, give away, hand out, sell, offer for sale or solicit for the sale of any of said materials described in Section 6220.42 of this Code at any place within the City within the hours of 4:00 o'clock p.m. and 7:00 o'clock p.m. on any day, except upon property owned and controlled by any racing association duly licensed by the State to conduct horse racing under and in accordance with the laws of the State relating to such matters and in conjunction with which such property is used by such racing association by any person who is licensed to engage in business thereat pursuant to Section 6220.42.

(Amended by Ord. 1121 adopted 2-21-61; amended by Ord. 1896 adopted 10-20-88)

6426.5. - CANCELLATION.

The violation of any provision of this Division shall, in addition to any other penalty, be grounds for the cancellation by the License Officer of any license issued pursuant to Section 6220.42 of this Code.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6426.6. - LICENSE. EXTENSION.

(Repealed by Ord. 1127 adopted 5-16-61)

16426.6.1. - SAME. EXCEPTION.

The provisions of Section 6220.42 shall not prohibit, or require a license or the payment of a fee, for the sale, distribution or delivery of newspapers of general circulation, as defined by Section 6000 of the Government Code of the State, nor shall said provisions apply within any racing enclosure duly licensed by the State to conduct horse racing under and in accordance with the laws of the State relating to such matters; nor to sales of such materials or items made by a merchant duly licensed by the City provided such sales are made only inside a building in which his licensed business is conducted.

(Amended by Ord. 1896 adopted 10-20-88)

DIVISION 7. - PRIVATE PATROLS

6427. - PERMIT PROCEDURE.

No person, either as owner, manager, employee or otherwise, shall solicit for, manage, conduct, carry on or assist in the solicitation for, management, conducting or carrying on of the business of a private patrol without having obtained a written permit from the License Officer pursuant to Chapter 3 of this Article, and without paying the license fee required by Section 6220.28.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6427.1. - APPROVAL.

The License Officer shall first satisfy himself or herself that the management, conduct or carrying on of said private patrol will comport with the public welfare and for this purpose may consider any facts or evidence bearing on the moral fitness, ability, qualifications and character of any person or persons who will be in charge of, manage, conduct, or carry on said private patrol, and may require the submission of any facts or evidence tending to enlighten it in this respect.

(Amended by Ord. 2263 adopted 12-1-09)

6427.2. - SURETY BOND.

Upon the approval of such application by the License Officer the applicant shall present to the Clerk a bond, approved by the City Attorney, in the penal sum of One Thousand Dollars (\$1,000.00), which bond shall inure to the benefit of any person, firm or corporation who may suffer loss or damage by reason of any act of applicant. Upon the payment by the applicant of a license fee required by Section 6220.28, a license shall be issued to the applicant by the License Officer for such period of time not exceeding one (1) year as is specified by the License Officer for the permit.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

6427.3. - DISPLAY OF PERMIT AND LICENSE.

The license and permit required for any business or occupation specified in this Division shall be conspicuously displayed in or at the place of business of the licensee, except that in all instances in which a license and permit are issued for the carrying on of any business conducted personally, the license and permit therefor shall be carried upon the person of the individual operating thereunder at all times while engaged in such business.

#### DIVISION 8. - STREET BENCHES

(Division 8, Sections 6428 through 6428.23, repealed by Ord. 1528 adopted 4-15-75.)

#### DIVISION 9. - TAXICABS/AUTOMOBILES FOR HIRE

##### TITLE 1. - DEFINITIONS

###### 6429.1. - TAXICAB.

Taxicab shall mean and include an automobile having a distinctive insignia and color scheme, used for the transportation of not more than five passengers for hire, excluding the driver, at rates based on the distance, direction, number of trips, waiting time or any combination thereof.

###### 6429.1.1. - AUTOMOBILE FOR HIRE.

Automobile for hire, including limousines, shall mean and include every motor vehicle not equipped with a taximeter which is used to provide prearranged transportation service for a fee. No automobile for hire shall be painted a distinctive color for the purpose of identification.

###### 6429.1.2. - DRIVER.

Driver shall mean and include any person in actual charge and control of any automobile for hire or taxicab.

##### TITLE 2. - LICENSE AND PERMITS

###### 6429.2. - PERMITS REQUIRED.

No person shall operate or cause to be operated upon any street any taxicab or automobile for hire, unless there shall have been issued by the City an operator's permit to the operator applicant pursuant to Chapter 3 of this Article (Section 6311 et seq.) and a driver's permit to the driver thereof pursuant to this Division, and unless each such permit shall be in full force and effect. All permits granted pursuant to this Article shall be nontransferable.

###### 6429.2.1. - LICENSE.

Each permit issued by the License Officer shall entitle the holder thereof to also obtain a license from the License Officer, upon payment of the license fee at the rate specified in subsection 6220.39, to operate each automobile for hire or taxicab as set forth and described in the permit. Such license shall be securely attached in a conspicuous location to the rear left portion of the licensed automobile for hire or taxicab at all times when said vehicle is in use.

(Amended by Ord. 1896 adopted 10-20-88; amended by Ord. 2263 adopted 12-1-09)

###### 6429.2.2. - OPERATION.

The granting of a permit for the operation of an automobile for hire or taxicab, and full compliance by the permittee with all the provisions of this Division, shall entitle the permittee to operate, so long as such permit is in full force and effect, such automobile for hire or taxicab for the transportation of passengers over the streets of the City, provided that at all such times each automobile shall be driven by a driver holding a valid permit under the provisions of this Division.

###### 6429.2.3. - DURATION.

Any permit issued under the provisions of Chapter 3 of this Article granted to a holder of an operator's permit to operate an automobile for hire or taxicab, or to a driver to drive said automobile, shall be in full force and effect unless the holder thereof shall violate any of the provisions of this Division or until said permit has been revoked, suspended or canceled or has expired, but in no event to be for a period beyond the calendar year of its issuance. No

person holding an operator's permit which is not in full force and effect shall allow any automobile under his ownership, management or control to be used for the carrying of passengers for hire upon the streets of the City; and no person whose driver's permit has expired or has been revoked, suspended or canceled shall drive, operate or be in charge of an automobile for hire or taxicab.

#### 6429.2.4. - INSURANCE.

In case the term of the insurance policy or policies required by the provisions of this Division for the operation of an automobile for hire or taxicab shall expire or shall be canceled, such permit shall, by such expiration or cancellation, be immediately and automatically suspended until such insurance policy or policies are reinstated and are again in full force and effect, or until replaced by other insurance to the approval of the Council; provided that in any case where such insurance has been canceled or has expired, and has not been reinstated nor replaced with other insurance within ten (10) days after the expiration or cancellation thereof, then the permit which has been issued for the operation of such automobiles for hire or taxicabs covered by such insurance shall be automatically canceled, annulled and set aside.

#### 6429.2.5. - INACTIVE AUTOMOBILE.

The failure to use any duly licensed automobile for hire or taxicab upon the streets of the City and to have the same in active service for the reasonable convenience of the people of the City for a period of thirty (30) days shall automatically revoke, cancel and rescind the permit applicable to such automobile.

### TITLE 3. - OPERATOR'S PERMIT

#### 6429.3. - APPLICATION.

The application for a permit to operate an automobile for hire or taxicab upon the streets of the City shall be upon forms to be supplied by the City and shall contain the following information:

- (1) Name, age, business address, residence address and citizenship status of the applicant; or if a corporation, its name, date and location of incorporation, and residence address of each of its officers; or if a partnership, association or unincorporated company, the names of the partners, or the persons comprising the association or company, with the place of business and residence of each such partner or person;
- (2) The address to which notice, when required, is to be sent or mailed;
- (3) Whether the applicant was previously engaged in the business for which a permit is requested, and if so, the location and length of time thereof;
- (4) If applicant is a corporation, a copy of the articles of incorporation shall be attached to the application; if a partnership or association, a copy of the partnership or association agreement;
- (5) The number of taxicabs or automobiles for hire to be used in the business of the applicant, and the following information concerning each automobile: copy of insurance certificate in accordance with subsection [6429.3.4](#), make, model, year, motor number, passenger capacity, state license number, mileage, and detailed statement of condition of tires, brakes, body, upholstery and drivetrain;
- (6) Current validated registration card for all automobiles for hire and taxicabs that will operate under the operator's permit;
- (7) A schedule of rates or fares to be charged for carrying passengers;
- (8) A verified financial statement of the applicant;
- (9) Whether or not any permit has been revoked, suspended or canceled, and if so, the circumstances of such revocation, suspension or cancellation;
- (10) Such further information as the License Officer, or such official of the City to whom the application may be referred, may require.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6429.3.1. - REQUIREMENTS.

No operator's permit for the operation of an automobile for hire or taxicab shall be granted or authorized to be issued, until the License Officer determines that the facts and acts specified in the following subsections exist and have been performed, or that they will exist and will be performed before the privilege sought shall be exercised.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6429.3.2. - PUBLIC CONVENIENCE.

- (a) Public convenience and necessity require the operation of said automobile for hire or taxicab as set forth in said application. The declaration of public convenience and necessity shall not be necessary for:

- (1) The granting of a permit to operate the same number of vehicles or a lesser number, held by the applicant under the same name on the date prescribed for the expiration of permits, and such permits shall be classed as renewals provided they were originally granted in accordance with the provisions of this Article; and
  - (2) Limousines as determined by the License Officer upon a showing that the proposed service does not have the characteristics of a taxicab service.
- (b) The License Officer, in declaring whether or not public convenience and necessity exist, may take into consideration all facts as they may deem pertinent and proper, which facts shall include a specific finding that the following conditions exist:
- (1) That the applicant is financially responsible;
  - (2) That persons holding permits for the operation of automobiles for hire and taxicabs are, under efficient management, earning a fair and reasonable rate on their capital devoted to such service;
  - (3) That persons holding existing permits for the operation of automobiles for hire and taxicabs are, under normal conditions, inadequately serving the public;
  - (4) That the applicant is capable of providing safe and prompt taxicab service, twenty-four (24) hours daily;
  - (5) That the applicant has presented evidence sufficient to justify operation of a specified number of taxicabs or automobiles for hire in the City of Arcadia.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6429.3.3. - COLOR SCHEME RESTRICTIONS.

The color scheme, name, monogram or insignia to be used upon any taxicab of the applicant must not conflict with or imitate any color scheme, name, monogram or insignia used by another person in such manner as to be misleading, or tend to deceive or defraud the public, or that a color scheme, name, monogram or insignia has therefore been designated for the applicant. The name and monogram or insignia must be permanently attached to the taxicab or automobile for hire.

#### 6429.3.4. - LIABILITY INSURANCE.

As a prerequisite for required permits, the following shall be provided to the satisfaction of the City Attorney that the applicant or permittee has procured and paid in advance the annual premium upon an insurance policy, and shall submit a copy of such insurance policy prior to being granted a permit to operate in the City. The policy of insurance shall evidence insurance of all vehicles and substitute vehicles in use, and the owner and the driver of each of the taxicabs which the owner will operate in the City must be insured against liability for injury to any person as the result of ownership, operation or use thereof. The insurance policies must remain in full force and effect and must meet the following minimum requirements for each vehicle listed on the application:

- (a) The policy of insurance for each vehicle listed in the application must be issued by a carrier licensed by the State of California Department of Insurance to sell commercial automobile liability in the State of California and be a member of the California Insurance Guarantee Fund, with a minimum A.M. Best rating of B+VII or a comparable rating applicable to insurance companies as stated from time to time by Standard and Poors, Moodys', or Fitch Investors Services for insurance rating purposes;
- (b) The policy shall contain policy limits of not less than Three Hundred Thousand Dollars (\$300,000) combined single limit per occurrence of limits of not less than One Hundred Thousand Dollars (\$100,000) per person, Three Hundred Thousand Dollars (\$300,000) per accident, and Fifty Thousand Dollars (\$50,000) for property damage. Such insurance may include a property damage deductible not greater than Two Thousand Five Hundred Dollars (\$2,500) per occurrence;
- (c) The policy shall name the City of Arcadia, its City Council, and its officers, agents and employees as additional insureds; and shall be primary to and not contributing to any other insurance maintained by the City
- (d) The policy shall provide for written notice to be submitted to the City, thirty (30) days prior to any cancellation or modification of the policy.
- (e) A certificate of insurance which conforms to the provisions of this Section, shall be attached to every application for a taxicab permit pursuant to this Chapter. Upon approval of the application, a copy of the additional insured and cancellation endorsements required by subsection (c) and (d) of this Section shall be filed with the City within thirty (30) days of the date of application is approved.

(Amended by Ord. 1978 adopted 10-6-92)

#### 6429.3.5. - SELF-INSURANCE (LIABILITY).

The liability insurance requirements set forth in Section 6429.3.4 may be met as follows:

- (a) By self-insurance (or similar risk program such as membership in a purchasing group) if certified by City's Risk Management and Finance Directors.

(b) A program of self-insurance may be established by showing evidence of the following:

- (1) The taxicab company owns more than twenty-five (25) vehicles (a requirement for total self-insurance but not partial self-insurance).
- (2) The taxicab company proves it is able to respond in damages to a judgment equivalent to the insurance requirements set forth in Section 6429.3.4.

(c) For single event certification, evidence of acceptance of a self-insurance program by other regulatory agencies with similar requirements is sufficient evidence of financial responsibility.

(d) For partial self-insurance, evidence of ability to respond in damages to a judgment equivalent to the deductible amount is required.

(Repealed by Ord. 1978 adopted 10-6-92; amended by Ord. 1993 adopted 8-17-93)

#### 6429.3.6. - AUTOMOBILE INSPECTION.

Prior to the issuance or renewal of any operator's permit and prior to the approval of any vehicle substitution as defined in Section 6429. 3.8 and any additional vehicles as defined in Section 6429.3.9, the police through the Police Chief designee shall examine every automobile for hire or taxicab listed on an application for an operator's permit. The police may in their discretion refuse to approve a vehicle or may condition their approval, if necessary.

Any taxicab or automobile for hire shall at all times be subject to an inspection by any police officer or other inspector of the City as authorized by the City Manager and/or Council to determine the general condition of the vehicle.

#### 6429.3.7. - COMPLIANCE.

The applicant has in all respects fully complied with all provisions of this Code and with all laws of the State.

#### 6429.3.7.1. - DRIVERS.

- (a) The holder of an operator's permit shall be responsible for ensuring that all persons employed by them as drivers, all applicants who have been offered positions of employment as drivers, and all persons to whom vehicles are leased to be used as taxicabs, have provided the Business License Officer with satisfactory proof of compliance with the drug and alcohol testing requirements contained in this Division and have obtained a valid drivers permit from the Business License Officer.
- (b) Holders of operator's permits shall provide the Business License Officer with the names of all persons employed by them as drivers and with the names of all persons to whom vehicles have been leased to be used as taxicabs.
- (c) Holders of operator's permits shall immediately notify the Business License Officer of the names of all drivers whose employment with the operator has been terminated and with the names of those persons to whom vehicles have been leased upon the expiration or cancellation of such lease.
- (d) Holders of operator's permits shall be responsible for the cost of drug and alcohol testing of drivers employed by them.

(Added by Ord. 2054 adopted 8-20-96)

#### 6429.3.8. - VEHICLE SUBSTITUTION.

The holder of an operator's permit may not substitute any automobile listed on the operator's permit in the place and stead of each licensed automobile the use of which has been discontinued, until making application to do so and by securing the approval of the License Officer. Before being granted such approval the applicant shall fully comply with the provisions of Subsections 6429.2.3 and 6429.3.4.7. Upon the granting of such application, the Clerk shall endorse a memorandum of each substitution upon the original operator's permit, and also upon the license issued to the automobile the use of which has been discontinued, and shall notify the License Officer of such substitution and endorsement. For each such substitution, such permit holder shall pay to the City a fee of Twenty-Five Dollars (\$25.00).

(Amended by Ord. 2263 adopted 12-1-09)

#### 6429.3.9. - ADDITIONAL VEHICLES.

A holder of an operator's permit for the operation of an automobile for hire or taxicab, desiring to operate additional motor vehicles of the same type and classification, shall file an application therefore with the License Officer. The application shall set forth the information as required by this Article. The License Officer may issue a permit to operate such additional motor vehicles.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6429.3.10. - BUSINESS TELEPHONE.

Any operator to whom a permit specified in this Division has been issued shall maintain a listed telephone number at his place of business for which calls originating from Arcadia would be charged as local calls.

6429.3.11. - DENIAL AND REVOCATION, SUSPENSION OR CANCELLATION.

All permits issued hereunder are subject to suspension and revocation pursuant to Arcadia Municipal Code (AMC) Sections 6314, 6314.1 et seq. and AMC Section 1501, and the notice and hearing requirements of AMC Section 6216.8.

TITLE 4. - DRIVER'S PERMIT

6429.4. - APPLICATION.

Any person may apply to the City for a driver's permit to drive a taxicab or automobile for hire for any holder of a valid operator's permit upon the streets of the City, by filing with the License Officer, upon forms to be supplied by the City, an application for a driver's permit setting forth the following information:

- (1) Name, home address, home telephone number, business address and business telephone number of the applicant;
- (2) Past experience as a taxicab or automobile for hire driver;
- (3) Proof that the applicant holds a current, valid driver's license of the appropriate class issued pursuant to the California Vehicle Code, and any other taxicab or automobile for hire driver's license or permits held by the applicant;
- (4) Name and address of the owner of the vehicle which he shall use. Such owner shall endorse the application;
- (5) Where applicable, a description of the taxicab or automobile for hire to be driven;
- (6) A policy of insurance for the taxicab or automobile for hire to be driven by the applicant;
- (7) Duplicate, recent photographs;
- (8) Affiliation with a taxicab or automobile for hire operator, if any;
- (9) Any such other information as may be required or deemed necessary or desirable by the License Officer to enable him to ascertain whether the applicant fulfills the requirements herein set forth;
- (10) Name and address of holder of an operator's permit under which the driver will operate said vehicle. Such holder of the operator's permit shall endorse the application.

6429.4.1. - QUALIFICATIONS.

The applicant shall set forth in his application and make satisfactory proof to the License Officer that he fully meets the following qualifications:

- (1) Applicant shall be at least eighteen (18) years of age;
- (2) Applicant shall not have been convicted in the courts of any State of the United States or in any United States Court of any of the following offenses:
  - (a) Driving a motor vehicle while under the influence of an intoxicant or narcotic. Applicant shall also state what, if any, offenses he has been convicted of under the California Vehicle Code,
  - (b) Pandering,
  - (c) Using, possessing, selling or transporting narcotics,
  - (d) Imparting knowledge for the obtaining of narcotics,
  - (e) Assault or battery, or assault and battery,
  - (f) Violating any law or ordinance involving moral turpitude,
  - (g) Violating any of the provisions of this Division;
- (3) Applicant has been fingerprinted by the Chief of Police;
- (4) Applicant otherwise is a fit and proper person to be the driver of an automobile for hire or taxicab.

6429.4.2. - ISSUING.

The Business License Officer may refuse to issue any such permit if, in the exercise of reasonable discretion, it shall be determined that such applicant is not qualified to be the driver of an automobile for hire or taxicab. Otherwise the Business License Officer shall issue a driver's permit to such applicant upon payment of a license fee of Ten Dollars (\$10.00) in addition to the cost of fingerprinting conducted by the Arcadia Police Department. Every driver's permit

issued shall set forth the name of the driver, the driver's photograph, the name of the driver's employer and the name of the owner of the vehicle which the driver shall use. Each driver's permit shall be displayed conspicuously in the vehicle by the driver.

(Amended by Ord. 2054 adopted 8-20-96)

#### 6429.4.3. - REVOCATION AND SUSPENSION.

The failure of any driver to meet the requirements of Arcadia Municipal Code (AMC) Section 6429.3.1 or to commit any act or acts in violation of said Section or AMC Section 1501 shall authorize suspension or revocation of the driver's permit, subject to the notice and hearing requirements of AMC Section 6216.8.

#### 6429.4.4. - CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM.

(a) As used in this Title, the following definitions shall apply:

(1) "Controlled substance" shall mean those substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of the Ordinance codified in this Section, or as it may be amended.

(2) "Negative test for alcohol" shall mean an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(b) Each applicant shall submit satisfactory proof of a negative test result for controlled substances and for alcohol to the Business License Officer before a driver's permit shall be issued.

(c) Persons holding a valid driver's permit shall, within thirty (30) days of the expiration of their driver's permit, submit satisfactory proof to the Business License Officer of a negative test for controlled substances and for alcohol. No driver's permit shall be renewed unless such proof has been submitted.

(d) Testing procedures shall be substantially as specified in Part 40 of Title 49 of the Code of Federal Regulations, as it exists on the effective date of the Ordinance codified in this Section, or as it may be amended. Requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, as it exists on the effective date of the Ordinance codified in this Section, or as it may be amended.

(e) Self-employed independent drivers shall be responsible for compliance with the requirements of this Section and for all costs incurred thereby. Employing transportation operators shall be responsible for compliance with respect to their employees and potential employees.

(f) Test results shall be reported directly to the employing transportation operator, who shall, within five (5) days of receipt of positive results, notify the Business License Officer. Self-employed independent drivers shall submit all test results to the Business License Officer, who shall notify the taxicab leasing company of record, if any, of positive results.

(g) The driver's permit of any person convicted of using, selling, or driving under the influence of any controlled substance or alcohol, shall be subject to suspension or revocation pursuant to the provisions of this Code.

(Added by Ord. 2054 adopted 8-20-96)

#### 6429.4.5. - TERMINATION OF EMPLOYMENT.

The driver's permit shall become void immediately upon termination of employment. The employer, or the driver if self-employed, shall notify the Business License Officer upon termination of employment. The driver shall return the permit to the Business License Officer upon such termination.

(Added by Ord. 2054 adopted 8-20-96)

### TITLE 5. - RATES AND REGULATIONS

#### 6429.5. - SCHEDULE OF FARES.

The operator of every automobile for hire and taxicab licensed in the City shall file with his application for an operator's permit a true and correct schedule of fares to be charged for the transportation of passengers in any and all vehicles operated under such permit, and such operator shall not change or amend said fares in any manner without first filing said changes or amended fares with the City Clerk thirty (30) days prior to the effective date of such change or amendment. No person shall charge, collect or receive any other or different compensation for the use of such automobile for hire or taxicab than that specified in the schedule of fares on file with the City Clerk and at the time in effect.

#### 6429.5.1. - TAXIMETERS.

No holder of an operator's permit or driver operating any taxicab shall operate such automobile in the City unless it is equipped with a taximeter of such type and design as may be approved by the License Officer. The holder of an operator's permit of such taxicab shall keep such meter accurate at all times. Such meter shall be subject to inspection from time to time. The City Manager or his duly authorized agent or any police officer of the City is authorized at his insistence or upon the complaint of any person, to investigate such taximeter and, upon discovery of any inaccuracy of such taximeter, to remove or cause to be removed from service any such vehicle equipped with such taximeter until such taximeter shall have been repaired and correctly adjusted.

(Amended by Ord. 2263 adopted 12-1-09)

6429.5.2. - LEGIBILITY.

The charge for any service to all patrons of a taxicab shall be calculated and indicated by a taximeter, and all taximeters shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in such automobile.

6429.5.3. - FLAG REQUIRED.

No driver of any taxicab shall display the "flag" attached to the taximeter in the "in use" position until the passenger has entered the taxicab, except in the case of a request for a taxicab at a specified time and location, in which case the "flag" may be placed in the "in use" position at the time and location requested by the customer, or at any time thereafter, after the driver has personally contacted said customer. No driver, while carrying passengers, shall display the "flag" in such position as to denote that such vehicle is not employed, or fail to place the "flag" in the "home" or "for hire" position at the termination of each and every service.

6429.5.4. - ISSUANCE OF RECEIPTS.

No operator of any taxicab, upon receiving payment of a fare as indicated by the taximeter thereon, shall refuse to give a receipt upon the request of any person making said payment. Said receipt shall indicate the amount of the fare, the date, the initial location, and the destination of the trip, the taxicab number and name of the driver.

6429.5.5. - POSTED INFORMATION.

Irrespective of whether the operations are within or extend beyond limits of the City, every automobile for hire and taxicab shall display in the passenger's compartment thereof and in full view of the passengers a printed notice not less than five inches by seven inches (5" x 7") in size, which shall have printed thereon in legible print:

- (1) The name of the holder of the operator's permit under which the vehicle is being operated;
- (2) The name of the owner of said automobile;
- (3) The name under which such business is operated;
- (4) The business address and telephone number of such business;
- (5) The rates to be charged persons using such vehicle, and whether said rates are determined by the number of passengers, the distance traveled, per mile, per trip, for waiting time, or otherwise.

6429.5.6. - TAXICABS. HOW MAY BE HIRED.

The services of a taxicab operating pursuant to any permit granted under the provisions of this Chapter shall be available only upon telephone call, engagement of the taxicab when parked at a regular stand or when hailed from the street, sidewalk or curb, but not otherwise. No taxicab driver, holder of an operator's permit, or his agent shall solicit passengers from or about the vehicle, except through written and posted advertising.

6429.5.7. - AUTOMOBILES FOR HIRE. HOW MAY BE HIRED.

The services of an automobile for hire operating pursuant to any permit granted under the provisions of this Article shall be available only upon telephone call or upon engagement at the public or private garage from which such vehicle is operated. No person shall cruise or cause to be cruised any automobile for hire. An automobile for hire shall be deemed to be cruising when it solicits or takes on any passenger other than in response to an order given at its business office, or in response to a telephone call requesting transportation.

6429.5.8. - UNNECESSARY PARKING.

No driver of a taxicab or automobile for hire shall park or stand the same upon any public highway in the City any period of time longer than is necessary to discharge or receive passengers then occupying or then waiting for such vehicle.

6429.5.9. - TAXICAB SERVICE.

All persons engaged in the taxicab business in the City operating under the provisions of this Article shall render an overall service to the public desiring to use taxicabs and shall keep open twenty-four (24) hours a day for the purpose of receiving orders and dispatching vehicles. The holder of any permit who refuses to accept a call anywhere within the corporate limits of the City at any time when such holder of an operator's permit has available vehicles, or who fails or refuses to give service without reasonable cause relating to the health, safety or welfare of the driver, shall be deemed to be in violation of the provisions of this Article and his operator's permit shall be subject to revocation.

6429.5.10. - SHORTEST ROUTE REQUIRED.

Any driver employed to carry passengers to a definite point shall take the most direct route possible which will carry the passengers safely and expeditiously to their destination.

6429.5.11. - EXCLUSIVE USE.

When an automobile for hire or taxicab is engaged, the occupants shall have the exclusive right to the full and free use of the passenger compartment, and no driver of said automobile shall solicit or carry additional passengers therein.

6429.5.12. - MISREPRESENTATION.

No person shall knowingly or intentionally misrepresent to any City official any material fact in procuring any permit or license herein provided for.

(Original Division 9 amended by Ord. 1354 adopted 7-18-67, Ord. 1557 adopted 5-4-76, Ord. 1562 adopted 6-15-76, Ord. 1622 adopted 2-21-78, and Ord. 1629 adopted 5-2-78 was repealed and a new Division 9 added by Ord. 1836 adopted 6-3-86)

PART 3. - COMMERCIAL ENTERPRISES (Continued)

DIVISION 1. - WELL DRILLING

6431. - PERMIT REQUIRED.

No person, either as principal or agent, shall drill, bore or sink, or cause to be drilled, bored or sunk, any well for water, oil or other similar substance within the City, without first having obtained a permit from the License Officer so to do pursuant to Part 1 of Chapter 3 of this Article. The License Officer shall have the power in their discretion to grant or deny such permit.

(Amended by Ord. 2263 adopted 12-1-09)

6431.1. - EXCEPTION.

The provisions of this Division shall not apply to the drilling, boring or sinking of water wells by the City, used or intended to be used as a part of the municipal water system of the City.

DIVISION 2. - RESTAURANTS

6432. - HEALTH PERMIT.

No license shall be issued to any person engaged in the cafe or restaurant business or for the operation of lunchrooms, cocktail bars, soft drink dispensaries or soda fountains until a permit has first been secured from the Health Officer.

DIVISION 3. - SLAUGHTERHOUSE

6433. - STRUCTURAL REQUIREMENTS.

No person shall construct, operate or maintain a slaughter house except within a building which shall be constructed and maintained in accordance with the provisions of this Division, nor until a permit therefor has been obtained pursuant to Chapter 3 of this Article.

6433.1. - FLOORS.

All floors shall be of material impervious to water. The floor in the slaughtering room shall be constructed so as to slope to a floor drain and this floor drain shall be connected to a sanitary sewer, cesspool or septic tank.

6433.2. - WALLS AND CEILING.

The walls and ceiling of the slaughtering room shall be constructed of smooth surfaced cement plaster at least three-eighths ( $\frac{3}{8}$ ) of an inch thick, or other material satisfactory to the Health Officer, which can withstand severe and repeated cleansing. The walls in the holding room or rooms for live poultry, fowls or rabbits shall be constructed of smooth surfaced cement plaster at least three-eighths ( $\frac{3}{8}$ ) of an inch thick, or other material satisfactory to the Health Officer which can withstand severe and repeated cleansing, to a height of not less than six (6) feet from the floor.

6433.3. - FLOOR EDGES.

All edges at the junction of the floors and walls in slaughtering and holding rooms shall be covered or rounded to facilitate cleaning.

6433.4. - LIGHTING AND VENTILATION.

All rooms shall be well lighted and ventilated.

6433.5. - EQUIPMENT.

All equipment shall be constructed of metal, except cutting blocks.

6433.6. - SANITARY MAINTENANCE.

The entire premises of all slaughter houses shall be kept in a clean and sanitary condition at all times and the proper disposal of all waste shall be maintained.

6433.7. - ANIMALS AT LARGE.

No poultry or rabbits shall be permitted to run at large within a slaughter house.

6433.8. - PERMIT. EXISTING SLAUGHTERHOUSE.

The owner, operator or manager of any existing slaughterhouse shall within thirty (30) days after this Division becomes applicable thereto file with the City an application to continue to conduct the same pursuant to the provisions of this Division and Chapter 3 of this Article.

6433.9. - OWNER'S DECLARATION.

Each such application shall include a signed statement that the applicant will observe the rules and regulations of this Division and will, within a reasonable time not to exceed one (1) month, make any and all changes in construction that are required by this Division.

6433.10. - INSPECTION.

Following receipt of an application pursuant to this Division, the Health Officer shall make or cause to be made an inspection of the premises, and if the provisions of this Division have been complied with, he shall certify that fact to the applicant and to the Clerk.

6433.11. - NEW SLAUGHTERHOUSE.

Any person intending to operate a slaughterhouse shall, before opening or operating such establishment, make application pursuant to the provisions of Part 1 of Chapter 3 of this Article. The application shall include a signed statement that such applicant will observe the rules and regulations of this Division.

6433.12. - SAME. INSPECTION.

Following receipt of such application, the Health Officer shall make or cause to be made an inspection of the premises. If the provisions of this Division and all other pertinent laws have been complied with, he shall certify that fact to the applicant and to the Clerk.

6433.13. - COMPLIANCE.

No permit to operate as provided under subsection 6433.11 shall be issued until all the provisions of this Code and all laws of the State relating to construction and equipment of and pertaining to slaughterhouses have been complied with.

6433.14. - SUSPENDING.

If it is determined by the Health Officer, following any investigation or inspection of a slaughterhouse, that the operator, owner or manager has not complied with the provisions of this Code and particularly with the provisions of this Code, the License Officer may immediately suspend the permit issued to operate the same. The License Officer shall grant the owner or operator a reasonable specified time in which to correct the conditions which are in violation of this Code or any applicable law. If the corrections are not made to the satisfaction of the License Officer within the specified time, the License Officer shall revoke the operator's permit.

(Amended by Ord. 2263 adopted 12-1-09)

6433.15. - REINSTATEMENT.

The owner, operator or manager of any slaughter house for which the permit to operate has been suspended shall be required to correct completely the conditions on which the License Officer based the suspension of the permit. In applying for a reinstatement of the permit, their application shall include a signed statement that the conditions complained of by the Health Officer have been completely corrected. In case a permit has been revoked, it may not be reinstated. Any application for a new permit shall be made as provided in Part 1 of Chapter 3 of this Article.

(Amended by Ord. 2263 adopted 12-1-09)

DIVISION 4. - RUBBISH COLLECTION, HAULING OR DISPOSAL

6434. - PERMIT REQUIRED.

No person shall collect, haul or dispose of commercial refuse in the City without obtaining a permit to do so pursuant to Chapter 3 of this Article.

(Amended by Ord. 1256 adopted 8-27-64; amended by Ord. 1517 adopted 2-18-75)

6434.1. - REGULATIONS.

No person collecting, hauling or disposing of garbage, dry garbage, refuse or rubbish in the City shall fail to comply with all applicable provisions of Chapter 1 of Article V of this Code.

(Amended by Ord. 1256 adopted 8-27-64)

6434.2. - LIMITATION.

No more than three (3) permits for the collection, hauling or disposing of commercial refuse in the City shall be in effect at any one time; provided, however, that no permit renewal shall be denied to a hauler holding a permit as of June 30, 2003, if the hauler meets and complies with all applicable City requirements.

- (a) Santa Anita Race Track (SART) Permit and Refuse Fee. The limitation of Section 6434.2 shall not apply to Santa Anita Race Track. A special refuse permit shall apply to SART to allow for commercial collectors who may not hold a permit pursuant to Arcadia Municipal Code Section 6434.2 subject to payment of a permit fee as follows:

The Santa Anita Race Track shall be billed quarterly in the amount of Ten Thousand Fifty-nine Dollars (\$10,059.00) (Forty Thousand Two Hundred Thirty-five Dollars (\$40,235.00) per year) to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resource Code 40000 et seq.

- (b) Commercial Refuse Fee. Each commercial/industrial waste hauler shall pay a permit fee to the City in the amount of nine and one-half percent (9.5%) of any and all gross monthly receipts resulting from the operation of business in the City. This fee shall be charged to fund the cost of preparing, adopting, implementing and administering the source reduction and recycling element and the integrated waste management plan mandated by Public Resources Code 40000 et seq. This fee shall be in addition to any other fee or charge for solid waste collection authorized by this Code, and may be subsequently amended by resolution of the City Council.

- (1) Purpose of Calculation/Gross Receipts. For the purposes of calculation of such a permit fee, "gross monthly receipts" means any and all compensation received by the permitted haulers in connection with collecting, transporting, disposing and/or recycling of solid waste kept, accumulated or produced in the City plus any and all such compensation received by the waste hauler or the waste hauler's

subcontractors in connection with collecting, transporting, disposing, and/or recycling of solid waste produced, kept or accumulated in the City, with the exception of compensation received from the sale of material recovered through recycling.

- (2) Method of Calculation and Payment. Each month a permit fee shall be calculated as nine and one-half percent (9.5%) of the gross monthly receipts received in the preceding calendar month. The permit fee must be received by the City no later than the last day of the month following the month which is being reported.
- (3) Requirements for Reporting Business Activity. The waste hauler shall file a monthly collection report to the City, and it must be received by the City no later than the last day of the month following the month which is being reported. The report shall include the following information:
  1. Total tonnage of solid waste disposed;
  2. Total number of accounts served;
  3. Total gross receivables for the month.
- (4) City Inspection Authority. The permitted haulers shall maintain accurate and complete books and accounts of all revenues and income arising out of its operations under the permit granted and in a manner which conforms with generally accepted accounting principals. The waste hauler's books, accounts and records, arising out of or related to its operations under the permit granted, shall at all times be open to inspection, examinations and audit by authorized officers, employees and agents of the City.
- (5) Definition of Waste. In addition to those definitions set forth in Arcadia Municipal Code Section 5110 et. seq., solid waste shall include all solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded appliances, treated or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable and animal solid and semisolid wastes, and other discarded solid and semisolid wastes excluding hazardous, infectious wastes and liquid waste.

(Added by Ord. 1256 adopted 8-27-64; amended by Ord. 1364 adopted 3-5-68; amended by Ord. 1517 adopted 2-18-75; amended by Ord. 1989 adopted 6-1-93; amended by Ord. 2029 adopted 2-7-95; amended by Ord. 2180 adopted 6-3-03; amended by Ord. 2198 adopted 9-7-04)

#### 6434.3. - DEFINITIONS.

The definitions set forth in Part 1 of Chapter 1 of Article V of this Code shall be applicable to the provisions of this Division.

(Added by Ord. 1371 adopted 2-6-68)

#### 6434.4. - APPLICATION PROVISIONS.

Every application for a permit under this Division shall contain, in addition to the information required by Division 1 of Part 1 of Chapter 3 of Article VI of the Arcadia Municipal Code, the following:

- a. A statement of facts evidencing the applicant's ability to supply the service for which the permit is required including financial responsibility, technical ability, experience and the availability of additional equipment for use in the event of loss, destruction, damage or breakdown of the equipment regularly used in rendering service under such permit.
- b. The name and address of the person or persons who shall be responsible for the compliance with all of the provisions applicable to such permittee. Before any permit issued under this Division shall be operative, such person shall in writing acknowledge receipt of a copy of all permit conditions and shall agree to be personally responsible for compliance therewith.
- c. Names, titles and addresses of the owners of the business conducted by applicant if said business is a sole proprietorship, joint venture or copartnership; the names, titles and addresses of the officers, directors and shareholders of applicant if applicant is a corporation; names and addresses of the trustor, trustee and beneficiaries if the business conducted by applicant is conducted by or as a trust.
- d. A description of all equipment proposed to be used in performing the service under any permit issued pursuant to this Division including the height and capacity of all such vehicles. No other equipment may be used in the performance of any service under such permit without the prior consent of the City Manager.
- e. A statement of the area or areas within the City which the applicant proposes to serve; a statement of the maximum charges to be made by permittee for any service rendered in said area or areas and under such permit; and an agreement that the applicant will if granted a permit collect refuse anywhere within said area or areas where he may lawfully do so at rates equal to or less than those specified in his application.
- f. A schedule of days and hours applicant proposes to collect garbage, refuse or rubbish within the City and an agreement that applicant will at applicant's sole expense notify each of applicant's customers in writing at least forty-eight (48) hours prior to any change from said schedule of collection.

(Added by Ord. 1371 adopted 2-6-68)

6434.5. - INSURANCE.

No permit required by this Division shall be issued unless and until the applicant files with the City a certificate of liability insurance evidencing insurance coverage in the following amounts:

Bodily injury/auto and other:	\$1,000,000 each person
	\$2,000,000 each accident
Property damage/auto:	\$1,000,000 each accident
Property damage/except auto:	\$1,000,000 each accident

Said certificate shall likewise evidence the fact that the City is named as an additional insured in the insurance policy thereby evidenced, and shall further provide that the insurance thereby evidenced shall not be cancelled, allowed to lapse or expire or be reduced in amount during the term of any such permit unless the City be given at least twenty (20) days' notice in writing by the insurer prior to any such cancellation, lapsing, expiration or reduction in coverage.

(Added by Ord. 1371 adopted 2-6-68; amended by Ord. 1557 adopted 5-4-76)

6434.6. - EQUIPMENT. ENCLOSED BODY.

Every vehicle subject to this Division regularly used in the collecting, hauling or disposing of dry garbage, refuse (both residential and commercial) and rubbish as same are defined in Part 1 of Chapter 1 of Article V, on established routes, shall be equipped with a completely enclosed compactor-type body. Every vehicle used for the collection or hauling of garbage as defined by Section 5110.1 of the Arcadia Municipal Code shall be equipped with a completely enclosed water-tight metal body and shall be so loaded at all times as to prevent spillage or leakage therefrom. Except when the same are actually being loaded or unloaded, all such vehicles shall be kept entirely closed so that none of the contents thereof may spill or drop from such vehicle.

(Added by Ord. 1371 adopted 2-6-68)

6434.6.1. - SAME. SAFETY INSPECTION.

Each vehicle used for collecting, hauling or disposing of residential or commercial refuse in the City shall be inspected and certified twice each year by the California Highway Patrol. Notice of such certification shall be filed with the License Officer and the Chief of Police each June and December prior to the issuance of a business license, and as vehicles are placed into service. Failure to submit required notice of such certification shall be grounds for suspending the Contractor's business license until a notice evidencing passage of inspection as required is received by the License Officer and Police Chief.

(Added by Ord. 1371 adopted 2-6-68; amended by Ord. 1517 adopted 2-18-75; amended by Ord. 1683 adopted 7-17-79)

6434.6.2. -

(Added by Ord. 1371 adopted 2-6-68 amended by Ord. 1517 adopted 2-18-75; repealed by Ord. 1683 adopted 7-17-79)

6434.6.3. - SAME. SAME. MAINTENANCE INSPECTION.

All vehicles operated under the provisions of this Division shall at all times be maintained in a safe and sanitary condition, painted and cleaned to reflect a neat appearance. The Chief of Police may cause any such vehicle to be inspected and tested at any time in such manner as may be appropriate to determine that such vehicle is being maintained in compliance with the provisions of this Division and in compliance with the provisions of the California Vehicle Code.

(Added by Ord. 1371 adopted 2-6-68)

6434.6.4. - SAME. LOAD LIMIT.

No vehicle used for collection, hauling or disposing of garbage, dry garbage, refuse or rubbish subject to this Division shall be loaded in excess of the manufacturer's gross vehicle weight rating or in excess of the maximum weights specified by the California Vehicle Code, whichever is less.

(Added by Ord. 1371 adopted 2-6-68)

6434.6.5. - SAME. IDENTIFICATION.

Every permittee under this Division shall maintain on each side of every cab or body of each vehicle used in the collecting, hauling or disposing of garbage or refuse the name and phone number of the company or person to whom such permit has been granted in letters and numbers not less than three inches (3") in height and one and one-half inches (1½") in width and in a color sharply contrasting with the color of such vehicle. In addition, every permittee under this Division shall maintain in or upon every vehicle subject to this Division and available for inspection at all times, evidence of the manufacturer's name and gross vehicle weight rating for said vehicle.

(Added by Ord. 1371 adopted 2-6-68)

6434.6.6. - SAME. WARNING DEVICE.

Each vehicle used for collecting, hauling or disposing of residential or commercial refuse shall be equipped with an audible warning device that is activated when the vehicle is backing up.

(Added by Ord. 1517 adopted 2-18-75)

6434.7. - OWNERSHIP.

No permit shall be issued to any person or company controlled directly or indirectly by any other person or company to whom a permit has been issued pursuant to this Division or who owns or controls directly or indirectly any person or company holding a permit issued pursuant to this Division.

(Added by Ord. 1371 adopted 2-6-68)

6434.8. - REMOVAL OF SPILLAGE.

No permittee under this Division shall fail to pick up and remove all refuse which has been spilled or dropped on public or private property in the course of collecting or hauling of garbage or refuse. All expenses incurred by the City in the collection and disposal of any such spilled or dropped garbage or refuse shall be paid to the City, on demand, by the permittee causing or permitting such spilling or dropping of refuse.

(Added by Ord. 1371 adopted 2-6-68)

6434.9. - PRODUCTION OF CUSTOMER LISTS, RATES AND OWNERSHIP STATEMENT.

Every person or company holding a permit pursuant to this Division shall, within fourteen (14) days of demand made in writing by the City Manager, produce for his inspection on a form prescribed by the Manager, a list of the names and addresses of commercial refuse collection customers served by the permittee within the City of Arcadia, a statement setting forth frequency of collection from said customers, a list of the rates charged each such customer for said service, a profit and loss statement of permittee's operations pertaining to garbage, residential combustible and noncombustible refuse and commercial refuse collection, hauling and disposal within the City for the previous year in a form satisfactory to the City Manager and a statement of the current information required by subdivision (c) of Section 6434.4. Said information shall be certified as true and correct under penalty of perjury by permittee. Information obtained by virtue of this Section shall be and remain confidential information and not a public record.

(Added by Ord. 1371 adopted 2-6-68)

6434.10. - SUSPENSION.

The Chief of Police may at any time suspend any permit issued pursuant to this Division if he finds that any equipment of the permittee used in the collection or hauling of garbage or refuse in the City fails to comply with any applicable regulation. Such suspension shall remain in effect until the License Officer shall set aside such suspension, extend such suspension for a specific period of time and upon specified conditions, or revoke the permit.

(Added by Ord. 1371 adopted 2-6-68; amended by Ord. 2263 adopted 12-1-09)

DIVISION 5. - BILLBOARDS

6435. - REGULATIONS.

Any person required to obtain a license pursuant to subsection 6220.10 of this Code or who is conducting or managing the business of advertising by means of billboards, signs, bulletins or other advertising media on private property shall comply with the provisions of Chapter 7 of Article VIII of this Code.

DIVISION 6.

Footnotes:

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**Editor's note**— Ord. No. 2287, § 2, adopted Oct. 18, 2011, effective Nov. 18, 2011, repealed Art. VI, Ch. 4, Pt. 3 Div. 6, §§ 6436, 6436.1—6436.12, 6436.12.1, 6436.12.2, 6436.13, in its entirety. Former Art. VI, Ch. 4, Pt. 3, Div. 6 pertained to Christmas Tree Sales and Pumpkin Sales and derived from Ord. 1184, adopted Aug. 21, 1962; Ord. 1846, adopted Apr. 21, 1987; Ord. 1896, adopted Oct. 20, 1988; Ord. 1958, adopted Dec. 3, 1991.

DIVISION 7. - PATIO, GARAGE AND/OR BACKYARD SALES—PERMITS AND CONDITIONS

Footnotes:

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(Division 7 (Section 6437) repealed and a new Division 7 added by Ord. 1532 adopted 12-2-75)

6437.1. - COMMERCIAL USE OF RESIDENTIAL PROPERTY.

Except as otherwise expressly provided in the Arcadia Municipal Code, no person shall conduct any commercial activity on residential property. Sales type activity with proper permits and in complete compliance with the conditions of this Division is a permitted use of residential property.

(Amended by Ord. 1864 adopted 8-18-87)

6437.1.2. - BOUTIQUES AND CRAFT SHOWS.

Boutiques and craft shows held on residential property shall have a central cashier. Hand crafted items, crafts and merchandise of a new nature shall be the property of the participants of the event.

- (a) An application specifying relevant information as to the dates, time, place and a general description of the items to be sold shall be on file at the office of the Business License Officer and a written permit issued for the sale. There shall be no more than two (2) sales per calendar year at a given location. Each sale shall be for not more than three (3) consecutive days.

Exception: Boutiques and craft shows in churches, schools and places of assembly located in residential zones shall be conducted no more than four (4) times per calendar year at a given location and shall be for not more than three (3) consecutive days.

- (b) Boutiques and craft shows meeting the requirements of this Section but held from a commercial location shall be limited to three (3) consecutive days, four (4) times per year.
- (c) Regulations 6437.2 subsections (c) through (g) shall apply to boutiques and craft shows with proper permits and in complete compliance with all other conditions of the Division.

(Added by Ord. 2052 adopted 6-4-96; amended by Ord. 2062 adopted 12-17-96)

6437.2. - PATIO, GARAGE AND/OR BACKYARD SALE PERMITTED; CONDITIONS.

The sale of goods, wares or merchandise from a residential property principally used as a residence (commonly known as a patio, garage and/or backyard sale) is hereby permitted, provided that the following conditions are complied with:

- (a) An application specifying relevant information as to the dates, time, place and a general description of the items to be sold is on file at the office of the City Business License Officer and a written permit has been issued for the sale. One (1) permit shall authorize no more than two (2) sales per calendar year at a given location. One (1) "sale" shall be for no more than two (2) consecutive days.
- (b) No goods, wares or merchandise shall be offered for sale or sold at such sale other than used property owned exclusively by the owner, tenant or occupant of such residence. New goods shall not be sold at garage sales. Upon request by any representative of the Police Department, the person conducting such sale shall establish his title to the goods, wares or merchandise offered for sale.
- (c) Subsection (b), above, shall not be applicable to a charitable organization, as defined in Section 6611.2, infra, when such charitable organization is conducting a patio, garage and/or backyard sale at the residence of a member of such organization or at the legally established premises of such charity or religious establishment when located in a residential zone.
- (d) No sign, billboard, placard, or other form of advertisement of such sale shall be placed upon any public property within the City; nor shall any such form of advertisement be placed upon the premises where the sale is to be conducted more than two (2) days prior to the date the sale is to commence, and shall be removed by 6:00 p.m. on the day the sale terminates. No more than one (1) sign, billboard, placard or other form of advertisement shall be placed upon the premises and such sign shall not exceed four (4) square feet in size and must be in the front yard area.
- (e) No such sale shall be commenced prior to 8:00 a.m. and shall conclude each day at or before 6:00 p.m.

(f) No goods, wares or merchandise shall be placed or displayed in the front yard of any residence or premises, nor in the side yard of any corner lot, unless such side yard is screened from the view of the adjacent public right-of-way to the maximum height permitted, for the purpose of offering for sale, selling or advertising such sale. For the purpose of this Article, front yard is defined as the full width of the lot lying between the public right-of-way and the front building line of the main house on the premises. This Section shall be applied to avoid the display of goods in the open on property between any residential structure and the street.

(g) A violation of any of the foregoing conditions including conduction of a sale without a permit shall constitute a misdemeanor in accordance with Section 1200 of this Code.

(Amended by Ord. 1864 adopted 8-18-87)

#### DIVISION 8. - NEWSRACKS

##### 6438.1. - DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

"Harmful matter" means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

"Development Services Director" means that person who serves as the City's Development Services Director or his or her designee.

"Newsrack" means any self-service or self-operated box, container, storage unit, or other dispenser placed, installed, used or maintained for the display and sale of newspapers, news periodicals, magazines, other publications or any other written or pictorial matter or materials, whether commercial, political, recreational or otherwise in nature.

"Parkway" means that area between the sidewalk and the curb of any street and, where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. The term also includes any area within a roadway which is not open to vehicular traffic.

"Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

"Sidewalk" means any surface provided for the exclusive use of pedestrians.

"Street" means all that area dedicated to public use for public street purposes and includes, but is not limited to, roadways, parkways, alleys and sidewalks.

##### 6438.2. - PURPOSE AND APPLICABILITY.

This Article shall apply to all newsracks.

The purpose of this Article is to promote the public peace, health and safety by regulating the placement, design, appearance and servicing of publication vending machines so as to protect against:

- (a) The dangers of impairing the vision of motorists and pedestrians, particularly small children;
- (b) The dangers of unreasonably impeding the flow of pedestrian or vehicular traffic including ingress into or egress from any residence or place of business, or from the street to the sidewalk, by persons exiting or entering the parked or standing vehicles;
- (c) Neglectful servicing of publication vending machines resulting in a visual blight on the City's parkways and sidewalks, and detracting from the aesthetics of store window displays, adjacent landscaping and other improvements.

##### 6438.3. - VIOLATION OF ARTICLE.

- (a) Whenever the License Officer is advised that a newsrack has been placed or installed or is being maintained in violation of this Article, they shall so notify the person in whose name the newsrack is registered pursuant to Section 6438.4. Such notice shall state the nature of the violation, the intention to impound the newsrack if the violation is not corrected or a hearing is not requested in writing before the Business License Review Board within ten (10) days after the giving of such notice and the procedure for requesting such a hearing. A timely request for a hearing shall stay any impounding, provided, however, if the violation is not corrected within five (5) calendar days after the decision made at the conclusion of such hearing becomes final, the License Officer may impound the newsrack in accordance with Subsection (c) of this Section.
- (b) Notwithstanding Subsection (a) of this Section, for violations of this Article relative to restrictions upon the attachment of newsracks to property other than that owned by the owner of the newsrack, to fixed objects or to each other and upon location of newsracks, the License Officer may, without first giving the registrant of the newsrack written or oral notice, move, align, remove such attachment or otherwise move such racks in

order to restore them to a safe and legal condition, as an alternative to the procedure specified in Subsection (a) of this Section.

- (c) Whenever a newsrack is impounded pursuant to Subsection (a) of this Section, the newsrack shall be removed by the License Officer and stored in any convenient place where other items of personal property confiscated in connection with a City investigation or enforcement of this Code are stored. The License Officer shall notify the person who, according to the City's most recent records, is the owner of the newsrack by mailing a notice of newsrack removal to the last known address of the owner. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing before the Business License Review Board, if desired. Any such newsrack removed and stored pursuant to this Section shall be released to the owner thereof if claimed within forty-five (45) days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage thereof. Upon failure of the owner to claim such newsrack and pay the reasonable charges within the forty-five (45) day period, such newsrack shall be deemed to be unclaimed property in possession of the City's Police Department and may be disposed of in accordance with the City's policy of disposing of unclaimed property.
- (d) Notwithstanding anything herein to the contrary, any newsrack maintained within the City in violation of this Article, which violation creates an immediate danger to the health or safety of the public, as determined by the License Officer, and which violation cannot be corrected by moving or otherwise repositioning the newsrack, may be summarily removed and stored in a convenient location so as to eliminate the danger to the health or safety of the public. The License Officer shall notify the owner thereof by mailing a notice of removal to the last known address of the owner. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing before the Business License Review Board, if desired. Any such newsrack removed and stored pursuant to this Subsection shall be released to the owner thereof if claimed within forty-five (45) days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage therefor. Upon failure of the owner to claim such newsrack and pay the reasonable charges within the forty-five (45) day period, such newsrack shall be deemed to be unclaimed property in possession of the City's Police Department and may be disposed of in accordance with the City's policy of disposing of unclaimed property.
- (e) Within ten (10) days of the date on which the notice of violation or notice of removal of a newsrack summarily impounded is sent by the City, the person in whose name the newsrack is registered pursuant to Section 6438.4 or other person who provides satisfactory proof of ownership may request a hearing before the Business License Review Board. The request shall be in writing, shall state the basis thereof and shall be filed with the Business License Review Board. The hearing shall be held within thirty (30) working days of the Board's receipt of the request, unless continued for good cause as determined in the Board's reasonable discretion. At the hearing, any person may present evidence or argument as to whether the newsrack has violated this Article. Within ten (10) working days after the close of the hearing, the Business License Review Board shall render a decision in writing. Notice of the decision shall forthwith be given to the person who requested the hearing.
- (f) All notices shall be sent by registered mail to the registrant and the owner at the address shown on the registration and at their last known address.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6438.4. - PERMIT REQUIRED.

- (a) No person shall place, install or maintain any newsrack which in whole or in part rests upon, in or over any street without first obtaining a newsrack permit from the Business License Officer and without otherwise complying with this Article. An application for a permit shall be made upon the form required by the Development Services Director and shall contain the following:
  - (1) The name, address and telephone number of the owner of the newsrack and the name and address of the person to whom any notice pursuant to this Article should be given;
  - (2) The location at which the newsrack is to be installed and maintained;
  - (3) An executed document, approved as to form by the City Attorney, by which the owner of the newsrack agrees to indemnify and hold harmless the city, its officials, officers, employees and agents from any claim, demand or judgment in favor of any person, arising out of activities or inactivities of the owner of the newsrack, his officers, employees and agents with respect to injuries and damages to persons or property arising from the location, installation, maintenance or removal of the owner's newsracks;
  - (4) A certificate of insurance and endorsement form(s) evidencing that both a liability insurance policy and a property damage insurance policy have been obtained by the owner, naming the city and its officials, officers, employees and agents as additional insureds, in an amount not less than one hundred fifty thousand dollars (\$150,000.00) minimum liability per occurrence on account of personal injury, including bodily injury, per person and four hundred fifty thousand dollars (\$450,000.00) limit per occurrence. The minimum for property damage shall be in the amount of one million dollars (\$1,000,000.00). The policies shall also be endorsed to provide that the insurance carrier will give the City thirty (30) days' written notice by certified mail before any cancellation of coverage;
  - (5) If the proposed newsrack will contain harmful matter, the application shall contain a separate written attachment containing all of the following:
    - (i) A summary of Penal Code Sections 313.1 and 313.4 as they exist on the date the application is submitted,

- (ii) A detailed description of how the newsrack will be "adult supervised" and what precautions will be put into place to prevent access to the newsrack by minors, and
- (iii) If tokens or special cards will be used to access the newsrack, a list of the locations at which the tokens or cards will be made available. The list of locations shall include the name of the residence or business location, the address, the telephone number and the name of a contact person at the location who shall be responsible for selling, distributing or giving out the tokens or cards;

(b) Any application that complies with the requirements of this Code and any other applicable County, State or Federal law shall be approved.

#### 6438.5. - REGISTRATION INDEX FILE.

The Development Services Director shall keep and maintain an index file of all newsrack permits issued pursuant to this Article.

#### 6438.6. - REMEDIES.

The provisions of this Article providing for administrative remedies is declared to be an alternative procedure to any other remedy provided by law.

#### 6438.7. - RESTRICTED ON ROADWAYS.

No person shall place, install, use or maintain any newsrack in a location where it projects into, onto or over any part of any roadway of any public street or which rests wholly or in part upon, along or over any portion of the parkway of any public street.

#### 6438.8. - DANGEROUS CONDITION OR OBSTRUCTION.

No person shall install, use or maintain any newsrack which, in whole or in part, rests upon, in or over any public sidewalk or pathway when such installation, use or maintenance endangers the safety of persons or property or which site or location is used for public utility purposes, public transportation purposes or other governmental use or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally marked or stopped vehicle, the ingress into or egress from any residence or place of business or the use of poles, posts, traffic signs or signals, hydrants, mailboxes or other objects permitted at or near the location.

#### 6438.9. - PROHIBITED AREAS.

No newsrack shall be placed, installed, used or maintained in a parkway or sidewalk adjacent to property zoned residential, as such zone is defined in this Code. This Section shall not prohibit the placement of a newsrack in a parkway or sidewalk in such residential zones where the newsrack is on a parkway or sidewalk directly in front of a public building which is open to and used regularly by the public, so long as such public buildings are not elementary, middle or high schools.

#### 6438.10. - STANDARDS AND SPECIFICATIONS.

Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards and specifications:

- (1) The newsrack shall not exceed sixty (60) inches in height, thirty (30) inches in width or twenty-four (24) inches in depth.
- (2) The newsrack shall not be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack or to any object permanently affixed to the public right-of-way; provided, however, that the newsrack shall be mounted so that the area from the ground surface to sixteen and one-half (16½) inches above the ground surface remains open to a significantly unobstructed view.
- (3) The newsrack shall be installed on a single or multiple pedestal-type or modular-type base; provided, however, that not more than four (4) newsracks shall be installed on any one (1) base.
- (4) The newsrack shall be constructed of sturdy, corrosive-resistant materials.
- (5) The newsrack shall have wood grain panels and the mount shall be painted gloss black.
- (6) Each vendor may have no more than two (2) machines in any one (1) location; in some instances, depending upon space available, the vendor may be limited to a single installation.
- (7) The newsrack shall comply with such other requirements consistent with the foregoing standards which the Development Services Director may reasonably determine are necessary to protect the public safety.

#### 6438.11. - STANDARDS FOR MAINTENANCE AND INSTALLATION.

Any newsrack which, in whole or in part, rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

- (1)

Newsracks shall only be placed near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eighteen (18) inches and not more than twenty-four (24) inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six (6) inches from the wall. Newsracks shall not be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack. All newsracks must be level.

- (2) Notwithstanding Section 6438.8, no newsrack shall be placed, installed, used or maintained within the following distances:
  - (a) Five (5) feet of any marked crosswalk;
  - (b) Five (5) feet of any curb return;
  - (c) Five (5) feet of any fire hydrant, fire callbox, police or other emergency facility;
  - (d) Five (5) feet of any driveway;
  - (e) Five (5) feet ahead of and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
  - (f) Six (6) feet of any bus bench or transit advertising shelter;
  - (g) Three (3) feet of any area improved with lawn, flowers, shrubs or trees or three (3) feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.
- (3) Newsracks shall be maintained in a clean, neat and safe condition and in good repair at all times. Graffiti shall be removed within forty-eight (48) hours of the time the Development Services Director notifies the newsrack owner of the graffiti.
- (4) Newsracks may be placed next to each other; provided, however, no group of newsracks shall extend more than fifteen (15) feet along a curb or wall, and no such group of newsracks shall be located within five (5) feet of any group of newsracks.

6438.12. - DISPLAY OF HARMFUL MATTER IN NEWSRACKS, BLINDER RACKS—ADULT SUPERVISION.

- (a) Any newsrack which contains harmful matter and which is located on a public sidewalk, parkway, street or other publicly owned property shall have a blinder rack attached in such a manner as to shield the harmful matter from viewing by the public in accordance with Penal Code Section 313(d).
- (b) Harmful matter shall not be exhibited, displayed, sold or offered for sale in any newsrack located in a public place without adult supervision, other than a public place from which minors are excluded. A newsrack shall be considered to be "supervised by an adult" when either of the following measures is taken to restrict access to harmful matter by persons under eighteen (18) years of age: (1) the person receiving the harmful matter is required to use an authorized access or identification card to the newsrack and the owner of the newsrack has taken reasonable measures to assure that the card is issued only to persons eighteen (18) years old or older and has established a procedure to immediately cancel the card of any person after receiving notice that the card has been lost, stolen or used by persons under eighteen (18) years of age, or that the card is no longer desired; or (2) the owner of the newsrack requires the person using the newsrack to retrieve the harmful matter to use a token and takes reasonable measures to ascertain that only those people who are eighteen (18) years of age or older obtain tokens for the newsrack.

6438.13. - IDENTIFICATION REQUIRED.

Every person who places, installs or maintains a newsrack in any public location in the City, including, but not limited to, streets, sidewalks and parkways, shall have his name, address and telephone number affixed thereto in a place where such information may be easily seen.

6438.14. - BUSINESS PERMIT REQUIRED.

No person or custodian, whether as a principal or agent, clerk or employee, either for himself/herself or any other person, or as an officer of any corporation or otherwise, shall place or permit the placement of any newsrack in any location within the City, unless either the publisher or distributor of the publication or the person placing the machine upon the sidewalk, parkway, street or other public place, has a valid business permit issued pursuant to this Code, or otherwise is exempted from such requirement.

6438.15. - SEVERABILITY.

If any Section, Subsection, clause or phrase of this Division or any part thereof is for any reason held to be invalid, unconstitutional or enforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Division. The City Council declares that it would have passed each Section, Subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more Section; Subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

(Division 8 (Sections 6438 and 6439) was repealed and a new Division 8 added by Ord. 2117 adopted 2-15-00)

DIVISION 9. - SIDEWALK AND PARKING LOT SALES

*Footnotes:*

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**Editor's note**— Ord. No. 2287, § 4, adopted Oct. 18, 2011, effective Nov. 18, 2011, retitled Art. VI, Ch. 4, Pt. 3 Div. 9, from "Sidewalk Sales" to "Sidewalk and Parking Lot Sales".

6439.1. - COMMERCIAL USE OF SIDEWALK.

Except as otherwise expressly provided in the Arcadia Municipal Code, no person shall conduct any commercial activity on a public street, sidewalk or parkway.

6439.2. - CONDITIONS OF SIDEWALK AND PARKING LOT SALES.

No merchant, vendor or seller shall place his goods, wares or merchandise outside of his building for the purpose of storage, advertising, display or sale except upon applying for and receiving a permit as set forth in Sections 6325.4 and 6325.6, and such sidewalk or parking lot sales shall be permitted only in accordance with the regulations set forth in this Section:

- (1) No business shall participate in more than two (2) sidewalk or parking lot sales in any calendar year. No such sale may be conducted for more than two (2) consecutive days and shall be held not earlier than 9:00 a.m. nor later than 9:00 p.m.
- (2) Sidewalk and parking lot sales may only be conducted in Downtown Mixed Use (DMU) or less restrictive zones.
- (3) Only the goods, wares or merchandise normally of the type sold on the premises may be offered for sale and such sale may only be conducted within the extended lot lines of the premises offering such goods for sale.
- (4) For parking lot sales, twenty-five percent (25%) of the parking area may be utilized for the sales or display of merchandise. If the parking provided exceeds Code requirements, those additional spaces may be utilized.
- (5) Each sidewalk sale shall include the participation of a minimum of thirty percent (30%) of the businesses on a block face.
- (6) No merchandise or signs shall be displayed within fifty feet (50') of a residentially zoned property.
- (7) Tables, racks and other displays or merchandise may be placed on sidewalks provided that a walkway of a minimum width of seven feet (7') be left clear adjacent to the curb and, provided further, that all doorways, alleyways, driveways and other means of ingress or egress to adjoining buildings and property shall remain clear of obstruction.
- (8) Any signs shall be permitted only during the conduct of the event and shall be approved as to size and place by the Development Services Director or designee at the time of application approval.

(Amended by Ord. 2287 adopted 10-18-11, effective 11-18-11)

**Editor's note**— Ord. No. 2287, § 5, adopted Oct. 18, 2011, effective Nov. 18, 2011, retitled Art. VI, Ch. 4, Pt. 3 Div. 9, § 6439.2, from "Conditions of Sidewalk Sale" to "Conditions of Sidewalk and Parking Lot Sales".

6439.3. - PURPOSE OF STREET VENDING PROVISIONS.

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

(Ord. No. 2357, § 2, 1-15-19)

6439.4. - DEFINITIONS.

For purposes of this Chapter, the following definitions apply:

"Farmers' Market" means a location operated in accordance with the City's Development Code, Article IX, Chapter 1 section 9109.01.070; "An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Farmers' Markets can also include limited sales of crafts and goods."

"City" means the City of Arcadia.

"Park" means a public park owned by the City.

"Roaming sidewalk vendor or vending" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

"Sidewalk vendor or vending" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

"Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

(Ord. No. 2357, § 2, 1-15-19)

6439.5. - PERMITS REQUIRED.

A. All sidewalk vendors shall obtain a sidewalk vending permit from the City's Planning and Community Development Administrator or designee prior to engaging in any sidewalk vending activities. All sidewalk vendors must have a valid business license issued by the City. As part of its application for a business license, the sidewalk vendor shall furnish to the City evidence of insurance, against liability for death or injury to any person as a result of ownership, operation, or use of its vendor. The City's insurance requirements are on file and available for inspection, or a copy may be obtained, at the office of the City Clerk, Arcadia City Hall. The following information shall be required.

1. Name, current mailing address, and phone number of the vendor; and
2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and
3. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and
4. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and
5. A copy of the valid California Driver's license or California Identification Card issued to the vendor; or

A copy of the individual taxpayer identification number issued to the vendor; or

A municipal identification number.

a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

6. If preparing or selling food, a copy of the Los Angeles County Environmental Health Department permit issued to the vendor; and
7. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and
8. If the vendor proposes to be a sidewalk vendor, an encroachment permit pursuant to Chapter 2 Part 7 of the Arcadia Municipal Code; and
9. A copy of general liability policy naming the City as additional insured in the amount of \$500,000.
10. A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true.

B. At the time the application or renewal application is filed, the applicant shall pay the permit processing fee established by separate resolution of the City Council.

(Ord. No. 2357, § 2, 1-15-19)

6439.6. - REVIEW OF PERMIT APPLICATION; DECISION.

A. Upon acceptance of a properly completed and filed sidewalk vendor permit application, the City's Planning and Community Development Administrator or designee shall conduct a preliminary investigation to determine compliance with this Chapter and shall make such determination within no more than thirty (30) days of acceptance to approve or deny the application. The City's Planning and Community Development Administrator or designee shall provide the applicant with written notice of his or her decision to the address indicated in the application.

B. The City's Planning and Community Development Administrator or designee may deny an application for a permit if an applicant fails to meet any of the requirements for a new permit, or if he or she makes any of the following findings:

1. The applicant has failed to pay any fees or charges.
2. The applicant has made one or more material misstatements in the application for a permit.
3. The applicant does not have a valid social security card or valid California Driver's license or Identification Card; or valid individual taxpayer identification number.
4. The applicant does not provide a certificate of liability insurance.
- 5.

The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.

6. It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.
- C. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.
- D. Exemptions. A sidewalk vending permit shall not be required for the following activities:
  1. The sale of agriculture products on the site where the product is grown.
  2. Catering for private parties held exclusively on private property and not open to the general public.
  3. Events permitted pursuant to a lawfully issued temporary use permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.
- E. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.
- F. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.7. - RENEWAL OF SIDEWALK VENDING PERMIT.

All sidewalk vendors shall annually apply for renewal of their sidewalk vending permit from the City's Planning and Community Development Administrator or designee prior to continuing to engage in any sidewalk vending activities. Any sidewalk vendor who currently possesses a sidewalk vending permit allowing them to operate a vending operation must, upon time of renewal of their license, apply for a sidewalk vending permit, supplying the information as required in section 6439.5 of this Division.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.8. - STATIONARY SIDEWALK VENDING LOCATIONS AND STANDARDS.

- A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:
  1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements of section 6439.5; and
  2. The sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
  3. Sidewalk vending hours shall be conducted between the hours of 7:00 AM and 10:00 PM of every day; and
  4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; removes litter caused by its products from any public or private property within a 25-foot radius of the sidewalk vendor's location; and
  5. The sidewalk vendor location does not block entrances to private buildings, private driveways, parking spaces or building windows, and driveway and intersection visibility; and
  6. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and
  7. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities; and
  8. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and
  9. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and
  10. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, a Swap Meet or an event held pursuant to a Temporary Event Permit.
  11. The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.9. - SIDEWALK VENDING IN PARKS, CERTIFIED FARMER'S MARKETS.

- A. Sidewalk vending of food or merchandise by roaming or stationary vendors shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise or in an area occupied by a Certified Farmer's Market.
- B. Subject to Section 6439.5(A), sidewalk vendors may operate in City Parks provided they meet the following:
1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements of section 6439.3; and
  2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and
  3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and
  4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition, and removes litter caused by its products within a 25 foot radius of the vending location, and
  5. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and
  6. No vending shall occur within the immediate vicinity of an event held pursuant to a Temporary Event Permit; and
  7. In City Parks that are located within a residential area, where stationary sidewalk vending is prohibited, as described in Section 6439.7 of this Chapter, only roaming sidewalk vendors shall be allowed in such Parks; and
  8. The City can impose regulations to limit the number of sidewalk vendors in City Parks to limit the undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park or necessary to endure the public's use and enjoyment of the natural resources and recreational opportunities of City parks.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.10 - ROAMING SIDEWALK VENDING.

- A. Roaming sidewalk vendors shall meet the following:
1. The sidewalk vendor is duly licensed, with a business license and sidewalk vending permit displayed at all times, and meets all requirements of section 6439.3; and
  2. Sidewalk vending hours for residential zones shall be conducted between the hours of 7:00 AM and 6:00 PM Monday through Friday and 8:00 AM to 5:00 PM on Saturday, and no Sundays or holidays; and
  3. Sidewalk vending hours for non-residential zones shall be conducted between the hours of 7:00 AM and 10:00 PM every day; and
  4. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition and removes litter caused by its products within a 25-foot radius of the vending location; and
  5. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and
  6. The sidewalk vendor does not conduct sales from a public street; and
  7. No vending shall occur within the immediate vicinity of a Certified Farmers' Market, or a Swap Meet; and
  8. The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.11. - SUSPENSION; RESCISSION.

- A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the City's Planning and Community Development Administrator after four or more violations of this Chapter in accordance with Section 6439.10 of this Chapter, at their discretion, for any of the following causes:
1. Fraud or misrepresentation in the course of vending;
  2. Fraud or misrepresentation in the application for the permit;
  3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.
- B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.
- C. No person whose street vending permit has been revoked pursuant to this Chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.12. - APPEALS.

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the Planning and Community Development Administrator or designee made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action as prescribed in section 6216.8 of the Arcadia Municipal Code.

(Ord. No. 2357, § 2, 1-15-19)

#### 6439.13. - PENALTIES.

- A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter. A violation of this Chapter shall be punished by:
  - 1. An administrative fine not exceeding \$100 for a first violation.
  - 2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
  - 3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.
- B. A violation of vending without a sidewalk vending permit may, in lieu of the penalties set forth in subsection (A) set forth above, be punished by:
  - 1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
  - 2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
  - 3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.
- D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.
- E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.
- F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
- G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
  - 1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
  - 2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
- H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

(Ord. No. 2357, § 2, 1-15-19)

#### CHAPTER 5. - SPECIAL REGULATIONS

##### PART 1. - ANIMAL AND BIRD LIMITATION

#### 6510. - PERMIT REQUIRED.

No person shall at any time keep, maintain, raise, possess or use more than ten (10) live four-footed animals or more than two hundred (200) live birds of any kind upon or within one hundred (100) feet of any property classified for residential purposes under Chapter 2 of Article IX of this Code without a valid permit therefor issued by the License Officer pursuant to Chapter 3 of this Article.

(Added by Ord. 1174 adopted 4-17-62; amended by Ord. 2263 adopted 12-1-09)

#### 6510.1. - SAME. PRE-EXISTING CONDITION.

As to animals in excess of ten (10) or birds in excess of two hundred (200) heretofore kept, maintained, raised, possessed or used, no such permit shall be required prior to January 1, 1963.

(Added by Ord. 1174 adopted 4-17-62)

## CHAPTER 6. - SPECIAL REGULATIONS (Continued)

### PART 1. - SOLICITATIONS

#### DIVISION 1. - DEFINITIONS

*Footnotes:*

--- (8) ---

*(Division 1 amended in its entirety by Ord. 2191 adopted 7-20-04)*

#### 6611. - DEFINITIONS.

Unless it is apparent from the context that another meaning is intended, the following words, when used in this Part, shall have the meaning ascribed to them by the following subsections.

##### 6611.1. - PEDDLING.

The word "peddling," as used in this chapter, includes the acts of any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions offering and exposing the same for present sale, or making sales and delivering articles to purchasers or offering services to be performed immediately.

##### 6611.2. - SOLICITING.

As used in this chapter, "soliciting" includes the act of any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, requesting money or personal property, or taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale, or whether such person is collecting advance payment on such sale or not.

##### 6611.3. - CANVASSING.

As used in this chapter, "canvassing" includes the act of any person, whether a resident of the city or not, traveling either by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, advocating or proselytizing on behalf of a religious, charitable, social or political cause.

##### 6611.4. - PERSON.

"Person" shall mean any individual, group, firm, partnership, corporation, company, association, church, sect, denomination, society, organization or league.

#### DIVISION 2. - LICENSE OFFICER'S DUTIES

*Footnotes:*

--- (9) ---

*(Division 2 amended in its entirety by Ord. 2191 adopted 7-20-04)*

**Editor's note**— Ord. No. 2263, § 69, adopted Dec. 1, 2009, amended Art. VI, Ch. 6, Part 1, Div. 2 (Title). Prior to amendment, Art. VI, Ch. 6, Part 1, Div. 2 (Title) pertained to City Manager's Duties.

#### 6612. - DUTIES.

It shall be the duty of the License Officer or designee to investigate each application for a permit as hereinafter provided by the provisions of this Chapter. He or she shall maintain each application on file, together with his or her decision thereon, all of which shall be subject to public inspection at any reasonable time.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6612.1. - POWERS.

The License Officer or designee shall have the power to issue and deny permits as hereinafter provided; to summon witnesses; to demand production of documents and things; to take testimony and to direct investigations as hereinafter provided; and to do and to perform all other acts that may be necessary or proper within the scope of his or her duties and functions.

(Amended by Ord. 2263 adopted 12-1-09)

#### DIVISION 3. - REGULATION OF SOLICITING AND PEDDLING

*Footnotes:*

--- (10) ---

(Division 3 amended in its entirety by Ord. 2191 adopted 7-20-04)

#### 6613. - PERMIT—REQUIRED.

No person shall exercise, practice or engage in any activity as described in Sections 6611.1 or 6611.2 unless such person obtains a permit as provided in this chapter and pays the application and permit fees required by this chapter.

#### 6613.1. - PERMIT—APPLICATION—CONTENTS.

Each and every person desiring to practice, exercise or engage in any of the activities described in Sections 6611.1 or 6611.2 shall personally appear before the License Officer or designee and file with him or her a written, signed and acknowledged application, showing:

- A. The true and fictitious names, aliases and residences of the applicant if an individual; the true and fictitious names, aliases and residences of all members of the applicant if applicant is a firm, association or partnership; the true and fictitious names, aliases and residences of the principal officers of the applicant if the applicant is a corporation;
- B. The length of service of the applicant with such firm, association, partnership, corporation or organization;
- C. The place of birth, birth date and social security number of each and every person enumerated in subsection A of this section;
- D. The city, county and state where the persons, enumerated in subsection A of this section, practiced or conducted any of the activities described in Sections 6611.1 and 6611.2, or any business or practice kindred thereto within twelve (12) months previous to the date of said application and the name under which the same was conducted;
- E. The length of residence of the persons enumerated in subsection A of this section within the City, if applicable;
- F. A statement of the nature and character of applicant's proposed practice or activity;
- G. The nature and character of the goods, wares, merchandise or services to be offered by the applicant;
- H. Whether the persons enumerated in subsection A of this section have ever been convicted of a felony involving murder, manslaughter, fraud, burglary or any sex crime as defined by California Penal Code 11105.2; if so, applicant shall state the nature of each offense, date of conviction, the sentence received therefore and the court in which each conviction and sentence was entered;
- I. Such other reasonable information as to the identity and background of the persons enumerated in subsection A of this section as the chief of police may require, including, but not limited to, a photograph or photographs of said persons.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6613.2. - PERMIT—APPLICATION—FEE.

The fee that may be established by resolution of the City Council shall be paid simultaneously with the filing of each application for a permit required under this chapter, for the purpose of defraying the expenses incidental to processing said application, including the expenses of investigating applicant's character and background.

#### 6613.3. - FORM OF PERMIT.

Permits issued under this chapter shall bear the name and address of the person to whom it is issued, the number of the certificate, the date issued, the certificate's expiration date and the License Officer's or designee's signature.

(Amended by Ord. 2263 adopted 12-1-09)

6613.4. - TIME OF ISSUANCE.

The License Officer or designee shall either grant or deny the requested certificate within ten (10) days of the date the application is made. If the License Officer or designee fails to act within the time prescribed, the permit shall be deemed granted.

(Amended by Ord. 2263 adopted 12-1-09)

6613.5. - PERMIT—GRANTING—DENIAL.

- A. After the receipt of a properly completed and filed application, if the application is accepted, the License Officer or designee shall issue a permit, numbered and in due form, allowing the applicant to practice the activities, proposed in said application upon payment of the prescribed permit fee, unless the applicant has been convicted of one of the crimes enumerated in Section 6613.1(H).
- B. The application may be rejected if the activities sought to be permitted do not comply in every way with the rules, regulations and laws applicable thereto, or if the License Officer or designee determines, after investigation, that the applicant's character or background is unsatisfactory. If the application is rejected, the License Officer or designee will notify the applicant in writing, giving the reason for the same and shall refund all the fees submitted with the application, save and except for costs incurred by the City in investigating the same.

(Amended by Ord. 2263 adopted 12-1-09)

6613.6. - PERMIT—TRANSFER.

No permit issued pursuant to this chapter shall be transferable to any person.

6613.7. - TERM OF PERMIT.

Certificates issued hereunder shall be valid for a period of one hundred eighty (180) days unless revoked pursuant to the provisions of this chapter. A new application must be made for each certificate.

6613.8. - PERMIT—CANCELLATION.

Upon the discovery of any false or misleading statements in the application or any misrepresentation by the applicant in procuring said permit, the License Officer may, upon five (5) days' notice to said applicant, cancel and annul said permit; whereupon the applicant shall be subject to the penalties prescribed in this code from and after the date of the cancellation as though the permit had never been granted.

(Amended by Ord. 2263 adopted 12-1-09)

6613.9. - PERMIT—REVOCATION, SUSPENSION.

- A. Any permittee who commits any of the crimes specified in Section 6613.1(H) is liable to have his or its permit suspended or revoked by the License Officer. The License Officer shall also have the right to suspend or revoke such permit whenever it is shown to the satisfaction of the License Officer that the activities so licensed are being conducted in a manner that is detrimental to the public health, morals, peace, welfare or safety of the community. Any suspension or revocation shall cause to be served upon the permittee a written notice specifying the grounds for said suspension or revocation and informing the permittee of the hearing procedures before the Business License Review Board at which time the permittee shall have the opportunity to be heard and to make his or her defense against any complaints and allegations made as to his or her activities pursuant to this Chapter. Such written notice shall be served in accordance with the provisions of Code of Civil Procedure Section 1094.6.
- B. When a permit has been revoked, no other permit shall be issued under the provisions of this Chapter to the same permittee within one (1) calendar year of the date of revocation or for such other specified, certain, reasonable time determined by the Board, Administrative Law Judge, or City Council.

(Amended by Ord. 2263 adopted 12-1-09)

6613.10. - COMPLIANCE REQUIRED.

No person shall commence, engage in, carry on, exercise, practice or advertise that he will engage in, carry on, exercise or practice any activity as described in Sections 6611.1 or 6611.2 without first having procured a permit as required by the permit provision of this Chapter, or without complying with any and all regulations of such activity contained in this or any other provisions of this Code, or any City Ordinance. Engaging in or practicing any activity described in Sections 6611.1 or 6611.2 without first having procured such a permit when required to do so, or without complying with any and all regulations of such activity contained in this Chapter, this Code, or the City's Ordinances, constitutes a nuisance and a separate violation of this Chapter for each and every day that such activity is so advertised, engaged in or carried on.

6613.11. - APPEALS TO CITY COUNCIL.

Any applicant for a permit may appeal the Business License Review Board's decision to the City Council, per the procedures described in Sections 6216.8 and 6216.9.

(Amended by Ord. 2263 adopted 12-1-09)

6613.12. - PERMIT—EXEMPTIONS.

The provisions of Sections 6613 through 6613.10 shall not apply to any person having an established route in the City, to solicitation at wholesale on business premises within the City, or to charitable or religious solicitations that are conducted solely by members of said charity or religion, at regular assemblies, meetings, services or otherwise.

6613.13. - PEDDLER AND SOLICITOR—PERMIT AND BADGE TO BE CARRIED ON PERSON.

Each applicant for a permit must at all times keep on his person the permit issued by the License Officer or designee. No person shall fail to wear a badge (as described herein) on his/her chest over the heart that indicates the number of the solicitation permit, its expiration date and the name of the permit holder; all badges to be white with black lettering that is legible at a distance of five feet (5') and to contain a photograph of the individual wearing each badge that has been taken within the previous six (6) months of the date of solicitation.

(Amended by Ord. 2263 adopted 12-1-09)

6613.14. - PROHIBITED ACTS WHILE SOLICITING, PEDDLING OR CANVASSING.

For the purposes of this Section, the performance of one solicitation of any person by one individual contrary to any subsection of this section shall constitute a separate violation.

- A. No person shall represent in any manner that the City, its departments or officers have endorsed the permit holder or the products, services or causes on behalf of which individuals are being solicited, peddled or canvassed.
- B. No person shall affix any object to, or place any object on, the body of any person to whom any solicitation, peddling or canvassing is directed without that person's express consent.
- C. No person shall touch, brush up against, or otherwise voluntarily come into physical contact with any person without that person's express consent.
- D. No person shall willfully obstruct the movement of any person on any street, sidewalk or other public place.
- E. No person shall solicit, peddle or canvass any person that has objected, by words or conduct, to such soliciting, canvassing or peddling.
- F. No person shall represent in any manner that the soliciting or peddling is conducted for anyone other than the permit holder.
- G. No person shall refuse to identify the permit holder on whose behalf the soliciting or peddling is being conducted when requested to do so by any person contacted by the solicitor or peddler, or fail to truthfully state the uses any solicited items will be put to, when requested to do so by any person being solicited.
- H. No person shall threaten any injury or damage to any person who declines to be subject to any soliciting, peddling or canvassing or who declines to make a purchase, donation or contribution.
- I. No person shall accept food stamps as a contribution.
- J. No person shall misrepresent one's physical or mental health while soliciting, peddling, or canvassing.

6613.15. - SIGN POSTING.

- A. No peddler shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling or apartment whereon a sign bearing the words "No Peddlers" is painted, affixed or exposed to public view.
- B.

No solicitor shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Solicitors" is painted, affixed or exposed to public view.

- C. No canvasser shall ring the bell of, knock on the door of or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing the words "No Canvassers" is painted, affixed or exposed to public view.
- D. No peddler or solicitor shall ring the bell of, knock on the door of, or attempt to gain admittance to any residence, dwelling, flat or apartment whereon a sign bearing, the words "No Peddlers or Solicitors" or words of similar import indicating that peddlers or solicitors are not wanted on said premises is painted, affixed or exposed to public view.
- E. This section shall not apply to any peddler, solicitor or canvasser who rings the bell of or knocks on the door of any residence, dwelling, flat or apartment at the invitation of or with the consent of some adult member of the household of any such residence, dwelling, flat or apartment.

6613.16. - HOURS.

No person shall practice or engage in peddling, soliciting or canvassing, as described in Sections 6611.1, 6611.2 and 6611.3, whether for profit or for a non-profit purpose, by traveling from place to place, or from street to street, between the hours of dusk and eight (8) a.m. of any day.

6613.17. - DISTRIBUTION OF HANDBILLS—EXCLUDED.

Nothing in this Chapter shall prohibit persons from distributing handbills door-to-door within the City without a permit. Distribution of handbills is subject to the requirements of Section 6421, Division 1, Chapter 4, Part 2, Article VI, of the Arcadia Municipal Code.

6613.18. - CHARITABLE, RELIGIOUS AND POLITICAL CANVASSING EXCLUDED.

Nothing in this chapter shall prohibit persons from canvassing door-to-door within the City without a permit, subject to the regulations set forth in this Chapter. Additionally, solicitation of donations made incidental to such canvassing is excluded from the permit requirements of this Section, but not the provisions of Section 6613.14.

6613.19. - USE OF SOUND-MAKING, SOUND-AMPLIFYING DEVICES.

No person shall peddle, solicit or canvass by driving, operating, propelling, stopping or parking any wagon, cart, automotive vehicle or any other type of conveyance with a sound-making device, sound-amplifying device, or loudspeaker thereof in use or operation or by making any outcry, blowing a horn, ringing a bell or using any sound device or musical instrument upon any of the streets, alleys, parks or other public places of the city:

- A. Whenever any such sound can be heard for a distance greater than three hundred feet (300');
- B. When passing a hospital at any time or a place of worship during the hour services are being held therein;
- C. Within five hundred feet (500') of the nearest property line of any property on which a school building is located during the hours school is in session;
- D. Between the hours of dusk and eight (8) a.m. of any day.

Notwithstanding the provisions of this Section, all persons who are permitted by the city to sell goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, candy, ice cream, popcorn, peanuts or any other edibles from a wagon, cart, automotive vehicle or any other type of conveyance, and whose conveyances are equipped with sound apparatus emitting sounds and amplifying sounds, including but not limited to music, shall not operate or use said apparatus unless such sounds, including but not limited to music, emitted therefrom do not exceed ninety (90) decibels measured at a distance of ten feet (10') from the speaker of said apparatus.

DIVISION 4. - GENERAL REGULATION

*Footnotes:*

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*(Division 4 amended in its entirety by Ord. 2191 adopted 7-20-04)*

6614. - PERMIT HOLDER'S BOOKS AND RECORDS.

Every person who engages in soliciting or peddling as permitted shall maintain a system of accounting whereby all monies collected by such person are entered upon the books or records of such person.

6614.1. - INVESTIGATION OF SOLICITORS AND PEDDLERS.

The License Officer or designee is authorized to investigate the affairs of any person engaged in soliciting or peddling under a permit or certificate issued under the provisions of this Chapter.

(Amended by Ord. 2263 adopted 12-1-09)

6614.2. - MISREPRESENTATION PROHIBITED.

No person shall directly or indirectly solicit, peddle or canvass for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any misstatement, deception or fraud in connection with any soliciting, peddling or canvassing for any purpose in the City.

6614.3. -

(Repealed by Ord. 2263 adopted 12-1-09)

**Editor's note**— Ord. No. 2263, § 81, adopted Dec. 1, 2009, repealed § 6614.3, in its entirety. Former § 6614.3 pertained to False Application. See "Ordinance List and Disposition Table" for derivation.

6614.4. - SEPARATE VIOLATIONS.

Each separate act of soliciting or peddling for any purpose without a permit shall constitute a nuisance and a separate offense for each day such act is committed.

DIVISION 5. - GENERAL REGULATIONS

6615. - PERMITTEE'S BOOKS AND RECORDS.

Every person who solicits any contribution for a charitable purpose shall maintain a system of accounting whereby all donations to and all disbursements by such person are entered upon the books or records of such person.

6615.1. - PERMITTEE'S REPORTS.

Every person to whom a permit has been issued under this Part shall, within sixty (60) days after the solicitation has been completed, furnish to the License Officer a detailed report and financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. This report shall be available for public inspection at the License Officer's office. The permit holder shall make available to the License Officer, or to any person designated in writing by the License Officer as their representative for such purpose, all books, records and papers whereby the accuracy of such report may be checked.

(Amended by Ord. 2263 adopted 12-1-09)

6615.2. - INVESTIGATION OF SOLICITORS.

The License Officer is authorized to investigate the affairs of any person soliciting for charitable or religious purposes under a permit or certificate issued under the provisions of this Part, and may make public their written findings in order that the public may be fully informed as to the affairs of any of said persons. All such persons shall make available to the License Officer, or to any representative designated by them in writing for such specific purpose, all books, records or other information reasonably necessary to enable the License Officer to fully and fairly inform the public of all facts necessary to a full understanding by the public of the works and methods of operation of such persons. Five (5) days before the public release of any findings under this section, the License Officer shall first serve a copy of said findings upon the person investigated, and at the time of the release of their findings they must release a copy of any written statement filed by such person in explanation, denial or confirmation of said findings.

(Amended by Ord. 2263 adopted 12-1-09)

6615.3. - MISREPRESENTATION PROHIBITED.

No person shall, directly or indirectly, solicit for any purpose by misrepresentation of his name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any misstatement, deception or fraud in connection with any solicitation for any purpose in the City, or in any application or report filed under this Part.

6615.4. - FALSE APPLICATION.

No person shall file or cause to be filed an application for a permit or certificate under this Part containing false or fraudulent statements.

6615.5. - SEPARATE VIOLATIONS.

Each separate act of soliciting for any charitable purposes without a permit, or soliciting for any religious purpose without a certificate, shall constitute a separate offense.

DIVISION 6. - MOTION PICTURE FILMING

*Footnotes:*

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*(Division 6 added by Ord. 1793 adopted 7-17-84; amended by Ord. 1957 adopted 5-3-91; amended by Ord. 2064 adopted 5-20-97)*

6616. - FILM PERMIT.

A film permit shall be required for all types of filming except filming that is exclusively for private or family use.

6616.1. - APPLICATION.

All applicants shall complete a City of Arcadia film permit application package and all required forms contained therein prior to the issuance of a film permit. The forms shall require a detailed description of the filming and the equipment to be used.

6616.2. - SCOPE OF PERMIT.

Each film permit issued shall authorize only the filming location and the filming dates listed on the film permit application form. An approved film permit is required prior to the start of any filming activity.

6616.3. - SEPARATE PERMIT.

A separate film permit and fee is required for each filming location and for each set of filming dates. Set of filming dates shall mean the dates requested on the original application. The dates do not necessarily need to be consecutive.

6616.4. - INSURANCE.

A certificate of insurance in the amount of not less than One Million Dollars (\$1,000,000.00) naming the City of Arcadia and Arcadia Redevelopment Agency (if applicable) as additional insured(s) and approved by the City Attorney is required prior to the issuance of a film permit.

6616.5. - FILM PERMIT APPROVED.

Permits will only be issued after they have been reviewed and approved by the License Officer, or designee, consistent with the designated film permit policy as set forth in the film permit application package.

(Amended by Ord. 2263 adopted 12-1-09)

6616.6. - COST OF CITY SERVICES.

The City will have the right to require police, fire, or other city services as part of the film permit process. The applicant shall pay directly for all services provided by the City. The fee for services will be the cost incurred by the City for providing the services. City may require a deposit applicable to these costs.

6616.7. - WRITTEN NOTIFICATION.

Each applicant shall notify, in writing, all of the properties which are immediately adjacent to the filming location prior to the start of filming as defined in the film permit application package. The written notification shall include a general description of the filming activity that will take place and the dates and times when the filming activity is scheduled.

6616.8. - FEE AMOUNT.

The film permit fee is Two Hundred Fifty Dollars (\$250.00) for the first day and Seventy-five Dollars (\$75.00) for each additional day for each location where filming will be conducted.

6616.9. - WAIVER OF FEES.

The License Officer, or designee, may waive a film permit fee if the applicant is a student or a local charitable organization with documented proof of this status.

(Amended by Ord. 2263 adopted 12-1-09)

6616.10. - REVOCATION OR DENIAL OF APPLICATION.

The License Officer, or designee, may revoke the film permit or deny approval of film application if any of the following circumstances occur:

- (1) There has been a misrepresentation in the permit application with respect to the nature of the film activity, the number of personnel or equipment, or other relevant matter.
- (2) Where the filming activity, as conducted, has become a hazard to persons or property, or unduly disruptive to neighboring residents and/or businesses.
- (3) Where the film activity goes beyond the hours specified in the film permit.
- (4) Where any provision of the fire/life safety requirements has not been corrected after notification by police/fire personnel.
- (5) For failure to comply with insurance requirements and maintain satisfactory insurance at all times during applicant's activities in the City.
- (6) Failure to abide by and comply with the terms and conditions of this permit.
- (7) Allowance of conditions and/or actions that constitute a public nuisance or otherwise disturb or disrupt the neighborhood.

Revocation for any of the reasons set forth above shall be grounds to deny subject applicant subsequent permits.

(Amended by Ord. 2263 adopted 12-1-09)

CHAPTER 7. - ADULT BUSINESS PERFORMER LICENSE

*Footnotes:*

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*(Chapter 7 of Article 6 added by Ord. 2103 adopted 5-18-99)*

6700. - PURPOSE.

It is the purpose and intent of this Chapter to provide for the licensing of adult business performers in order to promote the health, safety, and general welfare of the citizens of the City. The goals of the performer licensing provisions are: (1) to protect minors by requiring that all performers be over the age of eighteen (18); (2) to assure the correct identification of persons performing in adult businesses; (3) to enable the City to deploy law enforcement resources effectively; and (4) to detect and discourage the involvement of crime in adult businesses by precluding the licensing of performers with certain sex-related convictions in a set time period. It is neither the intent nor the effect of these regulations to invade the privacy of performers or to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult businesses to their intended lawful market. Nothing in these regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City Ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

The definitions contained in the Arcadia Municipal Code, specifically those found in Division 9 shall govern for purposes of these regulations.

6701. - ADULT BUSINESS PERFORMER LICENSE.

- A. No performer shall be employed, hired, contracted for or otherwise retained in an adult business to participate in or give any live performance displaying specified anatomical areas or specified sexual activities without first having a valid adult business performer license issued by the City.
- B. Consistent with Arcadia Municipal Code Section 1441, for purposes of enforcing Chapter 7 of Article VI of the Arcadia Municipal Code (Adult Business Performer License - Sections 6700 et seq.) Officer shall mean the License Officer or his or her designee.
- C. License applicants shall file a written, signed, and verified application or renewal application on a form provided by the Officer. Such application shall contain the following information, necessary for the City to determine an applicant's ability to function responsibly in an adult business setting, and be accompanied by the following documents:
  - 1. The license applicant's legal name and any other names (including "stage names" and aliases) used by the applicant.
  - 2. Age, date and place of birth.
  - 3. Height, weight, hair and eye color and tattoo descriptions and locations.
  - 4. Each present and/or, as the case may be, proposed business address(es) and telephone number(s) of the establishments at which the applicant intends to work.
  - 5. Driver's license or identification number and state of issuance.
  - 6. Social Security number.
  - 7. Satisfactory written proof of verifiable identification establishing that the permit applicant is at least eighteen (18) years of age or twenty-one (21) years of age if the performance is to occur in a Department of Alcoholic Beverage Control ("ABC") regulated establishment.
  - 8. The license applicant's fingerprints on a form provided by the Police Department and a color two (2) by two (2) inch photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant. Fingerprints and photograph shall be taken within six (6) months of the date of application.
  - 9. Whether the license applicant, has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of conviction, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period. This section shall be applied consistent with California Penal Code Section 11105 and any amendments thereto.
  - 10. If the application is made for the purpose of renewing a license, the license applicant shall attach a copy of the license to be renewed.
  - 11. Address of principal place of residence.
- D. The completed application shall be accompanied by a non-refundable application fee and an annual license fee. Said fees shall be set by Resolution of the City Council.
- E. The completeness of an application shall be immediately determined by the Officer upon its submittal. The Officer will accept applications during normal City Hall working hours. If the Officer determines that the application is incomplete, the Officer shall immediately inform the applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Upon receipt of a completed adult business performer application and payment of the license fee specified in Subsection D of this Section, the Officer shall immediately issue a temporary license which shall expire of its own accord ten (10) business days from the date of issuance and shall only be extended as provided in Section 6702(C). This temporary adult business performer license shall authorize a performer to commence performance at an adult business establishment that possesses a valid adult business regulatory permit authorized to provide live entertainment.
- F. The fact that a license applicant possesses other types of State or City permits or licenses does not exempt the license applicant from the requirement of obtaining an adult business performer license.
- G. The information provided above in Subsections C 1, 5, 6 and 11 shall be redacted from any public disclosure under the California Public Records Act to protect the physical security of the performers.

(Amended by Ord. 2178 adopted 5-6-03; amended by Ord. 2234 adopted 12-4-07; amended by Ord. 2263 adopted 12-1-09)

6702. - INVESTIGATION AND ACTION ON APPLICATION FOR ADULT BUSINESS PERFORMER LICENSE.

- A. Upon submission of a completed application, payment of license fees, and issuance of a temporary adult business performer license pursuant to Section 6701, the Officer shall immediately stamp the application "Received" and shall refer the application to the Police Department for investigation to determine whether the license applicant should be issued an adult business performer license.
- B.

Investigation shall not be grounds for the City to unilaterally delay in reviewing a completed application. The Officer's decision to grant or deny the adult business performer license shall be made within ten (10) working days from the date the temporary license was issued and in no case shall the decision to grant or deny the license application be made after the expiration of the temporary license.

- C. The Officer shall render a written decision to grant or deny the license within the foregoing ten (10) day period. Said decision shall be mailed first class postage pre-paid or hand-delivered to the applicant, within the foregoing ten (10) day period, at the address provided by the applicant in the application.

For good cause as set forth in writing, the ten (10) day period shall be extended up to an additional ten (10) days. This shall automatically extend the temporary license. Failure of the Officer to render a decision on the permit within the time frames established by the Section shall be deemed to constitute an approval, subject to appeal to the Business License Review Board, pursuant to Section 6703.

- D. The Officer shall notify the applicant as follows:

1. The Officer shall write or stamp "Approved" or "Denied" on the application and date and sign such notation.
2. If the application is denied, the Officer shall attach to the application a statement of the reasons for denial. Such notice shall also provide that the permit applicant may appeal the denial to the Business License Review Board in accordance with Section 6703.
3. If the application is approved, the Officer shall attach to the application an adult business performer license.
4. The application, as acted upon, and the license, if any, shall be placed in the United States mail, first class postage prepaid, or hand delivered, addressed to the license applicant at the residence address stated in the application in accordance with the time frames established herein.

- E. The Officer shall approve the application and issue the license unless the application is denied based on one of the grounds set forth in Section 6703(C).

- F. On determining that the grounds for license denial exist in accordance with Section 6703, the Officer shall furnish written notice of the denial to the applicant. Such notice shall provide, in addition to the grounds for denial, that the license applicant may appeal the denial to the Business License Review Board in accordance with Section 6703, and that the temporary license shall be extended through the time the appeal is concluded.

- G. Each adult business performer license, other than the temporary license described in Section 6701, shall expire one (1) year from the date of issuance and may be renewed only by filing with the Officer a written request for renewal, accompanied by the annual license fee and a copy of the license to be renewed. If said application conforms to the previously approved application and there has been no change with respect to the license holder being convicted of any crime classified by this or any other state as a sex-related offense, the Officer shall renew the license for one (1) year. Any plea to or conviction of a sex-related offense requires the renewal application to be denied in accordance with the provisions of this Section. The denial of a renewal application is appealable pursuant to the provisions of Section 6703. The request for renewal shall be made at least thirty (30) days before the expiration date of the license. Applications for renewal shall be acted upon as provided herein for action upon applications for license.

(Amended by Ord. 2178 adopted 5-6-03; amended by Ord. 2263 adopted 12-1-09)

#### 6703. - DENIAL, SUSPENSION OR REVOCATION OF ADULT BUSINESS PERFORMER LICENSE/APPEAL HEARING.

- A. On determining that grounds for license denial, suspension or revocation (also referred to collectively as License Action) exist, the Officer shall furnish written notice of the license action to the license holder or applicant (hereinafter "license holder" or "licensee" shall also mean "license applicant" or "applicant"). Such notice shall set forth the procedures for appeal, the pertinent Arcadia Municipal Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the license holder, or shall be delivered to the license holder personally.
- B. During any appeal to the Business License Review Board, the applicant or license holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions.
- C. A license may be denied, suspended or revoked, based on any of the following causes arising from the acts or omissions of the permit holder:
1. The licensee has made any false, misleading, or fraudulent statement of material fact in the application for a performer license.
  2. The license applicant is under eighteen (18) years of age.
  3. The licensee has pled guilty, nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor, or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a

felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

4. The Licensee has committed acts in violation of the requirements and standards of the Adult Business Ordinance (Sections 9279 et seq. and 6700 et seq.).

D. After holding the hearing in accordance with the provisions of this Section, if the Board finds and determines that there are grounds for denial, suspension or revocation, the Board shall impose one of the following:

1. Suspension of the license for a specified period of either one (1) year or some other time to be determined in the Board's discretion; or
2. Denial and/or revocation of the license; or
3. Conditional granting of the license.
4. The Board shall render a written decision in accordance with the procedures of Section 6216.8.

E. In the event a license is revoked pursuant to this Section, another adult business performer license shall not be granted to the licensee within twelve (12) months after the date of such revocation or such other time as the Board determines.

(Amended during 1-00 supplement; amended by Ord. 2178 adopted 5-6-03; amended by Ord. 2263 adopted 12-1-09)

#### 6704. - JUDICIAL REVIEW.

A. Decisions of the Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6216.9.

B. The time for a court challenge to a decision of the City Council under Sections 6702 and/or 6703 is governed by California Code of Civil Procedure § 1094.8.

C. Notice of the Business License Review Board's decision and its findings and the City Council's decision and its findings under Sections 6702 and/or 6703 shall include citation to California Code of Civil Procedure § 1094.8.

D. Any applicant or license holder whose license has been denied, suspended, or revoked, pursuant to Sections 6702 and/or 6703 shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure § 1094.8.

(Former Section 6704 repealed and new Section 6704 added by Ord. 2178 adopted 5-6-03; amended by Ord. 2263 adopted 12-1-09)

#### 6705. - DISPLAY OF LICENSE IDENTIFICATION CARDS.

The Officer shall provide each adult business performer required to have a license pursuant to Section 6700 et seq. with an identification card containing the name, address, photograph, and permit number of such performer. Every performer shall have such card available for inspection at all times during which he or she is on the premises of the adult business at which he or she performs or entertains.

#### 6706. - ADULT BUSINESS PERFORMER LICENSE NONTRANSFERABLE.

No adult business performer license may be sold, transferred, or assigned by any licensee or by operation of law, to any other person, group, partnership, corporation, or any other entity. Any such sale, transfer, or assignment, or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of the adult business performer license, and the license thereafter shall be null and void.

#### 6707. - TIME LIMIT FOR FILING APPLICATION FOR PERMIT.

All persons required by Section 6700 et seq. to obtain an adult business performer license who are performing in Arcadia prior to the effective day of the Ordinance codified in this Chapter must apply for and obtain such adult business performer license within sixty (60) days of the effective date of said Ordinance. Failure to do so and continued performance that displays specified anatomical areas or specified sexual activities in an adult business after such time without a license shall constitute a violation of the Arcadia Municipal Code.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6708. - VIOLATIONS.

A. Any person violating or causing the violation of any of these provisions regulating adult business performer licenses shall be subject to license revocation pursuant to Section 6703 above and any and all other civil remedies. It shall be a violation of this Chapter and Article IX, Chapter 2, Part 7, Division 9, for any principal, including but not limited to any adult business operator or permittee, to permit, procure, counsel or assist any agent of that principal, including but not limited to an employee or independent contractor, to violate any provision of this Chapter. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

B.

The operating standards for performers of adult live entertainment are part of a regulatory licensing process, and the City does not impose a criminal penalty for violations of the provisions of this Chapter relating to sexual conduct or activities.

C. In addition to the remedies set forth in Section 6708(A), any violation of any of these provisions regulating adult business performer licenses is hereby declared to constitute a public nuisance and may be abated or enjoined.

(Former Section 6708 repealed and new Section 6708 added by Ord. 2178 adopted 5-6-03)

#### 6709. - REGULATIONS NONEXCLUSIVE.

The provisions of this Chapter regulating adult business performer licenses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the licensing provisions as adopted by the City Council of the City of Arcadia; provided, however, that the provisions contained in Article VI, Chapters 1 through 6, inclusive, of the Arcadia Municipal Code shall be deemed superseded by these regulations in the event a business activity therein also meets the definitions contained in this Chapter 7.

#### 6710. - SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council declares that it would have adopted this Chapter and the Ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective. (Added by Ord. 2178 adopted 5-6-03)

### CHAPTER 8. - ADULT BUSINESS LICENSE

#### *Footnotes:*

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(Chapter 8 added by Ord. 2211 adopted 11-15-05)

#### 6800. - PURPOSE.

The intent of this chapter is to regulate uses which, because of their very nature, are believed to have any of the recognized significant secondary effects on the community which include, but are not limited to: depreciated property values and increased vacancies in residential and commercial areas in the vicinity of adult oriented businesses, interference with residential, commercial and industrial property owners' enjoyment of their property when such property is located in the vicinity of adult oriented businesses due to increased crime, debris, noise and vandalism; higher crime rates in the vicinity of adult oriented businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots which thereby have a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the neighborhoods in the vicinity of the adult oriented businesses. In approving the regulations contained in this article, the city council has reviewed detailed studies, reports and letters prepared by other jurisdictions and its own staff with respect to the detrimental social, health and economic effects on persons and properties surrounding adult oriented businesses. These studies include Upland, California (1992); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1 984); Houston, Texas (1 983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977); State of Minnesota, Attorney General Report (1989); Newport news, Virginia (1996); St. Paul, Minnesota (1987); Corpus Christi, Texas (1995); National Law Center (1995); and Azusa (2003) (collectively "studies"). The studies substantiate the adverse, secondary effects of adult businesses. It is neither the intent nor effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented materials to their intended market.

Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

#### 6801. - DEFINITIONS.

In addition to any other definitions contained in the Municipal Code, the following words and phrases shall, for the purpose of this Chapter and Article VI, Chapter 7, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the Municipal Code, these definitions shall prevail.

- A. "Adult arcade" shall mean a business establishment to which the public is permitted or invited and where coin, card or slug operated or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such devices shall be referred to as "adult arcade devices."
- B. "Adult booth/individual viewing area" shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; or
  2. Where "adult arcade" devices are located.
- C. "Adult business" shall mean:
1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio (as these phrases are defined in this section); or
  2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes "adult oriented material" or "sexually oriented merchandise," or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" but not including those uses or activities (as these phrases are defined in this section) which are preempted by State law.
- D. "Adult cabaret" shall mean a business establishment (whether or not serving alcoholic beverages) that features "adult live entertainment."
- E. "Adult hotel/motel " shall mean a "hotel" or "motel" (as defined in the Municipal Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" (as these phrases are defined in this section).
- F. "Adult live entertainment" shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which (1) the performer (including but not limited to a topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar performers) exposes to public view, without opaque covering, "specified anatomical areas"; and/or (2) the performance or physical human body activity depicts, describes, or relates to "specified sexual activities" whether or not the specified anatomical areas are covered.
- G. "Adult modeling studio" shall mean a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays "specified anatomical areas" to be observed, sketched, photographed, filmed, painted, sculpted, or otherwise depicted by persons paying for such consideration. "Adult modeling studio" does not include schools maintained pursuant to standards set by the Board of Education of the State of California.
- H. "Adult motion picture theater" shall mean a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, digital video disks, holograms, virtual reality devices, or similar electronically-generated reproductions that is characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- I. "Adult oriented material" shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult oriented material" shall include "sexually oriented merchandise."
- J. "Adult retail store" shall mean a business establishment having as a regular and substantial portion of its stock in trade, "adult oriented material" and/or "sexually oriented merchandise."
- K. "Day care facility" or "day care center" means any child day care facility as defined in Section 1596.750 of the California Health and Safety Code other than family day care homes.
- L. "Establishment of an adult business" shall mean any of the following:
1. The opening or commencement of any "adult business" (as defined earlier) as a new business;
  2. The conversion of an existing business, whether or not an "adult business," to any "adult business";
  3. The addition of any "adult business" to any other existing "adult business";
  4. The relocation of any "adult business"; or
  - 5.

Physical changes that expand the square footage of an existing "adult business" by more than ten percent (10%).

- M. "Owner/permit holder" shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) a corporation; (4) the owner of a controlling interest in a corporation or limited liability company that owns and operates an adult business; or (5) the person designated by the officers of a corporation or the members of a limited liability company to be the permit holder for an adult business owned and operated by the corporation.
- N. "Park" shall mean any park, playground, swimming pool, golf course or athletic field within the City which is under the City's control, operation and management, and the Arcadia County Park.
- O. "Performer" shall mean any person who is an employee or independent contractor of an adult business, and who, with or without any compensation or other form of consideration, performs adult live entertainment for patrons of an adult business. Performer does not include a patron.
- P. "Religious institution" shall mean structure or facility that is used primarily for religious worship and related religious activities such as a church, temple or synagogue.
- Q. "Residential zone" shall mean any property within the City which carries a zoning designation of: R-M Residential Mountainous Zone Single Family Zone; R-O Residential First One-Family; R-1 Residential Second One-Family; R-2 Medium Density Multiple-Family Residential Zone; and R-3 Multiple Family Residential Zone.
- R. "School" shall mean any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or is maintained pursuant to standards set by the Board of Education of the State of California and has an approved use permit, if required under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. It does not include private instructional and/or tutoring facilities.
- S. "Sexually oriented merchandise" shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- T. "Specified anatomical areas" shall mean and include any of the following:
  - 1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
    - (a) Genitals, pubic region;
    - (b) Buttocks, anus;
    - (c) Female breasts below a point immediately above the top of the areola; or
  - 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- U. "Specified sexual activities" shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:
  - 1. Human genitals in a state of sexual stimulation or arousal;
  - 2. Acts of human masturbation, sexual stimulation or arousal;
  - 3. Simulated sexual intercourse;
  - 4. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
  - 5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints;
  - 6. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
  - 7. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

6802. - PERMIT REQUIRED.

In addition to the requirements of Section 9279, et seq., of this Code, no adult business shall be permitted to operate, engage in, conduct or carry on business within the City unless the owner of the business first obtains both an Adult Business Regulatory permit and a business license from the City.

6803. - PERMIT REQUIREMENTS.

- A. It shall be unlawful for any person to establish, operate, engage in, conduct, or carry on any adult business within the City of Arcadia unless the person first obtains, and continues to maintain in full force and effect, an adult business regulatory permit as herein required. Any occurrence of the "establishment of an adult business" as defined in Arcadia Municipal Code Section 6801(L) shall require a new application for an adult business use permit. The adult business use permit shall be subject to the development and operational standards contained in Sections 6805.
- B. Permit applicants shall file a written, signed, and verified application on a form provided by the License Officer or designee. Any changes in information on an application shall be submitted on a supplemental application within ten (10) working days of each such change. Such application shall contain the following information and shall also include applicant's acknowledgment that he/she has read and understands all requirements set forth in Section 6805.
1. If the permit applicant is an individual, the individual shall state his or her legal name, including any aliases, telephone number, home address (including previous addresses), tax identification number, social security number, information regarding past adult business ownership, and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.
  2. If the permit applicant is a partnership, the partners shall state the partnership's complete name, address, and telephone number, and the names (including aliases), telephone number, home address (including previous addresses), tax identification number, social security number, and information on past adult business ownership of all partners. The applicant and all the partners shall also submit satisfactory written proof that he or she is at least eighteen (18) years of age and whether the partnership is general or limited; and shall attach a copy of the partnership agreement, if any.
  3. If the permit applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of California, the names and capacities of all officers and directors, the name of the registered corporate agent, and the address of the registered office for service of process.
  4. If the permit applicant is an individual, he or she shall sign the application. If the permit applicant is other than an individual, each individual or entity with a ten percent (10%) or greater interest in the business entity shall sign the application. Any individual who signs the application must also provide his or her name, including any aliases, home address (including previous addresses), telephone number, date of birth, social security number, information regarding past adult business ownership, and shall submit satisfactory written proof that he or she is at least eighteen (18) years of age.
  5. If the permit applicant intends to operate the adult business under a name other than that of the permit applicant, the permit applicant shall file the fictitious name of the adult business and show proof of registration of the fictitious name.
  6. A description of the type of adult business for which the permit is requested and the proposed address where the adult business will operate, plus the names and addresses of the owners and lessors of the adult business site. If premises are leased, a complete copy of the current lease must be attached. The property owner must sign the application.
  7. The address to which notice of action on the application is to be mailed.
  8. The full names, aliases, if any, addresses, telephone numbers and date of birth of all employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 6700 et seq. to obtain an adult business performer license. This information shall be updated by the licensee of the adult business establishment within five (5) days of retention of any new or additional employees, independent contractors, and other persons who will perform at the adult business, who are required by Section 6700 et seq. to obtain an adult business performer license. All persons who have been issued an adult business regulatory permit shall promptly supplement the information provided as part of the application for the permit with the names of all employees, independent contractors, or other persons, who are required to obtain an adult business performer license, within ten (10) working days of any change in the information originally submitted. The information obtained by the City pursuant to this Subsection B(8) shall be kept confidential.
  9. Permit applications shall include a signed and verified statement that:
    - (a) The permit applicant, if an individual, or each shareholder, partner, officer and director, or other party possessing a ten percent (10%) or greater interest, if a partnership or corporation, has not pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex or sex-related offense; or
    - (b) If there has been a conviction or a plea, then:
      - (1) More than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or
      - (2) More than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or
      - (3) More than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- C. The completed application shall be accompanied by a non-refundable application fee. Said fee shall be set forth by Resolution of the City Council.

- D. The completeness of an application for an adult business regulatory permit shall be determined by the Officer within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
- E. The fact that a permit applicant possesses other types of State or City permits or licenses does not exempt the permit applicant from the requirement of obtaining an adult business regulatory permit.

(Amended by Ord. 2263 adopted 12-1-09)

6804. - INVESTIGATION AND ACTION ON APPLICATION FOR ADULT BUSINESS REGULATORY PERMIT.

- A. The completeness of an application for an adult business regulatory permit shall be determined by the License Officer or his or her designee within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
- B. Upon receipt of a completed application and payment of the application and permit fees, the Officer shall immediately write or stamp the application "Received" and, in conjunction with City staff and the Chief of Police, shall promptly investigate the information contained in the application to determine whether an adult business regulatory permit shall be granted.
- C. Within ten (10) working days of receipt of the completed application, the Officer shall issue or deny the license, unless extended for five (5) additional working days upon a showing of good cause. Only one such extension shall be permitted unless requested by the applicant.
- D. In reaching a decision, the Officer shall not be bound by the formal rules of evidence in the California Evidence Code.
- E. The failure of the Officer to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to appeal to the Business License Review Board, pursuant to Section 6807. The Officer's decision shall be hand delivered or mailed to the applicant at the address provided in the application, and shall be provided in accordance with the requirements of this Code.
- F. Notwithstanding any provisions in this Section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this Section or may request a continuance regarding any decision or consideration by the City of the pending application. Extensions of time sought by applicants shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on applications.
- G. The Officer shall grant or deny the application in accordance with the provisions of this Section, and so notify the applicant as follows:
  - 1. The Officer shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.
  - 2. If the application is denied, the Officer shall attach to the application a statement of the reasons for the denial.
  - 3. If the application is granted, the Officer shall stamp "Approved" on the application.
- H. The Officer shall grant the application and issue the adult business regulatory permit unless the application is denied based upon one (1) or more of the criteria set forth in subsection J below.
- I. If the Officer grants the application, the applicant may begin operating the adult business for which the permit was sought, subject to strict compliance with the development and operational standards and requirements of this Chapter. The permit holder shall post the permit conspicuously in the premises of the adult business.
- J. The Officer shall deny the application for any of the following reasons:
  - 1. The adult business does not comply with the zoning and location standards found in Section 9279.2.
  - 2. The adult business does not comply with the development, operational or performance standards found in this Chapter.
  - 3. The permit applicant, his or her employee, agent, partner, director, officer, shareholder with a ten percent (10%) or greater interest, or manager has made any false, misleading, or fraudulent statement of material fact in the application for an adult business regulatory permit or in any report, record, or document required to be filed with the application, the Police Department, Sheriff, other law enforcement agency, or other department of the City.
  - 4. The permit applicant is under eighteen (18) years of age.
  - 5. The required application fees have not been paid.
  - 6.

The permit applicant, if an individual, or any shareholder, partner, officer, director or other party possessing a ten percent (10%) or greater interest, if a partnership or corporation, has:

- (a) Pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex or sex-related offense; and
- (b) (i) Less than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or (ii) Less than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or (iii) Less than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.

7. Within the past eighteen (18) months the applicant, including, but not limited to, an owner, partner or shareholder with a ten percent (10%) or greater financial interest has been found to have violated any provision of this Chapter, has had an adult oriented business permit or similar entitlement permitting the establishment of an adult or sexually oriented business revoked, regardless of whether such revocation occurred within the City or in some other jurisdiction.

K. An applicant cannot re-apply for an adult business regulatory permit for a location for which the applicant previously submitted an application within one (1) year from the date of prior denial.

L. Any affected person may appeal the decision of the Director in writing in accordance with the provisions of Section 6807.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6805. - DEVELOPMENT AND OPERATING STANDARDS.

A. Hours of Operation. It shall be unlawful for any permittee, owner, operator, manager or employee of an adult business to allow such adult business to remain open for business, or to permit any employee or performer to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 2:00 a.m. and 10:00 a.m. of any day excepting herefrom an "adult hotel/motel."

B. Exterior Lighting Requirements. All exterior areas, including parking lots, of the adult business shall be illuminated at a minimum of 1.50 foot-candle, maintained and evenly distributed at ground level with appropriate devices to screen, deflect or diffuse the lighting in such manner as to prevent glare or reflected light from creating adverse impacts on adjoining and nearby public and private properties. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours.

C. Interior Lighting Requirements. All interior areas of the adult business excepting therefrom adult hotels and motels shall be illuminated at a minimum of 1.00 foot-candle, maintained and evenly distributed at floor level. Inoperable and/or broken lights shall be replaced within twenty-four (24) hours.

D. Minors' Access.

1. To the extent that it is in conformity with the Penal Code, movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks rated "X" or "NC-17" by the Motion Picture Association of America ("MPAA") or which have not been submitted to the MPAA for a rating and which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas shall be restricted to persons at least eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under eighteen (18) years of age sells, rents, or displays movies, videos, DVDs, or laser disks that have been rated "X" or rated "NC-17" by the MPAA, or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited.
2. For material relative to adult businesses not covered by Subsection (D)(1), of this Section, access shall be restricted to persons over eighteen (18) years of age.
3. It shall be unlawful for any employee, owner, operator, responsible managing employee, manager or permittee of an adult business to allow any person under the age of eighteen (18) years upon the premises or within the confines of any adult business, either as a patron or employee, if no liquor is served, or under the age of twenty-one (21) if liquor is served.

E. Regulation of Adult Booth/Individual Viewing Area.

1. No adult booth/individual viewing area shall be occupied by more than one (1) individual at a time.
2. Each adult booth/individual viewing area within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing the entire interior of the adult booth/individual viewing area from the main aisle. A manager shall be stationed in the

main aisle at all times. Further, no one shall maintain any adult booth/individual viewing area in any configuration unless the entire interior wherein the picture or entertainment is viewed is visible from one main aisle. The entire body of any patron in any adult booth/individual viewing area must be visible from the main aisle without the assistance of mirrors or other device.

3. No doors are permitted on an adult booth/individual viewing area. No partially or fully enclosed adult booth/individual viewing areas or partially or fully concealed adult booth/individual viewing areas shall be permitted.
  4. No holes or other openings (commonly known as "glory holes") shall be permitted between adult booths/individual viewing areas. Any such hole or opening shall be repaired within twenty-four (24) hours using "pop" rivets to secure metal plates over the hole or opening to prevent patrons from removing the metal plates.
  5. No beds shall be permitted in an adult booth/individual viewing area.
- F. Interior of Premises. No exterior door or window on the premises of an adult business shall be propped or kept open at anytime while the business is open and any exterior windows shall be covered with opaque coverings at all times.
- G. On-Site Manager—Security Measures. All adult businesses shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be registered with the Director to receive all complaints and be given by the owner and/or operator the responsibility and duty to address and immediately resolve all violations taking place on the premises.

All adult businesses shall provide a security system that visually records and monitors all parking lot areas during all business hours. At least one (1) security guard shall be on duty outside the premises, patrolling the grounds and parking lot at all times. The security guard shall be charged with preventing violations of law and enforcing the provisions of this Chapter. All security guards shall be uniformed so as to be readily identifiable as a security guard by the public. No person acting as a security guard shall act as a door person, ticket taker or seller, or any similar function, while acting as a security guard. For all adult oriented businesses providing live entertainment, an additional security guard shall be provided with each increase in maximum occupancy of two hundred (200) persons. Security guards shall be licensed under the California Private Security Services Act, Business & Professions Code Section 7580 et seq.

- H. Sign Requirements. All adult businesses shall comply with the following sign requirements, in addition to those otherwise set forth in the Arcadia Municipal Code. Should a conflict exist between the other requirements of the Arcadia Municipal Code and this Subsection, the more restrictive shall prevail.
1. If an adult business does not serve alcohol, it shall post a notice inside the establishment, within ten (10) feet of every entrance used by customers for access to the establishment, stating that persons below the age of eighteen (18) years of age are prohibited from entering onto the premises or within the confines of the adult business. This notice shall be posted on a wall in a place of prominence. The dimensions of the notice shall be no less than six (6) inches by six (6) inches, with a minimum typeface of twenty-five (25) points on contrasting background. If the adult business serves alcohol, it shall comply with all notice and posting requirements of the Alcoholic Beverage Control Department.
  2. No material relative to adult businesses on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.
- I. Adult Live Entertainment—Additional Operating Requirements. The following additional requirements shall pertain to adult businesses providing live entertainment. No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit the operation of an adult business to engage in, conduct or carry on unless all of the following requirements are met:
1. No employee, owner, operator, responsible managing employee, manager or permittee of such use shall allow any person below the age of eighteen (18) years upon the premises or within the confines if no liquor is served, or under the age of twenty-one (21) if liquor is served.
  2. Except as provided below, no performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall perform such adult live entertainment at an adult business except upon a permanently fixed stage at least eighteen (18) inches above the level of the floor surrounded by a railing at least thirty (30) inches high which railing is set back from the outside edges of the stage by six (6) feet. The performer then performing live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall only perform such live entertainment six (6) feet or more from a patron while the performer is so performing.
  3. A performer shall only be permitted to perform off-stage adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities when such performer is at least six (6) feet from a patron while the performer is so performing. This provision shall not apply to an individual viewing area where the performer is completely separated from the patron by a floor to ceiling permanent solid barrier enclosed on all sides such that access by the patron is not possible.
  4. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall have physical contact with any patron, and no patron shall have physical contact with any performer, while the performer is performing on the premises. In addition, while on the premises, no performer shall have physical contact with a patron and no patron shall have physical contact with a performer, which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft or the buttocks, perineum, anal region, or female breast with any part or area of any other person's body either before or after

any adult live entertainment by such performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs conspicuously placed on the barrier between patrons and performers. If necessary, patrons shall also be advised of the separation and no touching requirements by employees or independent contractors of the adult business.

5. All employees, except therefrom performers while performing, shall, at a minimum while on or about the premises or tenant space, wear an opaque covering which covers their specified anatomical areas.
  6. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall accept directly from a patron, and no patron shall directly hand to such performer any tip or gratuity, throw tips to performers, or place tips in the performers' costumes. Patrons shall be advised of these tipping and gratuity requirements by signs conspicuously placed on the premises. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.
  7. The adult business shall provide dressing rooms for performers that are separated by gender and exclusively dedicated to the performers' use, and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
  8. The adult business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons, which the performers shall use at all times.
  9. The adult business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three (3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility.
  10. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Subsection.
- J. Adult Motion Picture Theater. An adult motion picture theater shall observe the following special requirements:
1. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
    - a. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;
    - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
    - c. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.
  2. If an adult motion picture theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons may not be seen from any public right-of-way, day care facility, park, school, or religious institution, as those terms are defined in this Chapter.
- K. Regulation of Public Restroom Facilities. If the adult business is required to provide restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time, unless otherwise required by law, in which case the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall ensure that no person of the opposite sex is permitted into the restroom, and that not more than one (1) person is permitted to enter a restroom stall, unless otherwise required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.
- L. Trash. All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag at least once a day.

#### 6806. - TRANSFER OF ADULT BUSINESSES OR ADULT BUSINESS REGULATORY PERMITS.

- A. A permit holder shall not operate an adult business under the authority of an adult business regulatory permit at any place other than the address of the adult business stated in the application for the permit.
- B. In the event of a transfer of ownership of the adult business or the adult business regulatory permit, the new owner shall be fully informed by the transferor' of the requirements of this Chapter, including the operational and development standards of Section 6805 and the provisions relating to adult business performer licenses including disqualification from certain criminal convictions pursuant to Sections 6804(J)(6) and 6703(C)(3).
- C.

In the event of a transfer of the adult business or the adult business regulatory permit, the transferee must provide the City with the following information at least thirty (30) days prior to the transfer.

- D. No permit shall be transferred to a transferee with criminal convictions as set forth in Section 6804(J)(6). Such transfers are deemed to be null and void.
- E. If the permit holder is a corporation and the corporation retains ownership of the business, the sale of the corporate stock shall not be considered a transfer of an adult business regulatory permit under this section. The new shareholders shall provide all information required under Section 6803(B)(4) within ten (10) working days of sale of stock.

6807. - DENIAL, SUSPENSION OR REVOCATION OF ADULT BUSINESS REGULATORY PERMITS/APPEAL PROCEDURE.

- A. On determining that grounds for permit denial, suspension or revocation exist, the Officer shall furnish written notice of the permit action to the license holder or applicant (hereinafter "permit holder" shall also mean "permit applicant" or "applicant"). Such notice shall set forth the procedures for appeal, the pertinent Arcadia Municipal Code Sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permit holder, or shall be delivered to the permit holder personally.
- B. During any appeal to the Business License Review Board, the applicant or permit holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions. If the Board finds and determines that there are grounds for denial, suspension or revocation, the Board shall impose one (1) of the following:
  - a. Denial of the permit or conditional granting of the permit;
  - b. Suspension of the permit for a specified period of at least one (1) year; or
  - c. Revocation of the permit.

The Board shall render a written decision that shall be hand delivered or overnight mailed to the permit holder within five (5) working days of the Board convening to render its decision.

- C. A permit may be suspended or revoked based on the following causes arising from the acts or omissions of the permit holder, or an employee, agent, partner, director, stockholder with a ten percent (10%) or greater interest, or manager of the permittee (unless an entertainer is an employee, any entertainer shall be deemed to be an agent of the permittee for purposes of this Chapter):
  1. The use or building, structure, equipment, or location used by the adult business fails to comply with applicable building, fire, electrical, plumbing, health, and those zoning requirements of the Arcadia Municipal Code or this Chapter relating to adult businesses, including the adult business development and operating standards contained in Section 6805.
  2. The permit holder has failed to obtain or maintain all required City, County, and State licenses and permits.
  3. The permit holder has made any false, misleading, or fraudulent statement of material fact in the application for an adult business regulatory permit.
  4. The permit is being used to conduct an activity different from that for which it was issued.
  5. The permit holder has failed to submit and/or update the information pertaining to performers in accordance with Section 6803(B)(8).
  6. An adult business has been operated without a responsible adult on the premises, officially acting in the capacity of manager, at all times during which the business is open or operating.
  7. That a permittee, including, but not limited to, an owner, partner, or shareholder with a ten percent (10%) or greater financial interest, or employee of an adult business, has pled guilty or nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and: (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor; (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
  8. That an individual employed by the adult business has been convicted of two (2) or more sex-related offenses that occurred in or on the licensed premises within a twelve (12) month period and was an employee of the adult business at the time the offenses were committed.
  9. That the use for which the approval was granted has ceased to exist or has been suspended for more than six (6) months.
  10. That the transferee/new owner of an adult business or adult business regulatory permit fails to comply with the requirements of Section 6806.

11. The permit holder, employee, agent, partner, director, stockholder with at least a ten percent (10%) interest in the business, or manager has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult business; or a permittee has been convicted of violating any of the following State laws on the premises of the adult business:
  - a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.
  - b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.
  - c. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, 318 of the California Penal Code.
  - d. Any act constituting a felony involving the sale, use, possession, or possession for sale of any controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.
  - e. Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code.
  - f. An act or omission in violation of any of the requirements of this Chapter if such act or omission is with the knowledge, authorization, or approval of the permit holder or is as a result of the permit holder's negligent supervision of the employees of the adult facility. This includes the allowance of activities that are or become a public nuisance which includes the disruptive conduct of business patrons whether on or immediately off the premises where such patrons disturb the peace, obstruct traffic, damage property, engage in criminal conduct, violate the law and otherwise impair the free enjoyment of life and property.
- D. In the event a permit is revoked (or suspended) pursuant to this Section, another adult business regulatory permit to operate an adult business shall not be granted to the permittee, or any other owner, manager, director, board member or immediate family member of any of the above within eighteen (18) months after the date of such revocation (or if suspended, during the period of suspension) or as otherwise ordered by the Business License Review Board.
- E. Notwithstanding any other provision of this Code, the decision of the Business License Review Board on any suspension or revocation may be appealed to the City Council, pursuant to the procedures as explained in Section 6216.9.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6808. - JUDICIAL REVIEW.

- A. Decisions of the Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6216.9.
- B. The time for a court challenge to a decision of the City Council under Sections 6702 and/or 6703 is governed by California Code of Civil Procedure § 1094.8.
- C. Notice of the Business License Review Board's decision and its findings and the City Council's decision and its findings under Sections 6702 and/or 6703 shall include citation to California Code of Civil Procedure § 1094.8.
- D. Any applicant or license holder whose license has been denied, suspended, or revoked, pursuant to Sections 6702 and/or 6703 shall be afforded prompt judicial review of that decision as provided by California Code of Civil Procedure § 1094.8.

(Amended by Ord. 2263 adopted 12-1-09)

#### 6809. - DISPLAY OF ADULT BUSINESS REGULATORY PERMIT.

Every adult business shall display at all times during business hours the permit issued pursuant to the provisions of this Division for such adult business in a conspicuous place so that the same may be readily seen by all persons entering the adult business.

#### 6810. - EMPLOYMENT OF AND SERVICES RENDERED TO PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS PROHIBITED, TWENTY-ONE (21) IF ALCOHOLIC BEVERAGES ARE SERVED.

- A. Employees. Employees of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not at least eighteen (18) years of age. If alcoholic beverages are served at the adult business, employees of the adult business must be at least twenty-one (21) years of age. If alcoholic beverages are served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to employ, contract with, or otherwise retain any services in connection with the adult business with or from any person who is not twenty-one (21) years of age; and said persons shall exercise reasonable care in ascertaining the true age of persons seeking to contract with, be employed by, or otherwise service the adult business.

The provisions of this Subsection do not apply to service employees (e.g., janitors, repair and maintenance workers, or similar service workers) whose work is not conducted during the normal hours of operation as set forth in Section 6805.

- B. Patrons. Patrons of an adult business must be at least eighteen (18) years of age. It shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least eighteen (18) years of age. If alcoholic beverages are served at the adult business, patrons must be at least twenty-one (21) years of age. If alcoholic beverages are served at the adult business, it shall be unlawful for any owner, operator, manager, partner, director, officer, employee, or other person in charge of any adult business to permit to enter or remain within the adult business any person who is not at least twenty-one (21) years of age; and said persons shall exercise reasonable care in ascertaining the true age of persons entering the adult business.
- C. X-rated Movies. The selling, renting and/or displaying of movies, videotapes, digital video disks (DVDs), compact disks (CDs) and laser disks rated "X" or "NC-17" by the Motion Picture Association of America ("MPAA") shall be restricted to persons at least eighteen (18) years of age or older. If an establishment that is not otherwise prohibited from providing access to persons under eighteen (18) years of age sells, rents, or displays movies, videos, DVDs, CDs, or laser disks that have been rated "X" or rated "NC-17" by the MPAA, or which have not been submitted to the MPAA for a rating, and which consist of images that are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, said movies, videos, DVDs, CDs, and laser disks shall be located in a specific section of the establishment from which persons under the age of eighteen (18) shall be prohibited.

6811. - INSPECTIONS.

Each permit applicant, permit holder, owner, operator, partner, director, officer, shareholder with a ten percent (10%) or greater interest, agent, employee or other person in charge of an adult business shall permit representatives of the Police Department, Health Department, Fire Department, Development Services Department, other City departments, to inspect the adult business for the purpose of insuring compliance with the law and the development and operating standards applicable to adult businesses at any time it is occupied or opened for business. Such inspections shall be conducted in a reasonable manner.

6812. - EMPLOYMENT OF PERFORMERS WITHOUT VALID LICENSE UNLAWFUL.

It shall be unlawful for any owner, operator, manager, permit holder, partner, director, officer, shareholder with a ten percent (10%) or greater interest, agent, employee or other person in charge of an adult business which provides live entertainment displaying specified anatomical areas or specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, un-revoked, un-suspended adult business performer license.

6813. - REGULATIONS NON-EXCLUSIVE.

The provisions of this Chapter regulating adult businesses are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Arcadia; provided, however, that the provisions contained in Article VI, Chapters 1 through 6, inclusive, of the Arcadia Municipal Code shall be deemed superseded by these regulations in the event a business activity therein also meets the definitions contained in this Chapter.

6814. - VIOLATIONS.

- A. Any owner, permit holder, operator, manager, employee or independent contractor of an adult business violating or permitting, counseling, or assisting the violation of any of these provisions regulating adult businesses shall be subject to any and all civil remedies, including without limitation permit revocation. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.
- B. The restrictions imposed pursuant to this Chapter are part of a regulatory licensing process, and do not constitute a criminal offense. Notwithstanding any other provision of the Arcadia Municipal Code, the City does not impose a criminal penalty for violations of the provisions of this Chapter related to sexual conduct or activities.

6815. - PUBLIC NUISANCE.

In addition to the penalties set forth in Section 6814 above, any adult business which is operating in violation of these provisions regulating adult businesses is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

6816. - SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter and the Ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The City Council hereby declares that it would have adopted this Chapter and the Ordinance to which it is

a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.