



CITY OF ARCADIA

CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, February 17, 2026, 7:00 P.M.

Location: City Council Chambers, 240 W. Huntington Drive

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

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

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

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

How to Submit Public Comment:

Members of the Public who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a Speaker Card, indicating the agenda item number and place it in the Public Comment Drop Box, or simply come to the podium when the Mayor asks for those who wish to speak. Generally, the allotted time is determined by the number of speakers, in accordance with the following format: **5 speakers or less – 5 minutes each**; between **6 and 20 speakers – 3 minutes each**; between **21 and 50 speakers – 2 minutes each**; and more than **50 speakers – 1 minute each**. Comments on all non-public hearing items will generally be taken at the Public Comment portion of the agenda.
2. **Website:** Please submit your comments using our online public comment form at ArcadiaCA.gov/comment. Your comments must be received at least 30 minutes prior to the posted meeting time.
3. **Email:** Please submit your comments via email to CityClerk@ArcadiaCA.gov. Your comments must be received at least 30 minutes prior to the posted meeting time.

Electronic submission of Public Comment is also available via the City's website or by email as noted above. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

如何提交公众评论意见：

公众成员可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见

1. **现场发言：**填写发言卡，注明议程项目编号并投入公众意见投递箱；或在市长邀请发言者上前时，直接上前至讲台。发言时间通常根据发言人数确定，具体如下：**5 人及以下，每人 5 分钟；6 至 20 人，每人 3 分钟；21 至 50 人，每人 2 分钟；超过 50 人，每人 1 分钟。**所有非公开听证事项的意见通常在议程中的公众意见环节听取。
2. **网站：**请使用以下网站中刊载的在线公众评论意见表提交您的评论意见：ArcadiaCA.gov/comment。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
3. **电子邮件：**请将您的评论意见通过电子邮件发送至：CityClerk@ArcadiaCA.gov。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录，但会在会议开始前转交给市议会，供市议会考虑。

1. CALL TO ORDER

2. INVOCATION

Reverend Gina Milligan, Santa Anita Church

3. PLEDGE OF ALLEGIANCE

Reverend Gina Milligan, Santa Anita Church

4. ROLL CALL OF CITY COUNCIL MEMBERS

Eileen Wang, Mayor
Paul P. Cheng, Mayor Pro Tem
Dr. Michael Cao, Council Member
David Fu, Council Member
Sharon Kwan, Council Member

5. REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS

6. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS

7. PRESENTATIONS

- a. Presentation of Mayor's Certificate of Commendation to the 2025 Santa Anita Little League 13U Intermediate All-Star Team for winning the Section 2 Championship and advancing to the State Tournament.
- b. Presentation of Mayor's Certificate of Commendation to the 2025 Graduating Class of the Santa Anita Little League Softball Majors Girls Team, for the first graduating class since 2019.
- c. Presentation of Arcadia's 2025 Overview and Recycling Awards by Josh Goldman of Waste Management.
- d. Presentation to the City of Arcadia from the Tzu Chi Charity Foundation in appreciation of the City's support.

8. PUBLIC HEARING

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card, noting the agenda item number and placing it in the Public Comment Drop Box, prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), the allotted time is determined by the number of speakers, in accordance with the following format: **5 speakers or less – 5 minutes each**; between **6 and 20 speakers – 3 minutes each**; between **21 and 50 speakers – 2 minutes each**; and more than **50 speakers – 1 minute each**. Under the Brown Act, the City Council is prohibited from discussing or acting on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, at the discretion of the City Council.

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

- a. Direct the Los Angeles County Agricultural Commissioner to abate nuisances upon those properties located in the City of Arcadia and approve the Annual Weed Abatement Property List.
CEQA: Exempt
Recommended Action: Approve

9. PUBLIC COMMENTS (5-minute time limit each speaker)

Any person wishing to speak before the City Council is asked to complete a Speaker Card and place it in the Public Comment Drop Box prior to the time the Mayor calls for Public Comments. Generally, the allotted time is determined by the number of speakers, in accordance with the following format: **5 speakers or less – 5 minutes each**; between **6 and 20 speakers – 3 minutes each**; between **21 and 50 speakers – 2 minutes each**; and more than **50 speakers – 1 minute each**. Comments on all non-public hearing items will generally be taken at the Public Comment portion of the agenda. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

10. CONSENT CALENDAR

- a. Regular Meeting Minutes of February 3, 2026.
CEQA: Not a Project
Recommended Action: Approve
- b. Ordinance No. 2411 amending Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations (Business License) Code (continued from January 20, 2026).
CEQA: Exempt
Recommended Action: Introduce
- c. Mayor's appointments of City Council Members to City boards, commissions, and outside agencies.
CEQA: Not a Project
Recommended Action: Receive and File
- d. Professional Services Agreement with Origins Engineering Co. for the Wilderness Park Debris Removal Design in the amount of \$358,581.
CEQA: Not a Project
Recommended Action: Approve
- e. Contract with Gentry Brothers, Inc. for the Baldwin Avenue Concrete Rehabilitation Improvements Project in the amount of \$1,227,444.50.
CEQA: Exempt
Recommended Action: Approve
- f. Accept all work performed by Gentry Brothers, Inc. for the Baldwin Avenue Streetscape Improvement Project in the amount of \$4,118,466.63.
CEQA: Exempt
Recommended Action: Approve

11. CITY MANAGER

- a. Fiscal Year 2025-26 Mid-Year Budget Review and supplemental appropriation to amend the Fiscal Year 2025-26 General Fund Operating and Capital Improvement Fund Budgets.

Presentation of the General Fund Fiscal Year 2024-25 Year-Ending Result and the Fiscal Year 2025-26 Mid-Year Budget Review.

CEQA: Not a Project

Recommended Action: Receive and File

Resolution No. 7674 authorizing a supplemental budget appropriation in the amount of \$1,030,000, amending the Fiscal Year 2025-26 General Fund Operating and Capital Improvement Fund Budgets.

CEQA: Not a Project

Recommended Action: Adopt

12. AB 1234 REPORTS FROM MAYOR AND CITY COUNCIL (*limited to legally required reports*).

13. REQUEST FOR FUTURE ITEMS

14. ADJOURNMENT

The City Council will adjourn to Tuesday, March 3, 2026, at 6:00 p.m. in the City Council Conference Room.

Welcome to the Arcadia City Council Meeting!

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

MEETINGS: Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (CityClerk@ArcadiaCA.gov). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please place a **Speaker Card** in the Public Comment Drop Box, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record.

PUBLIC COMMENTS: Should be presented during the time designated as "PUBLIC COMMENTS", for all matters on the agenda or not on the agenda. **By State law, the City Council may not discuss or vote on items not on the agenda. The matter may be referred to staff for appropriate action or response or will be placed on the agenda of a future meeting except for public hearing items.**

PUBLIC HEARINGS AND APPEALS: Are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), the allotted speaking time is generally determined by the number of speakers, in accordance with the following format: **5 speakers or less – 5 minutes each; between 6 and 20 speakers – 3 minutes each; between 21 and 50 speakers – 2 minutes each; and more than 50 speakers – 1 minute each.** The applicant may additionally submit rebuttal comments.

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

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine by the City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

DECORUM: While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, shall serve as the Sergeant-at-Arms of the City Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official or a majority of the Councilmembers, for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

欢迎参加阿凯迪亚市议会会议！

市议会鼓励公众参与，欢迎您就市政事务分享观点。

会议： 市议会例行会议于每月第一个和第三个星期二晚 7:00 在市议会议事厅举行。完整的市议会议程资料包（含所有背景信息）可在市政厅和市网站 www.ArcadiaCA.gov 获取。如有需要，可通过电子邮件 (CityClerk@ArcadiaCA.gov) 索取单项议程报告副本。本议程公布后分发给多数市议会成员的文件，可在市书记官办公室查阅，地址为 240 W. Huntington Drive, Arcadia, California。市议会会议将通过有线电视直播和重播。您出席本次公开会议，您的影像和/或声音可能如前所述被录制和播放。

公众参与： 欢迎您参加所有市议会会议。每次例行会议均为希望在市议会发言的与会者预留时间。市府要求在市议会发言的人士避免发表人身攻击、诽谤、亵渎或扰乱秩序的言论。请尽可能将**发言卡**投入公众意见投递箱，或在市长邀请发言者上前时直接上前至讲台，并报上姓名和地址（可选）以供记录。

公众意见： 所有关于议程内或议程外事项的意见，均应在指定的“公众意见”环节提出。**根据州法律，对于未列入议程的项目，市议会不得予以讨论或投票表决。相关事宜可转交工作人员采取适当行动或做出回应，或列入未来会议议程，公开听证事项除外。**

公开听证和上诉： 这些是已列入议程、需要或希望听取公众意见的项目。除申请人外（市议会可酌情允许其发言更长时间），发言时间通常根据人数确定，具体如下：**5 人及以下，每人 5 分钟；6 至 20 人，每人 3 分钟；21 至 50 人，每人 2 分钟；超过 50 人，每人 1 分钟。** 申请人可另外提交反驳意见。

议程项目： 议程包含市议会的常规议事顺序。议程上的项目通常已由市府工作人员在会前进行审查和调查，以便市议会在决策前充分了解相关事项。

同意议程： 同意议程上的项目被市议会视为常规事项，将通过一次动议进行表决。除非市议会成员、工作人员或公众提出要求，否则不会对这些项目单独讨论。若有此要求，该项目将从同意议程中移除，并另行审议和表决。

会场秩序： 公众可自由批评市政政策以及市议会或其成员的行动或拟议行动，但不得有扰乱会议正常进行的行为，包括但不限于：妨碍其他与会者在发言时被听见，或妨碍其他与会者听见或看见会议进程。公众不得以人身伤害威胁任何人，或以任何可合理解读为迫在眉睫的人身伤害威胁的方式行事。所有与会者均须遵守市府禁止基于种族、宗教信仰、肤色、国籍、血统、身体残疾、健康状况、婚姻状况、性别、性取向或年龄进行骚扰的政策。警察局长或其指定的警局成员担任市议会会议的秩序官。秩序官须执行会议主持官员或多数议员下达的命令和指示，以维持会场秩序和礼仪。任何违反会场秩序和礼仪的人员可能被逮捕，并根据《刑法》第 403 节或适用的《Arcadia 市政法典》条款被起诉。



CITY OF ARCADIA

STAFF REPORT

OFFICE OF THE CITY CLERK

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Linda Rodriguez, City Clerk

SUBJECT: DIRECT THE LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER TO ABATE NUISANCES UPON THOSE PROPERTIES LOCATED IN THE CITY OF ARCADIA AND APPROVE THE ANNUAL WEED ABATEMENT PROPERTY LIST

CEQA: Exempt
Recommendation: Approve

SUMMARY

On February 3, 2026, the City Council adopted Resolution No. 7672, declaring its intention to abate weeds, brush, rubbish, and refuse from various private properties within the City, and scheduled February 17, 2026, as the time to hear objections from property owners regarding the proposed removal of flammable and otherwise noxious material.

As required by the California Government Code, the Los Angeles County Agricultural Commissioner ("County") mailed public hearing notices to all affected property owners. The attached Exhibit "A" identifies the properties requiring weed abatement by street address, or the general location if a street number has not been assigned. A representative from the Los Angeles County Agricultural Commissioner's office will be present to address any questions the City Council may have regarding this matter.

It is recommended that the City Council direct the Los Angeles County Agricultural Commissioner to abate nuisances upon those properties located in the City of Arcadia and approve the Annual Weed Abatement Property List.

ENVIRONMENTAL ANALYSIS

The proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15304, as a minor alteration to land; and pursuant to Section 15308, as an action to ensure maintenance of the environment.

FISCAL IMPACT

There is no fiscal impact to the General Fund resulting from the County abating and removing nuisances from those properties located in the City of Arcadia. Charges are assessed directly to property owners who have their properties abated by the County.

RECOMMENDATION

It is recommended that the City Council determine that the proposed action is exempt per Section 15304 and 15308 of the California Environmental Quality Act ("CEQA"); and direct the Los Angeles County Agricultural Commissioner to abate nuisances upon those properties located in the City of Arcadia and approve the Annual Weed Abatement Property List.

Attachment: Exhibit "A" – County Declaration Property List

Exhibit "A"

2026
LOS ANGELES COUNTY
DECLARATION LIST
CITY OF ARCADIA
KEY OF 7, CITY CODE 035 (UNIMPROVED)

DATE: 01/27/2026

PARCEL	LOCATION	OWNER	MAILING ADDRESS	CITY/STATE	ZIP
5765 002 015	CANYON RD	NEVIS CAPITL LLC	335 N BERRY ST	BREA CA	92821
5765 002 016	CANYON RD	NEVIS CAPITL LLC	335 N BERRY ST	BREA CA	92821
5771 001 902	CANYON RD	LA COUNTY FLOOD CONTROL DISTRICT	900 S FREMONT AVE	ALHAMBRA CA	91803
5773 007 009	153 E SANTA CLARA ST	KOEPEK,JOSEF TR	153 W LEMON AVE	ARCADIA CA	91007
5779 015 041	E. DUARTE RD	CHIEN,CHEN F A CO TR	1604 SHENANDOAH RD	SAN MARINO CA	91108
5779 018 040	201 E DUARTE RD	MEILOON PROPERTIES LLC	713 W DUARTE RD STE G300	ARCADIA CA	91007
5779 018 050	203 E DUARTE RD	MEILOON PROPERTIES LLC	713 W DUARTE RD STE G300	ARCADIA CA	91007
5784 020 014	LE ROY AVE	KOLOVOS,GEORGE P TR	12424 WILSHIRE BLVD STE 1040	LOS ANGELES CA	90025
8532 013 026	DURFEE AVE	289 NORTH ROBERTSON BLVD II LLC	2220 AVENUE OF THE STARS # 1005	LOS ANGELES CA	90067
8532 013 027	DURFEE AVE	289 NORTH ROBERTSON BLVD II LLC	2220 AVENUE OF THE STARS # 1005	LOS ANGELES CA	90067
8532 013 029	DURFEE AVE	289 NORTH ROBERTSON BLVD II LLC	2220 AVENUE OF STARS #1005	LOS ANGELES CA	90067
8532 016 001	CLARK ST	LIVINGSTON GRAHAM INC	PO BOX 52427	ATLANTA GA	30355
8532 016 003	CLARK ST	LIVINGSTON GRAHAM INC	PO BOX 52427	ATLANTA GA	30355
8532 016 004	CLARK ST	LIVINGSTON GRAHAM INC	PO BOX 52427	ATLANTA GA	30355
8532 016 022	CLARK ST	LIVINGSTON GRAHAM INC	PO BOX 52427	ATLANTA GA	30355
8572 002 005	314 E LIVE OAK AVE	WU,YI-SHUEN M AND SHI-HUNG K	1601 PERKINS DR	ARCADIA CA	91006
8572 002 007	LIVE OAK AVE	WU,YI-SHUEN M AND SHI-HUNG K	1601 PERKINS DR	ARCADIA CA	91006
8573 024 005	122 E LIVE OAK AVE	NORTH AMERICA DONGHENG HOLDING	411 E HUNTINGTON DR STE 107 PMB 387	ARCADIA CA	91006
8573 024 006	128 E LIVE OAK AVE	NORTH AMERICA DONGHENG HOLDING	411 E HUNTINGTON DR STE 107 PMB 387	ARCADIA CA	91006
TOTAL VACANT/IMPROVED RECORDS					0
TOTAL UNIMPROVED RECORDS					19
TOTAL RECORDS					19

**ARCADIA CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 3, 2026**

1. **CALL TO ORDER** – Mayor Kwan called the Regular Meeting to order at 7:04 p.m.

2. **INVOCATION** – Mohammad Ahad, Mosque of San Gabriel

3. **PLEDGE OF ALLEGIANCE** – Mohammad Ahad, Mosque of San Gabriel

4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Cao, Cheng, Fu, Wang, and Kwan

ABSENT: None

5. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto had nothing to report.

6. **PRESENTATIONS**

- a. Presentation of Mayor's Certificate of Commendation to Arcadia High School student Anika Jha for winning First Place in Congresswoman Judy Chu's Congressional App Challenge.

7. **CITY COUNCIL REORGANIZATION**

- a. Presentations to outgoing Mayor Sharon Kwan

Presentation by Director of Outreach and Constituent Services Maile Plan on behalf of Congresswoman Judy Chu

Presentation by District Representative Elaine Pang on behalf of Senator Sasha Renée Pérez

Presentation by Field Representative Fion Lam on behalf of Assembly Member Mike Fong

Presentation by Field Deputy Vicky Paul on behalf of Supervisor Kathryn Barger

Presentation by Special Assistant Field Deputy Candy Ng on behalf of Assessor Jeff Prang

Presentation by President Christine Zito, Past-President Sina Mohajer, and Secretary Josh Goldman on behalf of the Arcadia Chamber of Commerce

Presentation by President Leigh Chavez and Clerk Shirley Yee on behalf of the Arcadia Unified School District

Presentation by President Elizabeth Lau on behalf of the Arcadia Chinese Association

Presentation by President Joyce Platt on behalf of the Arcadia Woman's Club

Presentation by Executive Director Donna Choi and Board Member Johnathan Lacayo on behalf of the Downtown Arcadia Improvement Association

Presentation by Chairman Mike Danielson on behalf of the Arcadia Performing Arts Foundation

Presentation by Mike Veerman, Sharon Chun Watterau, Pastor Jolene Cadenbach, and Julio Agbon on behalf of Creative Housing Options in Arcadia

Presentation by President Sandra Chen Lau and Senior Vice President/Chief Strategy Officer Clifford Daniels on behalf of the USC Arcadia Hospital Foundation

Presentation by Mayor Pro Tem Eileen Wang on behalf of the City of San Gabriel

Presentation of Gavel Plaque by Mayor Pro Tem Eileen Wang on behalf of the City of Arcadia

Remarks by outgoing Mayor Sharon Kwan

b. Presentations to incoming Mayor Eileen Wang

Presentation by the Honorable Mike Eng and Director of Outreach and Constituent Services Maile Plan on behalf of Congresswoman Judy Chu

Presentation by District Representative Elaine Pang on behalf of Senator Sasha Renée Pérez

Presentation by Field Representative Fion Lam on behalf of Assembly Member Mike Fong

Presentation by Field Deputy Vicky Paul on behalf of Supervisor Kathryn Barger

Presentation by Special Assistant Field Deputy Candy Ng on behalf of Assessor Jeff Prang

Presentation by the Honorable Mike Eng on behalf of the San Gabriel Valley Municipal Water District

Presentation by President Christine Zito, Former President Sina Mohajer, and Secretary Josh Goldman on behalf of the Arcadia Chamber of Commerce

Presentation by President Leigh Chavez and Clerk Shirley Yee on behalf of the Arcadia Unified School District

Presentation by Council Member Jennifer Hong on behalf of the City of Cerritos

Presentation by President Joyce Platt on behalf of the Arcadia Woman's Club

Presentation by President Elizabeth Lau on behalf of the Arcadia Chinese Association

Presentation by Executive Director Donna Choi, Vice President Martin Gandell, and Board Member Johnathan Lacayo on behalf of the Downtown Arcadia Improvement Association

Presentation by Chairman Mike Danielson on behalf of the Arcadia Performing Arts Foundation

Presentation by outgoing Chairman Charley Lu and incoming Chairman Victor Gau on behalf of the IAPAC

Presentation by Sunny Chen on behalf of the North America Chinese University Alumni Alliance

Presentation by President Sandra Chen Lau on behalf of the USC Arcadia Hospital Foundation

Presentation by Mayor Pro Tem Paul Cheng on behalf of the City of San Gabriel

c. Administration of the oath of office to Mayor Eileen Wang

Remarks by Mayor Eileen Wang

d. Administration of the oath of office to Mayor Pro Tem Paul Cheng

Remarks by Mayor Pro Tem Paul Cheng

e. Remarks by members of the City Council

The City Council recessed at 8:48 p.m. and reconvened at 9:03 p.m.

8. PUBLIC COMMENTS

Jon Phillips, Professor at Cal Poly Pomona University, appeared and commended incoming Mayor Pro Tem Cheng for his heartfelt speech; he noted the presentations from various organizations honoring outgoing Mayor Kwan and expressed his disappointment regarding the lack of representation from higher education. He also commended outgoing Mayor Kwan for her service and City staff for coordinating the State of the City event; and he stated that Arcadia is a thriving community, encouraging the City Council to continue working towards improvements.

Steven Rhee, an Arcadia resident, appeared and expressed his concerns regarding a potential substance abuse disorder facility in Arcadia; he questioned the timing of public notification and encouraged community engagement for this type of large-scale project; and he congratulated the City Council on the reorganization ceremony.

Dominico Tallerico, an Arcadia resident, appeared and congratulated the City Council on the reorganization; he referenced two emails he submitted to the City Council for consideration: one supporting an appeals process regarding business licensing and permits, as articulated by Council Member Fu at the January 20, 2026, City Council meeting; and the other to allow open-ended discussion between the City Council and the Planning Commission on matters affecting the physical development of the City; and indicated that he is available to discuss these matters further with the City Council.

9. CONSENT CALENDAR

- a. Special and Regular Meeting Minutes of January 20, 2026.
CEQA: Not a Project
Recommended Action: Approve
- b. Resolution No. 7672 declaring that weeds, brush, rubbish, and refuse upon or in front of specified property in the City are a seasonal and recurrent public nuisance, and declaring an intention to provide for the abatement thereof.
CEQA: Not a Project
Recommended Action: Adopt
- c. Contract with Mackone Development, Inc. for the Arcadia Par 3 Restroom Remodel Project in the amount of \$83,065.78.
CEQA: Exempt
Recommended Action: Approve
- d. Accept all work performed by Precision Garage Doors & Gates Inc. for the Fire Station 106 Garage Door Replacement Project as complete.
CEQA: Exempt
Recommended Action: Approve

It was moved by Council Member Kwan, seconded by Council Member Fu, and carried on a roll call vote to approve Consent Calendar Items 9.a through 9.d.

AYES: Kwan, Fu, Cao, Cheng, and Wang
NOES: None
ABSENT: None

10. AB 1234 REPORTS FROM MAYOR AND CITY COUNCIL *(limited to legally required reports)*.

Council Member Cao had nothing to report.

Council Member Kwan had nothing to report.

Council Member Fu had nothing to report.

Mayor Pro Tem Cheng had nothing to report.

Mayor Wang had nothing to report.

11. REQUEST FOR FUTURE ITEMS

Council Member Cao inquired about when the City Council was informed about the proposed project to convert the Extended Stay America Hotel into a substance abuse disorder facility.

In response to Council Member Cao's inquiry, City Manager Lazzaretto stated that the City Council was advised in writing through the May 15, 2025, City Manager's Weekly Report; he indicated that the information was shared to provide advanced notice that this potential project might be forthcoming; he explained that the City became aware of the proposed project through a social media post by the operators; he further stated that, at this time, no permit applications or requests related to this project had been submitted to the City, and as a result, there was nothing for the City Council to review or take action on.

Council Member Cao requested City Council support to place an item on a future agenda to discuss a resolution opposing the proposed project to convert the Extended Stay America Hotel into a substance abuse disorder facility. Council Members Kwan and Fu concurred.

In response to a request earlier in the meeting, City Manager Lazzaretto confirmed with Council Member Kwan that this was the item she wished to place on a future agenda; Council Member Kwan confirmed.

12. ADJOURNMENT

The City Council adjourned at 9:22 p.m. to Tuesday, February 17, 2026, at 6:00 p.m., in the City Council Conference Room.



Linda Rodriguez
City Clerk



DEVELOPMENT SERVICES DEPARTMENT

DATE: February 17, 2026

TO: Honorable Mayor and City Council

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

SUBJECT: ORDINANCE NO. 2411 AMENDING ARTICLE VI OF THE ARCADIA MUNICIPAL CODE REGARDING THE BUSINESSES, PROFESSIONS, TRADES, AND OCCUPATIONS (BUSINESS LICENSE) CODE (CONTINUED FROM JANUARY 20, 2026)

CEQA: Exempt
Recommendation: Introduce

SUMMARY

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

The City Council conducted a public hearing on January 20, 2026. At that meeting, staff recommended introducing Ordinance No. 2411, approving amendments to the Business License Code, and determining that the proposed amendments are Categorically Exempt under the California Environmental Quality Act ("CEQA"). Refer to Attachment No. 3 for the January 20, 2026, City Council staff report.

Following City Council discussion, Councilmember Fu recommended that the appeal process remain unchanged, rather than revising it to allow appeals from the Hearing Officer to the City Manager or their designee. The City Council expressed consensus that appeals should continue to be heard by the Business License Review Board and

the City Council, which provides Appellants the opportunity to present their case before a five-member City Council rather than a single decision-maker. The City Council voted unanimously to direct the preparation of a revised ordinance reflecting this change. The redline revisions are reflected in Attachment No. 2.

It is recommended that the City Council introduce Ordinance No. 2411 (refer to Attachment No. 1) approving amendments to the Business License Code and determine that the proposed amendments are Categorically Exempt under the California Environmental Quality Act ("CEQA").

ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act ("CEQA") requires that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed update to the businesses, professions, trades and occupations are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed municipal code amendments would not have a significant effect on the environment and, thus, are not subject to CEQA review (refer to Attachment No. 5).

PUBLIC COMMENTS/NOTICE

On February 5, 2026, a second public hearing notice for this item was published in the Arcadia Weekly and posted at the City Clerk's Office, City Council Chambers, the Arcadia Public Library, and on the City's website on February 5, 2026.

Additionally, the Arcadia Chamber of Commerce and the Downtown Arcadia Improvement Association were notified of the proposed changes. No comments were received prior to the first public hearing.

FISCAL IMPACT

There is no fiscal impact associated with adoption of this amendment to the Business License Code. Implementation of the amendment can be accommodated within existing budgets and resources and will not result in additional costs or changes to City revenue.

RECOMMENDATION

It is recommended that the City Council determine that the proposed action is exempt under the California Environmental Quality Act ("CEQA"); and introduce Ordinance No. 2411 amending Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations (Business License) Code (continued from January 20, 2026).

Approved:



Dominic Lazzaretto
City Manager

Attachment No. 1: Ordinance No. 2411 with Final Draft of the Business Code
Attachment No. 2: Redline Version Reflecting City Council changes
Attachment No. 3: January 20, 2026, City Council Staff Report without attachments
Attachment No. 4: Business License Review Board Staff Report and Minutes
Attachment No. 5: Preliminary Exemption Assessment

Attachment No. 1

Ordinance No. 2411 with Final Draft of the
Business Code

ORDINANCE NO. 2411

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

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

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

WHEREAS, on November 19, 2025, the City published the public hearing notice for the Business License Code Update at the City Clerk’s Office, City Council Chambers, at the Arcadia Library, and on the City’s Business License website. The

notice was also published in a newspaper of general circulation (Arcadia Weekly) in the jurisdiction where the hearing will occur. At said hearing, the Business License Review Board will review the code amendments and forward a recommendation to the City Council; and

WHEREAS, on December 9, 2025, the Business License Review Board held a duly noticed public hearing to consider the Business License Code Update, considered all public testimonies, and forwarded a recommendation to the City Council for approval; and

WHEREAS, on January 20, 2026, the City Council held a duly noticed public hearing to consider the Business License Code Update, considered all public testimonies, discussed the item, and provided further direction to City staff to preserve the existing Business License appeals process, and to return to City Council with the intact appeals process for review and approval.

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

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

SECTION 2. The City Council determines that the proposed Text Amendment is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, where it can be seen with

certainty that the Business License Code Update would not have a significant effect on the environment and, thus, is not subject to CEQA review.

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

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

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same or summary thereof to be published per Resolution No. 7483 and within fifteen (15) days after its adoption. This Ordinance shall take effect thirty-one (31) days after its adoption.

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

Passed, approved and adopted by the City Council this 3rd day of March, 2026.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "M. J. Mauer", is written over a horizontal line.

Michael J. Mauer
City Attorney

EXHIBIT "A"

Ordinance No. 2411 and Business License Code Update

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)
 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 THE BUSINESS LICENSE REVIEW BOARD

- 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 Business License Review Board, 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 Business License Review Board 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 Business License Review Board 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 Business License Review Board. The Business License Review Board 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 Business License Review Board shall issue a final determination or decision, unless the time period is extended by the Business License Review Board for good cause. The final determination or decision of the Business License Review Board shall be served as provided in Section 6111.15.
- E. In lieu of conducting a hearing itself, but only upon recommendation of the City Manager, the Board may choose to refer the matter to an Administrative Law Judge provided by the Office of Administrative Hearings pursuant to Government Code Section 27727. After referral and a hearing, the Administrative Law Judge shall render a written decision based solely on the relevant ordinance and findings of fact within five (5) days of the hearing. The written decision of the Administrative Law Judge shall carry the same weight and authority as decisions of the Board.

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. REINSTATEMENT

- A. If either the final decision of the City Council, the Board, or the Administrative Law Judge, in revoking a license contains a provision that no new license may be requested by the holder of the revoked license for

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

- B. If either the final decision of the City Council, the Board, or the Administrative Law Judge in suspending a license contains a provision that no new license may be requested by the holder of the 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 has determined that the holder of the suspended license has successfully met all conditions imposed by City Council, the Board, or the Administrative Law Judge for reinstatement to occur, the License Officer will reinstate the license as per the instructions from the City Council, the Board, or the Administrative Law Judge. **6111.21. 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 Business License Review Board under Section 6111.13, and the Business License Review Board's final decision following a hearing may be appealed to the City Council under Section 6116.07.

6111.23. 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 Business License Review Board under Section 6111.13, and the Business License Review Board final decision following a hearing may be appealed to the City Council under Section 6116.07.

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 Business License Review Board under Section 6111.13 regarding the License Officer's determination to impose the condition, and the Business License Review Board's final decision following a hearing may be appealed to the City Council under Section 6116.07I.

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 Business License Review Board under Section 6111.13, and the Business License Review Board's decision may be appealed to City Council under Section 6116.07.

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.

6116.07. APPEAL TO THE CITY COUNCIL

Within ten (10) days of receipt of any final decision by either the Board or an Administrative Law Judge, either the holder of the revoked license or applicant for the denied license, any member of the City Council, the Development Services Director, or any other business or resident of the City may appeal the decision by filing an appeal with the Board. Immediately upon receipt of such appeal, the Board shall transmit to the City Council the final decision and all findings for placement on the agenda at the first regularly scheduled Council meeting subsequent to the filing of the appeal, or as soon thereafter as possible. The City Council shall consider the findings and recommendations of the Board and may adopt them in total, hold a de novo hearing, or the City Council may amend, modify or reject the recommended decision of the Board. In addition, the City Council may send the findings and recommendations back to the Board with instructions to rehear any relevant matter not previously heard and then resubmit additional amended or modified findings to the City Council. The City Council may revoke, amend or modify the license, or impose such other or further reasonable terms, conditions or restrictions on the terms, conditions or restrictions theretofore placed on said license as the City Council finds reasonable or necessary to ensure that the business enterprise, occupation or activity will not be contrary to or inimical to or jeopardize the preservation of the public peace, safety or welfare of the City or its inhabitants, or be detrimental to other properties or businesses in its vicinity. The City Council may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified, reasonable time period as the City Council deems prudent. The decision of the City Council shall be final.

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.
- 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.

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- 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 License Officer may revoke any permit issued by it under the provisions of this Chapter upon any ground upon which such permit could or should have been denied in the first instance, or whenever the License Officer is satisfied that the conduct of any such business does or will in any manner endanger, threaten or jeopardize the public health, safety, morals, peace or welfare or that the same has been conducted in an illegal, improper or disorderly manner or that such permit was obtained upon false or misleading statements or representations of or on behalf of the applicant. The License Officer may revoke if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local, federal or state law 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 License Officer may revoke or suspend any permit issued by it under the provisions of this Chapter where the proprietor or person in charge thereof violates or permits any infraction of any law of the State, or any provision of this Code, or any condition of the permit.
- C. The License 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 Business License Review Board. 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 6111.17.

6214.03. TEMPORARY SUSPENSION OF PERMIT

- A. For any reasons specified in the preceding sections of this Division, the License 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 Business License Review Board 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.
- C. The License 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.

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- D. Such temporary suspension shall remain in full force and effect until the decision of the Business License Review Board, 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 either the final decision of the City Council, the Board, or the Administrative Law Judge in revoking a permit contains a provision that no new permit may be requested by the holder of the revoked permit for a certain, specified amount of time, a new permit may not be requested during that amount of time by the holder of the revoked permit or by his or her employee, agent, partner, director, officer, controlling stockholder or manager, for any business or location within the city or by any other person for the same business on the same premises where the business covered by the revoked permit was conducted or for the same business on a different premises within the City. If, after the period specified, application for a new permit is made, the applicant must comply with all requirements of this Code for issuance of a new permit. There shall be no automatic reinstatement of a revoked permit and the City is under no obligation to grant the new application.
- B. If either the final decision of the City Council, the Board, or the Administrative Law Judge in suspending a permit contains a provision that no new permit may be requested by the holder of the 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 by the City Council, the Board, or the Administrative Law before reinstatement may occur, the License Officer will reinstate the permit.

CHAPTER 2.5 BUSINESS LICENSE REVIEW BOARD

6150. CREATION AND DUTIES.

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

6151. MEMBERSHIP.

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

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

6152. MEETINGS.

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

successor statute. Attendance of members at such a meeting shall be deemed to constitute waiver of the requirement of written notice for such members. The Board may only act when a majority of its members are present.

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.
 - 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 Business License Review Board.

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

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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 Business License Review Board 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 MESSAGE CERTIFICATION REQUIRED TO CONDUCT MASSAGE THERAPY IN THE CITY

On or after January 1, 2016, it shall be unlawful for any person to engage in massage therapy within the City (whether having a fixed or mobile place of business within the City (e.g.: "out-call", "in-home" or "in-office" services)), without having a valid Massage Certificate. To ensure compliance with this Code section, all massage

therapists must file a certified copy of their Massage Certificate with the City of Arcadia Development Services Department - Business License Division. After successfully filing his or her Massage Certificate, all massage therapists will be issued a City of Arcadia Massage Verification Card. The City shall charge no fee for review of a Massage Certificate or issuance of a Massage Verification Card.

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

Any Massage Therapist Identification Card remaining in effect may be suspended or revoked for violations of this Division, this Code or State law, pursuant to the procedures contained in 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:

- 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 6111.19.

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 6111.19.

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.

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- 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.

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- 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.
 - 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.

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- 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:

- 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 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 **Business License Review Board** at which time the permittee shall have the opportunity to be heard and to make his or her defense against any complaints and allegations made as to his or her activities pursuant to this Chapter. Such written notice shall be served in accordance with the provisions of Code of Civil Procedure Section 1094.6.
- B. When a permit has been revoked, no other permit shall be issued under the provisions of this Chapter to the same permittee within one (1) calendar year of the date of revocation or for such other specified, certain, reasonable time determined by the License 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 THE BUSINESS LICENSE REVIEW BOARD

Any applicant for a permit may appeal the License Officer's decision to the Business License Review Board,, 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.

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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.
 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.

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- 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.
 - 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.

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- a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
 - 6. If preparing or selling food, a copy of the Los Angeles County Environmental Health Department permit issued to the vendor; and
 - 7. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and
 - 8. If the vendor proposes to be a sidewalk vendor, an encroachment permit pursuant to 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.

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- 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.

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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
 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

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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 6111.13.

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.

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- C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.
 - D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.
 - E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.
 - F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
 - G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
 - 1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
 - 2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
 - H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

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.

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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 License Officer to render a decision on the permit within the time frames established by the Section shall be deemed to constitute an approval, subject to appeal to the Business License Review Board, pursuant to Section 6331.05.

- D. The Officer shall notify the applicant as follows:

1. The Officer shall write or stamp "Approved" or "Denied" on the application and date and sign such notation.
2. If the application is denied, the License Officer shall attach to the application a statement of the reasons for denial. Such notice shall also provide that the permit applicant may appeal the denial to the Business License Review Board in accordance with Section 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 Business License Review Board 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 Business License Review Board, the applicant or license holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions.
- C. A license may be denied, suspended or revoked, based on any of the following causes arising from the acts or omissions of the permit holder:
 - 1. The licensee has made any false, misleading, or fraudulent statement of material fact in the application for a performer license.
 - 2. The license applicant is under eighteen (18) years of age.
 - 3. The licensee has pled guilty, nolo contendere or been convicted of an offense classified by this or any other state as a sex-related offense and (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the conviction is a misdemeanor, or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement of conviction to the date of application, whichever is the later date, if the conviction is a felony; or (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction to the date of application, whichever is the later date, if the convictions are two (2) or more misdemeanors or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
 - 4. The Licensee has committed acts in violation of the requirements and standards of the Adult Business Ordinance (Sections 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 Business License Review Board 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 Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6116.07.
- 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 Business License Review Board's decision and its findings under Sections 6331.03 and/or 6331.05 shall include citation to California Code of Civil Procedure § 1094.8.

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- 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. (Added by Ord. 2178 adopted 5-6-03)

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

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- distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such devices shall be referred to as "adult arcade devices."
- B. "Adult booth/individual viewing area" shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; or
 2. Where "adult arcade" devices are located.
- C. "Adult business" shall mean:
1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio (as these phrases are defined in this section); or
 2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes "adult oriented material" or "sexually oriented merchandise," or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" but not including those uses or activities (as these phrases are defined in this section) which are preempted by State law.
- D. "Adult cabaret" shall mean a business establishment (whether or not serving alcoholic beverages) that features "adult live entertainment."
- E. "Adult hotel/motel " shall mean a "hotel" or "motel" (as defined in the Municipal Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" (as these phrases are defined in this section).
- F. "Adult live entertainment" shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, 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."
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- I. "Adult oriented material" shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult oriented material" shall include "sexually oriented merchandise."
- J. "Adult retail store" shall mean a business establishment having as a regular and substantial portion of its stock in trade, "adult oriented material" and/or "sexually oriented merchandise."
- K. "Day care facility" or "day care center" means any child day care facility as defined in Section 1596.750 of the California Health and Safety Code other than family day care homes.
- L. "Establishment of an adult business" shall mean any of the following:
1. The opening or commencement of any "adult business" (as defined earlier) as a new business;
 2. The conversion of an existing business, whether or not an "adult business," to any "adult business";
 3. The addition of any "adult business" to any other existing "adult business";
 4. The relocation of any "adult business"; or
 5. Physical changes that expand the square footage of an existing "adult business" by more than ten percent (10%).
- M. "Owner/permit holder" shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) a corporation; (4) the owner of a controlling interest in a corporation or limited liability company that owns and operates an adult business; or (5) the person designated by the officers of a corporation or the members of a limited liability company to be the permit holder for an adult business owned and operated by the corporation.
- N. "Park" shall mean any park, playground, swimming pool, golf course or athletic field within the City which is under the City's control, operation and management, and the Arcadia County Park.
- O. "Performer" shall mean any person who is an employee or independent contractor of an adult business, and who, with or without any compensation or other form of consideration, performs adult live entertainment for patrons of an adult business. Performer does not include a patron.
- P. "Religious institution" shall mean structure or facility that is used primarily for religious worship and related religious activities such as a church, temple or synagogue.
- Q. "Residential zone" shall mean any property within the City which carries a zoning designation of: R-M Residential Mountainous Zone Single Family Zone; R-O Residential First One-Family; R-1 Residential Second One-Family; R-2 Medium Density Multiple-Family Residential Zone; and R-3 Multiple Family Residential Zone.
- R. "School" shall mean any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or is maintained pursuant to standards set by the Board of Education of the State of California and has an approved use permit, if required under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. It does not include private instructional and/or tutoring facilities.
- S. "Sexually oriented merchandise" shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable
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orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

- T. "Specified anatomical areas" shall mean and include any of the following:
1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
 - a. Genitals, pubic region;
 - b. Buttocks, anus;
 - c. Female breasts below a point immediately above the top of the areola; or
 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- U. "Specified sexual activities" shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual stimulation or arousal;
 3. Simulated sexual intercourse;
 4. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
 5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints;
 6. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
 7. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

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.
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:

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- (1) More than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or
 - (2) More than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or
 - (3) More than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- C. The completed application shall be accompanied by a non-refundable application fee. Said fee shall be set forth by Resolution of the City Council.
- D. The completeness of an application for an adult business regulatory permit shall be determined by the Officer within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
- E. The fact that a permit applicant possesses other types of State or City permits or licenses does not exempt the permit applicant from the requirement of obtaining an adult business regulatory permit.

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.

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- D. In reaching a decision, the Officer shall not be bound by the formal rules of evidence in the California Evidence Code.
- E. The failure of the Officer to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to appeal to the Business License Review Board, pursuant to Section 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.
- 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.

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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.
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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.

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6. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall accept directly from a patron, and no patron shall directly hand to such performer any tip or gratuity, throw tips to performers, or place tips in the performers' costumes. Patrons shall be advised of these tipping and gratuity requirements by signs conspicuously placed on the premises. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.
 7. The adult business shall provide dressing rooms for performers that are separated by gender and exclusively dedicated to the performers' use, and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
 8. The adult business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons, which the performers shall use at all times.
 9. The adult business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three (3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility.
 10. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Subsection.
- J. Adult Motion Picture Theater. An adult motion picture theater shall observe the following special requirements:
1. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
 - a. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;
 - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
 - c. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.
 2. If an adult motion picture theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons may not be seen from any public right-of-way, day care facility, park, school, or religious institution, as those terms are defined in this Chapter.
- K. Regulation of Public Restroom Facilities. If the adult business is required to provide restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time, unless otherwise required by law, in which case the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall ensure that no person of the opposite sex is permitted into the restroom, and that not more than one (1) person is permitted to enter a restroom stall, unless otherwise

required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.

- L. Trash. All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag at least once a day.

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 Business License Review Board, the applicant or permit holder shall have the right to offer testimonial, documentary, and tangible evidence bearing upon the issues and may be represented by counsel. The Board shall not be bound by the formal rules of evidence. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the licensee. Extensions of time or continuances sought by a licensee shall not be considered delay on the part of the City or constitute failure by the City to provide for prompt decisions on license actions. If the Board finds and determines that there are grounds for denial, suspension or revocation, the Board shall impose one (1) of the following:
 - 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.

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- 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.

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- 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 Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6116.07..
- B. The time for a court challenge to a decision of the City Council under Sections 6332.11 and/or 6332.13 is governed by California Code of Civil Procedure § 1094.8.
- C. Notice of the **Business License Review Board's** decision and its findings under Sections 6333.11 and/or 6332.13 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 6332.11 and/or 6332.13 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

Attachment No. 2

Redline Version Reflecting
City Council Changes

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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)

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7. State driver license;
 8. State resale permit (if applicable)
 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
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 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~~ THE BUSINESS LICENSE REVIEW BOARD

- 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 Business License Review BoardHearing 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 Business License Review Board 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 Business License Review BoardHearing 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 Business License Review BoardHearing Officer. The Business License Review BoardHearing 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 Business License Review BoardHearing Officer shall issue a final determination or decision, unless the time period is extended by the Business License Review BoardHearing Officer for good cause. The final determination or decision of the Business License Review BoardHearing Officer shall be served as provided in Section 6111.15.
- E. In lieu of conducting a hearing itself, but only upon recommendation of the City Manager, the Board may choose to refer the matter to an Administrative Law Judge provided by the Office of Administrative Hearings pursuant to Government Code Section 27727. After referral and a hearing, the Administrative Law Judge shall render a written decision based solely on the relevant ordinance and findings of fact within five (5) days of the hearing. The written decision of the Administrative Law Judge shall carry the same weight and authority as decisions of the Board.

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~~6111.19. REINSTATEMENT

- A. If either the final decision of the City Council, the Board, or the Administrative Law Judge~~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 either the final decision of the City Council, the Board, or the Administrative Law Judge~~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 City Council, the Board, or the Administrative Law Judge~~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 from the City Council, the Board, or the Administrative Law Judge.~~in the final decision of the License Officer or the Hearing Officer.~~

~~6111.23~~6111.21. 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~~Business License Review Board under Section ~~6111.13~~6111.11, and the ~~License Officer's~~Business License Review Board's final decision following a hearing may be appealed to the ~~Hearing Officer~~City Council under Section ~~6111~~6116.1107.

~~6111.25~~6111.23. 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~~Business License Review Board under Section 6111.143, and the ~~Business License Review Board~~License Officer's final decision following a hearing may be appealed to the ~~Hearing Officer~~City Council under Section 6116.071.

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~~Business License Review Board under Section 6111.143 regarding the License Officer's determination to impose the condition, and the ~~Hearing Officer~~Business License Review Board's final decision following a hearing ~~is final~~may be appealed to the City Council under Section 6116.071.

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:

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- 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.
- 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.
- 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 Business License Review Board Hearing Officer under Section 6111.14~~13~~, and the Business License Review Board's Hearing Officer's decision ~~is may be appealed to City Council under Section 6116.07~~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.

6116.07. APPEAL TO THE CITY COUNCIL

Within ten (10) days of receipt of any final decision by either the Board or an Administrative Law Judge, either the holder of the revoked license or applicant for the denied license, any member of the City Council, the Development Services Director, or any other business or resident of the City may appeal the decision by filing an appeal with the Board. Immediately upon receipt of such appeal, the Board shall transmit to the City Council the final decision and all findings for placement on the agenda at the first regularly scheduled Council meeting subsequent to the filing of the appeal, or as soon thereafter as possible. The City Council shall consider the findings and recommendations of the Board and may adopt them in total, hold a de novo hearing, or the City Council may amend, modify or reject the recommended decision of the Board. In addition, the City Council may send the findings and recommendations back to the Board with instructions to rehear any relevant matter not previously heard and then resubmit additional amended or modified findings to the City Council. The City Council may revoke, amend or modify the license, or impose such other or further reasonable terms, conditions or restrictions on the terms, conditions or restrictions theretofore placed on said license as the City Council finds reasonable or necessary to ensure that the business enterprise, occupation or activity will not be contrary to or inimical to or jeopardize the preservation of the public peace, safety or welfare of the City or its inhabitants, or be detrimental to other properties or businesses in its vicinity. The City Council may also prevent the holder of a revoked or suspended license from applying for a new license within one year or such other certain, specified, reasonable time period as the City Council deems prudent. The decision of the City Council shall be final.

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-License Officer may revoke any permit issued by it under the provisions of this Chapter upon any ground upon which such permit could or should have been denied in the first instance, or whenever the Hearing-License Officer is satisfied that the conduct of any such business does or will in any manner endanger, threaten or jeopardize the public health, safety, morals, peace or welfare or that the same has been conducted in an illegal, improper or disorderly manner or that such permit was obtained upon false or misleading statements or representations of or on behalf of the applicant. The Hearing-License Officer may revoke if it is determined that the applicant or applicant's agents have, in the conduct of the same or any similar business, been guilty of fraud, misrepresentation or conduct detrimental to the public welfare which includes operations or activities that do not comport with the peace, health, safety and convenience of the public such as (a) operation of a business prohibited by local, federal or state law 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-License Officer may revoke or suspend any permit issued by it under the provisions of this Chapter where the proprietor or person in charge thereof violates or permits any infraction of any law of the State, or any provision of this Code, or any condition of the permit.
- C. The Hearing-License 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-OfficerBusiness License Review Board. 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 6111.179.

6214.03. TEMPORARY SUSPENSION OF PERMIT

- A. For any reasons specified in the preceding sections of this Division, the Hearing-License 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-OfficerBusiness License Review Board 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-License 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 Business License Review BoardHearing-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 either the final determination-decision of the City Council, the Board, or the Administrative Law Judge 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 either the final determination-decision of the City Council, the Board, or the Administrative Law Judge 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 by the City Council, the Board, or the Administrative Law before reinstatement may occur, the Hearing-License Officer will reinstate the permit.

CHAPTER 2.5 BUSINESS LICENSE REVIEW BOARD

6150. CREATION AND DUTIES.

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

6151. MEMBERSHIP.

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

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

6152. MEETINGS.

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

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.
 - 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 [Business License Review BoardHearing Officer](#).

6313.07. ISSUANCE OF PERMIT

- A. The License Officer shall issue the permit when:

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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 Business License Review Board ~~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 MESSAGE CERTIFICATION REQUIRED TO CONDUCT MASSAGE THERAPY IN THE CITY

On or after January 1, 2016, it shall be unlawful for any person to engage in massage therapy within the City (whether having a fixed or mobile place of business within the City (e.g.: "out-call", "in-home" or "in-office" services)), without having a valid Massage Certificate. To ensure compliance with this Code section, all massage

therapists must file a certified copy of their Massage Certificate with the City of Arcadia Development Services Department - Business License Division. After successfully filing his or her Massage Certificate, all massage therapists will be issued a City of Arcadia Massage Verification Card. The City shall charge no fee for review of a Massage Certificate or issuance of a Massage Verification Card.

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

Any Massage Therapist Identification Card remaining in effect may be suspended or revoked for violations of this Division, this Code or State law, pursuant to the procedures contained in 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:

- 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 ~~6111.24~~6111.19.

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 ~~6111.24~~6111.19.

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.

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- 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.

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- 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.
 - 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.

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- 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:

- 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 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 Business License Review Board 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-License 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 THE BUSINESS LICENSE REVIEW BOARD~~HEARING OFFICER~~

Any applicant for a permit may appeal the License Officer's decision to the Business License Review Board~~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).

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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.

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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.
 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.

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- 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.
 - 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.

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- a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.
 6. If preparing or selling food, a copy of the Los Angeles County Environmental Health Department permit issued to the vendor; and
 7. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area, in compliance with the Americans with Disabilities Act; and
 8. If the vendor proposes to be a sidewalk vendor, an encroachment permit pursuant to 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.

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- 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.

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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
 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

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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.~~4113~~.

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.

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- C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.
 - D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.
 - E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.
 - F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.
 - G. When assessing an administrative fine pursuant to this Chapter, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
 - 1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
 - 2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
 - H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

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.

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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 License Officer to render a decision on the permit within the time frames established by the Section shall be deemed to constitute an approval, subject to appeal to the Business License Review Board~~Hearing Officer~~, pursuant to Section 6331.05.

- D. The Officer shall notify the applicant as follows:

1. The Officer shall write or stamp "Approved" or "Denied" on the application and date and sign such notation.
2. If the application is denied, the Hearing License Officer shall attach to the application a statement of the reasons for denial. Such notice shall also provide that the permit applicant may appeal the denial to the Business License Review Board~~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 Business License Review Board~~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 ~~Business License Review Board~~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.
 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 ~~Business License Review Board~~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 ~~Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6116.07.~~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 ~~Business License Review Board's~~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.

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- 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. (Added by Ord. 2178 adopted 5-6-03)

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

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- distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." Such devices shall be referred to as "adult arcade devices."
- B. "Adult booth/individual viewing area" shall mean a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
1. Where a live or taped performance is presented or viewed, where the performances and/or images displayed or presented are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; or
 2. Where "adult arcade" devices are located.
- C. "Adult business" shall mean:
1. A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio (as these phrases are defined in this section); or
 2. A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes "adult oriented material" or "sexually oriented merchandise," or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" but not including those uses or activities (as these phrases are defined in this section) which are preempted by State law.
- D. "Adult cabaret" shall mean a business establishment (whether or not serving alcoholic beverages) that features "adult live entertainment."
- E. "Adult hotel/motel " shall mean a "hotel" or "motel" (as defined in the Municipal Code) that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" (as these phrases are defined in this section).
- F. "Adult live entertainment" shall mean any physical human body activity, whether performed or engaged in, alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, 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."

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- I. "Adult oriented material" shall mean accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult oriented material" shall include "sexually oriented merchandise."
- J. "Adult retail store" shall mean a business establishment having as a regular and substantial portion of its stock in trade, "adult oriented material" and/or "sexually oriented merchandise."
- K. "Day care facility" or "day care center" means any child day care facility as defined in Section 1596.750 of the California Health and Safety Code other than family day care homes.
- L. "Establishment of an adult business" shall mean any of the following:
1. The opening or commencement of any "adult business" (as defined earlier) as a new business;
 2. The conversion of an existing business, whether or not an "adult business," to any "adult business";
 3. The addition of any "adult business" to any other existing "adult business";
 4. The relocation of any "adult business"; or
 5. Physical changes that expand the square footage of an existing "adult business" by more than ten percent (10%).
- M. "Owner/permit holder" shall mean any of the following: (1) the sole proprietor of an adult business; (2) any general partner of a partnership that owns and operates an adult business; (3) a corporation; (4) the owner of a controlling interest in a corporation or limited liability company that owns and operates an adult business; or (5) the person designated by the officers of a corporation or the members of a limited liability company to be the permit holder for an adult business owned and operated by the corporation.
- N. "Park" shall mean any park, playground, swimming pool, golf course or athletic field within the City which is under the City's control, operation and management, and the Arcadia County Park.
- O. "Performer" shall mean any person who is an employee or independent contractor of an adult business, and who, with or without any compensation or other form of consideration, performs adult live entertainment for patrons of an adult business. Performer does not include a patron.
- P. "Religious institution" shall mean structure or facility that is used primarily for religious worship and related religious activities such as a church, temple or synagogue.
- Q. "Residential zone" shall mean any property within the City which carries a zoning designation of: R-M Residential Mountainous Zone Single Family Zone; R-O Residential First One-Family; R-1 Residential Second One-Family; R-2 Medium Density Multiple-Family Residential Zone; and R-3 Multiple Family Residential Zone.
- R. "School" shall mean any institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and/or is maintained pursuant to standards set by the Board of Education of the State of California and has an approved use permit, if required under the applicable jurisdiction. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education under the jurisdiction of the California Department of Education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. It does not include private instructional and/or tutoring facilities.
- S. "Sexually oriented merchandise" shall mean sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, benwa balls, inflatable
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orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

- T. "Specified anatomical areas" shall mean and include any of the following:
1. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered human:
 - a. Genitals, pubic region;
 - b. Buttocks, anus;
 - c. Female breasts below a point immediately above the top of the areola; or
 2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- U. "Specified sexual activities" shall mean and include any of the following, irrespective of whether performed directly or indirectly through clothing or other covering:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual stimulation or arousal;
 3. Simulated sexual intercourse;
 4. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;
 5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain, or bondage and/or restraints;
 6. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
 7. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

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.
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:

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- (1) More than two (2) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a misdemeanor; or
 - (2) More than five (5) years have elapsed between the date of conviction or plea, or the date of release from confinement for a conviction or plea, whichever is the later date, and the date of application if the conviction or plea is a felony; or
 - (3) More than five (5) years have elapsed between the date of the last conviction or plea, or the date of release from confinement for the last conviction or plea, whichever is the later date, and the date of application if the convictions or pleas are two (2) or more misdemeanors or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- C. The completed application shall be accompanied by a non-refundable application fee. Said fee shall be set forth by Resolution of the City Council.
- D. The completeness of an application for an adult business regulatory permit shall be determined by the Officer within five (5) working days of its submittal. If the Officer determines that the permit application is incomplete, the Officer shall immediately notify in writing the permit applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. Such writing shall be deposited in the U.S. mail, postage prepaid, immediately upon determination that the application is incomplete. Within five (5) working days following the receipt of an amended application or supplemental information, the Officer shall again determine whether the application is complete in accordance with the provisions set forth above. Evaluation and notification shall occur as provided herein until such time as the application is found to be complete.
- E. The fact that a permit applicant possesses other types of State or City permits or licenses does not exempt the permit applicant from the requirement of obtaining an adult business regulatory permit.

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.

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- D. In reaching a decision, the Officer shall not be bound by the formal rules of evidence in the California Evidence Code.
- E. The failure of the Officer to render any decision within the time frames established in any part of this Section shall be deemed to constitute an approval, subject to appeal to the [Business License Review BoardHearing 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.
- 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.

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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.
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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.

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6. No performer then performing adult live entertainment characterized by the exposure of specified anatomical areas or specified sexual activities shall accept directly from a patron, and no patron shall directly hand to such performer any tip or gratuity, throw tips to performers, or place tips in the performers' costumes. Patrons shall be advised of these tipping and gratuity requirements by signs conspicuously placed on the premises. If necessary, patrons shall also be advised of the tipping and gratuity requirements by employees or independent contractors of the adult business.
 7. The adult business shall provide dressing rooms for performers that are separated by gender and exclusively dedicated to the performers' use, and which the performers shall use. Same gender performers may share a dressing room. Patrons shall not be permitted in dressing rooms.
 8. The adult business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons, which the performers shall use at all times.
 9. The adult business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult business shall provide a minimum three (3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers. Nothing in this Section is intended to exempt the adult business from compliance with the provisions of Title 24 of the California Code of Regulations pertaining to handicapped accessibility.
 10. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Subsection.
- J. Adult Motion Picture Theater. An adult motion picture theater shall observe the following special requirements:
1. If the theater contains a hall or auditorium area, the area shall comply with each of the following provisions:
 - a. Have individual, separate seats, not couches, benches, or the like, to accommodate the maximum number of persons who may occupy the area;
 - b. Have a continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and
 - c. Have a sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.
 2. If an adult motion picture theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those persons may not be seen from any public right-of-way, day care facility, park, school, or religious institution, as those terms are defined in this Chapter.
- K. Regulation of Public Restroom Facilities. If the adult business is required to provide restrooms for patron use, it shall provide separate restroom facilities for male and female patrons. The restrooms shall be free from adult oriented material. Only one (1) person shall be allowed in each restroom at any time, unless otherwise required by law, in which case the adult business shall employ a restroom attendant of the same sex as the restroom users who shall be present in the public portion of the restroom during operating hours. The attendant shall ensure that no person of the opposite sex is permitted into the restroom, and that not more than one (1) person is permitted to enter a restroom stall, unless otherwise

required by law, and that the restroom facilities are used only for their intended sanitary purposes. Access to restrooms for patron use shall not require passage through an area used as a dressing area by performers.

- L. Trash. All interior trash cans shall be emptied into a single locked trash bin lined with a plastic bag at least once a day.

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 Business License Review Board~~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.

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- 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.

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- 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 Business License Review Board may be appealed to the City Council pursuant to the procedures of Section 6116.07.~~Hearing Officer is final.~~
- B. The time for a court challenge to a decision of the City Council under Sections 633~~21.0311~~ and/or 633~~21.0513~~ is governed by California Code of Civil Procedure § 1094.8.
- C. Notice of the Business License Review Board's~~Hearing Officer~~ decision and its findings under Sections 633~~13.0311~~ and/or 633~~12.0513~~ 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 633~~21.0311~~ and/or 633~~12.0513~~ 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

Attachment No. 3

January 20, 2026 City Council Staff Report
without Attachments



DEVELOPMENT SERVICES DEPARTMENT

DATE: January 20, 2026

TO: Honorable Mayor and City Council

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

SUBJECT: ORDINANCE NO. 2411 AMENDING ARTICLE VI OF THE ARCADIA MUNICIPAL CODE REGARDING THE BUSINESSES, PROFESSIONS, TRADES, AND OCCUPATIONS (BUSINESS LICENSE) CODE
CEQA: Exempt
Recommendation: Introduce

SUMMARY

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

It is recommended that the City Council introduce Ordinance No. 2411 (refer to Attachment No. 1) approving amendments to the Business License Code and determine that the proposed amendments are Categorically Exempt under the California Environmental Quality Act ("CEQA").

BACKGROUND

The Business License Code has remained largely unchanged for many years, with modifications made as necessary. Despite limited updates, business owners and applicants have continued to receive consistent service without interruptions in the licensing process. Over time, new sections and definitions have been added to reflect shifts in industry practices, societal and cultural trends, and emerging local issues. As

businesses have evolved and increasingly do not fit within one classification, the City is now proposing a broader, more flexible approach to encompass a wider range of business types under this update.

A full rewrite of the Business License Code has never occurred, largely because it is a time-intensive undertaking and the Code has not been a hindrance to licensing practices. However, allowing a patchwork of outdated rules to persist is no longer functional or good practice. A comprehensive Code update is needed to create a consistent framework for all businesses operating within the City and will eliminate many obsolete or overly-specific provisions that no longer serve a purpose.

The Business License Review Board (a sub-function of the Planning Commission) reviewed the proposed Code amendment at its December 9, 2025, meeting, and recommended that the City Council approve the Ordinance to amend Article VI: Businesses, Professions, Trades, and Occupations of the Arcadia Municipal Code, with a 4-0 vote. Further details of the Board's discussion and recommendation can be found later in this report.

PROPOSAL

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

The proposed update represents a near-complete reorganization, with significant restructuring and removal of obsolete sections. The final draft can be found in Attachment No. 1, with the original Code text in Attachment No. 2. The proposed amendments are so extensive that a redline comparison of the changes would be neither helpful nor clear.

The Business License Division of the Development Services Department has been continually working on this update since 2022, coordinating with consultant Avenu Insights & Analytics, as well as the City Attorney's Office, for their guidance and feedback on the proposed changes.

DISCUSSION

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

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

Summary of Proposed Changes:

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

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

Sections Deleted or Moved:

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

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

Revised Appeal Process

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

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

City Council, demonstrating the infrequent use of the existing two-tiered appeal process.

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

Business License Review Board Meeting

At the December 9, 2025, Business License Review Board meeting, the Board reviewed proposed amendments to the Business License Code, including changes to the appeal process (refer to Attachment No. 3). Board members discussed the transition from a two-tier appeal process before the Business License Review Board and City Council, to a single appeal heard by the City Manager or their designee. It was explained that appeals most often arise from business license revocations following repeated compliance efforts and that the current process can result in redundant appeals without new information. The proposed change reflects common municipal practice and establishes a single, final administrative appeal. Board members ultimately agreed with this approach and noted that business owners would retain the ability to address City Council through public comment. In response to questions regarding the selection of a designee, it was noted that no specific standards are prescribed in the code.

No public comments were received at the time of the meeting. The Board expressed appreciation for the efforts to update the Business License Code and voted 4-0 (Board Member Hui was absent) to recommend that the City Council approve the proposed amendments to Article VI (Business License) of the Municipal Code.

ENVIRONMENTAL ANALYSIS

The California Environmental Quality Act ("CEQA") requires that certain projects be reviewed for environmental impacts and that environmental documents be prepared. The proposed update to the businesses, professions, trades and occupations are exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed municipal code amendments would not have a significant effect on the environment and, thus, are not subject to CEQA review (refer to Attachment No. 4).

PUBLIC COMMENTS/NOTICE

A public hearing notice for this item was published in the Arcadia Weekly on December 18, 2025, and posted at the City Clerk's Office, City Council Chambers, the Arcadia Public Library, and on the City's website on December 18, 2025. Additionally, the Arcadia Chamber of Commerce and the Downtown Arcadia Improvement Association were specifically notified of the proposed changes, given their role in the local business community. As of January 7, 2026, no comments were received.

FISCAL IMPACT

There is no fiscal impact associated with adoption of this amendment to the Business License Code. Implementation of the amendment can be accommodated within existing budgets and resources, and will not result in additional costs or changes to City revenue.

RECOMMENDATION

It is recommended that the City Council determine that the proposed action is exempt under the California Environmental Quality Act ("CEQA"); and introduce Ordinance No. 2411 amending Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations (Business License) Code.

Approved:


Dominic Lazzaretto
City Manager

- Attachment No. 1: Ordinance No. 2411 with Final Draft of the Business Code
- Attachment No. 2: Article VI of the Arcadia Municipal Code (Existing regulations)
- Attachment No. 3: Business License Review Board Minutes and Staff Report, dated December 9, 2025
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 4

Business License Review Board Minutes
and Staff Report, dated December 9, 2025



**ARCADIA BUSINESS PERMIT & LICENSE REVIEW BOARD
REGULAR MEETING MINUTES
Tuesday, December 9, 2025**

CALL TO ORDER Chair Tallerico called the meeting to order at 6:00 p.m.

ROLL CALL

PRESENT: Chair Tallerico, Vice-Chair Tsoi, Board Member Arvizu, Board Member Wilander

ABSENT: Board Member Hui

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There were none.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

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

CEQA: Categorically Exempt

Recommendation: Adopt

Applicant: City of Arcadia

MOTION - PUBLIC HEARING

Deputy Development Services Director Lisa Flores introduced the item, provided some background on past efforts, and then turned the presentation over to Economic Development Manager Simon Vuong, who presented the staff report.

Board Member Wilander asked if there are objections to the Business License's decision.

Mr. Vuong stated that there are no objections to the process itself; however, we have found that our existing appeal process is uncommon. While no appeal process is being proposed for the City Manager's decision, the absence of an appeal has not caused issues in other cities.

Board Member Arvizu asked about the qualifications of any potential City Manager designee and whether an Appellant might challenge those qualifications. Mr. Vuong responded that the City Manager would appoint a qualified designee and that credentialing has not been an issue with other hearing officers.

Ms. Wilander commented that she was concerned about a lack of appeal to a City Manager's decision, but noted any citizen has the right to speak at any City Council and that was essentially an additional form of appeal. City Attorney Kellan Martz indicated that most cities have streamlined their process similar to what this amendment is proposing.

The public hearing was opened.

There were no comments. As a result, Board Member Wilander made a motion to close the public hearing.

Vice-Chair Tsoi seconded the motion.

Without objection, the motion was approved.

DISCUSSION

The Board acknowledged that the approval of the proposed changes to the appeal process would result in the dissolution of the Business License Review Board.

Vice-Chair Tsoi noted that the proposed appeal process is currently very common.

Board Member Wilander acknowledged the improvement to the code and thanked the staff for their efforts.

Board Member Arvizu noted the enormity of the project and thanked all the staff that were involved.

Chair Tallerico expressed his appreciation for the hard work of staff.

MOTION

It was moved by Board Member Wilander, seconded by Board Member Arvizu to adopt Resolution No. 2179 recommending that the City Council approve Ordinance No. 2411

amending Article VI of the Arcadia Municipal Code regarding the Businesses, Professions, Trades, and Occupations (Business License) Code.

ROLL CALL

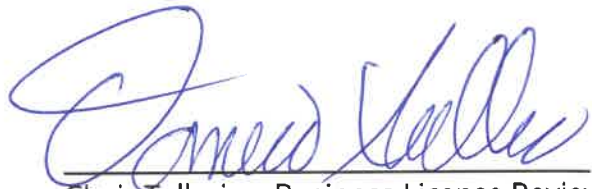
AYES: Tallerico, Tsoi, Arvizu, Wilander

NOES: None

ABSENT: Hui

ADJOURNMENT

The Business License Permit and Review Board adjourned the meeting at 6:14 p.m.



Chair Tallerico, Business License Review Board

ATTEST:



Lisa L. Flores
Secretary, Planning Commission



DEVELOPMENT SERVICES DEPARTMENT

DATE: December 9, 2025

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

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

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

SUMMARY

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

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

BACKGROUND

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

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

PROPOSAL

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

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

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

ANALYSIS

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

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

Summary of Proposed Changes:

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

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

Sections deleted or moved:

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

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

Overhaul of appeal process

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

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

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

ENVIRONMENTAL ANALYSIS

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

PUBLIC COMMENTS/NOTICE

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

RECOMMENDATION

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

Business License Code Update

December 9, 2025

Page 6 of 6

Approved:

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

Lisa L. Flores

Deputy Development Services Director

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

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

Attachment No. 5

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	ORDINANCE NO. 2411 AMENDING ARTICLE VI OF THE ARCADIA MUNICIPAL CODE REGARDING THE BUSINESSES, PROFESSIONS, TRADES, AND OCCUPATIONS (BUSINESS LICENSE) CODE	
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	Citywide	
3. Entity or person undertaking project:	A. City of Arcadia	
	B. Other (Private)	
	(1) Name	
	(2) Address	
4. Staff Determination: The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:		
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input checked="" type="checkbox"/>	The project is otherwise exempt on the following basis:	15061(b)(3) – Class 1 (Common sense exemption)
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: November 10, 2025

Staff: Simon Vuong, Economic Development Manager



CITY OF ARCADIA

STAFF REPORT

OFFICE OF THE CITY CLERK

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Dominic Lazzaretto, City Manager
By: Linda Rodriguez, City Clerk

SUBJECT: MAYOR'S APPOINTMENTS OF CITY COUNCIL MEMBERS TO CITY
BOARDS, COMMISSIONS, AND OUTSIDE AGENCIES
CEQA: Not a Project
Recommendation: Receive and File

SUMMARY

According to the Arcadia City Charter, every nine and one-half (9 ½) months, the City Council reorganizes, and a new Mayor and Mayor Pro Tem are appointed. Following the City Council reorganization, the Mayor has the option to make new appointments to City boards, commissions, and outside agencies. The most recent City Council reorganization occurred on February 3, 2026, appointing Eileen Wang as Mayor and Paul P. Cheng as Mayor Pro Tem.

The attached Council Member Liaison List reflects the various Arcadia boards and commissions, and outside agencies that City Council Members serve on, along with an updated list of appointments to each position. Mayor Wang has appointed each City Council Member to serve as either the Delegate or Alternate (when applicable) for eight City boards and commissions and 11 outside governmental agencies, beginning on February 18, 2026. The appointments will continue until superseded by the next City Council reorganization and corresponding liaison appointments, which should occur in December 2026.

It is recommended that the City Council receive and file the Mayor's appointments of City Council Members to City boards, commissions, and outside agencies, beginning February 18, 2026.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), as it can be seen with certainty that it will have no impact on the environment.

FISCAL IMPACT

Any costs to attend outside governmental agency meetings have been accounted for in the City Council's annual budget. There is no fiscal impact to the City's budget as a result of the proposed appointments.

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project under the California Environmental Quality Act ("CEQA"); and receive and file the Mayor's appointments of City Council Members to City boards, commissions, and outside agencies, beginning February 18, 2026.

Attachment: Council Member Liaison List 2026

CITY OF ARCADIA
COUNCIL MEMBER LIAISON LIST
February 17, 2026

	Meeting Date/Time	Delegate	Alternate
Arcadia Beautiful Commission	Meetings are scheduled as needed	Paul Cheng	n/a
Arcadia Museum Commission	1 st Wednesday of every other month at 5:00 pm	Sharon Kwan	n/a
Human Resources Commission	2 nd Thursday at 5:30 pm	Michael Cao	n/a
Library Board of Trustees	3 rd Thursday at 4:30 pm	David Fu	n/a
Planning Commission	2 nd and 4 th Tuesday at 7:00 pm	David Fu	n/a
Recreation Commission	2 nd Wednesday at 6:00 pm	Paul Cheng	n/a
Senior Citizens Commission	1 st Thursday at 4:00 pm	Eileen Wang	n/a
Arcadia Health Commission	To be determined	Michael Cao	n/a
Arcadia Council PTA	Meetings called as needed	David Fu	Eileen Wang
Chamber of Commerce	2 nd Tuesday at 8:00 am	David Fu	Paul Cheng
Foothill Workforce Development Board	Meetings called as needed	Sharon Kwan	n/a
Foothill Transit Authority	4th Friday of each month (Dark in November)	David Fu	Eileen Wang
L.A. County Division of the League	1 st Thursday at 7:00 pm <i>(January, March, June, August & December)</i>	Eileen Wang	Paul Cheng
L.A. County Sanitation District ** (Districts 15 and 22)	4th Wednesday at 1:30 pm	Eileen Wang	David Fu
L.A. County City Selection Committee *	on call	Paul Cheng	Michael Cao
Metro Gold Line Phase II JPA/Foothill Gold Line	2nd Thursday at 12:30 pm (Dark in August)	David Fu	Eileen Wang
San Gabriel Valley Council of Governments	3rd Thursday at 4:00 pm	Eileen Wang	Paul Cheng
San Gabriel Valley Mosquito and Vector Control District ***	2nd Friday at 7:00 am	Sho Tay (exp 12/31/29)	n/a
Southern California Association of Governments	1st Thursday in May	Paul Cheng	Michael Cao
Clean Power Alliance	1st Thursday of each month at 1:00 pm (Dark in January)	Paul Cheng	Michael Cao

*The Mayor and Mayor Pro Tem have traditionally been named the Delegate and Alternate for the L.A. County City Selection but not required.

**The Delegate to the Sanitation District must be the Mayor, but either the Delegate or Alternate may attend the meetings.

***In December 2025, the City Council appointed Sho Tay to a 4-year term – term ends January 2030.

Agencies **highlighted** require Annual Form 700 filings and AB 1234 Training Certificates

Updated 02/17/26



DEVELOPMENT SERVICES DEPARTMENT

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Lisa Flores, Interim Development Services Director
Kevin Merrill, City Engineer
By: Johnathan Doojphibulpol, Principal Civil Engineer

SUBJECT: CONTRACT WITH GENTRY BROTHERS, INC. FOR THE BALDWIN AVENUE
CONCRETE REHABILITATION IMPROVEMENTS PROJECT IN THE AMOUNT
OF \$1,227,444.50
CEQA: Exempt
Recommendation: Approve

SUMMARY

The Baldwin Avenue Concrete Rehabilitation Improvements Project includes concrete street, curb ramp, and sidewalk improvements on Baldwin Avenue, from Camino Real Avenue to Longden Avenue. The project also includes alternate bid items for concrete rehabilitation of the intersections of Live Oak Avenue with Las Tunas Drive, Santa Anita Avenue, and Second Avenue. The project was advertised for bids on November 20, 2025, and bids were opened on December 11, 2025. Two (2) bids were received, with Gentry Brothers, Inc. submitting the lowest responsive bid.

It is recommended that the City Council find the project Categorically Exempt pursuant to the requirements of the California Environmental Quality Act ("CEQA"); and authorize and direct the City Manager to execute a contract with Gentry Brothers, Inc. for the Baldwin Avenue Concrete Rehabilitation Improvements Project in the amount of \$1,227,444.50, plus a 10% contingency.

BACKGROUND

The Baldwin Avenue Concrete Rehabilitation Improvements Project proposes concrete street rehabilitation using a diamond grind method to provide a smoother

Baldwin Concrete Rehabilitation Improvements Project

February 17, 2026

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driving experience, along with spall concrete repairs in areas requiring more detailed attention. Additional improvements include the installation of accessible curb ramps and sidewalk improvements. The project was originally planned to rehabilitate Baldwin Avenue from Camino Real Avenue to Live Oak Avenue, and to include concrete rehabilitation of the intersections of Live Oak Avenue and Las Tunas Drive, Santa Anita Avenue, and Second Avenue.

The project was subsequently combined with the Baldwin Avenue at Longden Avenue Traffic Signal Improvement Project and the Traffic Signal Fiber Optics Network Extensions project, and all were bid together on August 22, 2024. However, the bids were rejected on October 1, 2024, as they exceeded the budgeted amount.

As a result, the projects were separated, and the traffic signal portion was rebid, with bids opened on December 5, 2024. The City Council awarded this portion of the work to PTM General Engineering Services on January 21, 2025. The rebid of the concrete rehabilitation work was postponed until a timeline for the traffic signal project could be determined, as traffic signal equipment has long lead times and related street work must be completed before rehabilitation can occur.

Sunny Slope Water, which serves a section of the City of Arcadia along Baldwin Avenue, notified the City of a planned water main replacement project along Baldwin Avenue, from Garibaldi Avenue to Live Oak Avenue. To avoid potential conflicts and damage to new concrete, the section from Longden Avenue to Live Oak Avenue was removed from the rehabilitation project scope of work.

With the scope revised to rehabilitate Baldwin Avenue from Camino Real Avenue to Longden Avenue, the project was repackaged to include alternate bid items for concrete rehabilitation at the intersections of Live Oak Avenue and Las Tunas Drive, Santa Anita Avenue, and Second Avenue.

DISCUSSION

A Notice Inviting Bids was published on November 20, 2025. On December 11, 2025, the City received two (2) bids, summarized below:

Bidder	Base Bid Amount	Bid with Alternates
Gentry Brothers, Inc.	\$793,392.00	\$1,227,444.50
PALP, Inc dba Excel Paving	\$3,389,598.00	\$5,068,293.00

With only two bidders, the discrepancy in bid amount needed evaluation. PALP, Inc. did not file a protest but submitted information challenging Gentry Brothers, Inc.'s bid. The bid summary and PALP, Inc.'s information was provided to the City's on-call design firm, Kreuzer Consulting Group, for review. It was determined that although the Gentry Brothers bid was lower than the engineer's estimate, it was closer to the estimate than PALP, Inc.'s bid.

Gentry Brothers, Inc. was then contacted to confirm that, with the knowledge of the PALP bid, they would still honor their bid price. Their representative confirmed that there were no issues with the bid. With the lower base bid, there is sufficient budget to include the alternate bid items as well.

ENVIRONMENTAL ANALYSIS

This project is Categorically Exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15301 (Class 1 Existing Facilities) and 15302 (Class 2 - Replacement or Reconstruction).

FISCAL IMPACT

The Baldwin Avenue Concrete Rehabilitation project was first budgeted in the Fiscal Year 2020-21 Capital Improvement Program ("CIP") with \$1,000,000 of Proposition C ("Prop C") funds. A portion of these funds were used for the design of this project and other CIP projects, leaving a remaining balance of \$675,171.95.

The Live Oak Avenue portions of the project were budgeted in the Fiscal Year 2021-22 CIP with \$300,000 of Prop C funds, of which \$60,866.10, remains after design. Additional Prop C funds of \$200,000 and \$900,000 were programmed in Fiscal Years 2022-23 and 2025-26, respectively, and those funds remain untouched. The total available funds for the project are summarized below:

Programmed Fiscal Year	Available Funds
2020-21	\$675,171.95
2021-22	\$60,866.10
2022-23	\$200,000.00
2025-26	\$900,000.00
Total Funds	\$1,836,038.05

Baldwin Concrete Rehabilitation Improvements Project

February 17, 2026

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The full bid amount, including alternate bid items, totals \$1,227,444.50. With a 10% contingency, the total budget is \$1,350,188.95. Therefore, there are sufficient funds available to cover the full bid amount with a 10% contingency.

RECOMMENDATION

It is recommended that the City Council find the project categorically exempt under the California Environmental Quality Act ("CEQA"); and authorize and direct the City Manager to execute a contract with Gentry Brothers, Inc. for the Baldwin Avenue Concrete Rehabilitation Improvements Project in the amount of \$1,227,444.50, plus a 10% contingency.

Approved:



Dominic Lazzaretto
City Manager



DEVELOPMENT SERVICES DEPARTMENT

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Lisa Flores, Interim Development Services Director
Kevin Merrill, City Engineer
By: Ryan Huey, Associate Civil Engineer

SUBJECT: ACCEPT ALL WORK PERFORMED BY GENTRY BROTHERS, INC. FOR THE
BALDWIN AVENUE STREETScape IMPROVEMENT PROJECT IN THE
AMOUNT OF \$4,118,466.63
CEQA: Exempt
Recommendation: Approve

SUMMARY

On May 21, 2024, the City Council awarded a contract to Gentry Brothers, Inc. in the amount of \$3,945,080.28 for the Baldwin Avenue Streetscape Improvement Project, which included a 10% contingency. Four (4) change orders were issued, totaling \$173,386.35, or approximately 5% of the original contract amount. Gentry Brothers, Inc. has completed the work to the City's satisfaction, resulting in a final project cost of \$4,118,466.63.

It is recommended that the City Council find the project is exempt under the California Environmental Quality Act ("CEQA"); and accept all work performed by Gentry Brothers, Inc. for the Baldwin Avenue Streetscape Improvement Project as complete and authorize the final payment to be made in accordance with the contract documents.

BACKGROUND

The Project was initially bid in February 2024; however, all bids exceeded the original budget of \$3.0 million. As such, all bids were rejected and the project scope reduced.

Baldwin Avenue Streetscape Improvement Project

February 17, 2026

Page 2 of 4

The Baldwin Avenue Streetscape Improvement Project was re-bid in March 2024, with Gentry Brothers, Inc. as the lowest responsive bidder. A contract in the amount of \$3,945,080.28, plus a 10% contingency, was awarded, and Resolution No. 7565, authorizing a supplemental appropriation, was adopted by the City Council on May 21, 2024.

The project included street, concrete, and landscaping improvements along the following segments:

- Baldwin Avenue from Huntington Drive to Duarte Road
- Baldwin Avenue from Naomi Avenue to Camino Real Avenue

The project included traffic signal improvements at the following intersections:

- Baldwin Avenue and Fairview Avenue
- Baldwin Avenue and Duarte Road
- Baldwin Avenue and Naomi Avenue
- Baldwin Avenue and Camino Real Avenue

DISCUSSION

Construction began in September 2024 and was completed in September 2025. Final invoice payment was withheld until January 2026, pending the completion of survey monument re-establishments and recordation. Four (4) change orders were issued. The change order work included traffic signal modifications, signing and striping changes, and final quantity adjustments, resulting in a net increase of \$173,386.35.

Traffic signal modifications occurred at four (4) intersections along Baldwin Avenue at Fairview Avenue, Duarte Road, Naomi Avenue, and Camino Real Avenue. The additional traffic signal work included demolition and reconstruction of traffic signal pole foundations, relocation and re-utilization of existing traffic signal poles, and installation of new video detection cameras, CCTV cameras, loop detectors, wiring, and conduit.

Signing and striping modifications were implemented along various segments of the project. Changes included the addition of ladder style crosswalks, updated limit lines, and revised pavement markings.

Baldwin Avenue Streetscape Improvement Project

February 17, 2026

Page 3 of 4

Quantity adjustments involved increases and decreases in asphalt, concrete, utility work, landscaping, and traffic signal modifications.

As a result of the adjustments, the final amount is a net increase of \$173,386.35, approximately 5% of the original contract amount. A summary of the construction contract with the change orders is as follows:

Original Contract:	\$3,945,080.28
Change Order #1 (Traffic Signal Modifications)	\$183,709.18
Change Order #2 (Signing and Striping)	\$444.00
Change Order #3 (Additional Signing and Striping)	\$21,378.00
Change Order #4 (Quantity Adjustments)	(\$32,144.83)
Final Total Contract:	\$4,118,466.63

ENVIRONMENTAL ANALYSIS

This project is Categorically Exempt under Section 15301(c) of the California Environmental Quality Act ("CEQA"), which applies to the repair and maintenance of existing highways, streets, sidewalks, and similar facilities. The Baldwin Avenue Streetscape Improvement Project qualifies for this exemption because it involved maintenance, upgrades, and minor modifications to an existing street and associated infrastructure, without expanding its capacity.

FISCAL IMPACT

At the October 18, 2022, City Council Meeting, Resolution No. 7462 was adopted, adding the Baldwin Avenue Streetscape Improvement project to the Fiscal Year 2022-23 CIP Budget, and authorized an appropriation in the amount of \$1,600,000 Measure R funds and \$500,000 Measure M funds. The Fiscal Year 2023-24 CIP Budget included \$900,000 of Prop C funds for the Arterial Rehabilitation Project, bringing the total initial project to \$3,000,000. Kreuzer Consulting Group's design contract totaled \$192,400, leaving \$2,807,600 for construction.

At the May 21, 2024, City Council Meeting, Resolution No. 7565 was adopted, appropriating an additional \$1,605,000 to cover the shortfall. As a result, total available funds of \$4,412,600 are sufficient to cover the final project cost of \$4,118,466.63.

RECOMMENDATION

It is recommended that the City Council find the project is exempt under the California Environmental Quality Act ("CEQA"); and accept all work performed by Gentry Brothers, Inc. for the Baldwin Avenue Streetscape Improvement Project in the amount of \$4,118,466.63 as complete.

Approved:



Dominic Lazzaretto
City Manager



PUBLIC WORKS SERVICES DEPARTMENT

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Paul Cranmer, Public Works Services Director
By: Leonel Martin, Public Works Project Manager

SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH ORIGINS ENGINEERING CO. FOR THE WILDERNESS PARK DEBRIS REMOVAL DESIGN IN THE AMOUNT OF \$358,581
CEQA: Not a Project
Recommendation: Approve

SUMMARY

The Fiscal Year 2025–26 Capital Improvement Plan (“CIP”) provides for the Wilderness Park Debris Removal Design Project. The purpose of this project is to prepare a comprehensive design to address the removal of more than eight feet of accumulated soil, debris, and vegetation resulting from past mudslide events, and to develop measures that will mitigate, reduce, and, where feasible, prevent future mudslide-related damage at Wilderness Park. To ensure the City receives a high-quality, accurate, and constructible design, along with competitive pricing, the Public Works Services Department (“PWSD”) solicited a formal Request for Proposals (“RFP”).

Based on the proposals received, it is recommended that the City Council approve, authorize, and direct the City Manager to execute a Professional Services Agreement with Origins Engineering Co. for the Wilderness Park Debris Removal Design, in the amount of \$358,581, with a 10% contingency.

BACKGROUND

After the 2020 Bobcat Fire, a heavy rainstorm in 2021 caused a major mudflow event along the scarred hillsides of Wilderness Park. The mudflow buried much of Wilderness Park under more than eight feet of mud and debris, covering walking

paths, picnic areas, trees, and facilities. Subsequent rainstorms in 2023 added to the issue, depositing even more mud and debris into the park. Unfortunately, the 2021 rainstorm also washed away a portion of the Los Angeles County-owned bridge, which allowed entry into Wilderness Park. This has led to significant delays in beginning the debris removal at Wilderness Park. Additionally, in 2024, the LA County Department of Public Works installed a conveyor belt through a portion of Wilderness Park for the Santa Anita Dam sediment removal project, causing further delays in the debris removal process.

The Fiscal Year 2025-26 CIP Budget includes the Wilderness Park Debris Removal Design. This project involves developing design plans for debris removal as well as mitigation strategies aimed at reducing or preventing damage from future mudflow events at Wilderness Park. The Wilderness Park Debris Removal Design is a necessary precursor to the actual debris removal efforts, as it involves the development of detailed design, cost estimates, and mitigation plans. These plans are critical to ensuring debris removal is conducted safely, effectively, and in compliance with regulatory requirements, while establishing reliable construction cost estimates and interim mitigation measures to reduce future mudslide risks.

DISCUSSION

The Wilderness Park Debris Removal Design will include the development of topographic surveys, geotechnical and environmental testing, conceptual designs, construction documents, permitting work, and cost estimates for the debris removal at Wilderness Park. In addition to creating detailed design plans for debris removal, comprehensive mitigation strategies will be developed to safeguard Wilderness Park by minimizing risk and impact from future mudflow events. These strategies will address potential vulnerabilities and incorporate best practices to enhance the park's resilience against natural hazards. The design will lead to a shovel-ready project aimed at protecting and restoring the natural lands and open space of Wilderness Park through effective debris removal, erosion control, and improved landscape stability. The design will lay the groundwork for a construction phase that will support the restoration and eventual reopening of Wilderness Park, ultimately reestablishing safe public access to the park and its valuable natural resources.

On November 24, 2025, a Notice Inviting Proposals for the Wilderness Park Debris Removal Design was published in accordance with City Council Resolution No. 7483,

and notice packages were provided to firms who provide these services. On December 18, 2025, the City Clerk's Office received three proposals. The proposals were evaluated based on the firm's thoroughness and understanding of the scope of work, relevant experience, references, and proposal quality. The results of the evaluation for each company's ranking and proposed cost are listed below:

Rank	Firm	Location	Cost Proposal
1	Origins Engineering Co.	Westlake Village, CA	\$358,581
2	IDS Group	Irvine, CA	\$642,983
3	Community Works Design Group	Riverside, CA	\$653,602

After careful review and consideration of each firm's experience, qualifications, understanding of the needs of the City, quality of service approach, implementation timeline, and cost, it was determined that Origin's Engineering Co. is the most qualified firm to prepare the Wilderness Park Debris Removal Design.

Origins Engineering Co. is a well-established engineering firm with extensive experience providing professional services to municipal agencies. The firm has demonstrated expertise on similar projects requiring debris removal and possesses a strong background in municipal infrastructure projects. Their qualifications include design engineering for sewer, water, storm drain, and grading improvements, as well as hydrology and hydraulic analysis. In addition, Origins Engineering Co. has experience in geotechnical and environmental engineering, drainage design, and coordination of regulatory compliance efforts, making the firm well suited to support the Wilderness Park Debris Removal Design Project.

Origins Engineering Co. has successfully assisted with similar projects, including the City of Diamond Bar Community Center Landscape and Slope Stabilization Project, the Torrence Walteria Reservoir Slope Repair Project, and the Ventura Regional Sanitation District Toland Road Landfill Post-Fire Slope Stabilization and Drainage Improvements Project. These projects involved elements comparable to the Wilderness Park effort, including debris quantity evaluation and removal estimates, drainage improvements, and slope stabilization solutions addressing post-fire and erosion-related conditions. Origins Engineering Co. is able to complete the debris removal design utilizing their own staff and do not outsource their work to sub-contractors, which helps reduce overall costs.

ENVIRONMENTAL ANALYSIS

The proposed action of preparing earthwork take-off quantities and developing storm drain and mudslide prevention designs does not constitute a project under the California Environmental Quality Act ("CEQA"), as it can be seen with certainty that it will have no impact on the environment. In addition, the work relates to repair and maintenance of existing facilities.

FISCAL IMPACT

Funds in the amount of \$450,000 were budgeted in the Fiscal Year 2025-26 CIP for the Wilderness Park Debris Removal Design project. The total cost for the project is \$358,581, and a 10% contingency would bring the total cost to \$394,439.10, which is within the adopted budget.

The PWSD has also submitted an application to the Regional Park and Open Space District Competitive Grant Program for the Wilderness Park Debris Removal Design. Should the City be awarded this grant, the total cost of the Wilderness Park Debris Removal Design will be reimbursed and paid for by the Regional Park and Open Space District.

The PWSD has secured funding through the Federal Emergency Management Agency ("FEMA") and the California Governor's Office of Emergency Services ("CalOES") for debris removal at Wilderness Park. Approximately, \$4.7 million from CalOES and \$1.5 million from FEMA have been secured for debris removal. These public assistance grants are for the reimbursement of the cost to remove the debris from the park. Debris removal will begin once the Wilderness Park Debris Removal Design project is completed.

RECOMMENDATION

It is recommended that the City Council determine that this action does not constitute a project under the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to execute a Professional Services Agreement with Origins Engineering Co. for the Wilderness Park Debris Removal Design in the amount of \$358,581, with a 10% contingency.

Approved:


Dominic Lazzaretto
City Manager

Attachment: Proposed Professional Services Agreement

**CITY OF ARCADIA
PROFESSIONAL SERVICES AGREEMENT REGARDING
FOR THE WILDERNESS PARK DEBRIS REMOVAL DESIGN PROJECT**

This Agreement is made and entered into as of _____, 20____ by and between the City of Arcadia, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 240 West Huntington Drive, Arcadia, California 91066 ("City"), and **Origins Engineering Co.**, a California Corporation, with its principal place of business at **2555 Townsgate Road, Suite 200, Westlake Village, CA 91361** (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project: **Wilderness Park Debris Removal Design Project** (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "B."

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Three Hundred Fifty-Eight Thousand, Five Hundred Eighty-One Dollars and No Cents (\$358,581.00)**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Term

The term of this Agreement shall be for **one (1) year from the date of execution**, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability **Consultant shall procure and submit evidence of insurance for at least five (5) years from the time that all work under this Agreement is completed.**
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage
- (9) Independent Consultants Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) **The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01**, or endorsements providing the exact same coverage. Consultant may provide blanket endorsements to meet the Additional Insured requirement in this written contract. However, all subcontractors' endorsements shall specifically name the **City, its elected officials, officers, employees, volunteers, boards, agents, and representatives as additional insureds** and blanket endorsements are not acceptable.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) **The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status.** Consultant may provide blanket endorsements to meet the Additional Insured requirement in this written contract. However, all subcontractors' endorsements shall specifically name the City, its elected officials, officers, employees, volunteers, boards, agents, and representatives as additional insureds and blanket endorsements are not acceptable.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement and delete any exclusion that may potentially delete coverage for the work to be performed (e.g. any exclusions relating to lead, asbestos, pollution, testing, underground storage tanks, laboratory analysis, soil work, etc.). The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$2,000,000 per occurrence/ \$4,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury and property damage
Employer's Liability	\$1,000,000 per occurrence
Professional Liability	\$3,000,000 per claim and \$6,000,000 aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration. Consultant may provide blanket endorsements to meet the Additional Insured requirement in this written contract. However, all subcontractors' endorsements shall specifically name the City, its elected officials, officers, employees, volunteers, boards, agents, and representatives as additional insureds and blanket endorsements are not acceptable.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery

against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have

provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. All subcontractors' endorsements shall specifically name the City, its elected officials, officers, employees, volunteers, boards, agents, and representatives as additional insureds and blanket endorsements are not acceptable. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. To the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's obligations under the above indemnity shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, but shall not otherwise be reduced. If Consultant's obligations to defend, indemnify, and/or hold harmless arise out of Consultant's performance of "design professional services" (as that term is defined under Civil Code section 2782.8), then upon Consultant obtaining a final adjudication that liability under a claim is caused by the comparative active negligence or willful misconduct of the City, Consultant's obligations shall be reduced in proportion to the established comparative liability of the City and shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$15,000 or more for maintenance or \$25,000 or more for construction, alteration, demolition, installation, or repair, Consultant agrees to fully comply with such

Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1).

b. If the services are being performed as part of an applicable “public works” or “maintenance” project and if the total compensation is \$15,000 or more for maintenance or \$25,000 or more for construction, alteration, demolition, installation, or repair, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. City Material Requirements.

Consultant is hereby made aware of the City’s requirements regarding materials, as set forth in **Request for Proposals**, which are deemed to be a part of this Agreement.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Los Angeles, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign **Tatiana B. Arnaout, P.E., as Project Manager**. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Arcadia
240 West Huntington Drive
Arcadia, CA 91066
Attn: Leonel Martin
Project Manager

CONSULTANT:

Origins Engineering Co.
2555 Townsgate, Suite 200
Westlake Village, CA 91361
Attn: Tatiana B. Arnaout, P.E.

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF ARCADIA
AND ORIGINS ENGINEERING CO.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF ARCADIA

ORIGINS ENGINEERING CO.

By: _____
Dominic Lazzaretto
City Manager

By: _____
Title: _____

Printed Name: _____

ATTEST:

By: _____

By: _____
City Clerk

Title: _____

Printed Name: _____

APPROVED AS TO FORM:

CONCUR:

By: _____
Michael J. Maurer
City Attorney

Paul Cranmer
Public Works Services Director

EXHIBIT "A"

Scope of Services

The Scope of Services for the Wilderness Park Debris Removal Design Project shall include, but are not limited to the following:

Consultant shall provide comprehensive professional services to assist the City of Arcadia in addressing current debris cleanup and ongoing mudslide and erosion issues at Wilderness Park. Services will include all necessary field investigations, data collection, topographic surveying, and geotechnical and environmental analyses to evaluate current damage, current site conditions, and potential future risks to the park and surrounding hillsides. Consultant shall prepare detailed reports documenting findings, including slope stability assessments, soil sampling and contamination testing, cut-and-fill calculations, and recommendations for soil disposal or reuse. Based on this analysis, the consultant shall develop at least 2 alternative designs and a preventative mitigation plan, complete with construction drawings and debris cleanup plan, technical specifications, cost estimates and Operating and Maintenance plan (O&M). In addition, all permits and environmental requirements shall be identified, submitted and approved by the end of design.

Task 1 - Project Management:

The Consultant shall provide project management services for the duration of the project. Project management shall include project scheduling, project controls, project execution, and project administration, with respect to the scope of work agreed upon. The Consultant shall initiate, plan, execute, direct, control, and administer the project by effectively organizing, staffing, integrating, and coordinating the required project tasks and services.

- 1) **Project Schedule** - Consultant shall develop a Critical Path Method (CPM) schedule using Microsoft Project or equivalent. The baseline schedule shall be created in close coordination with the City's Project Manager. The initial schedule shall be submitted within 30 calendar days after the Notice to Proceed. The schedule shall focus on investigation, survey, permitting, environmental review, design milestones, and anticipated construction activities. Updates to the schedule shall be submitted monthly and reviewed during progress meetings.
- 2) **Subconsultant Coordination** - Consultant shall administer and manage the work of all subconsultants (survey, geotechnical, environmental, permitting specialists, etc.) and ensure coordination of schedules, deliverables, and quality. All subconsultant questions, RFIs, invoices, and correspondence shall be processed through the Consultants' point of contact.

- 3) **Progress Reporting** - Consultant shall prepare monthly progress reports summarizing the status of key milestones, schedule updates, percent completion by task, issues encountered and planned activities for the next reporting period.
- 4) **Meetings** - Consultant and subconsultants shall attend and participate in project coordination meetings, including the Project Kickoff, monthly Project Development Team (PDT) meetings, stakeholder meetings, and special coordination meetings as needed with permitting agencies (CDFW, RWQCB, USACE, etc.). Consultant shall prepare agendas, distribute meeting materials in advance, and issue meeting minutes with action item tracking.

Task 1 Deliverables:

1. Submit Baseline Project Schedule (.pdf and .mpp)
2. Submit Monthly Project Schedule Update (13) (.pdf and .mpp)
3. Submit Monthly Progress Report and Invoicing (13) (.pdf)
4. Attend Meetings and Provide Meeting Agenda/Minutes (31) (.pdf and .docx)

NOTE: Project Management and Coordination services and costs are included within all major scope of services Tasks (Tasks 2 through 7) and so are not broken out separately as Task 1.

Task 2 – Surveying and Data Collection:

The Consultant shall perform a complete topographic and boundary survey of Wilderness Park and immediate adjacent areas that influence slope stability and drainage patterns. The survey will provide the City with accurate data for design, environmental analysis, cost estimating and project limits.

- 1) **Topographic Survey** - Consultant shall collect topographic data with one-foot contour intervals, covering the park limits and hillside areas subject to mudslide and erosion. Survey shall capture existing facilities, structures, pavement, drainage features, utilities, trees, natural features and any other data that is essential for project success. Survey perimeter will be discussed in the field prior to survey scheduling. All survey data shall be tied to NAD83 (2011) horizontal datum, CCS83 Zone 5, and NAVD88 vertical datum.

Note: City of Arcadia may have limited files (Plans, CAD files, utility information, etc.)

- 2) **Boundary and Easement Verification** - Consultant shall confirm property lines, easements, and rights-of-way within and adjacent to the park to identify potential project constraints. City/County of LA has jurisdictions and must be communication prior to project activity.

- 3) **Utility Identification** - Consultant shall coordinate with utility providers to locate visible and known underground utilities. When feasible and if necessary, subsurface utility exploration shall be performed.
- 4) **Existing Records Review** - Consultant shall compile available data (as-built drawings, County bridge records, post-fire hazard maps, FEMA/USGS data, and past City records) and integrate findings into the survey base map.

Task 2 Deliverables:

1. Signed Topographic & Boundary Survey (AutoCAD Civil 3D, GIS and .pdf)
2. Digital Terrain Model (TIN) and 1-ft Contours (AutoCAD and GIS)
3. Utility Basemap with ASCE 38-22 quality levels identified (.pdf and CAD)
4. Existing Data Compilation Summary (.pdf)

Task 3 – Geotechnical and Environmental Testing:

The Consultant shall conduct geotechnical investigations and environmental testing to evaluate soil conditions, slope stability, and contamination levels within Wilderness Park.

- 1) **Field Investigations** - Conduct appropriate on-site investigations and sampling to understand subsurface conditions and identify areas of concern.
- 2) **Laboratory Testing** - Perform laboratory analyses, as determined necessary, to characterize soil properties and identify any contamination or hazardous materials.
- 3) **Slope Stability and Risk Assessment** - Evaluate slope stability, hillside integrity, and areas vulnerable to future mudslides, erosion, fires and/or similar events.
- 4) **Soil Management and Disposal Recommendations** - Provide professional recommendations for soil handling, potential reuse, or off-site disposal in accordance with applicable regulatory requirements of existing soil.
- 5) **Mitigation and Construction Considerations** - Develop professional opinions on potential risks, strategies for mitigation, and key considerations for future construction or grading activities. The city is looking for solutions to minimize damage in future events i.e ditch to catch erosion, mudslide, cut off fires, etc.
- 6) **Geotechnical Report** - Consultant shall perform or subcontract a complete geotechnical study as part of this project. The study shall include field exploration, subsurface sampling, and laboratory testing sufficient to characterize site soil conditions and slope stability. The resulting Geotechnical Report shall include evaluations of soil composition, bearing capacity, groundwater conditions, and slope stability analyses to inform future design and grading activities.

- 7) **Hydrology Report** - Consultant shall do the proper hydrology study to understand drainage concerns and propose proper solutions

Task 3 Deliverables:

1. Detailed Geotechnical, Environmental and Hydrology Evaluation Report (.pdf)
2. Supporting maps, figures, and data files (.pdf and CAD/GIS where applicable)
3. Recommendations for soil management, disposal, and slope stabilization (.pdf)
4. Proposed project limits, drainage planning, emergency soil containment options (.pdf, GIS/CAD)

Task 4 – Conceptual Design:

The Consultant shall prepare at least 2 conceptual design alternatives for preventative and remediation measures. Concepts shall include grading strategies, slope stabilization, drainage improvements, debris barriers, erosion control, and all other best practice options the firm can propose. Each alternative shall consider construction feasibility, permitting requirements, environmental impacts, and order-of-magnitude costs. This included excavation of existing soil from previous mudslides. Consultant shall present conceptual alternatives to City staff for review and direction prior to advancing design.

- 1) **Concept Development** - Consultant shall prepare conceptual design alternatives that address, but not limited to slope stabilization, drainage improvements, erosion control, and debris management.
- 2) **Feasibility Assessment** - Consultant shall evaluate constructability, permitting considerations, environmental impacts, and long-term maintenance for each concept.
- 3) **Preliminary Cost Opinions** - Consultant shall provide order-of-magnitude cost estimates for each concept.
- 4) **Scope Presentation** - Consultant shall prepare and deliver a Conceptual Design presentation summarizing alternatives, costs, and recommendations.
- 5) **Comment Response** - Consultant shall prepare a comment response matrix documenting City feedback and Consultant responses.

Task 4 Deliverables:

1. Conceptual Design Alternatives and Narrative (2 minimum) (.pdf)
2. ROM Estimates (.pdf and .xlsx)
3. Conceptual Design Figures/Drawings (.pdf, AutoCAD Civil 3D)
4. Conceptual Design Review Presentation (.pdf and .ppt)

5. Comment Response Matrix (.pdf and .xlsx)

Task 5 – Construction Documents (40% Design)

- 1) **Plans** – Consultant shall develop 40% design plans for the alternative the City agreed on.
- 2) **Technical Specifications** – Consultant shall prepare draft technical specifications based on the 40% design.
- 3) **Maintenance Plan** - Consultant shall prepare a preventative maintenance and monitoring plan for completed improvements.
- 4) **Cost Estimate** – Consultant shall prepare a preliminary cost estimate (Class “C” or better).
- 5) **Permit Identification** – Consultant shall identify required permits and initiate coordination with agencies (CDFW, RWQCB, USACE, etc.).
- 6) **Record of Coordination** – Consultant shall compile and submit a record of correspondence with regulatory agencies, utilities, and stakeholders, including emails, letters, meeting notes, and approval documentation, organized in an appendix for City records.
- 7) **Coordination Meetings** – Consultant shall attend and participate in design review meetings with City staff.
- 8) **Comment Response** – Consultant shall prepare a comment response matrix documenting City review comments and responses.

Task 5 Deliverables:

1. Provide Meeting Agenda/Minutes (.pdf and .docx)
2. Submit Comment Response Matrix to the 40% PS&E Review Comments (.pdf and .xlsx)
3. Submit 40% Plans to PM (Constructability packages) (.pdf and AutoCAD)
4. Submit Plan Check Review Comment Matrix (.pdf and .xlsx)
5. Submit 40% Technical Specifications (Constructability packages) (.pdf)
6. Submit Updated Bid List Quantities (.pdf and .xlsx)
7. Submit Updated Quantity Calculations Backup (.pdf and .xlsx)

8. Submit Class C (40%) Cost Estimate (.pdf and .xlsx)
9. Submit Updated Construction Schedule in Calendar Days (.pdf and .mpp)
10. Submit Updated List of Long Lead Items and Durations (.pdf)
11. Submit Updated Design Calculations and Reports (.pdf)
12. Submit Updated Permit Matrix Tracking (.pdf and .xlsx)
13. Submit Updated Permit Applications, Plans, Backup Documentation, and Ready to Issue plans (.pdf)
14. Submit Comment Response Matrix to the 100% Port PM Review Comments (.pdf and .xlsx)

Task 6 – Construction Documents (80% Design)

- 1) **PS&E** - Consultant shall prepare an 80% Plans, Specifications, and Estimate (PS&E) package incorporating City comments from the 40% review.
- 2) **Technical Specifications** - Consultant shall refine and expand draft specifications.
- 3) **Maintenance Plan** - Consultant shall prepare a preventative maintenance and monitoring plan for completed improvements.
- 4) **Cost Estimate** - Consultant shall prepare an updated Class “B” cost estimate.
- 5) **Permit Tracking** - Consultant shall prepare a permit matrix and draft applications, updating agency coordination status.
- 6) **Record of Coordination** – Consultant shall compile and submit a record of correspondence with regulatory agencies, utilities, and stakeholders, including emails, letters, meeting notes, and approval documentation, organized in an appendix for City records.
- 7) **Coordination Meetings** - Consultant shall attend and participate in 80% design review meetings with City staff.
- 8) **Scope Presentation** - Consultant shall prepare and deliver an 80% Design presentation to City staff.
- 9) **Comment Response** - Consultant shall prepare a comment response matrix addressing City review comments.

Task 6 Deliverables:

1. Provide Meeting Agenda/Minutes (.pdf and .docx)
2. Submit Comment Response Matrix to the 80% PS&E Review Comments (.pdf and .xlsx)
3. Submit 80% PS&E & Maintenance plan to PM (Constructability packages) (.pdf and AutoCAD)
4. Submit Plan Check Review Comment Matrix (.pdf and .xlsx)
5. Submit 80% Technical Specifications (Constructability packages) (.pdf)
6. Submit Updated Bid List Quantities (.pdf and .xlsx)
7. Submit Updated Quantity Calculations Backup (.pdf and .xlsx)
8. Submit Class B (80%) Cost Estimate (.pdf and .xlsx)
9. Submit Updated Construction Schedule in Calendar Days (.pdf and .mpp)
10. Submit Updated List of Long Lead Items and Durations (.pdf)
11. Submit Updated Design Calculations and Reports (.pdf)
12. Submit Updated Permit Matrix Tracking (.pdf and .xlsx)
13. Submit Updated Permit Applications, Plans, Backup Documentation, and Ready to Issue plans (.pdf)
14. Submit Comment Response Matrix to the 100% Port PM Review Comments (.pdf and .xlsx)

Task 7 - Construction Documents (100% Design)

- 1) **Draft PS&E** - Consultant shall prepare 100% signed/sealed PS&E incorporating all City comments from the 80% review.
- 2) **Specifications & Estimate** - Consultant shall provide finalized technical specifications and a Class "A" cost estimate.
- 3) **Construction Schedule** - Consultant shall prepare a construction schedule in calendar days and identify long-lead items.
- 4) **Permit Documentation** - Consultant shall finalize permit applications and provide a permit tracking matrix.
- 5) **Maintenance Plan** - Consultant shall prepare a preventative maintenance and monitoring plan for completed improvements.

- 6) **Coordination Meetings** - Consultant shall attend and participate in final design coordination meetings with City staff.
- 7) **Record of Coordination** – Consultant shall compile and submit a record of correspondence with regulatory agencies, utilities, and stakeholders, including emails, letters, meeting notes, and approval documentation, organized in an appendix for City records.
- 8) **Comment Response** - Consultant shall prepare a final comment response matrix addressing all City review comments.
- 9) **Submittals** - Consultant shall submit one complete 100% PS&E package for City constructability review and incorporate revisions.

Task 7 Deliverables:

1. Provide Meeting Agenda/Minutes (.pdf and .docx)
2. Submit Comment Response Matrix to the 100% PS&E Review Comments (.pdf and .xlsx)
3. Submit 100% PS&E & Maintenance plan to PM (Constructability packages) (.pdf and AutoCAD)
4. Submit Plan Check Review Comment Matrix (.pdf and .xlsx)
5. Submit 100% Technical Specifications (Constructability packages) (.pdf)
6. Submit Updated Bid List Quantities (.pdf and .xlsx)
7. Submit Updated Quantity Calculations Backup (.pdf and .xlsx)
8. Submit Class A (100%) Cost Estimate (.pdf and .xlsx)
9. Submit Updated Construction Schedule in Calendar Days (.pdf and .mpp)
10. Submit Updated List of Long Lead Items and Durations (.pdf)
11. Submit Updated Design Calculations and Reports (.pdf)
12. Submit Updated Permit Matrix Tracking (.pdf and .xlsx)
13. Submit Updated Permit Applications, Plans, Backup Documentation, and Ready to Issue plans (.pdf)
14. Submit Comment Response Matrix to the 100% Port PM Review Comments (.pdf and .xlsx)

Task 8 – Final Signed PS&E and Reports

The Consultant shall compile and submit all final project documentation, including signed/sealed plans, finalized reports, and agency approvals, ensuring the City has a

complete bid-ready package. This task represents the formal closeout of the design and permitting phase.

- 1) **Signed Plans** – Consultant shall provide final signed and sealed drawings by all licensed professionals of record (Civil, Geotechnical, Engineering Geologist, Surveyor, Environmental/Other as applicable).
- 2) **Final Reports and Calculations** – Consultant shall compile and deliver all finalized reports, including geotechnical investigations, environmental evaluations, slope stability analyses, design calculations, and supporting technical memoranda.
- 3) **Take-Off Quantities and Estimates** – Consultant shall prepare a complete set of final take-off quantities, with backup calculations, and a final Class “A” cost estimate suitable for bid.
- 4) **Specifications and Bid Documents** – Consultant shall provide finalized technical specifications, bid list, and contract documents in a format acceptable to the City.
- 5) **Permits and Approvals** – Consultant shall obtain and deliver copies of all finalized permits, approvals, or clearance letters from regulatory agencies (e.g., CEQA documentation, CDFW, RWQCB, USACE, LA County, City divisions). Consultant shall ensure all permits are signed and in effect prior to project advertisement.
- 6) **Permit Matrix Tracking** – Consultant shall provide an updated and finalized permit matrix showing the status and completion of each required permit or clearance.
- 7) **Construction Schedule** – Consultant shall prepare and deliver a final construction schedule in calendar days, including identification of long-lead items and required sequencing.
- 8) **Record of Coordination** – Consultant shall compile and submit a record of correspondence with regulatory agencies, utilities, and stakeholders, including emails, letters, meeting notes, and approval documentation, organized in an appendix for City records.
- 9) **Coordination Meetings** – Consultant shall attend a final coordination meeting with City staff to review the complete bid package and ensure all deliverables are ready for advertisement.

Task 8 Deliverables:

1. Final Signed and Sealed Plans (.pdf and AutoCAD Civil 3D)
2. Final Reports and Design Calculations (.pdf)

3. Final Take-Off Quantities and Cost Estimate (Class "A") (.pdf and .xlsx)
4. Final Specifications and Bid Documents (.pdf and Word)
5. Copies of All Final Permits and Approvals (.pdf)
6. Final Permit Matrix (.pdf and .xlsx)
7. Final Construction Schedule (.pdf and .mpp)
8. Meeting Agenda/Minutes (.pdf and .docx)
9. Final design complete presentation
10. Record of Coordination Appendix (emails, letters, approvals, correspondence) (.pdf)

End of Scope of Services

EXHIBIT "B"

Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials contract.

Compensation shall be based on time and materials spent in accordance with the following tasks, not to exceed the total compensation listed below:

The schedule of prices is attached as Attachment "A" to this Exhibit "B".

Wilderness Park Debris Removal Design Project	-	\$358,581.00
Total Compensation	-	\$358,581.00

The total compensation shall not exceed the total listed without written authorization in accordance with Section 2 (b) of the agreement.

Attachment "A"

Origins Engineering Co.
Team Resource Fee EstimateCity of Arcadia
Wilderness Park
Date: December 17, 2025

					Origins Engineering Co.											
					Principal Engineer	Project Manager	Civil Engineer	Designer	Task Summary							
Task Description					\$ 220	\$ 200	\$ 180	\$ 150	Origins Resource Hours	Origins Resource Costs	HAI	TPG	Subconsultant Mark-Up (10%)	Reimbursables	Total Costs	Task Costs
Task 1	Project Management*															\$ -
Task 1.1	Project Schedule								0	\$ -					\$ -	
Task 1.2	Subconsultant Coordination								0	\$ -					\$ -	
Task 1.3	Progress Reporting								0	\$ -					\$ -	
Task 1.4	Meetings								0	\$ -					\$ -	
Task 2	Surveying and Data Collection															\$ 69,702
Task 2.1	Topographic Survey								0	\$ -		\$ 49,375	\$ 4,938		\$ 54,313	
Task 2.2	Boundary and Easement Verification								0	\$ -					\$ -	
Task 2.3	Utility Identification								0	\$ -		\$ 6,790	\$ 679		\$ 7,469	
Task 2.4	Existing Records Review				4		8	16	28	\$ 4,720					\$ 4,720	
Task 2.5	Project Management, Coordination, Meetings					16			16	\$ 3,200					\$ 3,200	
Task 3	Geotechnical and Environmental Testing															\$ 174,539
Task 3.1	Research & Review of Available Data								0	\$ -	\$ 11,040		\$ 1,104		\$ 12,144	
Task 3.2	Site Evaluation and Field Exploration								0	\$ -	\$ 32,200		\$ 3,220		\$ 35,420	
Task 3.3	Laboratory Analysis								0	\$ -	\$ 31,000		\$ 3,100		\$ 34,100	
Task 3.4	Analysis/Calculation								0	\$ -	\$ 18,660		\$ 1,866		\$ 20,526	
Task 3.5	Geological, Geotechnical, and Env. Summary Report								0	\$ -	\$ 28,150		\$ 2,815		\$ 30,965	
Task 3.6	Hydrology & Drainage Analysis				12		100	40	152	\$ 26,640					\$ 26,640	
Task 3.7	Project Management, Coordination, Meetings					24			24	\$ 4,800	\$ 9,040		\$ 904		\$ 14,744	
Task 4	Conceptual Design															\$ 27,760
Task 4.1	Conceptual Design				8		60	80	148	\$ 24,560					\$ 24,560	
Task 4.2	Project Management, Coordination, Meetings					16			16	\$ 3,200					\$ 3,200	
Task 5	Design Development (40% PS&E)															\$ 21,320
Task 5.1	Design Development (40% PS&E)				6		40	64	110	\$ 18,120					\$ 18,120	
Task 5.2	Project Management, Coordination, Meetings					16			16	\$ 3,200					\$ 3,200	
Task 6	Design Development (80% PS&E)															\$ 40,280
Task 6.1	Design Development (80% PS&E)				14		80	120	214	\$ 35,480					\$ 35,480	
Task 6.2	Project Management, Coordination, Meetings					24			24	\$ 4,800					\$ 4,800	
Task 7	Final Design (100% PS&E)															\$ 16,980
Task 7.1	Final Design (100% PS&E)				4		30	50	84	\$ 13,780					\$ 13,780	
Task 7.2	Project Management, Coordination, Meetings					16			16	\$ 3,200					\$ 3,200	
Task 8	Final Signed PS&E and Reports															\$ 8,000
Task 8.1	Final Signed PS&E and Reports				4		24	8	36	\$ 6,400					\$ 6,400	
Task 8.2	Project Management, Coordination, Meetings					8			8	\$ 1,600					\$ 1,600	
					Staff Summary					Project Summary						
Total Staff Hours					52	120	342	378	892	\$ 153,700	\$ 130,090	\$ 56,165	\$ 18,626	\$ -	\$ 358,581	\$358,581
Total Staff Costs					\$ 11,440	\$ 24,000	\$ 61,560	\$ 56,700								

* Per RFP: Project Management and Coordination services and costs are included within all major scope of services Tasks (Tasks 2 through 7) and so are not broken out separately as Task 1.

EXHIBIT "C"
Activity Schedule

All work shall be completed in accordance with the following schedule:

The term of this Agreement shall be for **one (1) year from the date of execution**. All tasks under Exhibit "A" shall be adhered to and executed accordingly.



ADMINISTRATIVE SERVICES DEPARTMENT

DATE: February 17, 2026

TO: Honorable Mayor and City Council

FROM: Henry Chen, Administrative Services Director

SUBJECT: FISCAL YEAR 2025-26 MID-YEAR BUDGET REVIEW AND SUPPLEMENTAL APPROPRIATION TO AMEND THE FISCAL YEAR 2025-26 GENERAL FUND OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS

PRESENTATION OF THE GENERAL FUND FISCAL YEAR 2024-25 YEAR-ENDING RESULT AND THE FISCAL YEAR 2025-26 MID-YEAR BUDGET REVIEW

CEQA: Not a Project

Recommendation: Receive and File

RESOLUTION NO. 7674 AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$1,030,000, AMENDING THE FISCAL YEAR 2025-26 GENERAL FUND OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS

CEQA: Not a Project

Recommendation: Adopt

SUMMARY

A PowerPoint presentation of the General Fund Fiscal Year 2024–25 year-end results and the Fiscal Year 2025–26 mid-year budget status will be reviewed.

Based on current estimates for Fiscal Year 2025-26, the General Fund is projected to end the year with a positive operating result of \$1.8 million. Due to this projected positive result, two budget appropriations totaling \$1,030,000 are being requested for a contribution to the Pension Stabilization Fund, as well as a change in funding source for a previously approved capital project.

Fiscal Year 2025-26 Mid-Year Budget Review

February 17, 2026

Page 2 of 4

It is recommended that the City Council receive and file the report on the General Fund Fiscal Year 2024–25 year-end results and the Fiscal Year 2025–26 mid-year budget review; and adopt Resolution No. 7674, authorizing a supplemental budget appropriation in the amount of \$1,030,000, amending the Fiscal Year 2025-26 General Fund Operating and Capital Improvement Fund Budgets.

DISCUSSION

A mid-year budget review is conducted to assess the City's financial performance at the midpoint of the fiscal year and to evaluate overall fiscal conditions. This review provides an opportunity to ensure that the assumptions made during budget adoption are still valid and that financial trends are aligning with expectations.

At the midpoint of Fiscal Year 2025-26, the General Fund is projected to achieve a positive operating result. General Fund revenues are anticipated to exceed the budgeted amount by approximately \$500,000, while expenditures are expected to increase by approximately \$700,000. Expenditure increases are a result of increased equipment purchases carried over from prior fiscal years; however, the increases are directly offset by transfers in from sinking funds, resulting in no net change to the Budget. Transfers into the General Fund are projected to exceed the budgeted amount by \$2.1 million due to reimbursements from the Equipment Replacement Fund for eligible equipment purchases. Collectively, these forecasts are expected to result in a positive operating outcome of \$1.8 million. After the proposed appropriation of \$1.0 million is made, the operating results are estimated to result in a positive balance of approximately \$811,000.

	FY 25-26 Original Budget	FY 25-26 Amended Budget	FY 25-26 Estimates	FY 25-26 Variance
Beginning Fund Balance	\$ 31,719,300	\$ 31,719,300	\$ 31,719,300	\$ -
Estimated Revenues	\$ 92,490,400	\$ 92,490,400	\$ 92,993,700	\$ 503,300
Transfers In	3,676,800	3,676,800	5,772,300	2,095,500
Estimated Expenditures	(90,366,800)	(90,506,902)	(91,243,000)	(736,098)
Proposed Appropriation	-	-	(1,000,000)	(1,000,000)
Revenue and Transfers In Over Expenditures	\$ 5,800,400	\$ 5,660,298	\$ 6,523,000	\$ 862,702
Transfers Out to Equipment Replacement Fund	(1,900,000)	(1,900,000)	(1,900,000)	-
Transfers Out to Capital Improvement Fund	(2,900,000)	(2,900,000)	(2,900,000)	-
Transfers Out to Other Funds	(912,000)	(912,000)	(912,000)	-
Total Transfers Out	(5,712,000)	(5,712,000)	(5,712,000)	-
Operating Results	88,400	(51,702)	811,000	862,702
Ending Fund Balance	\$ 32,719,700	\$ 31,667,598	\$ 32,530,300	\$ 862,702

No significant budgetary issues have been identified through this review. Additional updates may be presented to the City Council as needed throughout the remainder of the fiscal year progresses.

Additional Appropriations:

Two budget appropriation requests are being proposed as part of the mid-year budget review.

1. **A contribution of \$1.0 million to the Pension Stabilization Fund from the General Fund.** This item was included in the prior Fiscal Year budget; however, the contribution was deferred due to budgetary and investment uncertainty at that time. With the close of FY 2024–25 reflecting positive financial results—namely a \$4.6 million surplus—the contribution is now being recommended. This action is intended to support the City’s long-term fiscal health and sustainability by reducing future pension costs and providing flexibility during economic downturns.
2. **Change in funding source for the resurfacing of the basketball court at Eisenhower Park.** This item was originally budgeted using the Civic Center Field Reserve; however, it was later determined that this project did not represent an eligible use of that reserve. Therefore, a budget amendment in the amount of \$30,000 from the Capital Improvement Fund is being requested for the project to be completed within the current Fiscal Year.

ENVIRONMENTAL ANALYSIS

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), as it is deemed to have no impact on the environment.

FISCAL IMPACT

The projected positive operating results of \$1.8 million in the General Fund are sufficient to support the appropriation of \$1.0 million to the Pension Stabilization Fund. The current reserve fund balance from the Capital Improvement Fund is able to support the additional appropriation needed to complete the resurfacing of the Eisenhower Park basketball court.

RECOMMENDATION

It is recommended that the City Council determine that these actions do not constitute a project under the California Environmental Quality Act ("CEQA"); and:

1. Receive and file the report on the General Fund Fiscal Year 2024-25 Year-Ending Result and the Fiscal Year 2025-26 Mid-Year Budget.
2. Adopt Resolution No. 7674 authorizing a supplemental budget appropriation in the amount of \$1,030,000, amending the Fiscal Year 2025-26 General Fund Operating and Capital Improvement Fund Budgets.

Approved:



Dominic Lazzaretto
City Manager

Attachment: Resolution No. 7674

RESOLUTION NO. 7674

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$1,030,000, AMENDING THE FISCAL YEAR 2025-26 GENERAL FUND OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS

WHEREAS, a mid-year review of the Fiscal Year 2025–26 budget has been conducted to assess financial performance and budgetary trends; and

WHEREAS, the review indicates that the overall fiscal condition is favorable and that sufficient funds are available to support additional appropriations; and

WHEREAS, it has been determined that additional appropriations are necessary for (1) a contribution to the Pension Stabilization Fund in the amount of \$1,000,000 and (2) a change in funding source for the resurfacing of the basketball court at Eisenhower Park in the amount of \$30,000; and

WHEREAS, the Administrative Services Director has projected that there are adequate reserves in the General Fund and Capital Improvement Fund Reserves to fund the additional appropriation needed for these services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That the sum of \$1,030,000 is hereby appropriated from available General Fund reserves and the Capital Improvement Fund to fund the additional items as described above.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved and adopted this 17th day of February, 2026.

Mayor of the City of Arcadia

ATTEST:

City Clerk

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney