

Title 16-Chapter 7: Business License

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Article 1: Administration and Enforcement

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Sec. 16-7.01.010:

Title

This chapter shall be known, and may be cited, as the "Business License Ordinance."

Sec. 16-7.01.020:

Administration of business licenses

The administration and enforcement of Title 16, Chapter 7 (Business License Ordinance) shall be under the authority of the Director of Development and all functions and requirements of this Title shall be applied and executed by the Code Enforcement Official or his/her designees.

Sec. 16-7.01.030:

Purpose of Business License Ordinance

The ordinance codified in this chapter is enacted to provide support for the regulated and orderly use of land and ensure compliance to the City of Victorville Municipal Code.

Sec. 16-7.01.040:

License required

- (a) It shall be unlawful for any person to transact or operate any business in the city without first having procured and maintain a valid business license from the city so to do or without complying with any and all applicable provisions of this chapter. Such unlawful business transactions or operations shall constitute a separate violation of this title and each day such business is transacted or operated without such compliance constitutes a separate violation of this chapter.
- (b) The provisions of this section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or the State of California.
- (c) The issuance of a license shall not infer that the applicant has satisfied any other city, local, state or federal requirements.
- (d) No license issued under the provisions of this chapter shall be construed as permission to conduct or carry on a business at any place within the city where such business is prohibited by Title 16, any other ordinance of the city or State law.

Sec. 16-7.01.050:

Nuisance prohibited

No license issued under the provisions of this chapter shall be construed as permission to conduct or carry on a business in such manner as to create or maintain a nuisance.

Sec. 16-7.01.060:

Effect on past actions and obligations previously accrued

The issuance of a business license shall have no affect on the past actions, obligations, violations and/or prosecutions of any other ordinance or any other penal provisions by any other department in the City.

Sec. 16-7.01.070:

Effect of errors

Any license issued in error or contrary to the provisions of this Title shall be void and of no effect.

Any error made by the Code Enforcement Official or his/her designees in preparing a license, stating the kind of business, the location thereof, the amount of the charge therefor, or in determining the proper zone, shall not prejudice the collection by the city of the amount actually due under this title or any other ordinance, the enforcement of any regulations applicable thereto, nor shall the issuance of a license authorize the carrying on of business in any zone or location contrary to the provisions of the ordinances of the city.

Sec. 16-7.01.080:

Enforcement of chapter

It shall be the duty of the Code Enforcement Official or his/her designees to enforce the provisions of this chapter and the chief of police shall render such assistance as may be required.

Sec. 16-7.01.090:

License required for each business activity

In the event that any person who owns and is conducting, managing or operating two or more distinct businesses as classified in the Standard Industrial Classification (SIC) System, such person shall be deemed to be conducting each business activity separate and a separate business license shall be required for each distinct business.

Sec. 16-7.01.100:

License required for each location

A separate business license must be obtained for each location of the business that the business is conducted, managed or operated at.

Sec. 16-7.01.110:

Home occupations

Home occupations, as defined by Title 16, shall pay a license fee as enumerated in this chapter if approved as a home occupation by the planning commission.

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Sec. 16-7.01.120:

Federal, State or County license prerequisite

No person shall be licensed under this title as to any business, which holds a federal, state or county regulated license unless, at the time of initial issuance of a city business license under this title, such person holds an active and current federal, state or county license. Presentation of a valid unexpired federal, state or county license is required and shall be prima facie evidence that such person is so licensed.

Annual renewal of a city business license does not guarantee that a federal, state or county regulated licensed business as described above is active and current at the time of renewal. Maintenance of the federal, state or county license to ensure the license is active and current is the responsibility of the license holder, and verification of said federal, state or county license shall remain the responsibility of those that employ said business.

Sec. 16-7.01.130:

Information confidential - Disclosure

The information furnished or secured pursuant to this chapter, except for the information displayed on the actual issued business license, which consists of: the name of the applicant, the name and address of the business, the mailing address of the applicant, the date of the issuance of the license and the nature of the business, shall be confidential.

Sec. 16-7.01.140:

Updates, cancellations, statements and records

It shall be the responsibility of the licensee to notify the Business License Division of any business license changes, updates and/or to cancel the city business license. It is also the responsibility of the licensee to notify any other agency of any changes, updates and/or to cancel any permits, certificates or licenses held in connection to the city business license. Unless written notification is received regarding a business license change, update or cancellation, the business license will remain active and fees will continue to incur. The licensee shall be responsible for said incurred business license fees.

The Code Enforcement Official or his/her designee shall have the right to verify and audit any written statement or declaration through any federal, state or county records as may be necessary to verify or ascertain the status of the subject business. Upon verification of the submitted statement or declaration, identifying a subject business as vacated, non-active or no longer operational, the Code Enforcement Official or his/her designee shall close the City Business License. Upon verification of the submitted statement or declaration identifying the subject business as active, operational or not vacated, the Code Enforcement Official or his/her designee shall keep the City Business License open and active and continue to assess annual licensing fees upon the subject business. Unpaid licensing fees shall be a debt to City and shall be collected against the licensee.

Sec. 16-7.01.150:

Medical marijuana dispensaries prohibited

Medical marijuana dispensaries are prohibited as adopted by ordinance number 2246 from opening, operating or distributing marijuana within any zone in the City of Victorville.

Sec. 16-7.01.160:

Violation of chapter

Any person violating any of the provisions of this Title or knowingly or intentionally misrepresenting to any authorized officer of the city, any material fact in procuring the license or permit herein provided for, is guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalty provisions in chapter 1.04 or 1.05 of the Victorville Municipal Code.

Article 2 – Denial, Revocation and Appeal

Sec. 16-7.02.010 Denial - Notice to applicant

Sec. 16-7.02.020 Grounds for denial - Activities which may involve free speech

Sec. 16-7.02.030 Grounds for denial - Activities not involving free speech

Sec. 16-7.02.040 Notice requirements – Denials

Sec. 16-7.02.050 Revocation or suspension of license - Activities which may involve free speech

Sec. 16-7.02.060 Revocation and suspension of license - Activities which do not involve free speech

Sec. 16-7.02.070 Notice and hearing requirements - Modifications, suspensions, revocations

Sec. 16-7.02.080 Appeals to modification, suspension and revocation decisions

Sec. 16-7.02.010:

Denial - Notice to applicant

Before the Code Enforcement Official or his/her designee, denies or grants any license subject to certain conditions, the Code Enforcement Official or his/her designee shall notify the applicant or licensee pursuant to Section 16-7.02.040, that the Code Enforcement Official or his/her designee intends to deny the license or to grant the license subject to conditions, which conditions shall be specified in the notice.

Sec. 16-7.02.020:

Grounds for denial - Activities which may involve free speech

The following shall constitute grounds for denial of a license (either an applicant or licensee or authorized agent) for a bookstore, exhibition, traveling show, motion picture theater, sound or advertising vehicle, model studio, picture arcade or other First Amendment speech activity. See Section 16-7.02.040 regarding license review deadline, denial of a new permit and notice and hearing requirements.

- (a) The building, structure, equipment or location of such business does not comply with or fails to meet any state, county or city health, zoning or fire and safety regulation, code or standard applicable to such business operation;
- (b) Has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license or in any report or record required to be filed with the Code Enforcement Official or his/her designee;
- (c) Has been convicted or entered a plea of nolo contendere within the preceding twenty-four months in a court of competent jurisdiction of any violation of any statute or ordinance, which arises from an act performed in the exercise of any rights granted by the license;
- (d) Is presently a public nuisance, whether or not abatement proceedings have been instituted; or
- (e) Has violated any rule or regulation adopted by the city or a legal action approved by a court of law relating to the operation of the licensee's business within the preceding twenty-four months.

Sec. 16-7.02.030:

Grounds for denial - Activities not involving free speech.

In addition to the grounds set forth in Section 16-7.02.040, the following shall constitute grounds for denial of a license (an applicant, licensee or authorized agent) not involving free speech:

- (a) Is prohibited by any local or other law, statute, rule or regulation, or prohibited in the particular location by any local or other law, statute, rule or regulation;
- (b) Is presently a public nuisance, whether or not abatement proceedings have been instituted;
- (c) Has committed or aided or abetted in the commission of any act or act of omission, or been convicted of a felony or any crime or entered a plea of nolo contendere within the preceding twenty-four months, which, committed by a licensee would be a ground for revocation of license or disciplinary action under this chapter;
- (d) Has had a license revoked by the city within the preceding twenty-four months, on any ground which would affect or pertain to operation of the business for which a new license is being sought. For purposes of this subsection only, the date of any prior revocation shall be calculated as the date the applicant or other person exhausted all available administrative remedies with respect to the underlying revocation;
- (e) Has knowingly made any false, misleading or fraudulent statement of a material fact within the preceding twenty-four months in a previous application for a license, or in any report or record required to be filed with the Code Enforcement Official or his/her designee, or made in the course of soliciting;
- (f) Has, within the preceding twenty-four months, committed any unlawful, false, fraudulent or dangerous act or violated a local ordinance relating to a previously licensed or unlicensed business, with the intent to substantially benefit him or herself or another, or substantially injure another;
- (g) Has outstanding violations and/ or debt related to a criminal or civil action initiated by a City enforcement officer;
- (h) Has violated any rule or regulation adopted by the city or a legal action approved by a court of law relating to the operation of the licensee's business within the preceding twenty-four months; or
- (i) The establishment or business will be detrimental to the public health, safety or welfare.

Any grounds for denial included in this section shall also constitute grounds for suspension or revocation of a license as described in this chapter.

Sec. 16-7.02.040:

Notice requirements - Denials

The Code Enforcement Official or his/her designee shall have the right to deny a new permit or license on any grounds provided in this chapter without the requirement of a prior hearing. Any applicant aggrieved by any action of the Code Enforcement Official or his/her designee, in refusing to issue a new permit or license, shall have the right of appeal as stated in Section 16-2.02 of the Victorville Development Code.

It is unlawful for any person to carry on the business after the permit or license has been denied, unless and until the appeal process is utilized, and the subsequent decision reverses the denial. The applicant shall, within ten calendar days of the denial, file a written statement setting forth the specific grounds for appeal. If the applicant fails to make a timely appeal, except as otherwise provided in this subsection, the decision of the City Manager or his designee shall be deemed final and conclusive. With respect to applications for licenses involving free speech activities, the following shall apply:

- (a) The City Manager shall issue or deny a license for activities which may involve free speech to the applicant within thirty days from receipt of a complete application and the applicable fees. Notice of denial shall be sent by first class U.S. mail to the address provided on the license application, except as otherwise provided in subsection (a) of this section. Failure of

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the City Manager or his or her designee to approve or deny the license application within thirty days shall result in the license being granted.

- (b) Upon denial of a new license or permit for activities which may involve free speech, the applicant shall have the right to an appeal hearing as stated in section 16-2.02 of the Victorville Development code. Such request for a hearing shall be written and received by the City Clerk within fourteen calendar days from the effective date of the service of notice of denial by the City Manager, or his or her designee. In the event that the denial is affirmed by the City Council on review, the applicant may seek prompt judicial review of the validity of the denial of the license, and the city shall make all reasonable efforts to expedite such review as provided in Section 1094.8 of the California Code of Civil Procedure, if sought by applicant.

Sec. 16-7.02.050:

Revocation or suspension of license - Activities which may involve free speech

After a hearing as provided in Section 16-7.02.070 of this chapter, unless such hearing is waived by licensee or permit holder, the City Manager or his designee, may suspend or revoke a license for a bookstore, exhibition, traveling show, motion picture theater, sound or advertising vehicle, model studio, picture arcade or other First Amendment speech activity if he or she finds that one or more of the following conditions exist or have occurred after the issuance of such license:

- (a) The building, structure, equipment or location of such business does not comply with or fails to meet any state, county or city health, safety, zoning or fire regulation, code or standard applicable to such business operation;
- (b) The licensee or authorized agent, has been convicted or entered a plea of nolo contendere within the preceding twenty-four months in a court of competent jurisdiction, of any violation of any statute or ordinance, which arises from an act performed in the exercise of any rights granted by the license;
- (c) The business is presently a public nuisance, whether or not abatement proceedings have been instituted;
- (d) The licensee or authorized agent has knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the City Manager, or his designee, which relate to the operation of the licensee's business;
- (e) The licensee or authorized agent has violated any rule or regulation adopted by the city relating to the operation of the licensee's business;
- (f) The licensee or authorized agent has failed or refused to notify the City Manager, or his designee, of any material change in facts described in the application required by Section 16-7.06.140, within fifteen days after such change.

Sec. 16-7-02.060:

Revocation and suspension of license - Activities which do not involve free speech

The City Manager, or his designee, may suspend or revoke a license, other than a license covered by Section 16-7.03.010 if it finds that any licensee or authorized agent has:

- (a) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a license, or in any report or record required to be filed with the City Manager, or his or her designee, or made in the course of soliciting;
- (b) Been convicted of, or entered a plea of nolo contendere for, a felony or any crime involving theft, embezzlement or moral turpitude during the preceding twenty-four months, or is currently on probation, parole or subject to incarceration as a result of such conviction; if the licensee is not an individual, the above information shall apply to each officer,

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- director, manager or member of the licensee, or any other person exercising control or management of the business;
- (c) Within the preceding twenty-four months, committed any unlawful, false, fraudulent or dangerous act relating to a previously licensed business, with the intent to substantially benefit him or herself or another, or substantially injure another;
 - (d) Committed any act which violates any rule or regulation adopted by any governmental agency relating to the licensee's business, including, but not limited to, failure to pay local taxes, fees or assessment imposed by the city, or any district created by the city;
 - (e) Violated any condition or restriction of the license;
 - (f) Conducted the licensed business in a manner contrary to the peace, health, safety and the general welfare of the public; or
 - (g) Failed or refused to notify the City Manager, or his designee, of any material change in facts stated in the application required by Section 16-7.03.010, within fifteen days after such change; or
 - (h) Where the business involves soliciting or peddling on behalf of an organization, has failed to, with the knowledge or consent of the organization, to wear, or have in his or her possession, the city issued identification card as described in Section 16-7.06.110(b); or
 - (i) With respect to multi and single family residential rental property:
 - (1) Within the preceding 24 months, the police department has responded, investigated and documented public disturbances and other nuisances at the rental location regarding matters except for domestic dispute matters.
 - (2) The property sustained nuisance enforcement action and a lien has been recorded with the County Recorders office due lack of property maintenance or other violations specified Title 16 chapter 6 of the Development Code.
 - (j) With respect to a nonprofit:
 - (1) Failed to obtain and maintain internal Revenue Service and state nonprofit status pursuant to California Revenue and Taxation Code Section 23701(d) or Internal Revenue Code Section 501(c)(3) or any subsequently enacted related legislation or regulations;
 - (2) Failed to use the proceeds collected for religious or charitable purposes, less expenses or cost of administration as permitted by federal or state law.
 - (k) Has outstanding violations and/ or debt related to a criminal or civil action initiated by a City enforcement officer; or
 - (l) Has violated any rule or regulation adopted by the city or a legal action approved by a court of law relating to the operation of the licensee's business within the preceding twenty-four months.

Sec. 16-7.02.070:

Notice and hearing requirements - Modifications, suspensions, revocations

When the City Manager or his designee concludes that grounds for modification, suspension, revocation or refusal to renew a license or permit exists, the following notice and hearing procedures shall be followed:

- (a) Serve the applicant, licensee or permit holder with notice of the action upon the licensee or permit holder either personally and/or by certified mail, and/or by regular U.S. mail, to the address last shown on the application for a license, unless the applicant or licensee has provided the City Manager, or his or her designee, with written notice of a change in address, in which case the notice shall be sent to such address.

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- (1) The Notice of Action should include all of the following information:
 - (A) The name of the subject permit or license holder;
 - (B) The street address or definite location where the violation(s) occurred;
 - (C) The code section(s) violated;
 - (D) A description of the conditions or actions which warrant suspension, modification or revocation of the subject permit or license;
 - (E) The action proposed (i.e., suspension, modification or revocation of the subject permit or license);
 - (F) A description of any prior action taken by the City to gain compliance with the code with regards to the subject violation(s);
 - (G) Provide a description of the procedures involved in taking the proposed action, including the license or permit holder's right to attend the hearing on the proposed action;
 - (H) Provide a statement stating that within 14 calendar days, the licensee or permit holder must submit a written response and request a determination hearing to the City Clerk regarding this action. Failure to submit a written response, shall cause the proposed action of the City Manager, or his or her designee, to be deemed final, and no right to appeal as provided in Section 16-02.02 of the Development code shall exist.
- (b) Provide a determination hearing conducted on any Notice of Action issued by the City Manager or his or her designee pursuant to this chapter. The determination hearing shall be conducted within 30 days upon receipt of a written request for a determination hearing submitted by the licensee to the City Clerk.
- (c) Establish a date, time and place for the determination hearing. Once determined, the City Manager or his or her designee shall prepare a Notice of Determination Hearing ("Hearing Notice"), which shall served personally and/or by certified mail, and/or by regular U.S. mail, to the address last shown on the application for a license, unless the applicant or licensee has provided the City Manager, or his or her designee, with written notice of a change in address, in which case the notice shall be sent to such address and sent in substantially the same form as follows:

"You are hereby notified that a hearing will be held before the City Manager or his designee regarding your Notice of Action _____ on the _____ day of _____, _____, at the hour of _____ upon the Notice of Action served upon you. You may be present at the hearing. You may present any relevant evidence at the hearing."
- (d) If the permit or license holder fails to attend the scheduled determination hearing, the hearing will proceed without the permit or license holder and he or she will be deemed to have waived his or her rights to be heard at the determination hearing and no right to appeal to the planning commission and to the city council shall exist.
- (e) Following the determination hearing, the City Manager or his designee may decide to uphold the Notice of Action, establish a modified schedule for compliance (if applicable), overturn some or all of the findings stated in the Notice of Action and/or rescind the Notice of Action in part or in its entirety.
- (f) Within a reasonable time after the hearing, the City Manager, or his or her designee, shall render a final decision regarding suspension, revocation or refusal to renew.
- (g) It shall be unlawful for any person to carry on the business after a permit of license has been suspended or revoked.

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Sec. 16-7.02.080:

Appeals to modification, suspension and revocation decisions

Any licensee or permit holder aggrieved by any final decision rendered by the City Manager, or his or her designee, at or after the above mentioned hearing, shall have the right of appeal as stated in Section 16-2.02 of the Victorville Development Code.

Article 3: Application

Sec. 16-7.03.010 Application - Contents

Sec. 16-7.03.020 Application - Additional requirements/documents needed

Sec. 16-7.03.030 Application - Review by applicable departments

Sec. 16-7.03.040 Application - Investigation

Sec. 16-7.03.010:

Application - Contents

Incomplete applications will not be accepted for a license under this chapter.

The application must state in detail the following information: business name (doing business as DBA); owner's name (or corporation name); business/event address; mailing address; phone/fax number; email address; principal owners, officers and/or partners and their contact information; ownership type; business type; start date and/or temporary date range; indicate if it is a home based business; state license, federal ID, state ID, seller's permit and/or social security number, as well as expiration date of any other license and/or permit (if applicable). In cases where such business is not to be conducted or carried on at a permanent place of business in the city, then such application shall state the residence of the owners of such business.

The application must describe in detail the nature or kind of business for which the license is being requested for.

All application questions must be answered and the application must be signed by the applicant. If the applicant is a corporation or a limited liability company (LLC), the name shall be exactly as set forth in its articles of incorporation, and the names and addresses of all directors and an officer who is duly authorized to accept the service of legal process must be included. If the applicant is a partnership, the name and address of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this chapter as to a corporate applicant apply. If the applicant is a trust, the provisions of this chapter as to a partnership applicant apply. If the applicant is a sole proprietor, the sole business owner must sign the application.

In all cases where the amount of license to be paid by any person is based upon: employees; vehicles, admission fees; tables; alleys or other devices; rooms; seating capacity; machines; etc. a signed application shall be submitted in order to determine the correct business classification to establish fees. Such statements or facts within the application shall be subject to verification by the Code Enforcement Official or his/her designee.

Sec. 16-7.03.020:

Application - Additional requirements/documents needed

Based on business type, additional requirements/documents may be required and requested to process the application. These additional requirements/documents shall include but are not limited to: articles of incorporation, fictitious business statement, copy of federal, state or county license or certificate, seller's permit, health permit, proof of insurance/malpractice insurance, police department permit, temporary/conditional use permit (all land uses/businesses as listed in Table 7-1 of Title 16 of the Victorville Municipal Code), etc.

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Sec. 16-7.03.030:

Application - Review by applicable departments

Where application is made for a license to do business in the city, the Code Enforcement Official or his/her designee may require approval of such application from the various departments showing that the premises and operations therein conform to the provisions of this code and other regulatory ordinances of the city or state.

Sec. 16-7.03.040:

Application - Investigation

- (a) The Code Enforcement Official or his/her designee may investigate the facts and circumstances supporting an application to ensure that all information presented is a true representation of the status of the applicant and no indication of necessity to deny such application or grant with conditions exists.
- (b) The Code Enforcement Official or his/her designee, may examine under oath any applicant or licensee to determine the true identity of the applicant or licensee for the business, occupation or exhibition for which a license is sought. If the Code Enforcement Official or his/her designee finds that the application is not in the interest of the person in whose name the application is made, he or she may deny or revoke the license. If the Code Enforcement Official or his/her designee finds that the application is sought by or related to a person whose license has been revoked or who has been refused a license, it may treat the application as though made by such applicant or licensee.
- (c) If any public official, finds facts which any license granted pursuant to this title should not be granted or renewed, or, if renewed, should be subject to conditions not included in the existing license, or if any action for the revocation or modification of such license has been filed or is pending, each such public official shall so notify the Code Enforcement Official or his/her designee in writing within ten days of receipt of notice of the submission of the application or intent to renew, giving the name of the licensee, number of the license and the reason for denial or addition of conditions.
- (d) The Code Enforcement Official or his/her designee shall, after consideration of the application and any relevant investigations, impose any and all conditions necessary to protect the health, safety and welfare of the public from any detrimental activities of the business.

Article 4: License

Sec. 16-7.04.010 Issuance - Contents of license

Sec. 16-7.04.020 Posting and keeping license

Sec. 16-7.04.030 Duration and dates payable - Generally

Sec. 16-7.04.040 Nontransferable

Sec. 16-7.04.050 Right to impose or change conditions

Sec. 16-7.04.010:

Issuance - Contents of license

In the event the Code Enforcement Official or his/her designee grants an application for a new license or renewal of an existing license and upon the payment of the prescribed fee under this chapter, the Code Enforcement Official or his/her designee 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 name;
- (c) The place where such business is to be transacted and carried on;
- (d) The mailing address, if different that the business address;
- (e) The date of the expiration of such license;
- (f) The license issued by the Code Enforcement Official or his/her designee for the purpose of posting in places of business shall contain no reference to the amount of license fee paid; and
- (g) Such other information as may be necessary for the enforcement of the provisions of this chapter.

Sec. 16-7.04.020:

Posting and keeping license

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

- (a) Any licensee transacting and carrying on business at a 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) 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;
- (c) Any licensee to whom a license has been issued for operation of a vehicle shall be issued by the Code Enforcement Official or his/her designee in addition to the license certificate, a paper or license decal and such certificate shall at all times during the effective dates thereof be affixed to the windshield in the case of a sticker or on the rear of the vehicle in a conspicuous place.

Sec. 16-7.04.030:

Duration and dates payable—Generally

All licenses, unless otherwise expressly stated herein, shall be construed to be annual licenses and shall be due and payable on or before the last day of the month the conducting of business within the city commences.

(a) Duration. The operative date for a business license is as follows:

- (1) Business licenses are valid for a 1 year period and will expire at the end of the calendar month of the following year.
- (2) Business licenses for any shorter period of time than a 1 year period shall be payable in advance as issued and shall expire at the close of the period for which the same may be issued; no greater or lesser amount shall be charged or received than is provided in this chapter, and no license shall be issued for any period of time other than as in this chapter provided.

Sec. 16-7.04.040:

Nontransferable

No license issued pursuant to this chapter shall be transferable.

Sec. 16-7.04.050:

Right to impose or change conditions

With respect to any previously issued license, if at any time it appears to the Code Enforcement Official or his/her designee, determines that there are grounds for revocation of a license, or that the occupation or activity licensed is being conducted so as to be detrimental to public health, safety or public welfare, but that such grounds or such conduct could be eliminated by the imposition of conditions, or of additional conditions, or by the amendment of any existing conditions to such license, he or she shall notify the licensee of the proposed action to impose such conditions in accordance with the procedure provided in Section 16-7.02.070 of the Victorville Development Code.

Article 5: Fees

- Sec. 16-7.05.010 Fees - Generally**
- Sec. 16-7.05.020 Application - Fee**
- Sec. 16-7.05.030 Business license - Fee**
- Sec. 16-7.05.040 Duplicate/Update license - Fee**
- Sec. 16-7.05.050 Fixed license fee rates**
- Sec. 16-7.05.060 Businesses not listed - Fee**
- Sec. 16-7.05.070 Other revenue actions, provisions and obligations**
- Sec. 16-7.05.080 Failure to pay fee - Penalties**

**Sec. 16-7.05.010:
Fees – Generally**

All application and business license fees specified in this title are due and payable in advance in full and each person required to have a license shall be liable for payment of the fee for the full term; no greater or lesser amount shall be charged or received than is provided in this chapter.

**Sec. 16-7.05.020:
Application – Fee**

- (a) The amount of application fee to be paid to the city by any person seeking any business license as listed in Section 16-7.06 hereinafter designated in this chapter is fixed and established as provided on the fee schedule approved by City Council resolution.
- (b) For each business license application, there shall be imposed an application fee which is due and payable to the city at the time the business license application is submitted.
- (c) The application fee shall not be refundable.
- (d) The application fee shall not be transferable.

**Sec. 16-7.05.030:
Business License - Fee**

- (a) Fees. The fee rate for a business license is as follows:
 - (1) All business license fees, unless otherwise expressly stated in this title, shall be based on an annual (twelve-month) rate.
 - (2) Where a license fee in this title is fixed at a daily rate, a part of a day shall be deemed a day and the full fee shall be paid for a day or fraction thereof.
 - (3) The business license fee shall not be refundable..
 - (4) The business license fee shall not be transferable.

**Sec. 16-7.05.040:
Duplicate/Update license - Fee**

- (a) A duplicate license may be issued by the Code Enforcement Official or his/her designee to replace any license previously issued hereunder which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact.
- (b) An update license may be issued by the Code Enforcement Official or his/her designee that do not require a new license upon the licensee filing an affidavit attesting to such fact

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Sec. 16-7.05.050:

Fixed license fee rates

The amount of license fee to be paid to the city by any person engaged in or carrying on any business as listed in Section 16-7.06 hereinafter designated in this chapter is fixed and established as provided on the fee schedule approved by approved by City Council resolution.

Sec. 16-7.05.060:

Businesses not listed - Fee

Any person carrying on a business in the city not herein specifically set forth shall pay the amount of the license described herein provided for the business nearest corresponding to the nature of the business sought to be licensed as determined by the Code Enforcement Official or his/her designee.

Sec. 16-7.05.070:

Other revenue actions, provisions and obligations

Any person required to pay a license fee for transacting and carrying on any business under this chapter shall not be relieved from the payment of any other license fee, permit, certificate, entitlement or land use approval when the provisions of some other ordinance requires any other license fee, permit, certificate, entitlement or land use approval to be obtained as a prerequisite for the privilege of doing such business which has been required under any other ordinance of the city, and shall remain subject to the regulatory provisions of such other ordinance.

Sec. 16-7.05.080:

Failure to pay fee - Penalties

Failure to pay an annual license fee within thirty days from the time it becomes due, shall result in a penalty of fifty percent of the amount thereof; and if such license is not paid within sixty days from the time it becomes due and payable, an additional sum of ten percent of the amount due shall be added to the license and collected each month until renewed. The delinquent penalty shall not exceed one hundred percent of the annual business license fee.

Article 6: Business Classifications

- Sec. 16-7.06.010 Business Classifications – Generally**
- Sec. 16-7.06.020 Retail, Wholesale, Miscellaneous**
- Sec. 16-7.06.030 Service, Miscellaneous**
- Sec. 16-7.06.040 Administrative Headquarters**
- Sec. 16-7.06.050 Manufacturing, Warehousing**
- Sec. 16-7.06.060 Professional, Semi-Professional**
- Sec. 16-7.06.070 Contractors**
- Sec. 16-7.06.080 Rental Property**
- Sec. 16-7.06.090 Entertainment, Amusement, Recreation**
- Sec. 16-7.06.100 Film / Photography – Temporary / Transient**
- Sec. 16-7.06.110 Vehicles for Hire, Service and Sales**
- Sec. 16-7.06.120 Solicitors / Peddlers**
- Sec. 16-7.06.130 Firearms, Pawnshops, Junk dealers, Secondhand Stores, etc.**
- Sec. 16-7.06.140 Massage**
- Sec. 16-7.06.150 Exempt**

Sec. 16-7.06.010:

Business Classifications – Generally

The Code Enforcement Official or his/her designee shall reference the listed categories below and the Standard Industrial Classification (SIC) System to place the proposed business to the nearest corresponding business classification. These categories are not all-inclusive and shall serve to establish the primary nature of the business.

Sec. 16-7.06.020:

Retail, Wholesale, Miscellaneous

Selling at retail or wholesale, any goods, wares, merchandise and/or commodities (tangible property); such as grocery, department and home improvement stores, restaurants, gasoline stations, etc.

- (a) Establishments selling/serving food/beverages (i.e. restaurants, fast-food, etc.).
- (b) Establishments that sell tangible property.

Sec. 16-7.06.030:

Service, Miscellaneous

Businesses of a service nature, such as gardeners, handyman, housekeeping, janitorial, maintenance, etc. "Service" does not include the professional services described in Section 16-7.06.050.

Sec. 16-7.06.040:

Administrative Headquarters

Businesses located within the City in commercial, industrial or residential zones that consist of administrative operations / functions or administrative offices.

Sec. 16-7.06.050:

Manufacturing, Warehousing

Manufacturer, processor, fabricator, warehouse, etc. or a business where the location is within the City is an administrative office only.

Sec. 16-7.06.060:

Professional, Semi-Professional

- (a) A profession licensed by the county and/or state, and/or requiring a period of specialized training resulting in a license for that profession. This includes, Appraisers, Architects, Attorneys, Certified Public Accountants, Dentists, Engineers, Physicians, etc.
- (b) Semi-Professional requires a period of specialized training resulting in certification for that vocation. This includes: medical transcriptionist, dental hygienist, notary, veterinary technician, teacher, etc.

Sec. 16-7.06.070:

Contractors

Contractors that provide construction work required to be performed by a state-licensed contractor.

- (a) A/B State Classified
- (b) C/D State Classified

Sec. 16-7.06.080:

Rental Property

Owning and renting residential property, including single family residences, multi-family residences to include duplexes, triplexes, fourplexes, apartments, apartment courts, rooming houses, trailer courts, mobile home parks, motels, hotels, etc.

Sec. 16-7.06.090:

Entertainment, Amusement, Recreation

Businesses consisting of an entertainment nature such as arcades, billiard/pool rooms, bowling lanes, carnivals, disc jockeys, magicians, nightclubs, skating rinks, etc.

Sec. 16-7.06.100:

Film / Photography – Temporary / Transient

The taking of still or motion pictures where such pictures are intended to be shown in theaters, exhibits, etc.; photographing, soliciting or taking orders for photographs, photographic work; etc.

Sec. 16-7.06.110:

Vehicles for hire, service and sales

- (a) Vehicles for hire transport passengers who direct the route to be traveled over the streets, and do not operate over a fixed route, for compensation, including vehicles commonly known as taxicabs, limousines, shuttle services or sightseeing buses. These businesses shall be required to comply with the provisions of Section 16-7.04.020(b) and 16-7.08.
- (b) Vehicles for service are non emergency medical transportation businesses whose vehicles are privately or publicly owned and specifically designed, constructed, modified, equipped, arranged, maintained and operated for the sole purpose of transporting those persons with special medical needs who require pre-arranged transportation for purposes prescribed by a health care provider. These businesses shall be required to comply with the provisions of Section 16-7.04.020(b) and 16-7.09.
- (c) Vehicles for sales are mobile businesses such as an Ice cream sales or frozen food delivery vendors who's primary operation is selling at wholesale or retail or soliciting order of any goods, wares or merchandise of any kind or nature. These businesses shall be required to comply with the provisions of Section 16-7.04.020(b) and 16-7.10.

Sec. 16-7.06.120:

Solicitors / Peddlers

Any person who does not have a regular established place of business and goes from place to place in the city, selling or taking orders for, or offering to sell or take orders for, goods, wares, or merchandise or who travels from place to place or has a stand upon any public street, alley or other public place, doorway of any building, unenclosed or vacant lot or parcel of land, who sells or offers for sale at retail any goods, wares or merchandise in his possession. These businesses shall be required to comply with the provisions of Section 16-7.04.020(b) and 16-7.10.

Sec. 16-7.06.130:

Firearms, Pawnshops, Junk dealers, Secondhand Stores, etc.

- (a) Retail sales of firearms;
- (b) junk dealer, secondhand dealer, automobile and truck wrecking or dismantling, pawnbroker, or similar business where money is loaned on personal property for compensation. These businesses shall be required to comply with the provisions of Section 16-7.11.

Sec. 16-7.06.140:

Massage

Any business using state licensed message technicians that administers to another person a massage, bath or health treatment involving massage or baths as the major function. These businesses shall be required to comply with the provisions of Section 16-7.11.

Sec. 16-7.06.150:

Exempt business

- (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 of California. Any person claiming exemption pursuant to this section shall file a sworn statement with the Code Enforcement Official or his/her designee stating the facts upon which exemption is claimed; and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the fees imposed by this chapter. The Code Enforcement Official or his/her designee shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the business license fee required by this chapter. The Code Enforcement Official or his/her designee, after giving notice and a reasonable opportunity for hearing to 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:
 - (1) Any institution or organization which is conducted, managed or carried on wholly for the benefit charitable purposes and from which profit is not derived, either directly or indirectly, by an individual; provided, that the applicant shall furnish proof to the Code Enforcement Official or his/her designee that such is the case;
 - (2) Any enterprise or entertainment when the receipts derived therefrom are to be apportioned to any church or school or to any religious, benevolent or charitable purpose;
 - (3) Any person not having a fixed place of business within the city who is called upon to come to the city to render services; provided, that the applicant shall furnish proof to the Code Enforcement Official or his/her designee that such is the case; and that the proof can be verified by the requesting department;

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- (4) Every honorably discharged or honorably relieved soldier, sailor or marine of the United States who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state, may distribute circulars, and hawk, peddle and vend any goods, wares or merchandise owned by him, except alcoholic beverages and or liquor, without payment of any license fee whatsoever, providing proof of such physical disability is furnished to the Code Enforcement Official or his/her designee;

Nothing in Section 16-8.07.120 or any subsection thereof shall exempt any person from complying with any of the regulatory measures or provisions of this chapter save and except the payment of license fees required hereby.

(b) Bingo

Nothing in this chapter shall prohibit the holding of any bingo game, provided that the game is operated in compliance with the requirements of the Victorville Municipal Code, Chapter 13.15. The city shall, upon compliance with Chapter 13.15 of the Victorville Municipal Code, issue a business license.

(c) Interstate commerce

None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee to place an undue burden upon such commerce, he may apply to the Code Enforcement Official or his/her designee for an adjustment of the fee upon completion of conducting business in the city or within six months thereafter. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume of business transacted within the city. The Code Enforcement Official or his/her designee, after obtaining approval of the city attorney with regard to the qualification of the business as interstate commerce, shall compute the actual fee due based on that portion of the applicant's gross receipts resulting from business within the city and shall initiate a refund of any portion of the original license fee paid after subtracting the actual fee due based upon gross receipts. The computation shall be based upon five-tenths percent of the total gross receipts resulting from business within the city. A minimum fee of five dollars shall be required and said fee shall not exceed the fee for similar businesses not engaged in interstate commerce.

Article 7: Specially Regulated Business - Vehicles for Hire, Service and Sales

- Sec. 16-7.07.010 Short title**
- Sec. 16-7.07.020 Public transportation vehicles exempt**
- Sec. 16-7.07.030 Purpose of chapter**
- Sec. 16-7.07.040 Certificate of public convenience and necessity**
- Sec. 16-7.07.050 Notice of hearing before the city council**
- Sec. 16-7.07.060 Granting or denial of application for certificate of public convenience and necessity**
- Sec. 16-7.07.070 Business license**
- Sec. 16-7.07.080 Driver's qualifications**
- Sec. 16-7.07.090 Temporary driver's permit**
- Sec. 16-7.07.100 Temporary driver's permit - Revocation**
- Sec. 16-7.07.110 Operating regulations**
- Sec. 16-7.07.120 Rates**
- Sec. 16-7.07.130 Identification of vehicles**
- Sec. 16-7.07.140 Annual vehicle inspection**
- Sec. 16-7.07.150 Insurance**
- Sec. 16-7.07.160 Modification, suspension or revocation of certificate of public convenience and necessity**
- Sec. 16-7.07.170 Sale or transfer of business - Certificate non-transferable**
- Sec. 16-7.07.180 Violation - Penalty**

Sec. 16-7.07.010:

Short title

This chapter shall be known as "vehicles for hire."

Sec. 16-7.07.020:

Public transportation vehicles exempt

The requirements of this chapter shall not apply to any public transportation vehicle.

Sec. 16-7.07.030:

Purpose of chapter

The full and sole purpose of this chapter is regulation for the public good and under no circumstances whatsoever shall any certificate of public convenience and necessity, license or permit provided for herein constitute or be deemed to be a property right or right of livelihood vested in the holder of any such certificate, permit or license.

Sec. 16-7.07.040:

Certificate of public convenience and necessity

- (a) It is unlawful for any person to engage in the business of operating or causing to be operated any vehicle for hire in the city without first having obtained from the city council a certificate of public convenience and necessity.
- (b) All persons applying for such certificate shall file with the city council a certified application containing the following information:
 - (1) Name and address of person(s) making application;
 - (2) Name of business and type of business;
 - (3) Number of vehicles proposed to be operated under the certificate;

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- (4) The make, type, year of manufacture and passenger capacity for each vehicle proposed to be operated for which a certificate will be requested;
- (5) The description of the proposed color scheme, insignia or other distinguishable characteristics of the vehicle(s) to be used, including the type of illuminated sign to be mounted on the top of the vehicle and legend thereon;
- (6) Any further facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- (7) Proposed rates to be charged.

Sec. 16-7.07.050:

Notice of hearing before the city council

Within ten days, but not more than thirty days, after receipt of an application for a certificate of public convenience and necessity, the city clerk shall set a time and date for the hearing of the application before the city council. At least ten days prior to the hearing, the city clerk shall give notice to the applicant, by mail, of the time and date of such hearing. Notice shall be published, at least once, in a newspaper of general circulation in the city, at least ten days prior to the hearing.

Sec. 16-7.07.060:

Granting or denial of application for certificate of public convenience and necessity

No certificate of public convenience and necessity shall be granted until the city council shall, following a public hearing, declare by resolution that the public convenience and necessity justify the proposed service and that the following conditions exist:

- (a) That the applicant is financially responsible, and that the applicant is of good moral character, or that the officers of said applicant are of good moral character;
- (b) That the applicant has complied with the provisions of all city, state and federal laws and regulations applicable to the proposed application and that applicant will comply with all requirements of this chapter, as well as all of the conditions of approval as set forth in the resolution granting the certificate of public convenience and necessity.

If the city council concludes from its hearing that the public convenience and necessity justify the proposed service, the city clerk shall notify the applicant of those findings.

If the city council concludes from its hearing that the public convenience and necessity do not justify the proposed service, the city clerk shall forthwith notify the applicant of the finding and thereafter such applicant shall not be permitted to reapply for a certificate of public convenience and necessity for one year after the finding.

Sec. 16-7.07.070:

Business license

No person shall be entitled to receive a business license to operate a vehicle for hire without first having received a certificate of public convenience and necessity as set forth in this chapter.

Sec. 16-7.07.080:

Driver's qualifications

It is unlawful for any person to operate or drive a vehicle for hire in the city without having first obtained a written permit or license to do so from the police department. The police department may refuse to issue a driver's permit for any of the following reasons:

- (a) If the applicant is under twenty-one years of age;
- (b) If the applicant has not resided in the county for thirty days prior to filing the application;
- (c) If the applicant does not possess a valid Class 3 license and medical examiner's certificate issued by the State Department of Motor Vehicles;

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- (d) If the applicant is convicted or has been convicted of reckless driving or a crime involving moral turpitude, or of driving under the influence of intoxicating liquors or narcotics;
- (e) If the applicant violated any of the provisions of this chapter;
- (f) If the applicant has been convicted of three or more moving violations constituting unsafe driving within a period of twelve months immediately preceding such action of the police department; or
- (g) If the applicant does not test negative for each of the controlled substances specified in Title 49 of the Code of Federal Regulations, before employment or upon permit renewal, or at such other times as the city shall designate. All costs for testing shall be borne by the applicant or the employer.

Sec. 16-7.07.090:

Temporary driver's permit

The police department may, after an investigation, issue a temporary driver's permit, which shall be effective for no more than thirty days. The police department may issue no more than two consecutive temporary driver's permits or more than two non-consecutive temporary driver's permits in any two-year period. Any person operating a vehicle for hire business in compliance with a temporary driver's permit shall be deemed to have complied with Section 16-7.07.070 of this chapter.

Sec. 16-7.07.100:

Temporary driver's permit - Revocation

The police department may revoke a temporary driver's permit at any time and for any lawful reason. Any person aggrieved by the police department's revocation of a temporary driver's permit may appeal to the Director of Development, by submitting a request, in writing, to the City Manager's office within ten days of the decision of the police department. The Director of Development may overturn the decision of the police department if that decision was arbitrary or an abuse of discretion.

Sec. 16-7.07.110:

Operating regulations

Any driver of a vehicle for hire shall take the most direct route that will take passengers to their destination safely and expeditiously, unless otherwise directed by such passengers.

If requested, every driver shall give a receipt upon payment of the correct fare.

It is unlawful for any person, except where credit is extended, to refuse to pay the lawful fare affixed therein for the use of any vehicle covered by this chapter, and the driver may demand the fare in advance.

It shall be grounds for the revocation of a driver's permit issued pursuant to this chapter for any driver to charge a passenger a fare greater than that to which he is entitled under the provisions of this chapter. It is unlawful for the owner or driver of any vehicle operated under this chapter to conduct business from any place other than the established place of business set forth in the certificate of public convenience and necessity.

Sec. 16-7.07.120:

Rates

Each owner and driver operating in the city shall have a rate schedule based on a mileage and/or time basis which shall be filed with the city council and the rates set forth in said schedule shall not become effective unless and until said rates are approved by the city council.

Each owner and driver operating in the city shall charge according to the schedule of rates filed with and approved by the city council. All rates being charged shall be posted with the city clerk,

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the police department and on each vehicle in such a manner as approved by the Director of Development, or his or her designee, before the rates become effective.

Sec. 16-7.07.130:

Identification of vehicles

The color scheme, name, trade name, monogram or insignia of all vehicles licensed by this chapter shall first be approved by the Director of Development, and no owner shall use any color scheme, name, trade name, monogram or insignia which was previously approved and is in use by any other owner.

Sec. 16-7.07.140:

Annual vehicle inspection

Each vehicle for hire operated within the city must pass an annual safety inspection, to be conducted by an ASE certified Master Mechanic, which is paid for by the applicant or owner of the business.

Any vehicle that fails an annual safety inspection shall not be operated as a vehicle for hire within the city, until such time that the police department determines that the condition causing such failure has been corrected and the vehicle otherwise meets all the requirements to pass the annual safety inspection.

Sec. 16-7.07.150:

Insurance

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect and covering each vehicle classified hereunder a policy of insurance in such form as the city council shall deem proper, executed by an insurance company approved by said council and authorized to do business in the state of California, which policy shall insure the public against any loss or damage that may result from the operation of said vehicles and also naming the city as an additional insured of such vehicles; and provided further that said policy of insurance shall provide for maximum recovery of not less than one million five hundred thousand dollars combined single limit bodily injury and property damage, or such other statutory limit as provided for by the Public Utilities Commission.

Sec. 16-7.07.160:

Modification, suspension or revocation of certificate of public convenience and necessity

A certificate of public convenience and necessity issued under the provisions of this chapter may be modified, suspended or revoked by the city council if the holder thereof has:

- (a) Violated any of the provisions of this chapter;
- (b) Violated any ordinance of the city, or of the state or of the United States, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation;
- (c) Failed to comply with any of the conditions of approval as set forth in the resolution granting the certificate of public convenience and necessity;
- (d) Failed to maintain a current business license for the operation.

Before modification, suspension or revocation, the holder of the certificate of public convenience and necessity shall be given reasonable notice of the proposed action to be taken and shall have an opportunity to be heard by the city Council.

Sec. 16-7.07.170:

Sale or transfer of business - Certificate non-transferable

If an owner to whom a certificate of public convenience and necessity has been issued pursuant to this chapter desires to sell or transfer the business, the intended buyer must make application to the city for a certificate of public convenience and necessity as required by this chapter.

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If the buyer applicant meets the requirements as set forth in this chapter for the issuance of a certificate of public convenience and necessity, the city shall issue a new certificate to the buyer and concurrently therewith shall cancel the seller's certificate.

Upon change in ownership, the prior business license issued to the seller shall be closed and the buyer shall submit an application for a new City business license.

Sec. 16-7.07.180:

Violation - Penalty

In addition to the provisions of this chapter providing for modification, suspension or revocation of a certificate, license or permit, as the case may be, any person violating any of the provisions of this chapter is guilty of a misdemeanor and is punishable as provided in Section 1.04. and 1.05 of this code. Any certificate holder found to be in violation of any of the provisions setting forth the conditions of the approval contained in the resolution granting the certificate of public convenience and necessity shall be subject to any other penalties and fines not otherwise provided for in this chapter.

Article 8: Specially Regulated Business -Non-Emergency Medical Transportation

- Sec. 16-7.08.010 Short title**
- Sec. 16-7.08.020 Purpose of chapter**
- Sec. 16-7.08.030 Operation without franchise unlawful**
- Sec. 16-7.08.040 Application for franchise**
- Sec. 16-7.08.050 Business license and police department approval**
- Sec. 16-7.08.060 Hearing - Notice**
- Sec. 16-7.08.070 Investigation by City Manager or designee**
- Sec. 16-7.08.080 Issuance - Franchise for non-emergency medical transportation**
- Sec. 16-7.08.090 Denial of franchise**
- Sec. 16-7.08.100 Content of franchise**
- Sec. 16-7.08.110 Written acceptance of franchise**
- Sec. 16-7.08.120 Posting of bond**
- Sec. 16-7.08.130 Insurance requirements**
- Sec. 16-7.08.140 Vehicle inspections**
- Sec. 16-7.08.150 Non-emergency medical transportation safety**
- Sec. 16-7.08.160 Personnel**
- Sec. 16-7.08.170 Driver's qualifications**
- Sec. 16-7.08.180 Temporary driver's permit.**
- Sec. 16-7.08.190 Temporary driver's permit - Revocation**
- Sec. 16-7.08.200 Additional regulations for non-emergency medical transportation**
- Sec. 16-7.08.210 Temporary franchise**
- Sec. 16-7.08.220 Franchise fees**
- Sec. 16-7.08.230 Amendment of franchises**
- Sec. 16-7.08.240 Term of franchises**
- Sec. 16-7.08.250 Sale or transfer of business - Franchise non-transferable**
- Sec. 16-7.08.260 User complaint procedures**
- Sec. 16-7.08.270 Destination complaint procedures**
- Sec. 16-7.08.280 Enforcement responsibilities**
- Sec. 16-7.08.290 Modification, suspension, or revocation of franchises**
- Sec. 16-7.08.300 Violation - Penalty**

Sec. 16-7.08.010:

Short title

This chapter shall be known as "non-emergency medical transportation vehicles."

Sec. 16-7.08.020:

Purpose of chapter

The full and sole purpose of this chapter is regulation for the public good, and under no circumstances whatsoever shall any franchise provided for herein constitute or be deemed to be a property right or right of livelihood vested in the holder of any such certificate, permit or license.

Sec. 16-7.08.030:

Operation without franchise unlawful

It is unlawful for any person, either as an owner, agent or otherwise, to operate, conduct, advertise or otherwise engage in the business or service of the transportation of non-emergency

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medical patients upon the streets or any public way or place in the city, except in conformance with a valid franchise to do so issued by the city.

Sec. 16-7.08.040:

Application for franchise

An applicant for a franchise shall submit an application to the City Manager, on a form to be furnished by the city clerk, which shall provide, at a minimum, the following information:

- (a) Name of applicant;
- (b) Type of business (corporation, partnership, etc.);
- (c) Business address of the applicant;
- (d) Home address of the applicant (if applicable);
- (e) Trade or firm name;
- (f) If a corporation, joint venture or partnership, the names of corporate officers, or the names of all partners, both general and limited, their permanent address(es) and their percentage of ownership in the business;
- (g) A statement of facts showing the experience of the applicant in the operation of non-emergency medical transportation services and that the applicant is qualified to render efficient service;
- (h) The level of service which the applicant proposes to provide;
- (i) A statement that the applicant owns, or has under his or her control, all equipment required to adequately operate the non-emergency medical transportation services for which he or she has applied, which meets the requirements established by the California Vehicle Code, and that the applicant owns, or has access to, suitable and safe facilities for maintaining the service in a clean, sanitary and mechanically sound condition;
- (j) A complete description of each vehicle proposed to be operated by the applicant, including the capacity thereof, and a copy of the most recent inspection report issued by the city;
- (k) A statement that each permitted vehicle and its equipment conform to all applicable provisions of this chapter, the California Vehicle Code, and any other state or federal laws and directives;
- (l) A statement that the applicant employs sufficient personnel, adequately licensed, and available to deliver non-emergency medical transportation services of good quality, at all times, as set forth in this chapter; and
- (m) A statement signed by the applicant agreeing to appear and defend all actions against the city arising out of the applicant's exercise of the franchise, and that the applicant shall indemnify, defend and hold the city, its officers, employees and agents harmless of and from all claims, demands, actions or causes of actions of every kind and description directly or indirectly, arising out of, or in any way connected with the exercise of applicant's franchise.

Sec. 16-7.08.050:

Business license and police department approval

Prior to submitting any application for a franchise to the City Manager, the franchise applicant shall obtain a business license to operate a non-emergency medical transportation business in the city, and meet all the requirements of the police department, as described in Section 16-7.08.160 of this chapter.

Sec. 16-7.08.060:

Hearing - Notice

Within ten days, but not more than thirty days, after receipt of an application for a franchise to operate a non-emergency medical transportation business, the city clerk shall set a time and date for the hearing of the application before the city council. At least ten days prior to the hearing, the city clerk shall give notice to the applicant, by mail, of the time and date of such hearing. Notice shall be published in a newspaper of general circulation in the city, at least once and at least ten days prior to the hearing.

Sec. 16-7.08.070:

Investigation by City Manager or designee

Upon receipt of a new application for a franchise, the City Manager, or his or her designee, shall determine if such application is complete. If the City Manager, or his or her designee, determines the application is complete, the City Manager, or his or her designee, shall conduct an investigation to determine if the public health, safety, welfare, convenience and necessity require the granting of a franchise, and shall further determine if the applicant meets all requirements of this chapter. Upon completion of the investigation, the City Manager, or his or her designee, shall recommend to the city council that a franchise be granted or denied. No franchise shall be issued by the city until the city council has determined, by resolution, that the public health, safety, welfare, convenience and necessity require the granting of such franchise.

Sec. 16-7.08.080:

Issuance - Franchise for non-emergency medical transportation

Franchises may be granted under this chapter only after a hearing before the city council and by the adoption of a resolution of the city council granting the franchise. Upon a finding that the public health, safety, welfare, convenience and necessity require the availability of non-emergency medical transportation services within the city and that the applicant meets all requirements of this chapter, the city council may order the issuance of one or more franchises to provide non-emergency medical transportation services within the city.

Sec. 16-7.08.090:

Denial of franchise

When the city council makes any of the following determinations, it may deny a franchise for non-emergency medical transportation services within the city:

- (a) After due investigation by the City Manager, or his or her designee, there does not exist a sufficient potential need for non-emergency medical transportation services to justify an additional, separate, and distinct franchise for such services within the city;
- (b) The operation of an additional franchise within the city is not feasible;
- (c) The application for a franchise is not in the public interest and welfare; or
- (d) The application for a franchise is incomplete or suffers from any procedural defect, or the applicant fails to comply with any of the applicable requirements of this chapter.

Sec, 16-7.08.100:

Content of franchise

In addition to any other requirements contained in this chapter, any franchise granted under this chapter shall specify the number of vehicles to be used by the franchisee, the level of service to be provided, and any special conditions regarding communication, equipment, personnel, rates for special services, or waiver of requirements deemed appropriate by the City Manager, or his

or her designee. The franchise shall operate consistent with the findings contained in the resolution adopted by the city council.

Sec. 16-7.08.110:

Written acceptance of franchise

Within ten days of the granting of a franchise, the franchisee must file a written acceptance of the franchise with the city clerk, agreeing to comply with the terms and conditions of the franchise and of this chapter. If such written acceptance is not filed, the grant of the franchise shall be revoked upon the expiration of tenth day.

Sec. 16-7.08.120:

Posting of bond

The city council, at its discretion, may require the applicant, as a condition of the issuance of the franchise, to post with the City Manager, or his or her designee, a cash bond in the sum of two thousand five hundred dollars or a surety bond payable to the city in the same amount furnished by a corporation authorized to do business in the state of California, payable to the city. Such bond shall be conditioned upon the full and faithful performance by the franchisee of his or her obligation under the applicable provisions of this chapter, and shall be kept in full force and effect by the franchisee throughout the life of the franchise. The city council, upon recommendation of the City Manager, or his or her designee, from time to time may, by resolution, establish such additional or lower bond requirement for individual franchise holders, as may be deemed necessary in the event it is determined that the foregoing bond requirements constitute insufficient or more than sufficient protection to the city, as the case may be.

Sec. 16-7.08.130:

Insurance requirements

The franchisee shall obtain and keep in force during the term of the franchise public liability and bodily injury insurance issued by a company authorized to do business in the state of California, insuring the owner of the vehicle and also naming the city as an additional insured of such vehicle against loss by reason of injury or damage that may result to persons or property from negligent operation or defective maintenance of such vehicle, or from violation of this chapter, or any other law of the state or of the United States. The policy shall be in the sum of not less than two million dollars for personal injury to, or death of, any one person in any single accident; and the limits of each such vehicle shall not be less than five hundred thousand dollars for damages to, or destruction of, property in any one accident.

Workers' compensation insurance shall be carried in the statutory limits covering all employees of the franchisee. Before the city council may issue a franchise, copies of the policies or certificates evidencing such policies shall be filed with the city clerk. All policies shall contain a provision requiring a thirty-day notice to be given to the city prior to cancellation, modification or reduction in limits. The amounts of public liability insurance for bodily injury and property damage shall be subject to review and adjustment at the city's option.

Sec. 16-7.08.140:

Vehicle inspections

Each non-emergency medical transportation vehicle operated within the city must pass an initial safety inspection, to be conducted by an ASE certified Master Mechanic, which is paid for by the applicant or owner of the business.

Any vehicle that fails an annual safety inspection shall not be operated as a non-emergency medical transportation vehicle with the city, until such time that the police department determines that the condition causing such failure has been corrected and the vehicle otherwise meets all the requirements to pass an annual safety inspection.

Sec. 16-7.08.150:

Non-emergency medical transportation safety

Non-emergency medical transportation vehicles shall be maintained at all times in good mechanical repair and in a clean and sanitary condition.

Sec. 16-7.08.160:

Personnel

Every person who operates a non-emergency medical transportation vehicle within the city shall comply with the requirements of all applicable local, state and federal laws and, prior to the operation of any such vehicle, shall comply with any and all applicable certification and registration requirements of the California Public Utilities Commission as well as any and all applicable certification and registration requirements of any other state or federal agency.

Sec. 16-7.08.170:

Driver's qualifications

It is unlawful for any person to operate or drive a non-emergency medical transportation vehicle in the city without first having obtained a written permit or license to do so from the police department. The police department may refuse to issue a driver's permit or may revoke a permit for any of the following reasons:

- (a) If the applicant is under twenty-one years of age or not a citizen of the United States;
- (b) If the applicant has not resided in the county for thirty days prior to filing the application;
- (c) If the applicant does not possess a valid Class 3 license and medical examiner's certificate issued by the State Department of Motor Vehicles;
- (d) If the applicant is convicted or has been convicted of reckless driving or a crime involving moral turpitude, or of driving under the influence of intoxicating liquors or narcotics;
- (e) If the applicant violated any of the provisions of this chapter;
- (f) If the applicant has been convicted of three or more moving violations constituting unsafe driving within a period of twelve months immediately preceding such action of the police department;
- (g) If the applicant does not test negative for each of the controlled substances specified in Title 49 of the Code of Federal Regulations before employment or upon permit renewal, or at such other times as the city shall designate. All costs for testing and reporting shall be borne by the applicant or the employer.

Sec. 16-7.08.180:

Temporary driver's permit

The police department may, after an investigation, issue a temporary driver's permit, which shall be effective for no more than thirty days. The police department may issue no more than two consecutive temporary driver's permits, nor more than two non-consecutive temporary driver's permits in any two-year period. Any person operating a non-emergency medical transportation business in compliance with a temporary driver's permit shall be deemed to have complied with Section 16-7.08.160 of this chapter.

Sec. 16-7.08.190:

Temporary driver's permit - Revocation

The police department may revoke a temporary driver's permit at any time and for any lawful reason. Any person aggrieved by the police department's revocation of a temporary driver's permit may appeal to the City Manager, by submitting a request, in writing, to the City Manager's office within ten days of the decision of the police department. The City Manager may overturn the decision of the police department if that decision was arbitrary or an abuse of discretion.

Sec. 16-7.08.200:

Additional operating regulations for non-emergency medical transportation services

In addition to the other provisions contained in this chapter, non-emergency medical transportation vehicles shall be operated in compliance with the provisions of this section.

- (a) No franchisee shall dispatch, use or operate any non-emergency medical transportation vehicles for emergency medical transportation or as an ambulance, except at the request of local authorities during an emergency as defined in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the California Government Code).
- (b) All non-emergency medical transportation vehicles shall be dispatched, used and operated for pre-arranged medical appointments of a non-emergency nature only, except as otherwise provided in subsection (1) of this section.
- (c) All operators and/or drivers of non-emergency medical transportation vehicles shall hold a current CPR, Heart Saver level and first aid certification approved by the City Manager, or his or her designee.
- (d) All non-emergency medical transportation vehicles shall be equipped with a means of communication by either cellular phone or radio enabling the operator to immediately obtain emergency medical service information.

Sec. 16-7.08.210:

Temporary franchise

The City Manager, or his or her designee, may authorize a temporary franchise to a non-emergency medical transportation business, based outside the city, for up to thirty days, for special activities. Such temporary franchise shall conform to the requirements of this chapter and shall contain such additional conditions and restrictions that the City Manager, or his or her designee, deems appropriate for the operation.

Sec. 16-7.08.220:

Franchise fees

The city reserves the right to charge a separate franchise fee for the operation of a non-emergency medical transportation business. Such franchise fee may be established by resolution of the city council on an annual basis and may be prorated on a quarterly basis. Franchise fees may be waived by the city council if public necessity so requires.

Sec. 16-7.08.230:

Amendment of franchises

Upon application to the city council and after conducting a public hearing thereon, the city council may amend the conditions specified in the resolution granting the franchise, if such changes are in substantial compliance with the provisions of this chapter.

Sec. 16-7.08.240:

Term of franchises

The term of the franchise shall run concurrently with the term of the business license granted to the franchise holder, unless the resolution adopted by the city council specifies a different term. The franchise will remain in effect unless there is an action taken by the city council to revoke the franchise for failure to comply with any of the provisions of this chapter.

Sec. 16-7.08.250:

Sale or transfer of business - Franchise non-transferable

If a franchisee desires to sell or transfer a non-emergency medical transportation business, the intended buyer must make application to the city for a franchise as required by this chapter. The

selling franchisee must file an affidavit of intention to surrender and cancel the existing franchise conditionally upon, and concurrently with, consummation of sale and the city's granting of a new franchise in the name of the buyer.

If the buyer applicant meets the requirements as set forth in this chapter for a franchise, the city shall grant the buyer a new franchise and concurrently therewith shall revoke the seller's franchise.

Upon change in ownership, the prior business license issued to the seller shall be closed and the buyer shall submit an application for a new City business license.

Sec. 16-7.08.260:

User complaint procedures

Any user or subscriber to a non-emergency medical transportation business contending that he or she has been required to pay an excessive charge for service, or that he or she has received unsatisfactory services, may file a written complaint with the city clerk setting forth such allegations. The city shall notify the non-emergency medical transportation business of such complaint, and the City Manager, or his or her designee, shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the city shall take reasonable and proper actions to secure compliance with the conditions of this chapter, including modification, suspension or revocation of the franchise under Section 16-7.08.290 of this chapter.

Sec. 16-7.08.270:

Destination complaint procedures

Any personnel from the destination location, such as medical centers or physicians' offices, contending that the transportation service is insufficient or unsatisfactory, may file a written complaint with the city clerk setting forth such allegations. The City Manager, or his or her designee, shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the city shall take reasonable and proper actions to secure compliance with the conditions of this chapter, including modification, suspension or revocation of the franchise under Section 16-7.08.290 of this chapter.

Sec. 16-7.08.280:

Enforcement responsibilities

The City Manager, or his or her designee, shall make all necessary and reasonable rules and regulations, subject to the approval of the city council, covering non-emergency medical transportation businesses, vehicles, personnel, and rates for the effective and reasonable administration of this chapter. The City Manager, or his or her designee, shall inspect the records, facilities, vehicles and methods of operation whenever such inspections are required or deemed necessary.

Sec. 16-7.08.290:

Modification, suspension or revocation of franchises

The City Manager, or his or her designee, after conducting a hearing, may modify, suspend or revoke a franchise to operate a non-emergency medical transportation business when the City Manager, or his or her designee, has found, after investigation, that the franchisee, or any partner, officer, director or employee of the franchisee has done any of the following:

- (a) Violated any section of this chapter, or any other laws relating to a non-emergency medical transportation business, or any laws which relate to the franchise activities;
- (b) Has been convicted of any felony;
- (c) Has been convicted of any misdemeanor involving moral turpitude or commits an act involving moral turpitude;

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- (d) Has been convicted of any offense relating to use, sale, possession or transportation of narcotics or habit-forming drugs;
- (e) Has committed any act involving dishonesty, fraud or deceit;
- (f) Has misrepresented a material fact in obtaining a franchise, or is no longer adhering to the conditions specified in his or her franchise;
- (g) Aids or abets an unlicensed or uncertified person to evade the provision of this chapter; or
- (h) Fails to maintain a current city business license for the operation of the franchise.

Sec. 16-7.08.300:

Violation - Penalty

It is unlawful for any person to operate, conduct, advertise or otherwise engage in the transportation of non-emergency medical patients upon the streets or any public right-of-way in the city, except in conformance with a valid franchise issued by the city.

In addition to the provisions of this chapter providing for modification, suspension or revocation of a franchise, as the case may be, any person violating any of the provisions of this chapter is guilty of a misdemeanor and is punishable as provided in Section 1.04. and 1.05 of this code. Any franchise holder found to be in violation of any of the provisions setting forth the conditions of the approval contained in the resolution granting the franchise shall be subject to any other penalties and fines not otherwise provided for in this chapter.

Article 9: - Specially Regulated Business - Solicitors / Peddlers

Sec. 16-7-9.010 Requirement of registration

Sec. 16-7-9.020 Solicitors and peddlers

Sec. 16-7-9.030 Solicitor exemptions

Sec. 16-7-9.010:

Requirement of registration

Each solicitor and peddler who goes from house to house or from place to place, selling or taking orders for, or offering to sell or take orders for, goods, wares, merchandise or magazines, periodicals or publications or subscriptions for the same, or any article, right or privilege of value, for future delivery, or for service to be performed in the future, or for the making, manufacturing, or repairing of any article or thing whatsoever for future delivery (religious material and regularly published newspapers excepted) or donations of any nature within the city is required to register with the police department of the city and to obtain a permit.

Each applicant for registration hereunder shall be fingerprinted by an employee of the police department. One photograph shall be attached at all times to the applicant's identification and registration card and another photograph shall be retained by the police department. The identification and registration card shall bear the name of the applicant, the company or companies which he represents, and his photograph and right thumbprint. It shall be carried on the person of the applicant and shall be displayed to all residents at the beginning of the period of solicitation.

Sec. 16-7-9.020:

Solicitors and peddlers

(a) Peddlers. Every person engaging in the business of peddling any goods, wares, merchandise, fruits or vegetables shall procure a license and pay the business license tax in accordance with Section 7.06.020. Each such person shall furthermore register in accordance with Section 7.9.010 and comply with all of the regulations of said section. Peddling shall be prohibited between the hours of seven p.m. and eight a.m.

For the purpose of this section, "peddling" means and includes traveling or going from place to place, or from house to house, within the city, and peddling, hawking, vending or selling any goods, wares or merchandise, carried or caused to be carried or conveyed by or with the person peddling, hawking, vending or selling the same.

(b) Solicitors Not Having Regular Place of Business. Every person engaging in the business of soliciting shall procure a license and pay the business license tax in accordance with Section 7.06.020.

A "solicitor" within the meaning of this section means any person who does not have a regular established place of business within this city as hereinafter defined, who goes from house to house, or from place to place, in the city, selling or taking orders for, or offering to sell or take orders for, goods, wares or merchandise or any article for future delivery, or for service to be performed in the future, or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery. The foregoing definition of a solicitor shall be exclusive and controlling, and the fact that a solicitor may have had previous contacts with the customer through the media of telephone, correspondence, advertising or by person to person conversation, or that he may have been invited to the house or place, shall not be a defense to, or excuse for, a violation of any provision of this code, nor affect his status as a solicitor.

An established place of business operating in the city may seek business using solicitors who continuously comply with each of the following requirements:

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- (1) The established place of business must be open to the public at least eight hours a day, five days a week;
- (2) A floor salesman of the company shall be present at all times when the place of business is open;
- (3) Said business or company shall have and maintain at said place a sign of not less than three square feet bearing the name of the firm either on the front of the building facing the street;
- (4) Each new solicitor shall be fingerprinted by the police department and furnish photos satisfactory to the department. Applicants renewing a permit may be required to be fingerprinted prior to the renewal of their permit.

Application for the license provided for in this section shall be accompanied by a bond in the penal sum of five hundred dollars, executed by a surety company, or in lieu thereof, a cash bond of equal value, conditioned upon the making of final delivery of the goods, wares or service to be performed in accordance with the terms of such order. Any person aggrieved by the action of any such solicitor shall have a right of action on the bond for the recovery of money or damages or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the city for a period of ninety days after the expiration of any such license. All orders taken by licensed solicitors shall be in writing in duplicate, stating the terms thereof, and the amount paid in advance, and one copy shall be given to the purchaser. Each solicitor shall be fingerprinted by the police department and furnish photos satisfactory to the department. Solicitation shall be prohibited between the hours of seven p.m. and eight a.m.

(c) Ice Cream Trucks

Mobile Ice Cream businesses do not have an established place of business and go from place to place selling packaged ice cream and other consumable packed goods via a vehicle or a push cart.

1. It is unlawful for any person to conduct mobile Ice cream sales from a vehicle or a mobile cart in the city without having first obtained a solicitors permit issued by the Police department. The police department may refuse to issue a driver's permit for any of the following reasons:
 - a. If the applicant is under twenty-one years of age;
 - b. If the applicant does not possess a valid drivers license
 - c. If the applicant is convicted or has been convicted of reckless driving or a crime involving moral turpitude, or of driving under the influence of intoxicating liquors or narcotics;
 - d. If the applicant violated any of the provisions of this chapter;
 - e. If the applicant has been convicted of three or more moving violations constituting unsafe driving within a period of twelve months immediately preceding such action of the police department;
 - f. If the applicant does not test negative for each of the controlled substances specified in Title 49 of the Code of Federal Regulations, before employment or upon permit renewal, or at such other times as the city shall designate. All costs for testing shall be borne by the applicant or the employer.
 - g. The applicant has been convicted of or is under investigation of crimes that in the option of Chief of Police or his/ her designee poses a threat or create a substantial concern to the residents of the city.
2. Mobile Ice cream businesses shall not display, sale, transfer or offer any imitation firearms such as BB or pellet guns as stated in penal code section 12550-12556.
3. Mobile Ice Cream businesses shall remain mobile and moving from place to place until the business has been solicited by a patron seeking to purchase merchandise from the mobile ice cream business. It is unlawful for a mobile ice cream business to park or stop

for an extended amount of time for any reason other than to complete a transaction with a patron who has solicited such a service.

Sec. 16-7.9.030:

Solicitor exemptions

The provisions of this section shall not apply to:

- (a) A solicitor who represents a bona fide fraternal, charitable or religious organization which is exempt under the following provisions of this section;
- (b) A disabled veteran who is exempt under the provisions of Section 16-7.06.140(a)(4)
- (c) Any bona fide nonprofit charitable, fraternal or religious institution or organization where the proceeds of the activity covered by the exemption are to be used for the lawful purposes of said organization; provided, however, that no exemption hereunder shall be valid unless application therefor has been made in writing to the city clerk which certificate shall cover a period of not more than one year from date thereof, and shall be displayed or available for presentment to any enforcement officer of the city on request, on the premises covered by the certificate; provided further, that no exemption shall be granted hereunder to any person, firm, concern or organization who receives any financial share or interest in the activity proposed to be covered by the exemption, or the proceeds or income therefrom.
- (d) A bona fide resident, as defined by the California Elections Code, shall be exempt from the fingerprinting requirement providing that all solicitors shall be required to wear and display an identification badge which is uniform in size, color and content and which has been approved by the city clerk at the time of issuance of the certificate of exemption.
- (e) "Charity" includes any nonprofit organization, trust or other person which solicits or obtains contributions solicited from the public for charitable purposes or holds any assets for charitable purposes. Charitable purposes include but are not limited to the improvement and advancement of public safety, education, religion, the prevention of cruelty to children and animals, any environmental protection and other benevolent purposes. Any charity described herein must be exempt from taxation pursuant to California Revenue and Taxation Code Section 23701(d) or Internal Revenue Code Section 501(c)(3).

Article 10: - Specially Regulated Business- Firearms, Pawnshops, Junk Dealers, Secondhand Stores, etc.

Sec. 16-7.10.010:

Firearms, Pawnshops, Junk Dealers, Secondhand Stores, etc. –generally.

Every person conducting the business of junk dealer, secondhand dealer, automobile and truck wrecking or dismantling, pawnbroker or similar business where money is loaned on personal property for compensation

No person shall operate a junk, rubbish or garbage collection vehicle or truck within the city unless there is in full force and effect and covering each vehicle classified hereunder a policy of insurance in such form as the city council shall deem proper, executed by an insurance company approved by said council, which policy shall insure the public against any loss or damage that may result from the operation of said vehicle, and; provided further, that said policy of insurance shall provide for maximum recovery of not less than the following schedule:

- (a) For injury or death of any one person in any one accident, two hundred fifty thousand dollars;
- (b) For injury or death of two or more persons in any one accident, five hundred thousand dollars;
- (c) For injury or destruction of property in any one accident, one hundred thousand dollars.

Such policies shall be on file with the city clerk.

No person shall operate a pawn shop or secondhand dealership without first obtaining a "pawn shop" or "secondhand dealer" license issued by the Victorville police department.

Article 11: - Specially Regulated Business - Massage

- Sec. 16-7.11.010 Business license requirements**
- Sec. 16-7.11.020 Conditional use permit required**
- Sec. 16-7.11.030 Massage technician requirements**
- Sec. 16-7.11.040 Changes of business information**

Sec: 16-7.11.010:

Business license requirements

In addition to the business license requirements stated in this title, massage establishments shall provide the Code Enforcement Official or his/her designee, a list of names of massage technicians performing massage services at the establishment seeking a business license and provide a copy of the state certification for each listed massage technician.

Sec: 16-7.11.020:

Conditional use permit required

No person shall operate a massage establishment within the city without first obtaining a Conditional use permit pursuant to Sections 16-3.07.020 of this chapter and securing a business license.

Sec: 16-7.11.030:

Massage technician requirements

Every person performing massage services for compensation within the City of Victorville shall obtain and maintain a valid State massage certification. Individuals found to be performing massage services for compensation within the City of Victorville without a State certification shall be in violation of this code.

Massage establishments found to be employing, soliciting or using massage technicians that do not possess a valid state massage certification shall be in violation of this code and deemed a public nuisance and shall be justification for revocation of the city business license.

Sec: 16-7.11.040:

Changes of business information

Every massage establishment operator shall report immediately to the city any and all changes of ownership or management of the massage establishment, including, but not limited to, changes of manager or other person principally in charge, directors and partners in any and all changes of name, style or designation under which the business is to be conducted, and all changes of address or telephone numbers of the massage business.