

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

- 5.04 BUSINESS LICENSES GENERALLY**
- 5.16 BINGO GAMES**
- 5.18 BINGO PARLORS**
- 5.20 CONTRACTOR LICENSE TAX**
- 5.50 CABLE TELEVISION**
- 5.55 LOCAL ADMINISTRATION AND ENFORCEMENT OF PROVISIONS
OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION
ACT OF 2006**

Chapter 5.04

BUSINESS LICENSES GENERALLY

Sections:

- 5.04.010** Definitions.
- 5.04.020** Revenue measure.
- 5.04.030** Substitute for other revenue ordinances.
- 5.04.040** License-required.
- 5.04.050** License-branch establishments.
- 5.04.060** License-application-issuance and contents.
- 5.04.070** Affidavit-first license.
- 5.04.080** Affidavit-renewal license.
- 5.04.090** No license transferable-amended license for changed location.
- 5.04.100** Unexpired licenses heretofore issued.
- 5.04.110** Duplicate license.
- 5.04.120** Posting and keeping licenses.
- 5.04.130** License tax-generally.
- 5.04.140** License tax-flat rate.
- 5.04.150** License tax-delivery by vehicle.
- 5.04.160** License tax-coin-operated vending machines.
- 5.04.170** License tax-how and when payable.
- 5.04.180** License tax-penalty for failure to pay when due.
- 5.04.190** Evidence of doing business.
- 5.04.200** Exemption-businesses exempt under state or federal statutes.
- 5.04.210** Exemption-charitable organizations.
- 5.04.215** Exemption - businesses owned and conducted by minors.
- 5.04.220** Exemption-businesses conducted in home in residential zone.
- 5.04.225** Exemption - special events.
- 5.04.230** Exemption-persons discharged from armed services.
- 5.04.240** Exemption-farmers, poultry men, or horticulturists.
- 5.04.250** Exemption-banks.

- 5.04.260** Exemption-insurance company or association.
- 5.04.270** Exemption-intercity transportation business.
- 5.04.280** Exemption-filing of claim statement.
- 5.04.290** Exemption-iInterstate commerce.
- 5.04.300** Statements not conclusive.
- 5.04.310** Confidentiality.
- 5.04.320** Failure to file statement or corrected statement.
- 5.04.330** Judicial review.
- 5.04.340** Additional power of tax collector.
- 5.04.350** License tax a debt.
- 5.04.360** Remedies cumulative.
- 5.04.370** Violation and enforcement.

Section 5.04.010 Definitions.

As used in this chapter the words set out in this section shall have the following meanings:

A. 1. "Average number of employees" shall be determined by taking the number of employees of a business who are earning wages for work done in the city during pay periods ending the nearest twelfth of each month as shown by Form DE3 of the State Department of Employment, or other form which may hereafter be adopted for reporting payments due under the Unemployment Insurance Act, for each month of the previous calendar year, adding the same and dividing by twelve. In determining the average number of employees for the year, fractions of one-half or more are to be considered as one whole employee. Fractions under one-half are to be excluded.

2. If any employer has been in business less than one year, the employer may use average number of employees for the last quarter. If the employer has not been in business for one quarter, he may estimate the average number of employees who will be employed by him in the city during the remainder of the calendar year.

3. Employers may be required to verify their figures by showing each relevant

Form DE3 of the State Department of Employment or by another form which may hereafter be adopted for reporting payments due under the Unemployment Insurance Act.

B. "Business" includes professions, trades and occupations and all and every kind of calling whether or not carried on for profit.

C. "Employee" means all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in the business.

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

E. "Tax collector" means the city clerk or any duly authorized employee of the city responsible for collection of business license taxes and/or any taxes imposed and collected by the city. (Ord. 77-6 § 1 (part): Ord. 118 § 1, 1966: prior code § 9200)

Section 5.04.020 Revenue measure.

This Chapter is enacted solely to raise money for revenue for municipal purposes, and it is not intended for regulatory purposes. (Ord. 83-3 § 1, 1983: Ord. 80-2 § 1: Ord. 77-6 § 1 (part): Ord. 118 § 2, 1966: prior code § 9201)

Section 5.04.030 Substitute for other revenue ordinances.

Persons required to pay a license for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of such other ordinances. (Ord. 77-6 § 1 (part): Ord. 118 § 3, 1966: prior code § 9202)

Section 5.04.040 License-required.

There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amount prescribed in Sections 5.04.130 through 5.04.160. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city so to do or without complying with any and all applicable provisions of this chapter. Exemptions to this section are enumerated in Sections 5.04.200 through 5.04.280. (Ord. 77-6 § 1 (part): Ord. 118 § 5 (part), 1966: prior code § 9203)

Section 5.04.050 License-branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Ord. 77-6 § 1 (part): Ord. 118 § 6, 1966: prior code § 9204)

Section 5.04.060 License-application-issuance and contents.

Every person required to have a license under the provisions of this chapter shall make application for the same to the tax collector of the city, and upon the payment of the prescribed license tax the tax collector shall issue to such person a license which shall contain:

- A. The name of the person to whom the license is issued;
- B. The business licensed;
- C. The place where such business is to be transacted and carried on;
- D. The date of the expiration of such license; and

E. Such other information as may be necessary for the enforcement of the provisions of this chapter. (Ord. 77-6 § 1 (part); Ord. 118 § 8, 1966: prior code § 9208)

Section 5.04.070 Affidavit-first license.

A. Upon a person making application for the first license under this chapter or for a newly established business, such person shall furnish to the tax collector for his guidance in ascertaining the amount of license tax to be paid by the applicant, a written statement, upon a form provided by the tax collector, sworn to before a person authorized to administer oaths, setting forth such information as may be necessary to determine the amount of the license tax to be paid by the applicant.

B. The tax collector shall not issue to any such person another license for the same or any other business, until such person shall have furnished to him the written statement and paid the license tax as required in this chapter. (Ord. 77-6 § 1 (part); Ord. 118 § 9, 1966: prior code § 9209)

Section 5.04.080 Affidavit-renewal license.

In all cases, the applicant for the renewal of a license shall submit to the tax collector for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by the tax collector, written under penalty of perjury, or sworn to before a person authorized to administer oaths, setting forth such information concerning the applicant's business during the preceding year as may be required by the tax collector to enable him to ascertain the amount of the license tax to be paid by the applicant pursuant to the provisions of this chapter. (Ord. 77-6 § 1 (part); Ord. 118 § 10, 1966: prior code § 9210)

Section 5.04.090 No license transferable-amended license for changed location.

No license issued pursuant to this Chapter shall be transferable; provided, that

where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefore and paying a fee of three dollars and fifty cents have the license amended to authorize the transacting and carrying on such business under the license at some other location to which the business is or is to be moved. (Ord. 2003-14, Amended, 01/06/2004; Ord. 77-6 § 1 (part); Ord. 118 § 15, 1966: prior code § 9216)

Section 5.04.100 Unexpired licenses heretofore issued.

Where a license for revenue purposes has been issued to any business by the city and the tax paid therefor under the provisions of any ordinance heretofore enacted and the term of such license has not expired, then the license tax prescribed for the business by this chapter shall not be payable until the expiration of the term of such unexpired license. (Ord. 77-6 § 1 (part); Ord. 118 § 16, 1966: prior code § 9217)

Section 5.04.110 Duplicate license.

A duplicate license may be issued by the tax collector to replace any license previously issued under this Chapter which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the tax collector a duplicate fee of three dollars and fifty cents. (Ord. 2003-14, Amended, 01/06/2004; Ord. 77-6 § 1 (part); Ord. 118 § 17, 1966: prior code § 9218)

Section 5.04.120 Posting and keeping licenses.

All licenses must be kept and posted in the following manner:

A. Fixed Place of Business. Any licensee transacting and carrying on business at fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. No Fixed Place of Business. Any licensee transacting and carrying on business but not operating at a fixed place

of business in the city shall keep the license upon his person at all times while transacting and carrying on such business. (Ord. 77-6 § 1 (part): Ord. 118 § 18, 1966: prior code § 9219)

Section 5.04.130 License tax-generally.

Every person transacting and carrying on any business other than those enumerated in Sections 5.04.140, 5.04.150 and 5.04.160 shall pay a license fee as follows:

- A. First owner or employee, forty dollars annually;
- B. All over one employee, in addition, each, ten dollars annually. (Ord. 83-3 § 2, 1983: Ord. 80-2 § 2 (part): Ord. 77-6 § 1 (part): Ord. 162 § 1, 1971: Ord. 118 §§ 21, 22, 1966: prior code § 9222)

Section 5.04.140 License tax-flat rate.

Flat rate license taxes for the following enumerated businesses shall be as follows:

- A. Dances, thirty dollars per day;
- B. Auction houses, sixty dollars annually, plus two dollars per month for each occupied space or stall;
- C. Astrologers, fortunetellers, seers, two hundred dollars per week;
- D. Roominghouses and boardinghouses, ten dollars per quarter;
- E. Skating rinks, twenty dollars per day;
- F. Carnivals, street fairs, two hundred dollars per day;
- G. Boxing and wrestling exhibitions, twenty-five dollars per day;
- H. Solicitors, thirty dollars per day;
- I. Itinerant vendors, hawkers, or peddlers, thirty dollars per day;
- J. Wholesale suppliers of materials, goods and services to fixed places of business in the city shall pay a fee of ten dollars per quarter. (Ord. 80-2 § 2 (part): Ord. 77-6 § 1 (part): Ord. 162 § 2, 1971: Ord. 122 § 1, 1966: Ord. 118 § 23 (part), 1966: prior code § 9223)

Section 5.04.150 License tax-delivery by vehicle.

A. Every person not having a fixed place of business within the city, who

delivers goods, materials, services, wares, and/or merchandise to places within the city, shall pay a license tax of ten dollars per quarter.

B. Upon the issuance of a license to a person covered under this section, the tax collector shall deliver to the licensee one windshield sticker for each commercial vehicle used by the licensee in the conduct of his business, which windshield sticker shall be attached to the windshield of such vehicle. Each such sticker shall have thereon the words, "GALT, CALIFORNIA," and shall be of such form and color and contain such information as the tax collector shall determine. (Ord. 80-2 § 2 (part): Ord. 77-6 § 1 (part): Ord. 118 § 24, 1966: prior code § 9224)

Section 5.04.160 License tax-coin-operated vending machines.

A. As per Section 16002.5 of the Business and Professions Code of California, the license tax for any individual or firm whose business is limited exclusively to renting, leasing, or operating vending machines shall be based upon gross receipts. The following schedule is to be used in computing such tax in the city:

Gross Receipts	Amount of Tax
\$ 1.00 to \$5,000.00	\$40.00 annually
5,001.00 and above	40.00 plus 3/10 of 1% (.003) per each additional dollar of gross receipts in excess of \$5,000.00 annually.

When a merchandise vending machine is owned by the owner of a business upon whose premises the machine is located, then such machines shall be exempt from the payment of gross receipts tax; provided, a business license has been issued to such owner under the provisions of this chapter and the use of such vending machine is incidental to the business so licensed.

B. Upon the issuance of a license for any business covered by this section, the tax collector shall deliver to the licensee a

sticker for each vending machine used by the licensee, which sticker shall be conspicuous on such machine, and shall contain such information as the tax collector shall determine. (Ord. 80-2 § 2 (part): Ord. 77-6 § 1 (part): Ord. 118 § 23 (part), 1966: prior code § 9225)

Section 5.04.170 License tax-how and when payable.

A. Unless otherwise specifically provided, all annual license taxes, under the provisions of this Chapter, shall be due and payable in advance on the first day of January of each calendar year; provided, the license taxes covering new operations, commenced after the first day of January, may be prorated for the balance of the license period.

B. License taxes, in whole or in part, will not be returned to anyone who goes out of business between license tax due dates.

C. Except as otherwise provided in this chapter, license taxes, other than annual, required under this chapter shall be due and payable as follows:

1. Semiannual license taxes, on the first day of January and the first day of July of every year;

2. Quarterly license taxes, on the first day of January, April, July and October of every year;

a. Exception - Quarterly applicants doing business within the city limits on an ongoing basis pay license fees at the time of application or renewal for all quarters through calendar year end;

3. Monthly license taxes, on the first day of each and every month;

4. Weekly license taxes, on Monday of each week in advance;

5. Daily license taxes, each day in advance.

(Ord. 2003-14, Amended, 01/04/2004; Ord. 89-03 § 1: Ord. 77-6 § 1 (part): Ord. 118 § 19, 1966: prior code § 9220)

Section 5.04.180 License tax-penalty for failure to pay when due.

For failure to pay a license tax when due, the tax collector shall add a penalty of

ten percent of the license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed sixty percent of the amount of license tax due. (Ord. 77-6 § 1 (part): Ord. 118 § 20, 1966: prior code § 9221)

Section 5.04.190 Evidence of doing business.

When any person, by use of signs, circular, cards, telephone book, or newspapers, advertises, holds out, or represents that he is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the city, and such person fails to deny by a sworn statement given to the tax collector that he is not conducting a business in the city, after being requested to do so by the tax collector, then these facts shall be considered prima facie evidence that he is conducting a business in the city. (Ord. 77-6 § 1 (part): prior code § 9205)

Section 5.04.200 Exemption-businesses exempt under state or federal statutes.

A. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state from the payment of such taxes as are prescribed in this chapter.

B. Persons not required to obtain a license prior to doing business within the city because of conflict with applicable statutes of the United States or of the state shall not be liable for payment of the tax imposed by this chapter. (Ord. 77-6 § 1 (part): Ord. 118 §§ 5, 7 (part), 1966: prior code § 9206 (part))

Section 5.04.210 Exemption-charitable organizations.

A. The provisions of this Chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupation or activity from any institution or organization

recognized by the State of California or Internal Revenue Service of the United States as a "domestic non profit organization" to conduct business which is wholly for benefit of charitable, religious or nonprofit purposes from which profit is not derived, either directly or indirectly, by any individual, provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this chapter requiring a permit from the city council or any commission or officer to conduct, manage or carry on any profession, trade, calling or occupation.

B. The exemption provisions of this section shall be construed to extend only to the nonprofit aspects of a charitable organization's activities or events. Any business conducted by an otherwise exempt charitable organization which is unrelated to the organization's charitable purpose is subject to the business license tax.

C. The exemption provisions of this section shall not apply to any person, business, corporation or organization conducting any business, occupation or activity related to the business license tax provision of this chapter in conjunction with an exempt charitable organization unless the person or entity would separately qualify as an exempt charitable organization. Any non-exempt person or entity shall obtain a business license prior to commencing any business, occupation or activity in the city.

(Ord. 2006-09, Repealed and Replaced, 07/18/2006)

Section 5.04.215 Exemption - businesses owned and conducted by minors.

Businesses owned and conducted by minors under the age of eighteen (18) years shall be exempt from the business tax provisions of this Chapter where all of the following conditions exist and legal documentation is provided to support that:

A. All persons engaged in the operation of the business are under the age of eighteen (18) years;

B. All persons engaged in the operation of the business have a bona fide ownership interest in the business; and

C. Gross receipts do not exceed \$5,000 per year.

(Ord. 2006-09, Added, 07/18/2006)

Section 5.04.220 Exemption-businesses conducted in home in residential zone.

Every person commencing, transacting and carrying on in the city any business in a home in a residential zone, whose annual gross receipts from such business is one thousand dollars or less, shall be exempted from the payment of a license tax under this chapter. Where the annual gross receipts from such business exceeds such sum, all provisions of this chapter shall apply. To determine eligibility for the exemption, the owner of the business may be required to furnish a copy of schedule "C" from his latest Federal Income Tax form. If business has not been in existence long enough to have filed a schedule "C," the person may be required to open his financial records to inspection and must then furnish a schedule "C" the following year. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.225 Exemption - special events.

Sponsors of special events may request the City Council to waive the business license tax in part or whole for the event sponsor and/or participants of the special event when the waiver is for a limited period of time and the sponsor and/or participants do not otherwise conduct business within the City of Galt either directly or indirectly by posting, advertising or other means as described in this Chapter and, when the City Council determines a blanket waiver of the business license tax for such event is in the best interest of the City.

(Ord. 2006-09, Added, 07/18/2006)

Section 5.04.230 Exemption-persons discharged from armed services.

No license tax payable under this chapter section 5.04.130 shall be payable by

any owner of any business who has received an honorable discharge from active duty, as disclosed on DD214, in one of the United States armed services. (Ord. 2000-01a, Amended, 02/15/2000, actual ord. 2000-01 (computer fatal error during input); Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.240 Exemption-farmers, poultry men, or horticulturists.

The provisions of this chapter shall not be deemed to include or apply to farmers, poultry men, or horticulturists, who may sell exclusively their own products. This exception shall not apply to nurseries or other establishments which buy goods for resale as well as selling their own goods. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.250 Exemption-banks.

The provisions of this chapter shall not be deemed to include or apply to banks, including national banking associations by virtue of subdivision 1(a) of Section 27, Article XIII of the California Constitution. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.260 Exemption-insurance company or association.

The provisions of this chapter shall not apply to any insurance company or association by virtue of subdivision (f) of Section 28, Article XIII of the California Constitution. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.270 Exemption-intercity transportation business.

The provisions of this chapter shall not be deemed to include or apply to any intercity transportation business by virtue of Section 4303 of the Public Utilities Code of California. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.280 Exemption-filing of claim statement.

Any person claiming an exemption

pursuant to Sections 5.04.200 through 5.04.270 shall file a sworn statement with the tax collector stating the facts upon which the exemption is claimed. In the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this chapter. (Ord. 77-6 § 1 (part); Ord. 118 § 7 (part), 1966: prior code § 9206 (part))

Section 5.04.290 Exemption-interstate commerce.

A. None of the license taxes provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the city tax collector for an adjustment of the tax so that it shall not be discriminatory or unreasonable as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony, show his method of business and such other information as the tax collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The tax collector shall then conduct an investigation, and, after having first obtained the written approval of the city attorney, shall fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the tax collector shall have the power to base a license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter. Should the tax collector determine the gross receipts measure of license tax to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in

the city, or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this chapter.

B. Any person claiming an exemption pursuant to this section shall file a verified statement with the tax collector stating the facts upon which exemption is claimed.

C. The tax collector shall, upon a proper showing contained in the verified statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by this chapter.

D. The tax collector, after giving notice and a reasonable opportunity for hearing a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein. (Ord. 77-6 § 1 (part); Ord. 118 § 7-A, 1966: prior code § 9207)

Section 5.04.300 Statements not conclusive.

No statements shall be conclusive as to the matters set forth therein, nor shall the filing preclude the city from collecting by appropriate action such sum as is actually due and payable under this chapter. Such statement and each of the several items therein contained shall be subject to verification by payroll records upon request by the tax collector, his deputies, or authorized employees of the city. (Ord. 77-6 § 1 (part); Ord. 118 § 11 (part), 1966: prior code § 9211)

Section 5.04.310 Confidentiality.

The information furnished or secured pursuant to sections 5.04.010, 5.04.070, 5.04.080 and 5.04.200 through 5.04.300 shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penalties

provided by section 21.01.050. (Ord. 2006-07, Amended, 06/06/2006; Ord. 77-6 § 1 (part); Ord. 118 § 11 (part), 1966: prior code § 9212)

Section 5.04.320 Failure to file statement or corrected statement.

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

B. If such a determination is made, the tax collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Galt, California, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within fifteen (15) days after the mailing or serving of such notice, make application in writing to the tax collector for a hearing on the amount of the license tax. Such hearing shall be set and conducted pursuant to section 21.03.060.(Ord. 2006-07, Amended, 06/06/2006; Ord. 77-6 § 1 (part); Ord. 118 § 12, 1966: prior code § 9213)

Section 5.04.330 Judicial review.

Any person aggrieved by any decision of the hearing officer with respect to the issuance or refusal to issue such license may seek judicial review pursuant to section 21.03.070. (Ord. 2006-07, Repealed and Replaced, 06/06/2006)

Section 5.04.340 Additional power of tax collector.

In addition to all other power conferred upon him, the tax collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued, and shall have the further power, with the consent of the council, to compromise any claim as to the

amount of license tax due. (Ord. 77-6 § 1 (part): Ord. 118 § 14, 1966: prior code § 9215)

Section 5.04.350 License tax a debt.

The amount of any license tax and penalty imposed by the provisions of this Chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties pursuant to sections 21.01.060 and 21.01.080. (Ord. 2006-07, Amended, 06/06/2006; Ord. 7706 § 1 (part): Ord. 118 § 26, 1966: prior code § 9226)

Section 5.04.360 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. 77-6 § 1 (part): Ord. 118 § 27, 1966: prior code § 9227)

Section 5.04.370 Violation and enforcement.

A. It shall be the duty of the tax collector and he or she is directed to enforce each and all of the provisions of this chapter, and the chief of police shall render such assistance in the enforcement of this chapter as may from time to time be required by the tax collector and the city council.

B. The tax collector and each and all of his or her assistants and any 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 in this Chapter, and demand an exhibition of its license certificate. Any person having such license certificate heretofore issued, in his possession or under his control, who willfully fails to exhibit the same on demand shall be guilty of an offense and subject to the penalties as provided for by Chapter 21.01 of Title 21. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 7: Ord. 77-6 § 1 (part): Ord. 118 § 25, 1966: prior code § 9228)

Chapter 5.16

BINGO GAMES

Sections:

- 5.16.010 Purpose - definitions.**
- 5.16.020 License required.**
- 5.16.030 Organizations eligible.**
- 5.16.040 Application for license.**
- 5.16.050 Contents of application.**
- 5.16.060 License fee.**
- 5.16.066 Records - audit.**
- 5.16.070 Investigations of application.**
- 5.16.080 Term of license.**
- 5.16.090 Contents of license.**
- 5.16.100 Denial of license.**
- 5.16.110 Posting license.**
- 5.16.120 Revocation of license.**
- 5.16.130 Appeal.**
- 5.16.140 Effect of denial or revocation.**
- 5.16.150 Transferability of license.**
- 5.16.160 Maximum prize.**
- 5.16.170 Use of profits or proceeds.**
- 5.16.180 Financial interest in licensee.**
- 5.16.190 Operation and staffing.**
- 5.16.200 Open to public.**
- 5.16.210 Occupancy capacity.**
- 5.16.220 Qualified property.**
- 5.16.230 Minors prohibited.**
- 5.16.240 No use of credit.**
- 5.16.250 Intoxication of participant.**
- 5.16.260 Hours of operation.**
- 5.16.270 Posting rules and regulations.**
- 5.16.280 Participant's presence.**
- 5.16.290 Penalty.**
- 5.16.300 Injunction.**

Section 5.16.010 Purpose - definitions.

A. This chapter is adopted pursuant to the authority granted to the city under Section 19, Article IV of the California Constitution and Section 326.5 of the Penal Code to allow bingo games to be conducted for charitable purposes.

B. For the purposes of this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. The game of bingo shall include cards having numbers or symbols

which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance."

C. For the purposes of this chapter, "security" means the person(s) who protects bingo players, bingo licenses and volunteers from exposure to danger. The security persons shall be prohibited from engaging in selling or the distribution of bingo materials or otherwise participating in nonsecurity activities before, during and after the bingo session. This provision, however, does not preclude security from accompanying the licensee with the session's net proceeds to a night depository immediately after the session. (Ord. 93-20 § 1: Ord. 84-13 § 1 (part))

Section 5.16.020 License required.

No person, firm, corporation, organization or association shall engage in, carry on, maintain, conduct or cause to be engaged in, carried on, maintained or conducted a bingo game in the city without first having secured a license from the city manager in accordance with the requirements of this chapter, nor without complying with the regulations contained in this chapter pertaining to the operation of bingo games.(Ord. 84-13 § 1 (part))

Section 5.16.030 Organizations eligible.

Organizations which are exempted from the payment of the bank and corporations tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(l) of the Revenue and Taxation Code, mobilehome park associations and senior citizens' organizations are eligible to apply for a license to conduct bingo games in the city.(Ord. 84-13 § 1 (part))

Section 5.16.040 Application for license.

The licensing authority shall be the city manager or his designee. An eligible organization seeking a license to conduct bingo games shall file a written application with the city manager on a form to be provided by the city manager. An applicant basing eligibility for a bingo license on an exemption from payment of the bank and corporate tax shall also submit with its application a certificate of determination of exemption under the applicable section of the Revenue and Taxation Code, or a letter of good standing from the exemption division of the Franchise Tax Board in Sacramento showing such exemption.(Ord. 84-13 § 1 (part))

Section 5.16.050 Contents of application.

The application for a license shall contain the following:

A. The name of the applicant organization and written proof that the applicant is an eligible organization under Section 5.16.030;

B. The names and addresses of members of the applicant organization who will operate and staff the bingo games and the name of the member of the organization who will be primarily responsible for conducting the bingo games;

C. The description and street address of the property on which the bingo games will be conducted, together with the occupancy capacity of such place. Bingo games may be conducted only on qualified property as defined in Section 5.16.220;

D. Proposed days of the week and hours of the day for conduct of bingo games;

E. A statement that the applicant agrees to conduct bingo games in strict compliance with the provisions of Section 326.5 of the Penal Code and this chapter, as they may be amended from time to time;

F. The agreement by the applicant that upon issuance of a license, it will maintain adequate records and accounts which will be available for inspection by the city manager or his designee following written demand

for inspection.

The application shall be executed by the presiding officer and one other officer of the applicant organization and shall be made under penalty of perjury.(Ord. 84-13 § 1(part))

Section 5.16.060 License fee.

There is imposed an annual license fee of fifty dollars to be paid upon application for a license, one-half of which shall be refunded if the application is denied. Additionally, the city may collect such additional amounts as permitted by Penal Code Section 326.5. (Ord. 97-03 § 1: Ord. 93-20 § 3: Ord. 84-13 § 1 (part))

Section 5.16.066 Records - audit.

A. Each licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision, and any other phase of bingo games which are authorized by this chapter. The records shall be of such types and maintained in such manner as may be prescribed by the finance director. The finance director or any other authorized representative of the city shall have the right to examine and audit such records at any reasonable time and the license holder shall fully cooperate by making such records available. Such audit may be conducted annually, for each twelve months of each licensee's operation.

B. It shall be the duty of every licensee to keep and preserve, for a period of three years, all records, ledgers and accounts relating to inventory, proceeds and expenditures, and the distribution of all profits, derived from bingo games as are necessary to determine or establish compliance with the provisions of this chapter, which records, ledgers and actions shall be made available by the licensee to the finance director, or his or her designee, at all reasonable times upon demand. (Ord. 97-03 § 2: Ord. 93-20 § 4)

Section 5.16.070 Investigations of application.

Upon receipt of the completed application and fee, the city manager shall make an investigation to determine if all of the statements in the application are true and shall refer the application to other interested departments of the city, including but not limited to the director of public works, chief of police, fire chief and the director of planning, to determine if the appropriate zoning ordinances and regulations, building code ordinances and regulations, and the provisions of the Uniform Fire Code have been or will be complied with. The chief of police may require the driver's license number and take the fingerprints of any person whose name is included in the application where he determines it to be necessary in order to carry out his duties under this chapter.(Ord. 84-13 § 1 (part))

Section 5.16.080 Term of license.

The license shall be for a term of one year from the date of issuance and may be renewed upon application and payment of the fee.(Ord.84-13 § 1 (part))

Section 5.16.090 Contents of license.

Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games in the city, the city manager shall issue a license to the applicant, which shall contain the following information:

- A. The name and nature of the organization to whom the license is issued;
- B. The address where bingo games are authorized to be conducted and a statement that the property is either owned or leased by the organization or is property whose use is donated to the organization, and is property which is used by such organization for an office or the performance of the purposes for which the organization is organized;
- C. Date of expiration of license.(Ord.84-13 § 1 (part))

Section 5.16.100 Denial of license.

If the city manager determines that the applicant does not qualify for the issuance of

a license, the application shall be denied and written notice of denial given to the applicant. The city manager shall not issue a license if it appears:

- A. That any material statements made in the application are false;
- B. That any person whose name is required to be contained in the license application has been convicted of any felony or misdemeanor involving moral turpitude, or any provision of this chapter within a period of five years;
- C. That the applicant has engaged in any fraudulent transactions or enterprises which the city manager deems relevant to the application;
- D. That the bingo games will be a fraud on the public;
- E. That the bingo games will be conducted for private profit;
- F. That the proposed method or methods of conducting bingo games will be contrary to the provisions of this chapter;
- G. That the conduct of bingo games on the premises will not be compatible with the existing zoning and land uses in the neighborhood.(Ord. 84-13 § 1 (part))

Section 5.16.110 Posting license.

An organization licensed pursuant to this chapter shall not conduct or permit to be conducted a bingo game, unless the license is posted in a conspicuous place during the conduct of any bingo game. The licensee shall produce and exhibit the same, when applying for renewal thereof, and whenever requested to do so by any peace officer or officer authorized to issue, inspect or collect licenses.(Ord. 84-13 § 1 (part))

Section 5.16.120 Revocation of license.

A. Any license issued under the terms of this chapter may be revoked by the city manager if he determines that the activity authorized by the license has been or is being conducted, maintained or carried out in a manner contrary to or in violation of any law of the state, city or federal government, or any provision of this chapter. The city manager may also revoke the license upon any grounds which would

justify a denial of a license.

B. Written notice of the license revocation shall be served upon the licensee within seven (7) days of the city manager's decision. Such notice shall contain a brief statement of the grounds relied upon for revoking the license. Notice may be served either by personal delivery or by depositing the notice in the U.S. mail in a sealed envelope, postage prepaid, addressed to the organization to be notified at its address as it appears on its application for the license. (Ord. 2006-07, Amended, 06/06/2006; Ord. 84-13 § 1(part))

Section 5.16.130 Appeal.

A. Within ten (10) days after receiving written notice, any licensee whose license has been revoked or applicant whose application for a license has been denied may request an appeal hearing by filing a written notice of appeal with the City Clerk. During the pendency of an appeal of a revocation, the license shall remain in effect.
B. If an appeal is not requested within ten (10) days, the decision of the City Manager shall be final. If a timely appeal is filed, a hearing on the appeal shall be set and conducted pursuant to section 21.03.060. The hearing officer's decision shall be final.
C. Judicial review may be had by filing a petition pursuant to section 21.03.070.(Ord. 2006-07, Amended, 06/06/2006Ord. 84-13 § 1(part))

Section 5.16.140 Effect of denial or revocation.

When the City Manager has denied or revoked any license as provided for in this Chapter and the time for appeal has elapsed, or if the decision of the City Manager has been affirmed on appeal, no application for the same type of license at the same location shall be accepted from the applicant or license holder and no such license shall be issued to such organization for a period of one year after the action by the City Manager in denying or revoking the license.(Ord. 2006-07, Amended, 06/06/2006Ord. 84-13 § 1 (part))

Section 5.16.150 Transferability of license.

Any license issued under this chapter shall be nontransferable and shall be returned to the city manager within seven days of its expiration.(Ord. 84-13 § 1 (part))

Section 5.16.160 Maximum prize.

The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.(Ord. 84-13 § 1 (part))

Section 5.16.170 Use of profits or proceeds.

A. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701(d) of the Revenue and Taxation code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

B. With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from bingo games shall be kept in a special fund or account and shall not be commingled with any other fund or account. "Proceeds" are the receipt of bingo games conducted by organizations other than those which are exempt from payment of the bank and corporation tax of Section 23701(d) of the Revenue and Taxation Code. Such proceeds shall be used only for charitable purposes except as follows:

1. Such proceeds may be used for prizes;
2. A portion of such proceeds not to exceed twenty percent of the proceeds before the deduction for prizes, or one thousand dollars per month, whichever is less, may be used for rental of property, overhead, including, the purchase of bingo equipment, administrative expenses, security equipment and security personnel;
3. Such proceeds may be used to pay license fees.(Ord. 84-13 § 1 (part))

Section 5.16.180 Financial interest in licensee.

No individual, corporation, partnership or other legal entity, except the licensee, shall hold a financial interest in the conduct of such bingo games.(Ord. 84-13 § 1(part))

Section 5.16.190 Operation and staffing.

A bingo game shall be operated and staffed only by members of the licensed organization. Any person participating in the operation, conduct or staffing of bingo games, shall wear on his or her outside clothing, in plain view, an identification insignia or badge, measuring not less than two and one-half inches by three and one-half inches in size and specifying the full name and title of such person and the name of the licensee organization. (Ord. 93-20 § 5: Ord. 84-13 § 1 (part))

Section 5.16.200 Open to public.

All bingo games shall be open to the public, not just to the members of the licensee organization.(Ord. 84-13 § 1 (part))

Section 5.16.210 Occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building inspection department of the city in accordance with applicable laws and regulations. The licensee shall not reserve seats or space for any person.(Ord. 84-13 § 1 (part))

Section 5.16.220 Qualified property.

A. A licensee shall conduct a bingo game only on property owned or leased by it or property whose use is donated to the organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceased to be owned, leased or used

by the licensee, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns, leases or receives the use of qualified property.

B. Nothing in this section shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.(Ord. 84-13 § 1(part))

Section 5.16.230 Minors prohibited.

No person under the age of eighteen years of age shall be allowed to participate in any bingo game.(Ord. 84-13 § 1(part))

Section 5.16.240 No use of credit.

No licensee shall issue chips or money to a patron on credit or loan (including but not limited to IOU's and checks to be held) or allow any patron to play on credit.(Ord. 84-13 § 1 (part))

Section 5.16.250 Intoxication of participant.

No person who is obviously intoxicated shall be allowed to participate in a bingo game.(Ord.84-13 § 1 (part))

Section 5.16.260 Hours of operation.

No bingo game shall be conducted between the hours of two a.m. and nine a.m. of any day.(Ord. 84-13 § (part))

Section 5.16.270 Posting rules and regulations.

The licensee shall post in a conspicuous place during the conduct of any bingo game the rules and regulations of the game.(Ord. 84-13 § 1 (part))

Section 5.16.280 Participant's presence.

No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.(Ord.84-13 § 1 (part))

Section 5.16.290 Penalty.

A. Except for security personnel employed by the licensee pursuant to Section 5.16.090, any person who receives or pays any profit, wage or salary from any bingo game conducted pursuant to this chapter is guilty of an offense, and is punishable in accordance with Chapter 21.01 of Title 21.

B. A violation of any other provision of this chapter is unlawful and is an offense.

(Ord. 2006-07, Amended, 06/06/2006;

Ord.92-04 § 10; Ord.84-13 § 1 (part))

Section 5.16.300 Injunction.

The conduct of bingo games in violation of penal code section 326.5 or this chapter is declared to be a public nuisance and the City Attorney is authorized to bring an action in a court of competent jurisdiction to enjoin the same pursuant to sections 21.01.060 and 21.01.080. (Ord. 2006-07, Amended, 06/06/2006; Ord.84-13 § 1 (part))

Chapter 5.18

BINGO PARLORS

Sections:

- 5.18.010 Purpose.**
- 5.18.015 Definitions.**
- 5.18.017 Bingo parlor.**
- 5.18.020 License required.**
- 5.18.025 Contents of the application.**
- 5.18.026 Application fee.**
- 5.18.030 Issuance.**
- 5.18.035 Employee permits.**
- 5.18.040 Application for permits.**
- 5.18.050 Denial of permits.**
- 5.18.055 Records - audit.**
- 5.18.060 Hours of operation.**
- 5.18.065 Limitation on parlor owner involvement in bingo.**
- 5.18.070 Prohibition of financial interest in bingo.**
- 5.18.080 Summary suspension of license pending opportunity for hearing.**
- 5.18.085 Operating and conducting business at the bingo parlor after suspension.**
- 5.18.090 Appeal.**
- 5.18.100 Violation.**

Section 5.18.010 Purpose.

The regulatory provisions of this chapter are necessary to ensure that bingo parlors are operated subject to reasonable conditions for the protection of the public health, safety and welfare. A system of regulating bingo parlors, in conjunction with the existing regulations of organizations licensed to conduct bingo in accordance with Chapter 5.16, encourages the maximum use of bingo proceeds for charitable purposes, but also limits the commercialization of bingo, particularly by criminal or otherwise undesirable elements. The licensing regulations for bingo parlors further clarify and define the relationship between the bingo parlor and the licensed charitable organization with respect to the operations and management of bingo games in the city. (Ord. 94-04 § 1 (part))

Section 5.18.015 Definitions.

As used in this chapter, the terms identified by Sections 5.18.010 through 5.18.019 shall have the meanings indicated. (Ord. 94-04 § 1 (part))

Section 5.18.017 Bingo parlor.

A "bingo parlor" means a building, facility, or other improvement upon which space is leased, rented or otherwise allocated for monetary consideration to two or more persons possessing a bingo license pursuant to this chapter and Chapter 5.16 within or upon which bingo games sponsored by the two or more licensed parties are conducted, when the space within such building, facility or other improvement is owned by a person who does not hold a bingo license authorizing the operation of bingo games. A "bingo parlor" shall not be deemed to mean or include a building, facility, or other improvement which is owned by a public agency, within or upon which space is rented, leased or otherwise allocated for the operation of the bingo games by two or more licensed persons. (Ord. 94-04 § 1 (part))

Section 5.18.020 License required.

No person shall, unless under and by authority of a valid, unrevoked and unexpired bingo parlor license, operate a bingo parlor in the city whether singularly or in connection with another type of enterprise.

A person shall be deemed to operate or conduct a bingo parlor and violate this section if the person without a bingo parlor license supervises, directs, organizes, controls or is in any way responsible for or in charge of a bingo parlor for which a bingo parlor license is required.

One bingo parlor license shall be issued for each fifteen thousand population. (Ord. 94-04 § 1 (part))

Section 5.18.025 Contents of the application.

An application to operate a bingo parlor shall contain the following:

- A. A copy of all leases, contracts or

other agreements regarding the use or occupancy of the bingo parlor by and between the licensee and any organization licensed to conduct bingo games pursuant to Chapter 5.16;

B. A description of all uses which any organization licensed pursuant to Chapter 5.16 shall make of the bingo parlor premises;

C. A detailed description of the facility, services, resources and security which the licensee shall provide to each organization licensed pursuant to Chapter 5.16 which shall operate or conduct a bingo game at the bingo parlor. (Ord. 94-04 § 1 (part))

Section 5.18.026 Application fee.

The applicant shall pay a nonrefundable fee at the time of submission of the application, the amount of which shall be set by the city council from time to time by resolution. The applicant shall also obtain a business license pursuant to Title 5 of this code. (Ord. 94-04 § 1 (part))

Section 5.18.030 Issuance.

The finance director shall issue a bingo parlor license unless the bingo parlor is conducted, operated or managed in a manner which violates Penal Code Section 326.5, this chapter or any other applicable law. (Ord. 94-04 § 1 (part))

Section 5.18.035 Employee permits.

No person shall work in a bingo parlor as a bingo parlor manager, and no person who holds a bingo parlor license authorizing operations of a bingo parlor shall employ any person as bingo parlor manager, unless such person possesses a valid employee permit or a bingo parlor license issued pursuant to the provision of this chapter. (Ord. 94-04 § 1 (part))

Section 5.18.040 Application for permits.

An application for an employee permit to serve as a bingo parlor manager shall contain a list of each arrest resulting in either a conviction, a plea of guilty or a plea of nolo contendere. The list shall, for each

such conviction, plea of guilty or plea of nolo contendere, set forth the date of arrest, the offense charged and the offense for which the applicant was convicted, or entered a plea of guilty or a plea of nolo contendere. (Ord. 94-04 § 1 (part))

Section 5.18.050 Denial of permits.

Upon receipt of an application for an employee permit to serve as a bingo parlor manager, the chief of police shall conduct an investigation as is deemed necessary. The chief of police shall issue the permit unless he or she finds any of the following and then only in accordance with the other provisions of this chapter and applicable law:

A. The application fails to contain the information required by the chief of police or Section 5.18.040, or is otherwise incomplete;

B. That the information contained in the application is false or otherwise inaccurate; or

C. That the applicant has been convicted of a crime and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under California Penal Code Section 1203.4; or has done any act involving dishonesty, fraud or deceit with intent to substantially benefit him or herself, or another, or substantially injure another; and the chief of police concludes that by reason of the crime or act the applicant would not perform his or her duties as a bingo parlor manager in a law-abiding manner or in a manner which does not subject patrons of the bingo parlor to risk of harm or criminal, deceitful or otherwise unethical practices. (Ord. 94-04 § 1 (part))

Section 5.18.055 Records - audit.

The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation and conduct. The records shall be of such types and maintained in such a manner as may be prescribed by the finance director.

The finance director or any other authorized representative of the city shall have the right to examine and audit such records at any reasonable time and the licensee shall fully cooperate by making such records available. Such audits may be conducted annually, at operator's sole cost and expense, for each twelve months of each licensee's operation.

Such records shall be subject to disclosure only pursuant to (A) any suspension, revocation or other proceeding conducted under this chapter; or (B) any civil or criminal investigation conducted by the finance director, chief of police, the district attorney, the grand jury or city attorney. For all other purposes, the records shall be kept confidential by the finance director, as custodian of those records and then only in accordance with applicable federal, state and local law. (Ord. 97-03 § 3: Ord. 94-04 § 1 (part))

Section 5.18.060 Hours of operation.

No bingo game shall be conducted between the hours of two a.m. and nine a.m. of any day. (Ord. 94-04 § 1 (part))

Section 5.18.065 Limitation on parlor owner involvement in bingo.

The licensee shall not, directly or indirectly, organize, manage, supervise, conduct, control or otherwise participate in or influence either the operations of any bingo game conducted at the bingo parlor or the promotion thereof, except for training purposes, for which the licensee shall receive no consideration. (Ord. 94-04 § 1 (part))

Section 5.18.070 Prohibition of financial interest in bingo.

With the exception of revenue generated by any business or enterprise for which a bingo parlor permit is required pursuant to this chapter, no licensee shall have a financial interest in the conduct of a bingo game operated in the city.

A licensee shall be deemed to have a financial interest in the conduct of a bingo game including but not limited to the

following situations: (A) if rent of the bingo parlor is adjusted based on the profits, losses or the exempt status of any organization licensed under Chapter 5.16; (B) if the purchase of bingo supplies from the licensee is made a condition of the lease, contract or other agreement between the licensee and any organization licensed under Chapter 5.16; or (C) if the licensee absorbs, assumes, shares or otherwise participates in the losses or profits of any bingo game conducted by any organization licensed under Chapter 5.16. (Ord. 94-04 § 1 (part))

Section 5.18.080 Summary suspension of license pending opportunity for hearing.

Whenever it appears to the city that the licensee is conducting a bingo parlor operation in violation of any of the provisions of this chapter, or of state law, or any other provision of this code, the finance director or city manager's designee shall have the authority to summarily suspend the license and order the licensee in writing to immediately cease and desist any further operation of the bingo parlor. (Ord. 94-04 § 1 (part))

Section 5.18.085 Operating and conducting business at the bingo parlor after suspension.

Any person(s) who continues to operate and conduct business at the bingo parlor after any summary suspension thereof under section 5.18.080 shall be deemed guilty of a misdemeanor or infraction pursuant to section 21.01.030. (Ord. 2006-07, Amended, 06/06/2006; Ord. 94-04 § 1 (part))

Section 5.18.090 Appeal.

The Finance Director's or City Manager designee's written order issued under section 5.18.080 shall state the reason(s) for the suspension and also notify the licensee in writing that it shall have ten (10) days from the date of such order to file an appeal to determine whether such license shall be revoked. Any such appeal by the licensee/applicant shall be in writing stating the specific reason(s) therefore and grounds

asserted for relief, and shall be filed with the City Clerk. The appeal hearing shall be set and conducted pursuant to section 21.03.060. The hearing officer's decision shall be final. Judicial review may be had by filing a petition pursuant to section 21.03.070.(Ord. 2006-07, Amended, 06/06/2006; Ord. 94-04 § 1 (part))

Section 5.18.100 Violation.

Violation of any of the provisions of this title is unlawful and an offense. Such violations shall be prosecuted as provided by Chapter 21.01 of Title 21.
(Ord. 2006-07, Added, 06/06/2006)

Chapter 5.20

CONTRACTOR LICENSE TAX

Sections:

5.20.010 Imposition of license tax.

5.20.020 Time of payment.

5.20.030 Maximum annual tax.

5.20.040 Penalty.

Section 5.20.010 Imposition of license tax.

Pursuant to Government Code 37101.7, a person who engages in any type of business activity as a contractor which requires a city building permit in order to be performed shall pay a license tax as follows: Forty cents per one thousand dollars for each one thousand dollars or fraction thereof of the value used to determine the charge for the building permit. (Ord. 89-05 § 1 (part), 1989)

Section 5.20.020 Time of payment.

The tax provided for by Section 5.20.010 of this chapter shall be due and payable at the time the building permit is issued. (Ord. 89-05 § 1 (part), 1989)

Section 5.20.030 Maximum annual tax.

The maximum annual tax payable by any person under Section 5.20.010 of this chapter shall be two thousand four hundred dollars. It shall be the responsibility of the contractor who has paid the maximum tax to establish at the time a building permit is issued that the maximum annual tax has been paid and that no additional tax is due. (Ord. 89-05 § 1 (part), 1989)

Section 5.20.040 Penalty.

Failure to pay the tax when due shall result in a penalty of ten percent of the amount due being added to the amount due, with an additional ten percent being added for each month or fraction thereof the tax and penalties are unpaid; provided, however, the total due shall not exceed twice the original tax. (Ord. 89-05 § 1 (part), 1989)

Chapter 5.50

CABLE TELEVISION

are members of the Sacramento Metropolitan Cable Commission. (2010-01, Repealed & Replaced, 03/02/2010)

Sections:

5.50.000 Cable Television - uncodified

A. Chapter 5.50 of the Galt Municipal Code entitled, "Cable Television Ordinance," as amended and restated from time to time may be viewed in its entirety in the City Clerk's office at Galt City Hall. Chapter 5.50 of the Code establishes a unified regulatory framework for the administration of the cable television franchises within Sacramento County and the cities that are members of the Sacramento Metropolitan Cable Commission.

B. Chapter 5.75 of the Galt Municipal Code entitled, "Cable Television Licensing Ordinance," as amended and restated from time to time may be viewed in its entirety in the City Clerk's office at Galt City Hall. Chapter 5.75 of the Code establishes a plan for the licensing of cable television services within Sacramento County and the cities that are members of the Sacramento Metropolitan Cable Commission.

Section 5.50.000 Cable Television - uncodified

A. Chapter 5.50 of the Galt Municipal Code entitled, "Cable Television Ordinance," as amended and restated from time to time may be viewed in its entirety in the City Clerk's office at Galt City Hall. Chapter 5.50 of the Code establishes a unified regulatory framework for the administration of the cable television franchises within Sacramento County and the cities that are members of the Sacramento Metropolitan Cable Commission.

B. Chapter 5.75 of the Galt Municipal Code entitled, "Cable Television Licensing Ordinance," as amended and restated from time to time may be viewed in its entirety in the City Clerk's office at Galt City Hall. Chapter 5.75 of the Code establishes a plan for the licensing of cable television services within Sacramento County and the cities that

Chapter 5.55

LOCAL ADMINISTRATION AND ENFORCEMENT OF PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006

Sections:

- 5.55.010 Purpose and applicability; definitions.**
- 5.55.020 Delegation of powers.**
- 5.55.030 Implementation actions.**
- 5.55.040 Customer service and protection; monetary penalties.**
- 5.55.040 Customer service and protection; monetary penalties.**

Section 5.55.010 Purpose and applicability; definitions.

The purpose of this Chapter is to set forth regulations for the provision of video service by state franchise holders in accordance with the Digital Infrastructure and Video Competition Act, California Public Utilities Code Sections 5800 et seq. ("the Act"). This Chapter shall apply only to video service providers issued a state franchise to serve any area within the City by the California Public Utilities Commission pursuant to the Act.

For purposes of this Chapter, the terms used shall have the same definitions given those terms in the Act.

(Ord. 2009-02, Add, 02/03/2009)

Section 5.55.020 Delegation of powers.

Except as otherwise expressly provided in any action of the City Council pursuant to its reserved powers under Section 5.50.042 of Chapter 5.50 of the Galt Municipal Code, all powers, rights, duties and obligations of the City pursuant to the provisions of the Act as it exists now or should hereafter be amended, is hereby delegated to and conferred upon the Board of Directors of the Sacramento Metropolitan Cable Television Commission ("SMCTC") as to any video service provider included within the scope

of the Act, including, without limitation, the Act's provisions for customer service regulation and enforcement, establishment of the percent of franchise fees, provision of public, educational and governmental access ("PEG") channels, PEG program carriage and PEG channel facilities fees and enforcement of the Act.

(Ord. 2009-02, Add, 02/03/2009)

Section 5.55.030 Implementation actions.

Consistent with the delegation of powers provided in Section 5.55.020 of this Chapter 5.55 and without limiting this delegation of powers, the following implementation actions provided for under the Act are hereby confirmed, ratified and delegated to the SMCTC:

A. Franchise Fee. All state franchise holders shall remit to the SMCTC a franchise fee in the amount of five percent (5%) of the gross revenues of the state franchise holder in compliance with California Public Utilities Code Sections 5840(q) and 5860.

B. PEG Channels.

1. All state franchise holders shall provide capacity for seven PEG channels in accordance with California Public Utilities Code Section 5870.

2. All state franchise holders shall comply with the provisions of the Act related to PEG channels, including the following requirements of California Public Utilities Code Section 5870:

a. The PEG channels shall all be carried on the basic service tier.

b. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the basic service tier and the channel numbers for the PEG channels shall be the same channel numbers used by the incumbent cable operator, unless prohibited by federal law.

c. After the initial designation of PEG channel numbers, the channel numbers shall not be changed without the agreement of the City, unless the change is required by federal law.

d. The PEG access capacity provided shall be of similar quality and functionality to that offered by commercial channels on the lowest cost tier of service, unless the signal is provided to the state franchise holder at a lower quality or with less functionality.

3. A state franchise holder shall have three (3) months from the date SMCTC requests the PEG channels to designate the capacity. However, the three-month period shall be tolled by any period during which the designation or provision of PEG channel capacity is technically infeasible, including any failure or delay of the incumbent cable operator to make adequate interconnection available as required by the Act. Any state franchise holder who believes that the designation or provision of PEG channel capacity is technically infeasible, shall provide to SMCTC, in writing, its reasons therefor and its plan for correcting or solving the infeasibility. SMCTC may hold a hearing on the claim of infeasibility to provide the PEG channel capacity on the state franchise holder's network.

C. PEG Channel Facilities Fee.

1. All state franchise holders shall remit to the SMCTC a fee to support PEG channel facilities and equipment in an amount of up to three percent (3%) of gross revenues ("PEG Fee") in the manner and at the time SMCTC determines. Use of the PEG Fee shall be consistent with applicable state and federal law. Any PEG Fee required to be collected may be shown as a separate line item on the regular bill of each subscriber.

2. Any state franchise holder that believes that it is exempt from said PEG Fee or subject to a different or lower fee may file a written request with the SMCTC for a determination of exemption from or reduction of the PEG Fee. Said requests shall be filed within thirty (30) days of the effective date of the PEG Fee or within thirty (30) days of the date the state franchise holder commences providing video services within the City, whichever occurs last. Said requests shall be heard by SMCTC.

a. Said requests may be based on state or federal law, or on the provisions of local franchises. For example, requests for reduction of the PEG Fee to be paid to the SMCTC may be based on monetary support or in-kind PEG channel support provided by the claimant, including support of PEG channel facilities and equipment and/or institutional network facilities. (Ord. 2009-02, Add, 02/03/2009)

Section 5.55.040 Customer service and protection; monetary penalties.

A. All state franchise holders shall comply with the provisions of Section 637.5 of the California Penal Code and the privacy standards contained in Section 631 of the federal Cable TV Privacy Act of 1984, 47 U.S.C. Sections 551 et seq. All state franchise holders shall comply with the provisions of Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code, and any other customer service standards pertaining to the provision of video service established by federal law or regulation or adopted by subsequent enactment of the Act. The SMCTC and/or the City shall enforce, in the manner set forth in the Act, all customer service and consumer protection standards contained in Section 5900 of the California Public Utilities Code, including without limitation those standards set forth in Section 5900(c). SMCTC has been and hereby is authorized to impose penalties for any material breach of Section 5900 of the California Public Utilities Code, as set forth herein.

B. The maximum monetary penalties set forth in California Public Utilities Code Section 5900 are hereby adopted and enacted as the applicable schedule of penalties for material breaches of Section 5900 by a state franchise holder, as follows:

1. Five hundred dollars (\$500) per day for each material breach, not to exceed one thousand five hundred dollars (\$1,500) for each occurrence of a material breach. The SMCTC shall provide notice to the state franchise holder of the material breach pursuant to California Public Utilities Code

Section 5900(e) prior to the imposition of the penalty.

2. For a second material breach of the same nature that occurs within twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, one thousand dollars (\$1,000) per day for each material breach, not to exceed three thousand dollars (\$3,000) for each occurrence of the material breach.

3. For a third or further material breach of the same nature that occurs within those same twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, two thousand five hundred dollars (\$2,500) per day for each material breach, not to exceed seven thousand five hundred dollars (\$7,500) for each occurrence of the material breach.

(Ord. 2009-02, Add, 02/03/2009)

Section 5.55.040 Customer service and protection; monetary penalties.

A. All state franchise holders shall comply with the provisions of Section 637.5 of the California Penal Code and the privacy standards contained in Section 631 of the federal Cable TV Privacy Act of 1984, 47 U.S.C. Sections 551 et seq. All state franchise holders shall comply with the provisions of Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code, and any other customer service standards pertaining to the provision of video service established by federal law or regulation or adopted by subsequent enactment of the Act. The SMCTC and/or the City shall enforce, in the manner set forth in the Act, all customer service and consumer protection standards contained in Section 5900 of the California Public Utilities Code, including without limitation those standards set forth in Section 5900(c). SMCTC has been and hereby is authorized to impose penalties for any material breach

of Section 5900 of the California Public Utilities Code, as set forth herein.

B. The maximum monetary penalties set forth in California Public Utilities Code Section 5900 are hereby adopted and enacted as the applicable schedule of penalties for material breaches of Section 5900 by a state franchise holder, as follows:

1. Five hundred dollars (\$500) per day for each material breach, not to exceed one thousand five hundred dollars (\$1,500) for each occurrence of a material breach. The SMCTC shall provide notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) prior to the imposition of the penalty.

2. For a second material breach of the same nature that occurs within twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, one thousand dollars (\$1,000) per day for each material breach, not to exceed three thousand dollars (\$3,000) for each occurrence of the material breach.

3. For a third or further material breach of the same nature that occurs within those same twelve (12) months, and if the SMCTC has provided notice to the state franchise holder of the material breach pursuant to California Public Utilities Code Section 5900(e) and a penalty has been assessed, two thousand five hundred dollars (\$2,500) per day for each material breach, not to exceed seven thousand five hundred dollars (\$7,500) for each occurrence of the material breach.

(Ord. 2009-02, Add, 02/03/2009)