
ARTICLE VI.

BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS

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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.

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,

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

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.

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.

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 (12th) 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

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.

"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.

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

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

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.

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

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:

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.

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

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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

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.

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.

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

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

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

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

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,

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

(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:

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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.

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

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.

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,

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.

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.

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.

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.

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.

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.

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

6400.25. “Y” DEFINITIONS

6400.26. “Z” DEFINITIONS