

CHAPTER 26.

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¹For state law as to authority of city to license business transacted in the city, see Gov. C., Sec. 37101. As to authority of city to license businesses in exercise of police power for purposes of regulation, see B. & P. C., Secs. 16000 to 16003. As to bicycle licenses, see Secs. 7-3, 7-4 of this Code. As to license for billiard room, see Secs. 9-10 to 9-16. As to license for card clubs, see Secs. 12-5, 12-6. As to finances generally, see Ch. 18. As to solicitors' licenses, see Secs. 36-3 to 36-7.

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Article I. In General.

Sec. 26-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advertising by billboards. Every person erecting, installing, maintaining billboards or operating any other advertising sign, sign device, design or statuary erected to attract the attention of the public and visible from any street or other public place.

Advertising by distributing handbills. Every person operating the business of distributing handbills, samples, dodgers, circulars, booklets or other notices of advertisements. No additional fee shall be required for employees or agents of such licensee; provided, that such employees or agents carry on their persons at all times while engaged in the business, an identification card furnished by the city clerk. Applicant is required to submit a recent frontal photograph, measuring approximately one and one-half inches by one inch, which photograph is to be attached to the identification card by the city clerk.

Advertising by posting. Every person operating the business of advertising by posting, sticking, tacking, affixing or painting bills or signs to or upon posts, fences, buildings or other structures, except billboards or advertising signboards; provided, that nothing in this section shall be construed to affect or apply to any person who shall be liable for and who shall pay a license under any provisions of this chapter and who shall post, stick, tack, affix upon or erect any such signs on the premises or buildings occupied and used in the business of the person and which sign advertises the goods of the business of the person only.

Advertising by searchlight. Carrying on the business of advertising by means of a searchlight, stereoscope, biograph, moving picture or any similar device; provided, that nothing in this section shall be construed to affect or apply to any person who shall be liable for and shall pay the license under any provisions of this chapter, and who shall use a stereoscope, biograph or moving picture or any similar device for the purpose of advertising goods, wares or merchandise of the business of such person only.

Advertising by sound trucks. Every person operating the business of advertising by means of any vehicle containing amplifiers, phonograph, loudspeakers, microphone, broadcasting radio or a device, for public address, or carrying advertising signs and which is used for announcing or advertising upon the public streets or public grounds in the city.

Auction establishment. A fixed place of business where any goods, wares or merchandise are sold or offered for sale or trade by public outcry or auction.

Bankrupt stock, bankrupt sales or closing out sales. Every person engaged in the business of selling any goods, advertised or designated as sheriff's, assignee's, creditor's, bankrupt's, consignee's, trustee's, receiver's, closing out or closing business, or special sale of damaged goods, damaged by fire, water or otherwise.

This section shall not apply to sale of goods which are actually in good faith in the possession of the sheriff or trustee in bankruptcy or in possession of any court of the state or of the United States; or the goods belonging to an established business, paying a license, which have been damaged within the city and which are being disposed of in good faith by the person engaged in the business to close out the same.

Such sales provided in this section shall be certified to by the city clerk that such sale is a bona fide sale held by an established licensee to conduct such business in the city; and provided further, that any inventory of merchandise to be sold, at such sale shall be furnished by the licensee to the city clerk and the sheriff; and provided further, that permission to hold such sale shall not include the right to increase the stock of merchandise or inventory after the sale has been publicly advertised.

Beautician. Every person engaged in the business of giving beauty treatments, massage, manicuring, shampooing or hairdressing, or removing or eradicating surplus hair, moles, warts or other facial blemishes, by going from house to house or place to place, and if such person is connected with or be operating from an established shop or place of business in the city the license fee specified shall be in addition to any and all fees required of the owner or operator of such shop.

Beauty parlor. Operating a manicuring, shampoo, hairdressing, facial massage or beauty parlor, or any establishment where surplus hair, moles or other facial blemishes are removed or eradicated.

Businesses, professions and trades. All businesses, professions, trades and occupations of all and every kind of calling carried on within the city for the purpose of earning a profit or livelihood whether or not a profit or livelihood is actually earned hereby. "Businesses, professions and trades" shall include, but is not limited thereto, commission merchants, salesmen, brokers, retailers, wholesalers, vendors, suppliers, the renting or supplying of living quarters, or rooms or board, or both for four or more guests, tenants or occupiers and any other type of endeavor entered into within the city for the purpose of earning a livelihood or profit whether paid for in money, goods, labor or otherwise and whether or not such business, profession, or trade has a fixed place of business in the city.

The term "businesses, professions or trades" shall not apply to any person engaged in business, profession or trade, solely as an employee of any other person conducting, managing or carrying on any such business in the city.

Cafe food establishment, public eating place and hawker. Those businesses or occupations as defined in the County Health Ordinance, as adopted in this Code. Public eating place shall also include all places where sandwiches, lunches and food or drinks of any and all kinds are prepared for sale or gift to the public, whether sold or given or consumed on the premises where prepared or not.

Card clubs. Every business conducted or engaged in as a card club, card room, card school, bridge club, social card club, public eating place, pool or billiard hall where card playing or instruction in card playing, or both, is conducted as a whole or as a part of the activities therein.

Children's boarding home. Any institution or establishment providing room and board for the reception and care of children under the age of eighteen years regardless of sex and when such children are unrelated to the caretaker, in the absence of parents or guardians, and with or without compensation.

Circus. Any tent or canvas enclosure wherein are exhibited any feats of horsemanship, trained animals, clowns, acrobats or trapeze performances and such other forms of skill or amusements as are commonly given in rings and combinations of entertainments.

Coin operated machines. All machines or devices other than amusement or merchandise vending machines operated by inserting therein a coin.

Concessions. Every person who rents, leases or otherwise occupies floor space or a concession, in a place where a business, profession or trade is conducted within the city and where such concession is conducted for the purpose of conducting a business, profession or trade by the concessionaire and where the concessionaire pays for the space occupied on a cash rental, commission basis or otherwise.

Contractor. A person who for a fixed sum, price, fee, percentage or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to or improvement of any building or other structure, project, development or improvement, other than to personalty, or any part thereof; provided, that the term "contractor," shall include subcontractor, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractor as herein defined.

Day nursery or day nursery school. An institution or establishment providing day care or instruction for children between the ages of two years and four years and six months inclusive, but shall not include any day nursery or day nursery school maintained by any public school or the federal government.

Employee. All persons engaged in the operation or conduct of any business, and includes any member of the owner's family, agent, manager, solicitor and any and all other persons employed or working in the business.

Fertilizer processors. Any person engaged in the treatment or processing of fertilizer, manure or excrement or the purpose of sale thereof.

Gasoline deliveries. The selling or delivering of kerosene, gasoline, benzine, distillate, stove distillate, furnace distillate or any or all other petroleum products by means of tank wagons, tank trucks or other vehicles.

House number painter. Any individual, firm, or corporation or organization engaged in the activity of painting upon public curbs, streets, roadways, sidewalks or other public property, house numbers or house addresses or other printed or painted material.

Junk or salvage collector. A person engaged in the business within the city of going from house to house, or place to place gathering, collecting, buying, selling or otherwise dealing in any old rags, sacks, bottles, cans, papers, metals, furniture, appliances or other articles commonly known as junk.

Junk or salvage dealer. A person, not an auto wrecker, engaged in conducting, managing or carrying on the business within the city of buying, selling or otherwise dealing in either the wholesale or retail of any old magazines, sacks, bottles, cans, papers, metals including gold and mercury, or other articles commonly known as junk.

Owner-builder. Any person who constructs a building or addition thereto on real property owned by him, which building will be the only structure on such real property, aside from auxiliary, accessory or utility structures.

Patrolman. An individual engaged in the act of guarding property as the owner, member or employee of a patrol system.

Patrol system. Any private service or private system which purports to furnish or does furnish to members or subscribers any watchman or guard, either uniformed or otherwise, to patrol any part of the city or to guard or watch any property, including guarding against theft, fire or both, or to perform any service usually and customarily performed by the sheriff in his capacity as a peace officer.

It does not include the guarding of property of a single owner while such property is not open to public by one or more individuals whose entire salary or wage is paid by such owner, irrespective of whether such salary or wage is paid direct to the individuals performing such guard duty or to another, or service of any nature performed by an employee whose main or principal duty is not that of guarding or protecting property.

Private boarding school. Any institution or establishment providing room and board and giving a course of training similar to that given in any grade of public school, from kindergarten to the twelfth grade, inclusive, but shall not include any institution or establishment maintained by any public school.

Private day school. Any institution or establishment providing a course of training similar to that given in any grade or public school from kindergarten to the twelfth grade, inclusive, but shall not include any institution or establishment maintained by any public school nor any parochial school.

Public billiard and pool halls. Any place open to the public where billiards, bagatelle or pool is played, or in which any billiard, bagatelle or pool table is kept and persons are permitted to play or do play thereon, whether any compensation or reward is charged for the use of such table or not.

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

Public garage. A room, building or other structure where automobiles are kept or stored by the public, or where a charge is made for such storage or keeping of automobiles.

Secondhand dealers. A person, other than a used car dealer, who deals in secondhand books, magazines, is engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares and merchandise, but does not include a person who does not sell or offer to sell secondhand goods, wares or merchandise, except such as received by such person as payment or part payment for new articles sold by him.

Soliciting. Any person engaged in the business of going from house to house, or place to place, other than commercial business houses, or at, on or along the public streets, sidewalks or public places, selling or taking orders for, or offering to sell or take orders for, goods or for services to be performed in the future, or for things of value to be delivered in the future, or performing services which require further development, consummation or completion elsewhere than at the place where performed.

Theaters. A moving picture theater, or drive-in theater where moving or motion pictures, legitimate theater or vaudeville shows are exhibited, and a fee is charged, collected or received.

Used car dealers. Any person engaging in, conducting, managing or carrying on the business of buying, selling or offering for sale, consigning to be sold or otherwise dealing in motor vehicles as the term "motor vehicles" is defined in the state Vehicle Code, which have either been registered or have been driven one hundred miles or more.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vending machines, amusement. Each board, set of numbers, alleys, wheel or any individual device whereby a player manipulates the game, device, machine or other instrument, and each thereof shall be deemed a separate device, machine or instrument requiring an additional license fee.

Vending machines, merchandise. Each machine, device or vending device operated by coins and from which goods, wares, merchandise, edibles and liquids, whether bottled or otherwise, are sold or delivered or dispensed. (Mun. Code, Secs. 3100 to 3104.33; Ord. Nos. 185, 411, 598)

Sec. 26-2. Applicability of chapter generally.

This chapter shall apply to all persons conducting a business, profession or trade within the city whether or not such person maintains a fixed place of business in the city and whether or not such person may primarily conduct his business, profession or trade elsewhere. A person shall be deemed to be conducting a business, profession or trade within the city if he, or his agents, or employees offer, solicit, sell, contract, construct, make, deliver or repair, or perform acts or services in respect to such business, trade or profession within the city. (Mun. Code, Sec. 3101)

Sec. 26-3. Required--Generally.

No person shall commence or carry on any business, profession or trade or occupation of any kind, nature or calling within the city, whether or not such person has a fixed place of business within the city or elsewhere, and where such business, profession, and trade or occupation is not otherwise exempt from the provisions of license requirements hereunder by federal or state law or by the provisions of this chapter, without first having procured a license, as required by this chapter, from the city to do so and without first complying with any and all regulations contained in this chapter. The carrying on of any business, profession, trade or occupation without first having procured a license from the city to do so, or without complying with any and all regulations pertaining to such business as provided in this chapter, shall constitute a separate violation of this chapter for each and every day that such business, profession, trade or occupation is so carried on. (Mun. Code, Sec. 3200)

Sec. 26-3.1. Same--House, garage or lawn sale in R zone.

Subject to the regulatory provisions as set forth in this chapter, a sale, as hereinafter defined, in an R zone property may be conducted once every twelve months for two consecutive days. Such sale shall be by the person residing on such property.

For the purpose of this section "sale" shall mean a house, garage or lawn sale of goods, merchandise and equipment owned by the resident and confined to the lot or parcel of property upon which structure the person conducting their sale resides.

A license issued by the City Clerk shall be obtained by such resident before selling or offering to sell any goods, merchandise or equipment. The application shall be in a form and content as the City Clerk deems advisable.

The provisions of this section are intended to augment and be in addition to the license provisions of this chapter.

A house, garage or lawn sale license shall not be issued on the same lot or parcel more than once in a twelve month period for two consecutive days. However, one additional house, garage or lawn sale license may be issued on the same lot or parcel during the same twelve month period for a maximum of two consecutive days if it is for the sole purpose of an "estate sale." An estate sale is defined as a sale conducted to sell goods, merchandise and equipment of the property's deceased resident. The deceased person must be a principal resident of the property and a death certificate is required to obtain the license to conduct the sale.

Churches as defined in Chapter 44 of the Paramount Municipal Code, may be permitted to have a house, garden, or lawn sale license on the same lot or parcel not more than twice in a twelve month period for two consecutive days.

A change in the occupancy or residence shall not operate to cause a license to be issued more frequently than previously stated.

Sec. 26-4. Exemptions from chapter.

- (a) Religious, charitable, fraternal, educational, military, state, county or municipal organizations. The provisions of this chapter shall not be deemed or construed to require the payment of a license to conduct, manage or carry on any business or require the payment of any license of any institution or organization so conducted, managed or carried on fully for the benefit of charitable purposes or from which profit is not derived either directly or indirectly by any person. Nor shall any license be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects whenever the receipts of such entertainment, concert, exhibition or lectures are to be appropriated to any church or school or to any religious or benevolent purpose in the city, nor shall any license be required for the conducting of any recreation, entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association, whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objectives for which such organization or association was formed and from which profit is not derived either directly or indirectly by any person, or whenever any such entertainment, dance, concert, exhibition or lecture is limited to the members of any such organization or association, including their respective spouses. The provisions of this chapter shall not be deemed or construed to require the payment of a license by any religious, charitable, fraternal, educational or military organization or association conducting casual sales, concerts, dances, entertainment, exhibitions or lectures or other activities for fund raising purposes and where the funds so derived are retained strictly for charitable, religious, educational, fraternal or military purposes and do not go to the benefit or use or profit of any person; provided, that nothing in this section shall be deemed to exempt any such organization or association in complying with the provisions of this Code requiring such institution or organization to obtain a permit from the city council or proper officer to conduct, manage or carry on any business.
- (b) Exemption under federal and state Constitution and state law. Nothing in this chapter contained shall be deemed as applying to any person managing or carrying on or engaging in any business exempt from taxation by municipal corporations by article 13, section 14, of the Constitution of the state, the laws of the state and the Constitution of the United States.
- (c) Veterans. Every honorably discharged or honorably relieved soldier, sailor, or marine of the United States, who served in any Indian War, The Spanish American War, any Philippine insurrection, The Chinese Relief Expedition, World War I, World War II or the Korean conflict, who is physically unable to obtain a livelihood by manual labor and who is a registered voter of the state, may distribute circulars and hawk, peddle and vend, except from a fixed or permanent location, any goods, wares or merchandise owned by him, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license fees or tax whatsoever, and shall be granted an exempt license by the city clerk upon filing with the city clerk the proper application and evidence of eligibility approved by the city clerk.
- (d) Blind. No blind person who is certified as blind by the bureau of vocational rehabilitation, department of education of the state and engaged in retail sales, wholesale merchandising or manufacturing, shall be required to pay any fee for the license required in this chapter.

(e) Civic organizations.

- (1) Any civic organizations, Junior Chamber of Commerce, Chambers of Commerce, Parent Teacher Association, veterans group, church group, fraternal organization and other civic, religious or charitable group entitled to exemption and not coming under any part of this chapter requiring a license shall be entitled to an honorary license upon application to the city clerk and payment of a fee of one dollar.
- (2) This section is not intended to be a mandatory requirement for those organizations set forth in subsection (a) of this section.

(f) Emergency services. Any person otherwise coming within the definition of business, profession or trade who does not have a fixed place of business within the city and who is called into the city or called upon to perform a service or act within the city of an emergency nature in order to protect the health, life, property or rights of someone within the city shall be exempt from the provisions of this chapter.(g) Minors. Minors under the age of eighteen years shall be entitled to a free license for engaging in part time activities coming within the definition and license requirements of this chapter but they shall be subject to all permit and registration procedures.(h) Interstate commerce. Every person claiming to be entitled to exemption from the payment of any license provided for in this chapter upon the ground that such license casts a burden upon his rights to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States congress respecting interstate commerce, shall file a verified statement with the city clerk, disclosing the interstate or other character of his business entitling such exemption. Such statement shall state the name and location of the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his address, the kind of goods to be delivered, the name from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the state, the method of delivery, the name and location of the residence of the applicant and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the city clerk.

If it appears that the applicant is entitled to such exemption, the city clerk shall forthwith issue a free license. In case of dispute the decision of the city attorney shall be final.

(i) Exemption under other provisions of state law. Every person claiming to be entitled to an exemption from payment of any license fee provided for in this section upon the ground that such license fee is exempt under state law shall file a verified statement with the city clerk disclosing the character of the business entitling such exemption. The statement shall state the name and location of the company or firm claiming the exemption, the type of business conducted and facts establishing that the person, organization or firm comes within the exemption of state law. Additional information shall be supplied to the city clerk or city attorney upon request in order to ascertain whether or not the claimant meets the exemption of the state law. In case of dispute, the decision of the city attorney shall be final.

- (j) Secondhand goods. When any person is engaged in any business licensed under the provisions of this chapter and as an incident to this business accepts secondhand goods as part payment on any new merchandise, such person shall not be required to obtain a license as a secondhand dealer for the doing of such acts and shall not be considered as dealing in secondhand merchandise.
- (k) Exempt licenses to be endorsed. Whenever the city clerk shall issue any license granting any exemption provided for in this chapter, the person to whom such license is issued shall endorse thereon his signature in ink in the presence of the city clerk or deputy license clerk or deputy license collector, and no such license shall be transferable.
- Any such exempt license shall be issued by the city clerk, or deputy license collector, only for the minimum license period of any such business, and may be renewed for the same period under the same conditions and in the same manner as originally obtained.
- (l) Revocation of license exemptions. At any time that it shall appear to the satisfaction of the council that none of the conditions specified in this chapter as meriting exemption from license requirements exists as to any person to whom any such exemption has been allowed the council may revoke such exemption and the exempt license issued thereunder.
- (m) Franchise, etc. The provisions of this chapter shall not be deemed or construed to require the payment of a license to conduct, manage or carry on any business not requiring the payment of any license of any business granted a franchise by the city council. (Mun. Code, Sec. 3228; Ord No. 185, Sec. 8)

Sec. 26-5. Branch establishments.

Separate licenses or permits shall be obtained for each branch establishment or location of a business, profession or trade engaged in by the licensee and each license shall authorize the licensee to engage in the business, profession or trade licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Mun. Code, Sec. 3217)

Sec. 26-6. Application--Form; filing.

All applications for licenses shall be in writing upon a form approved by the city attorney and issued by the city clerk. The applicant, in addition, shall submit any further information or evidence in writing as required by the city clerk, the city attorney or other designated agency of the city. The application shall be verified by the applicant and shall be filed with the city clerk. (Mun. Code. Sec. 3219)

Sec. 26-7. Same--Disposition of copies.

Upon receipt of an application for a license the license collector shall send copies of such application to those officers and departments designated therein, and to any others that may be designated by the city council. (Mun. Code, Sec. 3219.1)

Sec. 26-8. Same--To be confidential.

All applications filed pursuant to the provisions of this chapter for the purpose of ascertaining business license fees shall be deemed confidential in character and shall not be subject to public inspection. It shall be the duty of the city clerk to preserve and keep the statements so that the contents thereof may not become known except to the persons charged by law with the administration or enforcement of this chapter. (Mun. Code, Sec. 3227)

Sec. 26-9. Same--Furnishing additional information.

Every officer and department to which an application for a license is referred shall be furnished with such additional information and the filing of such additional forms as he or it deems necessary. (Mun. Code, Sec. 3219.2)

Sec. 26-10. Same--Certificate of zoning compliance required; reports and recommendations of departments; time limit for compliance with city standards.

- (a) Certificate of zoning compliance. To assure compliance with all of the provisions of this Code, a certificate of zoning compliance shall be obtained from the clerk before:
- (1) A building, electrical or plumbing permit may be issued by the building inspector;
 - (2) A change in use of any improved or unimproved premises may be made.
- (b) Compliance with Code required. All departments, officials and public employees vested with the duty or authority to issue permits or licenses when required by law or any of the provisions of the Code of the city, shall comply with the provisions of this chapter. No such license or permit for uses, buildings or purposes, when the same would be in conflict with the provisions of the Code of the city, shall be issued. Any such license or permit, if issued in conflict with the provisions of this chapter, shall be null and void. The fact that a license may be issued under the provisions of this chapter shall not vest the owner, manager or operator thereof with the right to carry on or maintain such business contrary to any other section of this Code, or exempt such person from obtaining a regulatory permit pursuant to any section of this Code which may be in effect now or be subsequently adopted.
- (c) Reports and recommendations of departments. Every officer and department to which an application is referred shall, in writing, advise the license collector of all material facts necessary to determine whether the license should be granted or denied, and of its approval or disapproval.
- (d) Adjustment of business location to city standards. Should the business location require any corrections, repairs or adjustments to bring it up to proper city standards, and the applicant is so notified by the specific department requiring such corrections, repairs or adjustments, in writing, and should such applicant not make any attempt to comply within two weeks of such notice, or if corrections, repairs or adjustments are not completed within thirty days of such notification, application for business license shall be automatically denied. (Mun. Code, Sec. 3219.3; Ord. Nos. 185, 316)

Sec. 26-11. Same--Approval by city clerk.

Upon receipt of the advice and recommendations described in section 26-10, the city clerk shall consider the same, and if satisfied that issuance of such license would not be in derogation of the public peace, health, morals, safety and general welfare, the city clerk shall forthwith issue such license. (Mun. Code, Sec. 3219.4)

Sec. 26-12. Same--Referral to city manager by city clerk.

Upon receipt of the advice and recommendations described in Section 26-10, the city clerk shall consider the same, and if the city clerk is not satisfied that the issuance of such license would not be in derogation of the public peace, health, morals, safety and general welfare, the application shall be transmitted to the city manager for further investigation. (Mun. Code, Sec. 3219.5)

Sec. 26-13. Same--Approval by city manager.

If the city manager, upon such further investigation, is satisfied that the issuance of such license will not be in derogation of the public peace, health, morals safety and general welfare, he shall so advise the city clerk, who shall forthwith issue such license. (Mun. Code, Sec. 3219.6; Ord. No. 185)

Sec. 26-14. Same--Referral to city council by city manager.

If the city manager, upon further investigation, determines that issuance of the license would be detrimental to the public peace, health, morals, safety or general welfare, he shall refer the application to the city council for a hearing thereon. (Mun. Code, Sec. 3219.7)

Sec. 26-15. Same--Hearing by city council--When conducted; procedure.

Within fifteen days after referral to it of an application by the city manager, the city council shall conduct a public hearing thereon, at which all interested persons may appear and be heard. The applicant may appear personally or by counsel and may call witnesses in his behalf. The council may continue such hearing from time to time for good cause. (Mun. Code, Sec. 3219.8)

Sec. 26-16. Same--Same--Notice.

Written notice of a hearing before city council shall be served upon the applicant not less than five days prior to the date of the hearing. The notice may be served in the same manner set forth in Section 26-40. (Mun. Code, Sec. 3219.9)

Sec. 26-17. Same--Action by city council.

After conducting a hearing, the city council may order the issuance of such license or may, if the council determines that the issuance of such license would be detrimental to the public peace, health, morals, safety or general welfare, deny the application and order that such license not be issued. In either case, the decision of the council need depend on no particular degree of evidence or proof and the same shall be final and conclusive. (Mun. Code, Sec. 3219.10)

Sec. 26-18. Fees payable in advance; determination of amount of fees generally; establishing fees for new businesses.

All license fees shall be paid in advance to the city clerk in lawful money of the United States. The amount to be paid shall be determined in the discretion of the city clerk and in accordance with the terms and provisions of this chapter. In case of dispute, the decision of the city attorney as to the amount to be paid pursuant to the provisions of the chapter shall be final. Where the amount to be paid is based upon the number of employees and there has been no previous business experience of the same kind or character within the city by the person obligated to pay the license fee on which to base the amount of the tax, the city clerk may estimate the number of employees upon which to base the business license fee and the licensee shall thereupon pay a license fee in that amount. In May of each year, if the licensee or the city clerk should so request, an audit may be made by the city clerk or his representative to determine the correct amount of license fee to be paid and the decision of the city clerk in such a case shall be final. If the total license fee, as determined by the city clerk upon such an audit, should exceed that previously paid the licensee shall pay the difference to the city forthwith; if the total license fee is less than the amount previously paid, the city clerk shall refund to the licensee the difference forthwith. (Mun. Code, Sec. 3215)

Sec. 26-19. Term; when fees due and payable generally.

- (a) All business operation taxes, unless otherwise expressly stated herein, shall be construed to be annual taxes.
- (b) All taxes shall be payable in advance, and in full amount, in lawful money of the United States at the office of business licenses of the City Hall.
- (c) No greater or lesser amount of money shall be charged or received for any tax hereunder than is specified therefor in this chapter, and, except as hereinafter provided, no certificate shall be granted or issued for any period of time other than the full and current tax period provided herein for such tax. All businesses making application for a business tax certificate where the tax rate is annual shall pay the appropriate tax for a twelve-month period. Expiration shall be the last day of the preceding month of the succeeding issuance. Taxes shall be due and payable on the first day of the following month of expiration. (Mun. Code, Sec. 3221; Ord. No. 380)

Sec. 26-20. Payment dates.

Except as otherwise provided for in this chapter, licenses required under this chapter shall be due and payable at the following times:

- (a) Repealed by Ordinance No. 380.
- (b) Semiannual licenses, July 1 and January 1 of each year.
- (c) Quarterly licenses, July 1, October 1, January 1 and April 1 of each year.
- (d) Monthly licenses, first day of each and every month.
- (e) Weekly license, Monday of each week in advance.
- (f) Daily license, in advance of each day. (Mun. Code, Sec. 3216; Ord. No. 380)

Sec. 26-21. Penalties for delinquent payments; compliance with chapter.

To every license mentioned or provided for in this chapter remaining unpaid at the close of the thirtieth day of the month in which the license is issued, whether it be monthly, quarterly, semiannual or annual license, a penalty of ten per cent of the amount of such license shall be added and an additional five percent shall be added each thirty days thereafter until paid. The penalty shall be collected and the payment thereof shall be enforced in the same manner as other licenses are collected and the payment thereof enforced.

No greater or less amount of money shall be charged or received from any license than is provided in this chapter, and no license shall be sold or issued for any period of time other than provided in this chapter.

Daily license remaining unpaid at the close of twenty-four hours after the same becomes due, shall have a penalty of ten percent of the amount of such license added. The penalty shall be collected and the payment thereof shall be enforced in the same manner as other licenses are collected and the payment thereof enforced.

Weekly license remaining unpaid at the close of forty-eight hours after the same becomes due, shall have a penalty of ten percent of the amount of such license added. The penalty shall be collected and the payment thereof shall be enforced in the same manner as other licenses are collected and the payment thereof enforced. (Mun. Code, Sec. 3205; Ord. No. 185)

Sec. 26-22. Suit for recovery of unpaid fees and charges.

Any sum required to be paid under this chapter shall be deemed a debt to the city and any person who engages in any business required to be licensed, without obtaining a license to do so, shall be liable to an action by and in the name of the city in any court of competent jurisdiction for the recovery of any such amount. (Mun. Code, Sec. 3202)

Sec. 26-23.

Repealed by Ordinance No. 380.

Sec. 26-24. Determination of number of employees.

Where the license fee is based in whole or part upon the number of persons employed an average employee shall be used for the computation of the license fee.

Where the license fee is based upon the number of employees and an applicant has not previously been engaged in business in the city, he shall file a verified written statement setting forth the estimated total number of persons he intends or expects to employ during the license term. The statement shall also contain the number of hours of service to be supplied by each employee. The statement, in addition, shall contain the applicant's estimate of the number of average employees. Such a written statement shall be made on forms provided by the city clerk and approved by the city attorney and the statement shall be sworn to before an officer authorized by law to administer oaths. At the end of six months, such licensee shall file with the city clerk a statement sworn to before an officer authorized by law to administer oaths, showing the average number of employees employed by him during the six months period. If the average number of persons employed exceeds the number of estimated at the time the license was issued, the licensee shall be required to pay an additional sum for each average employee as required by this chapter, in excess of the number estimated. If the average number of persons employed is less than the number estimated at the time the license was issued, the licensee shall be entitled to receive from the city a refund of the sum set by this chapter for each estimated average employee in excess of the average number employed. The six months report of the licensee shall be subject to the audit and approval of the city clerk. In cases of dispute the city attorney shall, in his discretion, determine the average number of employees.

Where an applicant for a license has heretofore performed business within the city, the applicant shall file a verified written statement of the average number of employees in his business during the preceding license period. The city clerk may investigate, audit, approve or disapprove the estimation therein contained. In the case of a dispute, the decision of the city attorney shall be final. The city clerk shall, on the basis of the verified statement, set the average number of employees for the purpose of tax under this chapter. (Mun. Code, Sec. 3223)

Sec. 26-25. Determination of fee when based on number of vehicles, chairs, rooms, etc.

In all cases where the amount of the license fee to be paid by any person under the provisions of this chapter, is based upon the amount of receipts or sales of a business transaction or upon the number of vehicles, wagons, baskets, carts or receptacles used or upon the number of chairs, devices or machines used or upon the number of rooms in any building or tickets sold or other variable basis other than that set forth in the foregoing section, such person before obtaining a license for his business shall render to the city clerk for his guidance in ascertaining the amount of license fee to be paid by such person, a written statement sworn to before an officer authorized to administer oaths, showing a schedule or bracket of license fee as set forth in this chapter required to be paid on the total amount of receipts or sales of business transacted during the calendar year next preceding the date of such application or the number of vehicles, wagons, baskets, carts or receptacles used or the number of chairs, devices or machines used or the number of rooms in any building or tickets sold or other variable basis used in the year next preceding the application; provided, that if such person has not heretofore engaged in the business, he shall file a verified statement of his estimate of the foregoing which shall be used by the city clerk in ascertaining the amount of license fee. At the end of six months such licensee shall file with the city clerk a statement sworn to before an officer authorized by law to administer oaths, showing the exact amount of receipts or sales or the exact number of vehicles, wagons, baskets, carts or receptacles used or the number of chairs, devices or machines used or the number of rooms in any building or tickets sold or other variable basis from the business or used in the business during the six months period. If the exact amount of the receipts or sales or the exact number of the vehicles, wagons, baskets, carts or receptacles used, or the number of chairs, devices or machines used or the number of rooms in any building, or tickets sold or other variable basis, is less than the number estimated at the time the license was issued, the licensee shall be entitled to receive from the city a refund of the difference or if the exact amount of the sales or receipts or the number of the vehicles, wagons, baskets, carts or receptacles used, or the number of chairs, devices or machines used or the number of rooms in any building or tickets sold or other variable basis is more than the number estimated at the time the license was issued the licensee shall pay to the city a sum of money equal to the difference. In cases of dispute, the decision of the city attorney shall be final. (Mun. Code, Sec. 3223.1)

Sec. 26-26. Verified statements of number of tickets sold or number of persons employed.

When the license fee is based upon the number of tickets sold, the applicant at the time of applying for the license and monthly thereafter shall file with the city clerk a verified written statement showing the number of tickets sold during the preceding month.

When the license fee is based upon the number of persons employed, the applicant at the time of applying for the license shall file a written statement showing the average number of persons employed during the preceding six months. Such written statement shall be verified and on a form provided by the city clerk. (Mun. Code, Sec. 3220)

Sec. 26-27. Determination of fee by city clerk upon failure to file application statement.

If any person fails to file any application statement required by this chapter within the time prescribed hereby, or after demand therefor made by the city clerk, fails to file a corrected application statement, the city clerk, with the consent of the city council first obtained, may determine the amount of the license fee due from such person from such information as he may be able to obtain and if necessary may estimate the fee required to be paid upon the basis of external indices on hand, capital invested, dividends paid, sales or other taxes paid, number of people employed or by considering other facts. In case such determination is made, the city clerk shall give notice of the amount so assessed by serving the same personally, or by depositing same in the United States post office in the city, with postage prepaid thereon, addressed to the person so assessed at his last known address. Such person may within ten days after the mailing or serving of such notice, make application in writing to the city clerk for hearing on the amount of the tax. If such application is not so made within the time prescribed, the assessment shall become final. After such an application is filed the city clerk shall cause the matter to be set for hearing, within fifteen days before the city council. The city council shall consider all evidence produced and shall make written findings thereon, a copy of such findings to be served upon the applicant, in the manner prescribed above for service of notice of assessment. Such findings shall become final at the expiration of five days from the date of service, within which time exceptions may be filed by the applicant with the city clerk. If filed, the city council shall consider the same and make such modification as may be deemed necessary; thereupon the final assessment shall be made. (Mun. Code, Sec. 3226)

Sec. 26-28. Accepting less fee than required.

No person charged with the enforcement of any of the provisions of this chapter shall knowingly accept or receive any sum for any license which is less than or greater than the amount actually to be paid under the provisions of this chapter. Notwithstanding the foregoing, the city clerk, in the exercise of discretionary powers, may within the limits and terms of the provisions of this chapter set the amount of the license fee to be paid based upon the facts before him pursuant to application and investigation and in accordance with the terms and provisions of this chapter. (Mun. Code, Sec. 3218)

Sec. 26-29. Effect of convictions on liability for fees; remedies cumulative.

The conviction and imprisonment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license fee to conduct such business, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed in this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the prosecution of violations of this chapter. (Mun. Code, Sec. 3213)

Sec. 26-30. Contents of license; effect of mistake of city clerk.

Each license issued under this chapter shall state upon the face thereof the following:

- (a) Person to whom the same is issued.
- (b) Kind of business licensed thereby.
- (c) Amount paid therefor.
- (d) Location of such business.
- (e) Date of expiration of such license.

In no case shall any mistake of the city clerk in stating the amount of a license prevent or prejudice the collection by the city of what should be actually due from any person carrying on a business subject to a license under the provisions of this chapter. (Mun. Code, Sec. 3204)

Sec. 26-31. Issuance where applicant indebted for unpaid license fee.

No license for any succeeding current or unexpired license period shall knowingly be issued to any person who at the time of making application for any license is indebted to the city for any unpaid license fee; provided, that the city clerk, or his duly authorized deputy, may enter into an agreement with any person indebted to the city for nonpayment of license fees for any past license period, agreeing with such person that such person may pay delinquent license fees for any past license period in equal installments extending over a period not to exceed one year. In such agreement such debtor shall acknowledge its debt to the city and agree in case default is made in the payment of any installment agreed to be paid thereunder that the whole amount agreed to be paid shall become immediately due and payable and that in case suit is brought to enforce collection of the amount agreed to be paid under such agreement that the debtor will pay all costs of suit incurred by the city. In case such agreement is executed, licenses for any current or ensuing license period may be issued to any such person paying the fee prescribed for the current or ensuing license period, together with penalties, if any. (Mun. Code, Sec. 3206)

Sec. 26-32. Issuance not to constitute authorization to conduct unlawful business.

No license issued under the provisions of this chapter shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business. (Mun. Code, Sec. 3201)

Sec. 26-33. Transferability.

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to conduct a business at a particular location, such licensee may upon application therefore and paying a fee of five dollars have the license previously issued amended so as to authorize the conduct of such business from such other location. (Mun. Code, Sec. 3207)

Sec. 26-34. Issuance of duplicate license, tag or decal.

A duplicate license, tag or decal may be issued by the city clerk to replace any license previously issued which has been lost or destroyed, upon the applicant therefor filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the city clerk a fee of one dollar therefor.

Before any duplicate license, license tag or decal may be issued by the city clerk, as provided herein, applicant therefor shall show proof to the city clerk that the loss of such license, license tag or decal has been reported to the sheriff's office. (Mun. Code, Sec. 3208)

Sec. 26-35. Posting and display.

Except as otherwise specifically provided by the provisions of this chapter, all licenses shall be kept and posted in the following manner:

- (a) Subject to other provisions of this chapter, any licensee engaged in business at a fixed place of business, shall keep the license issued posted in a conspicuous place upon the premises where such business is conducted.
- (b) Any person engaged in business in the city, but not operating from a fixed place of business, shall keep the license issued to him upon his person at all times while engaged in such business.
- (c) As directed by the city clerk, each person driving, operating or having control of any wagon, cart or other vehicle or using or controlling any tray, basket or other receptacle, or controlling, possessing or operating any machine, device or equipment, including vending machines, where a license is required under the provisions of this chapter, shall fix thereon a metal license tag, plate or decal as issued by the city clerk and at the place directed by the city clerk, or if the city clerk shall so direct, shall procure a license holder and fix thereon for the purpose of holding the city license, or, if the city clerk shall so direct, shall carry a license or identification card as directed by the city clerk upon his person. Any license plate, tag or decal, shall be placed so that it is always plainly visible. No person shall keep any license plate, tag, decal or identification card longer than thirty days after the expiration of the term for which the license is issued and no person, except the licensee or his authorized agent, shall take or remove any license plate, tag or decal or identification card from the person lawfully entitled to the same or remove from the place where posted or fixed. (Mun. Code, Sec. 3209)

Sec. 26-36. Inspection of records generally; right of entry of inspectors.

The city clerk, or his authorized deputy, or the license enforcement agency as defined in section 26-51, shall examine all places of business in the city to ascertain whether or not the provisions of this chapter have been complied with. The city clerk, his deputy or the license enforcement agency, the city attorney and any duly authorized employee shall have the power to examine all necessary books and records of all persons doing business in the city required to be licensed by the terms of this chapter for the purpose of ascertaining the amount of license fee required to be paid by the provisions hereof. The officer and each and all of his deputies and duly authorized employees shall have the power and authority to enter free of charge at any reasonable time any place of business required to be licensed by the provisions of this chapter and to demand an exhibition of such license, books or other matters of record. Any person having any such license in his possession or under his control who fails to exhibit the same on demand shall be guilty of a violation of this chapter. It shall be the duty of the city clerk, his deputies or the contractual law enforcement agencies of the city to cause a complaint to be filed against any and all persons found to be a violator of any provisions of this chapter. (Mun. Code, Sec. 3211)

Sec. 26-37. Examination of records by accountant.

For the purpose of the enforcement of this chapter, the city clerk may, with the prior consent of the city council, deputize a qualified accountant to examine the necessary books and records of any person doing business in the city. Any failure on the part of any person licensed under this chapter to exhibit to and allow examination by the accountant so deputized shall constitute a violation of this chapter. (Mun. Code, Sec. 3212)

Sec. 26-38. Power of city clerk to extend time for filing statement; compromise of claims for fees.

The city clerk shall have, in addition to all other powers conferred upon him, for good cause shown, the power to extend the time for filing any statement for a period of not to exceed thirty days, and in such case waive any penalty that would have otherwise accrued; and with the approval of the council and the written approval of the city attorney, to compromise any claim for license fee subject to the provisions of this chapter.

All money collected by the city clerk under this chapter for licenses shall be remitted to the city treasurer daily. (Mun. Code, Sec. 3225)

Sec. 26-39. Hearings generally.

At any hearing provided in this chapter the licensee shall be given an opportunity to appear either personally or by counsel and to be heard and to defend himself, and he may call witnesses on his behalf.

The council may continue such hearing from time to time upon good cause being shown therefore; provided, that if the license has been suspended prior to the hearing the same shall be completed within two days including the first day of hearing. (Mun. Code, Sec. 3231)

Sec. 26-40. Procedure for delivery of notice.

Any notice required to be given under this chapter may be given either by personal delivery thereof to the licensee or permittee by personal delivery thereof to any employee of such licensee or permittee at his place of business mentioned in the license or permit, providing the licensee or permittee is absent from the place of business, or by depositing in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified in the license, or in other public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office. (Mun. Code. Sec. 3233)

Sec. 26-41. Proof of notice.

Proof of giving any notice provided for in this chapter may be made by the certificate of any officer or employee of this city, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this chapter. (Mun. Code, Sec. 3234)

Sec. 26-42. Revocation or suspension generally.

- (a) Any license, permit or certificate issued by the city to any person to carry on any business under the provisions of this chapter may be revoked or suspended by the city council in the manner hereinafter provided:
- (1) The city council may upon its own motion, or upon the written charges filed by the city clerk or his authorized deputy, or the city attorney, give notice to any licensee or permittee to appear before the city council at a time and place set for such hearing to show cause, if any there may be, why the license or permit issued to the licensee or permittee shall not be revoked or suspended. The notice shall state the grounds for complaint or reasons for suspension in clear and concise language.
 - (2) Such notice shall be served upon the licensee or permittee not less than five days and not more than ten days prior to the date set for the hearing. Upon good cause being shown, the licensee shall be entitled to a continuance until the next meeting of the city council.
 - (3) On revocation of a license, no part of the money paid to the city therefor shall be returned, but the license fee shall be forfeited to the city.
- (b) The city council upon its own motion may suspend any license or permit without previous notice pending a hearing as hereinafter provided:
- (1) When it appears to the city council that the immediate suspension of any license or permit is necessary for the immediate preservation of the public health, morals, safety and general welfare.
 - (2) At the time of the suspension of any license or permit the licensee or permittee shall be served with a written statement containing the reasons for such suspension.
 - (3) Within twenty-four hours after the suspension of any license as heretofore provided in this section, and unless the license is sooner restored, the licensee or permittee shall be served with a notice of hearing to show cause in the form as provided in subsection (a) of Section 26-42.
 - (4) In all cases where a license has been suspended as provided in this section, the hearing of the charges upon which revocation of license is sought, shall be held not earlier than the third day, nor later than the fifth day after service of the notice, except at the request and with the consent of the licensee or permittee.
- (c) After conducting such hearing as hereinabove provided for, the city council may revoke, suspend or reinstate any such license upon such terms and conditions as in the exercise of a reasonable and sound discretion it shall determine. The order of the council revoking, suspending or reinstating the license or permit shall be final and conclusive. (Mun. Code, Secs. 3229, 3230, 3232)

Sec. 26-43. Notification of licensee of actions taken by city council.

The city council shall orally or in the manner hereinbefore provided for giving notice, notify the licensee or permittee of any finding, suspension, revocation or reinstatement made by it, or any conditions attached thereto. (Mun. Code, Sec. 3235)

Sec. 26-44. Reissuance after suspension or revocation.²

The city council after revoking or suspending any license or permit shall notify the city clerk of such fact, and thereafter no license shall be issued by the city clerk to any licensee or permittee to carry on any business or do any act for which such license or permit was granted until a new license or permit shall have been granted therefor by the city council. (Mun. Code, Sec. 3236)

Sec. 26-45. Carrying on business after suspension or revocation of license.

No person whose license or permit has been revoked or suspended pursuant to this chapter shall engage in or carry on any business, or do any act permitted to be done pursuant to such license or permit during the period of suspension, or after revocation thereof, until a new license or permit shall have been granted. (Mun. Code, Sec. 3237)

Sec. 26-46. False, misleading, etc., statements in applications.

No person shall make any false, misleading or fraudulent statement, or misrepresentation of any fact in any application for a license or permit required to be filed with the city council, or with any board, commission or authorized person of this city. In addition to any other penalties provided in any chapter, such conduct shall be grounds for suspending or revoking any license or permit issued to such person. (Mun. Code, Sec. 3238)

Sec. 26-47. Cost of investigation and processing.

If a license is denied or an application therefor withdrawn, the license collector may retain ten dollars of such license fee to partially defray the cost of investigation and processing by the city. (Mun. Code, Sec. 3239)

Sec. 26-48. Exemptions from zoning and subdivision regulations.

If the following conditions exist as to any business or profession within the city, namely, that:

- (a) The particular business or profession was established within the geographical area which is now the city prior to January 1, 1957; and
- (b) The particular business or profession has been continuously operated or maintained at the same location within the city since January 1, 1957; and

²As to grounds for revocation of business license of automobile repair shops, See Sec. 6-10 of this Code.

- (c) The particular business or profession has been owned, managed or operated continuously by the same person since January 1, 1957; and

The city clerk shall not refuse to issue any license to any person for this particular business or profession on the grounds the business or profession is in violation of the provisions of the zoning or subdivision regulations. (Ord. No. 158)

Sec. 26-49. License collector; depositing of funds.

The city clerk or his authorized deputy shall serve as license collector and shall be the custodian of all funds collected thereunder until transferred to the city treasurer. All funds collected by the license collector under this chapter shall be deposited daily with the city treasurer. (Mun. Code, Sec. 3203)

Sec. 26-50. Deputy license collectors.

Deputy license collectors shall be directly responsible to the city clerk and under his control and direction, and shall be appointed and hired by the city council by resolution if and when needed on a full or part time basis. The city clerk and deputy license collectors shall have the power to examine all places of business and persons in their respective territories liable to pay a license, and to see that such licenses are taken out. (Mun. Code, Sec. 3214)

Sec. 26-51. Enforcement.

It shall be the duty of the city clerk or his authorized deputy or law enforcement or contractual representative of the city to enforce each and all of the provisions of this chapter and of any other section of this chapter requiring the payment of any license fee. In addition, the city clerk shall be responsible for the issuance of permits and licenses provided for in this chapter or for the proper processing as required in this chapter of all applications for licenses. The sheriff and district attorney of the county, pursuant to contractual arrangement between the city and the county, may render such assistance in the enforcement of this chapter as may be arranged by the agencies and the city. The city attorney shall advise the city clerk and the agencies of the legal effect and application of any provisions of this chapter. (Mun. Code, Sec. 3210)

Sec. 26-52. Penalty for failure to file application or pay fee.

Any person who fails to file any required application statement, or fails to pay the amount required under this chapter within the time fixed by this chapter shall be assessed the same penalty provided in this chapter for failure to pay a license fee before it shall become delinquent, which sum shall become a part of the license fee required to be paid under this chapter. No statement shall be conclusive as to the matters set forth herein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the city clerk, who is hereby authorized to examine, audit and inspect such books and records of any licensee or applicant for license as may be necessary in his judgment to ascertain the correct amount of license due. All licensees, applicants for licenses and persons engaged in business are hereby required to permit the examination of such books or records for the purposes aforesaid. The information required hereunder shall be used for the purpose of enforcing the provisions of this chapter and for no other purpose. (Mun. Code, Sec. 3224)

Article II. Schedule of Fees for Certain Businesses, etc.

Sec. 26-53. Determination of average employee and working days.

"Average employee" as used in this chapter shall be computed at the rate of one employee for each two hundred sixty working days or fraction thereof performed by the owners, employees or agents of the business, profession, trade or occupation. In computing average employee the proprietor shall not be counted. "Working days or fraction thereof shall mean those performed within the city or without the city when related to business performed within the city. (Mun. Code, Sec. 3602)

Sec. 26-54. Businesses, professions, trades and occupations.

Businesses, professions, trades and occupations, unless specifically provided otherwise, shall procure a license as provided for in this chapter and shall pay a fee as set out in the resolution approving the municipal operating budget adopted annually by the City Council. (Mun. Code, Sec. 3601; Ord. Nos. 248, 655, 877)

Sec. 26-55. Special license fees for certain businesses, professions, trades and occupations.

The following businesses, professions, trades and occupations, because of their nature and circumstances, shall have a different license fee than that set forth in Section 26-54.

The fee and the duration of the license shall be annual, quarterly, monthly, weekly or daily as indicated in this section. The letter "A" following the fee shall indicate an annual fee, the letter "D" shall indicate daily fee, the letter "M" shall indicate monthly fee, the letter "Q" shall indicate quarterly fee and the letter "W" shall indicate weekly fee.

The license fees shall be enumerated in the resolution approving the municipal operating budget adopted each year by the City Council, or as otherwise established from time to time by City Council resolution.

- 1. Advertising billboards A
- 2. Advertising by distribution of handbills A,Q,D
- 3. Advertising by posting A
- 4. Advertising by searchlight A,Q,D
- 5. Advertising by sound truck A
- 6. Amusement rides, generally but not specifically including miniature train, automobile, airplane and boat rides, merry-go-round, or other amusement rides..... A,W
- 7. Auctioneer, livestock, per auctioneer or auction establishment A
- 8. Auctioneer, real property and personal property other than livestock, per auctioneer or auction establishment A

9.	Auto wrecker	A
	<p>Plus fees for number of average employees. Every auto wrecker who sells used cars as incidental to an auto wrecking business and who meets the requirements of this chapter in respect to an auto wrecking business shall receive as credit on this license fee any fee immediately paid pursuant to this chapter in connection with any other portion of his auto wrecking business.</p>	
10.	Bankrupt stock, bankrupt sales or closing out	D
11.	Billiard or pool halls	A
12.	Boardinghouse, apartment house, hotel	A
	Boardinghouse	A
13.	Bowling alleys, table tennis and shuffleboard	A
14.	Cafes, food establishments and eating places.....	A
15.	Card clubs	A
16.	Carnival	D
17.	Circus	D
18.	Circus procession or parade	D
	<p>(a) The license fee of this subdivision shall not apply to circus processions or parades which are sponsored by the city.</p>	
19.	Collection agency	A
20.	Concessions	A
	<p>Any and all persons and organizations engaged in swap meets, outdoor markets, or flea markets, as defined in section 26-56 of the Paramount Municipal Code, do not fall within this classification.</p>	
21.	Contractors	
	(a) General contractor or builder	A
	(b) Electrical, plaster, plumbing, heating, ventilating and house moving contractor	A
	(c) Subcontractor and each contractor of a classified specialty not otherwise provided for in this subdivision	A

- (d) The provisions of this subdivision shall not require the payment of a license fee by an owner-builder; provided, that any person who constructs more than one building (other than auxiliary accessory or utility structures) on real property owned by him within any one year period, shall pay the license fee required of general contractors and builders.
- (e) Every contractor and subcontractor who pays a license fee to the city under the provisions of section 26-54 shall receive credit towards the license fee required by this subdivision.
- (f) General contractors or builders are required to submit to the building department a complete list of the names and addresses of their subcontractors when application is made for building or construction permit. If such provisions are not complied with, the license issued to the general contractor or builder shall be revoked.

22.	Dairies, livestock dealers and cattle feed yards	A
23.	Dance hall	
	For a single dance.....	D
	For a series of dances extending over a period of four weeks or less.....	W
	For a series of dances extending over a period of not more than three months (payable quarterly)	Q
24.	Deliveries	
	Itinerant restaurants	A
	Retail delivery of groceries by traveling grocery store or bus.....	A
	Retail delivery by vehicle of goods, liquids and materials, including edibles and all other types of retail dealer including pick-up and delivery where no fixed place of business within the city	A
	Wholesale delivery by a vehicle of goods, liquids and materials including edibles where no fixed placed of business within the city	A
	Transportation of baggage, freight, household goods, merchandise or other materials by a vehicle receiving or discharging such baggage, freight, household goods, merchandise or other materials at points within the city and operating over no defined route	A
	Additional license need not be paid under this subdivision by any business that possesses a valid business license issued under any other section of this chapter.	

25.	Fertilizer processors	A
26.	Gasoline, filling stations	
	Every person engaged in the business of selling butane gas, or other inflammable vaporous gas, distillate, kerosene, gasoline or refined oil from a filling station or movable hand tank or stationary tank	A
27.	Hay and grain dealers and brokers	
	Each wholesale dealer in hay and grain	A
28.	House number painters	A
29.	Itinerant amusement rides	D
30.	Itinerant shows, wherein theatrical performances, acrobatic feats, singing or dancing is presented, not including regularly licensed theaters	D
31.	Patrolman	A
32.	Patrol system	A
33.	Peddlers	
	(a) <u>Peddlers of liquids or edibles.</u> Every person peddling, selling or delivering liquids or edibles for human consumption from packs, baskets, handcarts, wagons or other vehicles, retail from door to door, except persons selling or delivering, or both, to retail establishments for resale, agricultural products raised by them	A
	(b) <u>Peddlers or vendors of goods, wares or merchandise.</u> Every hawker, itinerant peddler or itinerant vendor and every person not covered by subparagraph (a) who is engaged in the business of peddling, selling or delivering goods, wares or merchandise of any kind, either retail or wholesale, except persons selling or delivering to retail or wholesale establishments for resale and who deliver the goods, wares or merchandise at the time of sale thereof	A

- (c) Liquid or edible peddler business. In lieu of subparagraph (a), every person conducting a business consisting of more than two employees or peddlers and where the business is that of peddling, selling or delivering liquids or edibles for human consumption from packs, baskets, handcarts, wagons or vehicles, retail from door to door, except persons selling or delivering, or both, to retail establishments for resale, agricultural products raised by them A

Peddlers coming within the provisions of this division shall not be deemed solicitors and shall not be required to have a permit.

"Peddler" comes within this division, if he delivers the goods, wares or merchandise at the time of making the sale. The time of sale is defined as the time when money is paid in full for the purchase of goods or an agreement is signed covering the payment of goods.

- 34. Riding stables, boarding stables, training stables, stall rentals and hayrides A

- 35. Refuse, Rubbish, Solid Waste, Garbage, Recycling, Electronic Waste or Medical Waste (Ord. No. 1017)

- (a) Transfer Station. Any entity which receives solid wastes, temporarily stores, separates, converts, or otherwise processes the materials in the solid wastes, or transfers the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

Transfer station does not include any of the following:

- (1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.
- (2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.
- (3) The operation premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to Section 43309 (Public Resource Code).

5% of County landfill tipping fee per ton of material received at facility M

- (b) Material Recovery Facility. A permitted solid waste facility where solid wastes or recyclable materials are sorted or separated, by hand or by use of machinery, for the purposes of recycling or composting.

5% of County landfill tipping fee per ton of material received at facility M

- (c) Dump/Solid Waste Landfill. A disposal facility that accepts solid waste for land disposal, but does not include a facility which receives only wastes generated by facility owner or operator in the extraction, beneficiation, or processing of ores and minerals, or a cemetery which disposes on site only the grass clippings, floral wastes, or soil resulting from activities on the grounds of that cemetery.

5% of County landfill tipping fee per ton of material received at facility M
- (d) Recycling Center. Any entity, mechanism, or device which deals in the wholesale or retail sale, purchase, collection, or transport, of any products or byproducts of the waste stream which have a tangible market value and are intended to be recycled, including but not limited to, paper and paper byproducts, metals, glass, plastic, wood, tires, rubber, etc. A Recycling Center may also engage in Redemption Center activities..... A
- (e) Refuse/Recycling Collector/Enterprise (non-franchise). Any entity which is regularly engaged in the business of providing solid waste handling services or recycling handling services, including but not limited to, collecting, transporting, sorting, or processing; and which is not operating under an exclusive or semi-exclusive franchise granted by the City..... A

Plus three percent of gross receipts for each single business. Gross Receipts/Revenues shall include all monies directly or indirectly generated through normal business operations attributable to activities within City boundaries, including but not limited to fees for service, resale of recyclable materials, transportation charges, etc.
- (f) Redemption Center. Any entity, mechanism or device which accepts one or more types of empty beverage containers from consumers, and pays or provides the refund value for one or more types of empty beverage containers intended to be recycled A
- (g) Hazardous Waste Facility. All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units. Hazardous waste means either of the following:

A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:
 - (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - (2) Pose a substantial present or potential hazard to human health or environment when improperly treated stored, transported, or disposed of, or otherwise managed.
A waste which meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141 (Health and Safety Code)

5% of County landfill tipping fee per ton of material received at facility M

(h) Transformation, Reuse, Composting Facility. Any entity involved in the transformation, incineration, pyrolysis, distillation, gasification, or biological conversion other than composting of refuse or refuse byproducts. Compost means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. Compost includes vegetable, yard, and wood wastes which are not hazardous waste.

5% of County landfill tipping fee per ton of material received at facility M

Electronic Waste Facility. Any entity, mechanism, dismantling operation, or combination thereof which collects, accepts or receives, in whatever manner, one or more types of electronic devices, machines or other devices, including, but not limited to computer monitors, televisions, cash registers and oscilloscopes (CRT devices), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/records, phonographs, video cassette players/records, compact disc player/recorders, calculators, iPods, microwave ovens and other items containing electronic components or plugs; (“e-waste”) which are dismantled, de-manufactured, segregated or broken down into component or sub-component pieces intended for recycling, reuse, in whole or in part, or distributed as commodities. (Ord. No. 1017)

An amount equivalent to 5% of County landfill tipping fee per ton of e-waste received at facility..... M
(Ord. No. 1017)

(i) Medical Waste Disposal Facility. A permitted medical waste facility, entity, mechanism or operation which collects, accepts or receives, in whatever manner, bio-hazardous medical waste, including, but not limited to pathology waste, chemotherapy waste, pharmaceutical waste, animal waste, or Animal and Plant Health Inspection Service waste (“APHIS”) for the purpose of treating or disposing such medical waste through various methods, including, but not limited to incineration, thermal treatment, electropyrolysis, chemical/mechanical systems, or steam sterilization, such as autoclaving. A medical waste disposal facility may consist of one or more treatment, transfer, storage, disposal, or recycling medical waste management units, or a combination of these units. (Ord. No. 1018)

(1) Medical Waste is defined as bio-hazardous or sharps waste and waste which is generated or produced as a result of the diagnosis, treatment, or immunization of human being/animals, research pertaining to the diagnosis, treatment, or immunization of human beings/animals, production/testing of biologicals, or the accumulation of properly contained home-generated sharps waste. (Ord. No. 1018)

(2) APHIS waste consists of all food, plant and animal waste, and all material coming in contact with such waste, generated on board by any means of conveyance during movements to or from foreign locations. Sources of APHIS waste include: cruise and cargo ships, agriculture and food importers, and international airline flights. (Ord. No. 1018)

An amount equivalent to 5% of County landfill tipping fee per ton of medical waste received at facility..... M

36.	Schools	
	(a) Private day school	A
	(b) Day nursery or day nursery school.....	A
	(c) Private boarding school.....	A
	(d) Children's boarding homes.....	A
	(e) Foster or day care homes	A
37.	Secondhand business	
	(a) Pawnbrokers	A
	(b) Secondhand dealers	A
	(c) Junk and salvage dealers	A
	(d) Junk and salvage collectors	A
38.	Solicitor	A
	Fees to be assessed for each person selling or taking orders for or offering to sell or take orders for goods or for services to be performed in the future or for things of value to be delivered in the future or performing services which require future delivery, consummation or completion elsewhere than at the place where performed.	
	Any and all persons and organizations engaged in swap meets, outdoor markets, or flea markets, as defined in section 26-56 of the Paramount Municipal Code, do not fall within this classification.	
39.	Taxicabs, Taxicab operator.....	A
40.	Mobile home/trailer parks.....	A
41.	Theaters	A

42. Truck and other rental equipment
- Operator of a truck rental business A
- Operator of a business of renting trailers, cement mixers, welding equipment or power saws A
43. Used car dealer A
- A new car dealer who sells used cars as incidental to a new car business and who meets the requirements of this chapter in respect to a used car business and who does not come under section 43-7 shall receive as credit on this license fee any fee he may pay in connection with any other portion of his automobile business.
44. Vehicle storage
- Where trucks are stored in an open area other than within a building for more than forty-eight hours and the trucks are not used in connection with a business conducted from the premises but rather the premises are merely used for storage of the trucks..... A
45. Vending, amusement, service and other coin-operated machines
- Every person engaged in the business of operating, maintaining or letting the use of any service or amusement machines, or any mechanical or electrical device within the city which dispenses or vends an article of value, the operation of which, depends upon the insertion of a coin or other thing representative of value, shall pay an annual license fee in the following amounts:
- (a) Three dollars and seventy-seven cents per year per machine, for each machine located within the city which is operated by the insertion of a coin or thing of value in the denomination of four cents or less.
 - (b) An amount based on one percent of the gross receipts derived within the city directly attributable to the machines located within the city, which machines are operated by the insertion of a coin or thing of value in the denomination of five cents or more.
 - (c) Persons leasing, maintaining or operating machines described herein shall be subject to the license fee, except owners of apartment houses or trailer courts in the event subject machines are exclusively owned by the owners.

- (d) Additional provisions as to vending, amusement or service machines:
- (1) Each coin-operated vending, amusement machine which is operated, maintained or used within this city shall have conspicuously stamped upon it or affixed thereon for identification purposes the name and address, business tax registration certificate number and the telephone number, if any, of the owner or operator of the machine at his expense and shall be removed from the machine by such owner or operator when the authority to use such machine is transferred to another person, whether by sale, lease, license or otherwise.
 - (2) No business tax or identification shall be required for the maintenance or operation of:
 - a. Any machine dispensing sanitary or hygienic articles, drinking cups, towels or medicine which machine is entirely owned and supplied by the owner or operator of the premises where installed and is maintained solely for the convenience of employees, visitors or customers and not for profit to him or to any person; or
 - b. Any machine which is entirely owned, operated and supplied by the owner or operator of the premises where such machine is installed, when such owner or operator holds a valid business license at that location to engage in a business taxed under the provisions of this chapter and receipts from the sale of all goods, wares, merchandise or other tangible property dispensed by such machine are used in the measure of the applicable business license tax paid under this chapter.

46. Wells, oil

(Mun. Code, Secs. 3600, 3603 to 3603.46; Ord. Nos. 185, 209, 219, 221, 248, 260, 276, 292, 298, 299, 340, 341, 411, 451, 598, 640, 655, 806, 845, 877)

Sec. 26-56. Business license taxes for swap meets, outdoor markets and flea markets.

- (a) Definitions. As used in this section, the following words, terms, or phrases shall have the meanings hereinafter set forth:
- (1) Swap meet, outdoor market, or flea market. Means any event:
 - a. At which two or more persons offer tangible personal property for sale or exchange; and
 - b. At which a fee is charged for the privilege of offering or displaying tangible personal property for sale or exchange; or
 - c. At which a fee is charged to prospective buyers for admission to the area where tangible personal property is offered or displayed for sale or exchange.

- (2) Exhibitor. Any person, association, partnership, or corporation exhibiting, displaying, selling, exchanging, offering for sale, or offering for exchange any identifiable, tangible personal property at a swap meet, outdoor market, or flea market.
 - (3) Operator. Any person, association, partnership, or corporation conducting, operating, or managing the business of a swap meet, outdoor market, or flea market within the city limits.
 - (4) Exhibit stall. Designated ground space, assigned to, or rented, or occupied for one day or fraction thereof, by an exhibitor.
- (b) Operator tax and exhibitor tax. The following taxes, collection process, and record keeping requirements shall apply to this section:
- (1) Operator tax. Every swap meet, outdoor market, and flea market operator engaged in the operation of a swap meet, outdoor market, or flea market shall pay a semi-annual business tax of one thousand and one hundred and sixty dollars every six months. The tax shall be paid at the time of application and thereafter on the first business day of January and July. This fee may be pro-rated.

Additionally, every swap meet, outdoor market and flea market operator engaged in the operation of a swap meet, outdoor market or flea market shall pay a daily business tax as outlined in the following schedule, based upon occupancy of exhibitor stalls for each day. Where two or more exhibitors share a single stall, each exhibitor shall be counted separately.
 - a. The operator daily business tax shall be one dollar and seventeen cents per exhibitor per day.
 - (2) Exhibitor tax. Every exhibitor shall pay a daily business tax as outlined in the following schedule regardless of whether the exhibitor is charged a fee for the privilege of exhibiting, selling, exchanging, or displaying identifiable, tangible personal property. Where two or more exhibitors share a single stall, each such exhibitor shall pay a separate daily business tax.
 - a. The exhibitor daily business tax shall be one dollar and seventeen cents per day per exhibitor.
 - (3) Tax collection and record keeping.
 - a. The exhibitor shall pay the applicable business tax to the operator on or before the day the exhibitor participates in the swap meet, outdoor market, or flea market. The operator shall collect the applicable business tax either at the time an exhibitor stall location is assigned to the exhibitor or when the exhibitor is admitted to the swap meet, outdoor market, or flea market. The City Manager may establish a program to accept payments of the tax in advance. No exhibitor shall be allowed to participate in the swap meet, outdoor market, or flea market until the exhibitor has paid the applicable exhibitor business tax.

- b. The operator shall issue pre-numbered written receipts for the receipt of exhibitor business taxes; the amount of tax shall be separately stated on the receipt from any other money collected by the operator. The City Manager may approve use of receipts issued by the operator in lieu of City-issued receipts. Each receipt issued shall contain the stall number assigned, date for which the stall was assigned, rented, or occupied, and the amount of exhibitor business tax paid. The original receipt shall be furnished to the exhibitor and is to be displayed at the exhibitor stall. A copy shall be filed with the City Treasurer along with the tax collected. A copy shall be retained by the operator for a period of six months for audit purposes.
- c. The operator shall be held responsible for the safe keeping of all taxes collected under this section until such taxes are turned over to the City Treasurer. The full amount of the exhibitor's tax collected each day, the appropriate copies of the receipts issued for each day, and an accounting for all receipts voided shall be submitted to the City Treasurer by 12:00 noon on the following work day or in accordance with the payment program/procedure established by the City Manager.
- d. The full amount of the operator's daily business tax shall also be submitted to the City Treasurer by 12:00 noon on the work day following the day the tax was incurred or in accordance with the payment program/procedure established by the City Manager.
- e. The operator shall be required to keep accurate daily records of all exhibitors' taxes collected and shall retain these records for a period of three years. Duly authorized representatives of the city treasurer shall have the right to inspect, check, and audit such records, books of account, cashier procedures, and all other procedures, documents, or records relating to the collection and documentation of the exhibitor tax and payment of the operator's daily tax at any time during regular business hours. The duly authorized representatives of the city treasurer shall also have the right to inspect any exhibitor stall for a valid receipt for payment of an exhibitor business tax. (Ord. Nos. 598, 751, 757)

Section 26-57. Annual Increases.

On July 1 of each year, the rates established under Section 26-54, Section 26-55, and Section 26-56 or any other business license rates shall be increased, by an amount equal to the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Los Angeles/Anaheim/Riverside area or its successor index, as established by the U.S. Bureau of Labor Statistics for the twelve (12) months ending February 28 or 29 each year. Said increase shall be cumulative but shall not exceed ten percent (10%) in any one year. (Ord. No. 806)

(Mun. Code, Secs. 3100, 3101, 3102, 3103, 3104, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3219.1, 3219.2, 3219.3, 3219.4, 3219.5, 3219.6, 3219.7, 3219.8, 3219.9, 3220, 3221, 3223, 3223.1, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3600, 3601, 3602, 3603 to 3603.46; Ord. Nos. 158, 185, 209, 219, 221, 248, 260, 276, 292, 298, 299, 316, 340, 341, 380, 411, 451, 598, 640, 655, 751, 757, 806, 845, 877, 1017, 1018)

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