

## CHAPTER 12

### LICENSES AND PERMITS

(For state law as to authority of City to license for revenue and regulation purposes, see Gov. C. Sec. 37101. As to authority of City to license in exercise of its police powers, see B & P C Sec. 16000. As to licensing by City generally, see B & P C Sec. 16000 to 16003. As to licensing of dogs, see Sec. 4-6 of this Code. As to licensing of bicycles, see Sec. 5-1 to 5-4. As to building permit fees, see Sec. 6-8 to 6-10. As to permit of restaurants, see Sec. 9-8 to 9-16. As to licensing of peddlers, see Sec. 16-3 to 16-10. As to excavation permit, see Sec. 19-1 to 19-4. As to taxation generally, see Ch 21.)

#### Article I. In General.

- 12-1 Required.
- 12-2 More than one business at same location.
- 12-3 Fees – when due and payable; expiration of license, delinquency.
- 12-4 Same – Schedule
- 12-5 Same – Amount if fee held discriminatory, etc.
- 12-6 (Deleted)
- 12-7 Same – Civil action to recover.
- 12-8 Powers and duties of police officers.
- 12-9 Determination of necessity for police services.
- 12-10 Exemptions from chapter

#### Article II. Dances and Card Games

- 12-11 Compliance with article.
- 12-12 Effect of article on existing licenses.
- 12-13 Application; fingerprinting of applicant; issuance; renewal.
- 12-14 Filing fees and license fees.
- 12-15 Suspension and revocation.
- 12-16 Peaceful and orderly operation; hours of operation.
- 12-17 Conduct of participants.
- 12-18 Penalties for violation of article.

#### Article III. Games of Skill and Science.

- 12-19 Defined; determination of status of game.
- 12-20 Required.
- 12-21 Application.
- 12-22 Amount of fees.
- 12-23 Payment of first month's fee in advance; issuance.
- 12-24 Illegal games not authorized by issuance of license.
- 12-25 Limitation on number of licenses.
- 12-26 Revocation; transferability

12-27 Hours of operation; participation by minors; policing of premises.

Article IV. Ambulance Service Permit.

12-28 Required.

12-29 Application, issuance.

12-30 Fee.

12-31 Compliance with terms, rules, etc.

Article V. Swap Meets.

12-32 Policy.

12-33 Definitions.

12-34 License Required.

12-35 Application.

12-36 License fee.

12-37 Investigation and Report.

12-38 Issuance or Denial of Application; appeal.

12-39 Minimum standards.

12-40 Admission records.

12-41 Prohibited articles.

12-42 Hours of operation.

12-43 Notice and surveillance.

12-44 Existing uses.

12-45 Revocation of license.

12-46 Appeal hearings.

12-47 Violations.

12-48 Guns and ammunition.

12-49 Livestock and animals.

Article VI. Taxicabs.

12-50 Application of Chapter

12-51 Definitions.

12-52 Business License Required.

12-53 Owner, Driver and Stand Permits Required.

12-54 Owner's Permit – Application.

12-55 Owner's Permit – Issuance.

12-56 Owner's Permit – Duration.

12-57 Operate only vehicles listed.

12-58 Additional vehicles.

12-59 Leasing or Renting taxicabs.

12-60 Liability Insurance – Indemnity.

12-61 Driver's Permit – Application.

12-62 Driver's Permit – Issuance.

12-63 Driver's Permit – Suspension/Revocation.

- 12-64 Driver's Identification Badge.
- 12-65 Driver Termination.
- 12-66 Testing of Drivers for Controlled Substances and Alcohol.
- 12-67 Stand Permits.
- 12-68 Sharing Stand.
- 12-69 Change of Stand Location.
- 12-70 Permits Represented by Certificate.
- 12-71 Revocation of Permits.
- 12-72 Schedule of Fares.
- 12-73 Display of Information.
- 12-74 Fare Receipt.
- 12-75 Passenger to Pay Legal Fare.
- 12-76 Direct Route.
- 12-77 Hiring of Vehicle.
- 12-78 Passengers – Exclusive Right.
- 12-79 Vehicles Subject to Inspection.

#### Article VII. Park Permits.

- 12-80 Applicability.
- 12-81 Requirements.
- 12-82 Right of Refusal.
- 12-83 Effect of Permit.
- 12-84 Revocation.
- 12-85 Adult Leagues.
- 12-86 Fees.

## Article I. In General.

12-1 Required. It shall be unlawful for any person to commence, conduct or carry on, within the City any business, occupation, show, exhibition or game, without first procuring a license to do so. (Ord. 509)

12-2 More than one business at same location. Any person who carries on a permanent business who now, or hereafter carries on more than one business, occupation, show, exhibition or game in one place of business, each of which is subject to a license fee, shall pay the highest license fee provided and in addition shall pay an additional fee as established in Category I of the Resolution establishing fees, for each and every other business, occupation, show, exhibition or game conducted or carried on in such place of business.

For any person carrying on a transient, itinerant or temporary type of business (defined as one who does not maintain a permanent place of business within the City or has not conducted or will not conduct business in the City for at least ninety (90) consecutive days), shall pay the fee established for each and every business. For rules governing door-to-door peddling or soliciting see Chapter 16. (Ord. 509)

12-3 Fees, when due and payable; expiration of license; penalty for delinquent payment. When a license fee is made payable quarterly, such license fee shall be due and payable in advance on the first day of January, April, July and October. When payable monthly, license fees shall be due and payable on the first day of each and every month. When payable weekly, license fees shall be due and payable on each Monday. When payable daily, license fees shall be payable each and every day in advance; provided that a daily license may be issued for one or more days by payment in advance for the number of days desired. No license may be issued at any time for less than the full license fee. All licenses issued under this article shall expire at the end of the quarter, month, week or day, or for the period for which issued, as the case may be.

In the event any person shall refuse or neglect to pay any license fee due and payable under this article for a period of fifteen (15) days after the same has become due and payable, then there shall be added thereto an amount equal to twenty-five percent (25%) of such license fee, and the total sum thereof shall then be due and payable as and for the license fee. (Ord. 509)

12-4 Fees, schedule by category. License fees to be paid to the City by every person conducting or carrying on any business, occupation show, exhibition or game, or other activity shall be fixed and determined from time to time by Resolution of the City Council, and shall be classified into various categories. For businesses not specifically mentioned or identified in a particular category in the Resolution establishing fees, the City Clerk (or Deputy) shall determine the category most suitable for that business, and the fee shall be that which is established for said category. (Ord. 509)

a) Category I:

Barber shops (each chair)  
Beauty shops (each chair)  
Car wash (self-service)  
Individual sales representatives for the following products: Aloe Vera;  
Amway; Avon; Shaklee; Stanley and similar products.  
Individuals engaged in service such as: Dancing teacher; music teacher;  
public stenographer; shoe shines; sign painter; window washing; and  
similar service by individuals.  
Vendors from wagons or carts: Food; ice cream; and similar products.

b) Category II:

Abstract & Title Companies  
Accounting Firms  
Advertising Companies (Brochures, etc.)  
Air Conditioning Sales & Service  
Aircraft Sales & Service  
Architects  
Assayers  
Auditors  
Auto Accessories, Retail  
Auto Body & Painting Shops  
Auto Repairs  
Auto Service Stations  
Bakeries, Retail  
Blacksmiths  
Book Stores  
Bottling Works  
Bus Service (Not covered by PUC)  
Cafes  
Car Rentals  
Catering Service  
Cement and Concrete Works  
Child Care  
Cleaning & Pressing  
Clothing Stores  
Cobblers  
Confectioneries  
Contractors:  
    Electrical  
    Painting  
    Plumbing  
    Roofing  
    Specialties  
    (See Category III for General)  
Dairy, retail

Dealers, second-hand  
Deliveries  
Dentists  
Doctors  
Drive-In Cafes  
Dry Goods  
Electrical Appliances  
Feed Stores  
Fertilizer & insecticides  
Florists  
Freight & Storage  
Furniture  
Gardening, lawn service  
Guard Dog Security Service  
Handyman  
Household Appliances  
House Moving  
Interior Decorating  
Jewelry  
Junk Collectors  
Laboratories  
Laundries, Laundromats  
Lawyers  
Leasing  
Leather & Tack Shops  
Locksmith  
Lunch Counters  
Machine shops  
Mattress Works  
Meat Markets, retail  
Music Store  
News Dealers  
Office Supplies  
Optometrists & Opticians  
Osteopath  
Paint, Carpeting & Linoleum  
Pest Control  
Photographer  
Physician & Surgeon  
Plasterer  
Plumber  
Poultry Sales  
Pump Sales & Service  
Real Estate Agents  
Repair Shops  
Restaurants

Safe and Sane Fireworks Sales  
Sand & Gravel Dealer  
Scales, public  
Seamstress  
Secondhand Dealer  
Security Service  
Service Stations  
Sheet Metal Works  
Shoe Repair Shops  
Shoe Stores  
Sign Companies  
Skating Rink  
Soda Fountain  
Sporting Goods  
Storage & Freight  
Surgeons  
Suppliers to Retail Businesses  
Taxi Dispatch Terminal  
Tailor  
Tack & Leather Shops  
Termite & Pest Control  
Tinsmith  
Tire, Retail  
Title Company  
Truck Rentals  
Upholstery Shops  
Van & Storage  
Variety Stores  
Vegetables, Retail  
Vending Machine Company  
Water Distributor  
Welding Shop

(Ord 799)

c) Category III.

Auto Accessories, Wholesale  
Auto Dealers, New and/or Used  
Bakeries, wholesale  
Billboard advertising  
Contractor, General  
Demolition of Structures  
Dairy, wholesale  
Feed & Seed Mills  
Grocery, retail  
Laundry, wholesale  
Newspaper, Publisher

Meat Packer  
Pharmacy/Drug Store  
Printing Shop  
Stock Yards  
Tires, wholesale  
Vegetable, wholesale  
Warehouses  
Wreckers, Auto & House

d) Category IV:

Chemical, wholesalers  
Farm Implements  
Gasoline, wholesale  
Groceries, wholesale  
Hardware  
Lumber Yards  
Manufacturing  
Morticians/Undertakers  
Packing Sheds  
Petroleum, wholesalers  
Soft Drink, wholesalers  
Theatres

e) Category V:

Poolrooms or Billiard Parlors  
Bowling Centers  
Video Game Rooms

f) Category VI:

Residential Unit Rentals

The Business of Renting Flats, Duplexes, Houses or Apartments,  
Including Bungalow Courts and Auto or Trailer Courts

1. three to fifteen units
2. sixteen to twenty-five units
3. twenty-six or more units

g) Category VII:

Transient, itinerant or temporary types of businesses (defines as one who does not maintain a permanent place of business within the City or has not conducted or will not conduct business in the City for at least ninety [90] consecutive days), including:



1. Transient, itinerant or temporary photographer, every merry-go-round, miniature railway, ferris wheel or any other type of ride, designed to carry persons for amusement, whether specified herein or not; any shooting gallery, ball, knife or throwing enterprise or any similar device whether mentioned herein or not; any slide show platform exhibition or similar business for the entertainment of persons; any concessionaire of phonograph or talking machines, kinoscopes, telescopes, microscopes, penny arcade, video arcade, weighing machines or other similar device not specifically mentioned; any peddler of flags, banners, balloons, canes, horns, toys, badges, souvenirs or other similar novelties or articles; any trained animal show or exhibition carried on or conducted for profit; any vendor or concessionaire of food, jewelry, cosmetics, merchandise sale, gun shows, rock and mineral shows, sales advertising whether mentioned herein or not.
2. Races, rodeos, dances (for dance halls, see Article II), circuses or other similar means of entertainment carried on or conducted for profit, not specifically listed herein.
3. Fortune tellers, mediums (spiritual or otherwise), palmists and astrologists and other similar occupations. (Ord. 509)

12-5 Fees, amount if fee held discriminatory, etc. In the event that any license fee or classification or category shall be held to be discriminatory, unreasonable or prohibitory and invalid, then in any such event the license fee for such business, occupation, show exhibition, game or other activity or classification thereof shall be that which is established in Category II, except that such fee shall be paid annually in advance for each year or any portion thereof during which such activity is carried on. (Ord. 509)

12-6 (Deleted – See Section 12-3) (Ord. 509)

12-7 Fees – Civil action to recover. The city shall be authorized to bring a civil action to recover unpaid license fees in any court of competent jurisdiction, and in the event such civil action is brought, the City shall be entitled to recover in addition to the license fee and twenty-five percent thereof, the additional sum of ten dollars, for each and every violation of the terms of this article. Nothing contained herein shall impair, postpone or delay, or otherwise affect any remedy or penalty provided for this article. (Ord. 356)

12-8 Powers and duties of police officers. All police officers of the City are hereby appointed as inspectors of licenses, and are hereby required to examine all premises and places of business within the City, for the purposes of ascertaining whether the provisions of the chapter have been complied with. All such police officers shall have the right to enter free of charge, at any time, any place of business, show, exhibition or game, for which a license is required by this chapter, and to demand for inspection a current license issued pursuant to the

provisions hereof. If any person shall, upon demand, fail or refuse to exhibit such current license, such person shall be liable for the violation of this chapter.

(Ord. 356)

12-9 Determination of necessity for police services. The chief of police of the City is hereby authorized, empowered and directed to ascertain the necessity for and expense of the police requirement required by virtue of any business, occupation, show, exhibition or game or public dance, required to be licensed under this chapter, and there is hereby imposed as an additional license fee hereunder the expense of such police services, and the amount shall be due and payable forthwith, on the presentation of a statement for the same, in writing, to the person carrying on or conducting such activity. (Ord 356)

12-10 Exemptions from chapter. A license shall be required but no license fee shall be payable by any person conducting or carrying on a business, occupation, show, exhibition or game, solely for charitable, religious or eleemosynary purposes, and from which profit is not derived directly or indirectly by any person. No license shall be required for any dance conducted solely for charitable, religious or eleemosynary purposes, and from which a profit is not derived directly or indirectly by any person. (Ord. 356 & 402)

#### Article II. Dances and Card Games.

12-11 Compliance with article. It shall be unlawful for any person, either as owner or lessee, employee or otherwise, to engage in the business of operating or maintaining in the City any dance in which the public is solicited or received for the purpose of participating in such dance, whether the same be operated alone or in conjunction with any cabaret, tavern, café, restaurant, club or any public place serving or dispensing food or drink of any kind, or in connection with, or as a part of any other form of amusement or entertainment, or to engage in the business of operating or maintaining in the City any otherwise lawful game played with cards, dominoes or other similar devices involving the use of a table or similar equipment, except in compliance with this article. (Ord. 402)

12-12 Effect of article on existing licenses. The provisions of this article shall not apply to the holders of valid public dance hall or card game licenses issued prior to its effective date by the City; provided, that upon the expiration of such licenses, the holders thereof shall be required to comply with the provisions of this article with respect to applications, filing fees and license fees, in the same manner as if such licensees were making new applications for licenses under this article. (Ord 402)

12-12 Application; fingerprinting of applicant; issuance; renewal.

a) Applications for licenses for the operation of public dance halls or card games shall be filed with the chief of police of the City, and shall be accompanied by the filing fee herein specified. Such applications shall contain the following information:

- 1) The name and address of the applicant, and in the event applicant is a co-partnership or an association, the names of the members thereof, and in the event the applicant is a corporation, the principal place of business of such corporation and the name and address of the managing agent thereof.
  - 2) A description of the premises wherein it is proposed to conduct the business, sufficient to identify the same, and the capacity in which the applicant occupies the same, namely, whether as owner, lessee or otherwise.
  - 3) Whether applicant is a citizen of the United States and a resident of the City.
  - 4) The business last engaged in by the applicant and the place where such business was conducted.
  - 5) If the applicant is a corporation, whether such corporation has paid its license fee to, and is in good standing with the state.
- b) The application shall be verified by the applicant, except where the applicant is an association or corporation, then the same shall be verified by the managing agent thereof.
- c) The applicant, or the person verifying the application as herein provided, shall be fingerprinted by the chief of police. Thereafter, the chief of police shall investigate the reputation, character and business integrity of the applicant. Within fifteen days after the filing of the application, the chief of police shall present the same to the City Council with his recommendation, whereupon the Council shall either grant or deny the application, within thirty days after the same has been presented to the Council. In the event such application is denied, the filing fee paid in accordance with this article shall be refunded to the applicant.
- d) The licenses granted under this article shall be subject to renewal on a yearly basis, and any licensee shall submit a new application containing the information herein specified, for renewal of such license, not less than thirty days prior to the expiration of the then current one year license period; provided, that the filing fee required for new application shall not be required for the applications for renewal, nor shall the applicant be required to be fingerprinted upon application for renewal of the license.

(Ord. 402)

12-14 Filing fees and license fees. The filing fees and license fees under this Article (Dances and Card Games) shall be determined fixed from time to time by Resolution of the City Council.

(Ord. 509)

12-15 Suspension and revocation. A license granted in accordance with this chapter to any business described in this article may be suspended by the chief of police, without prior notice, for violation of this article, for any breach of the peace occurring on or adjacent to the premises upon which such business is conducted. Such suspension shall be in addition to any other penalties prescribed for violation of this article and the same shall become permanent, and the license shall be deemed automatically revoked, unless, within three days of such suspension, the licensee shall appeal in writing to the City Council, setting forth in such writing the reasons and mitigating circumstances for which the license should not be permanently revoked. At its next regular meeting following such appeal, the City Council shall consider the same, and shall receive such evidence as it sees fit pertaining thereto, and within thirty days after the meeting in which the appeal is presented, the City Council shall either affirm such revocation or reinstate the license. Any suspension or revocation of any license shall not entitle the licensee to the return or refund of any license fee or any other sum paid in connection the obtaining of such license. (Ord. 402)

12-16 Peaceful and orderly operation; hours of operation. Any public dance hall or card game described in this article which has otherwise complied with the license requirements of this chapter, shall be operated, maintained and conducted by the licensee in a peaceful, orderly and inoffensive manner, and in all cases shall be conducted without loud, boisterous or disorderly conduct or breach of the peace. The businesses shall not be conducted between the hours of 2:00 A.M. and 6:00 A.M., and in the case of card games, no person under the age of twenty-one years shall be permitted to engage in any such games, nor shall such person be permitted to act as a bystander at such games, nor to remain on the premises where the same are conducted. (Ord. 402)

12-17 Conduct of participants. Every person who is a customer or participant in or is on the premises where as public dance or card game is conducted, and who engages in any fight or brawl, shall be deemed to be in violation of this Code. (Ord. 402)

12-18 Penalties for violation of article. It is intended by the enactment of this article that, in addition to the regulating provisions hereof, the licensing requirements set forth in this chapter shall remain in full force and effect respecting the operation of the businesses herein described. The penalties set forth for violation of this article shall be deemed to be supplementary to those prescribed for violation of this chapter, and nothing herein contained shall impair, postpone or delay, or otherwise affect any remedy or penalty provided in this chapter. (Ord. 402)

Article III. Games of Skill and Science.  
(For BINGO see Chapter 12B)

12-19 Defined; determination of status of game. For the purpose of this article only, a “game of skill and science” shall be defined as any game participated in by one or more players for any prize, gift or award of anything of value, which such prize, gift or award is given by the operator of the game and where any charge is made by the person operating or conducting such game and any consideration is paid by any player for the

right to play or participate in any such game, and the dominating factor in determining the result of such game is dependent upon the judgment, intelligence or adroitness of the player, but nevertheless a dominating factor in determining the outcome of such game is chance, such a game shall not be considered as a game of skill and science, but shall be considered as a game of chance. In accordance with the foregoing definition, the City Council shall, in considering any application for a license as provided in this article, shall determine whether or not any particular game is a game of skill and science or is a game of chance and such determination by the City Council shall be final and conclusive insofar as granting or denying a license is concerned. (Ord. 315)

12-20 Required. It shall be unlawful for any person or for any person as agent, clerk or employee, either for himself or for any other person, within the City, to engage in or operate or conduct, directly or indirectly, any game of skill and science without having first procured a license therefore, as required in this article. (Ord. 315)

12-21 Application. Applications for a license pursuant to this article shall be made by the applicant in writing to the City Council and the application shall set forth the name of the person to whom the license is to be issued, the nature of the trade or business to be licensed, the location of the place of business, the length of time for which the license is granted, the date of issuance and the amount of license fees collected and to be collected pursuant thereto. (Ord. 315)

12-22 Amount of fees. Every person granted a license pursuant to the terms of the Article shall pay to the City a license fee determined and fixed from time to time by Resolution of the City Council for each such game of skill and science operated by the licensee. The Fees shall be payable monthly in advance on or before the first day of the calendar month for which payment is made. In the event that the license fee shall not be paid when due, the license shall be automatically and immediately cancelled, voided and of no force and effect. The failure to pay any such license when due, as above provided, shall immediately revoke the license and before any such license can be re-issued, a new application shall be made as provided herein, in the same manner as if no license had theretofore ever been granted. (Ord. 509)

12-23 Payment of first month's fee in advance; issuance. Written applications for licenses under this article shall be accompanied by full payment of the first month's license fee prescribed under this article and will be considered by the City Council at any regular meeting in the discretion of the City Council. The applicant or his authorized representative may appear before the City Council when the application is to be considered. The City Council shall consider any and all matters which it may desire in granting or denying any such application and may inquire into the facts concerning the applicant or the proposed business in any manner it may deem proper. The City Council shall grant or deny the license within thirty days after application therefore is duly received by the City Council, and the granting or denying of such license shall be wholly and entirely within the discretion of the City Council and its action thereon shall be final and conclusive. (Ord. 315)

12-24 Illegal games not authorized by issuance of license. No license issued by the City Council pursuant to this article shall authorize the conduct of any game which is prohibited by any applicable laws of the state and any license which may be issued in violation of this section shall be void and of no effect whatsoever. (Ord. 315)

12-25 Limitation on number of licenses. No license shall be issued by the City Council pursuant to this article if, at the time application is made, there is one license outstanding and in full force and effect for each five thousand population or fraction thereof in the City, as determined by the last federal census, or such other census, special or otherwise, as may be approved by the City Council (Ord. 315)

12-26 Revocation; transferability. Any license issued under this article may be revoked by the City Council at any time and without notice upon the failure of the licensee or his agents or employees to comply with any of the terms or provisions of this article or any other applicable laws and regulations of the state. Licenses issued under this article are not assignable or transferable and may not be transferred from one premises to another without the consent of the City Council first obtained in writing. (Ord. 315)

12-27 Hours of operation; participation by minors; policing of premises. No game of skill and science shall operate or be open for business, except between the hours of 12:00 Noon and 2:00 A.M. of the following day. No person under the age of twenty-one years shall be allowed to participate in any game of skill and science, as defined in this article. All holders of licenses pursuant to this article may be required as condition for the issuance and renewal of licenses granted hereunder, to provide, at the licensee's own expense, adequate policing upon the licensee's premises. (Ord. 315)

#### Article IV. Ambulance Service Permit.

12-28 Required. Any person proposing to operate an ambulance service within the City, in addition to any other city, county or state license otherwise required, including a City business license, shall obtain before commencing operations within the City, a permit from the City to engage in such business, such permit to be obtained subject to the provisions set forth in this article. (Ord. 421)

12-29 Application; issuance. Any person may obtain a permit to operate an ambulance service within the City in either of the following ways:

- a) A permit may be granted on application of any holder of a valid current permit issued to him by the county which allows him to operate an ambulance service in any area adjacent to the City. Such city ambulance permit shall be in such form as may be prescribed by the City Council, and shall carry the same expiration date as the county permit currently held by

applicant. Application may be made by filing a copy of the valid current county permit, together with a completed application for a City business license, with the City Clerk. Renewal of the permit granted hereunder shall be secured by submitting the renewed county permit together with evidence of compliance with other city licensing requirements.

b) A permit to operate an ambulance service in the City may also be issued to persons not holding a permit from the county. Such persons shall make application for a permit in writing. Upon receipt of such application, the City Clerk shall notify the City Council, which in turn shall fix a date for a public hearing not less than thirty days after the filing of the application. In addition, the City Council shall advise the applicant of any information which it may require in connection with the public hearing. At the hearing, the Council will consider whether the public health, safety, welfare, convenience and necessity justify the granting of the permit requested. If the Council finds issuance of a permit to be justified, a permit shall be granted by ordinance or resolution, which shall prescribe the requirements to be met by the permittee, a schedule of charges to made for services by the permittee and such other matters as the Council deems appropriate. (Ord. 421)

12-30 Fee. There shall be no fee required in connection with any application or permit described in this article. (Ord. 421)

12-31 Compliance with terms, rules, etc. All permittees under this article shall comply with the terms of their permit, as well as applicable rules, regulations, ordinances and laws respecting ambulance operation. The lack of such compliance shall be grounds for termination of any permit granted hereunder. (Ord. 421)

#### Article V. Swap Meets

12-32 Policy. Swap meets typically involve the sale or exchange of new and used merchandise, between numerous vendors, traders, and purchasers, at an outdoor lot or area without adequate facilities for vendors or customers. Further, swap meets are readily utilized for sale or exchange of stolen goods. It is the intent of this chapter to subject swap meets to proper regulation so as to protect the health and welfare of residents who attend and participate in such activities and to require swap meet operators to share in regulatory costs. (Ord. 440)

12-33 Definitions. For the purpose of this chapter the following definitions shall apply:

- a) "Swap Lot" means a building, structure, enclosed lot or other area to which persons are admitted to display, exchange, barter, buy, sell, or bargain for new or used merchandise. (Ord. 495)
- b) "Swap Meet" means the activity carried on in such a location. (Ord. 440)
- c) "Operator" means the person or persons who control the admission directly or through agents, of persons and merchandise into the trading area. (Ord. 495)
- d) "Vendor" means any person who is permitted to display exchange or sell new or used merchandise at a swap meet. (Ord. 495)
- 12-34 License Required. It shall be unlawful for any person to operate a swap meet in the City of Imperial unless such a person has been issued a current license as provided in this chapter.
- 12-35 Application. Application for license shall be made on forms requiring, among other things, the name and address of the owner and operator of the swap meet. (Ord. 565)
- 12-36 License Fee. License fees shall be due and in an amount as established from time to time by Resolution of the City Council. (Ord. 495)
- Sales Tax. Collection of sales tax by licensed swap meet operators shall collect all sales taxes as required by California Tax Law and shall deposit said sales taxes with the State of California Board of Equalization. (Ord. 495)
- 12-37 Investigation and Report: A copy of each application for license shall be forwarded to the Imperial Police Department and the Director of Public Works/Planning. The Police Department shall investigate the truth of the matters set forth in the application and the character of the owner and operator of the swap meet. The Director of Public Works/Planning shall investigate the proposed of existing swap meet locations and facilities.
- The aforesaid departments shall file a joint report with the City Manager recommending either that (a) the application be granted; (b) the application be granted with conditions, or (c) the application be denied. If the report recommends the imposition of conditions or denial, reasons for the recommendation shall be set forth. (Ord. 565)
- 12-38 Issuance or Denial of Application; Appeal. The City Manager shall, based on the joint report, either issue a license, conditionally issue a license, or deny the issuance of a license. The applicant shall be served notice of the City Manager's action by mail. The applicant may appeal the decision as set forth in Section 12-46. (Ord. 565)



12-39 Minimum Standards. The operator of a swap meet shall comply with the following standards:

- a) Enclosure: Swap meet activities shall be conducted only in a building, structure or other area which is sufficient to enable the operator to control effectively the ingress and egress of persons and merchandise. (Ord. 565)
- b) Vending Sites: Each vendor shall be provided with a safe, and sanitary stall or vending site. (Ord. 565)
- c) Toilets: At least one (1) flush type toilet facility marked “Men” and one such facility marked “Women” shall be installed for every twenty-five (25) vending sites.
- d) Drinking Water: Adequate drinking water facilities shall be provided.
- e) Structures, Electrical and Plumbing: All structures and improvements shall be in compliance with the applicable building regulations and uniform codes.
- f) Parking: Parking facilities shall be provided on a formula of two (2) parking spaces, with minimum dimensions of nine (9) by twenty (20) feet for each vending site. (Ord. 565)
- g) Refuse Collection: Trash receptacles adequate to meet anticipated daily refuse volume shall be provided and shall be emptied daily. (Ord. 440)
- h) Security: Swap meet operator shall provide security personnel as deemed necessary by himself and/or the Chief of Police. Said security personnel shall cooperate closely with the Imperial Police Department. (Ord. 495)

License conditions may require installation of improvements as required by the above standards or such other conditions as may be required by the City Manager. Representatives of the City agencies charged with enforcement of police, safety and health regulations shall be entitled to access to the swap meet at all times to inspect for compliance with this Chapter and with other applicable ordinances, rules and regulations. (Ord. 565)

12-40 Admission Records: Each person who brings merchandise to a swap meet for sale or trade shall submit to the operator, or his employee or agent, the following information, on forms prescribed and furnished by the operator: (a) name and address; (b) date and time of entry; (c) vehicle description and license number, if any; (d) general description which reasonably describes all property brought into trading area; provided, however, that where property is identifiable by a serial number, where property shows evidence of having had a serial number, where property has distinctive or personal identifying marks such as names or initials, or where property shows evidence of having had such identifying marks, the property shall be specifically described, including such

serial numbers and distinctive identifying marks along with color, name and make; (e) signature of such persons.

A person who brings merchandise to a swap meet shall not sell or trade such merchandise at the swap meet until the admissions records specified above have been completed and submitted to the owner or operator of the swap meet, or his employee or agent. The owner or operator of the swap meet shall make said admissions records available for inspection by the Police Department during the normal business hours of the swap meet and shall daily submit said admission records to the Police Department. The owner or operator of the swap meet shall not permit any person bringing merchandise to the swap meet to sell or trade said merchandise until the admission records specified above shall have been completed and submitted to him. (Ord. 440)

12-41 Prohibited Articles. It shall be unlawful for any person to sell or exchange any of the following at a swap meet:

- a) Fire arms or ammunition except as set forth in Section 12-48
- b) Explosives
- c) Animals or livestock except as set forth in Section 12-49
- d) Stolen merchandise
- e) Other merchandise, the sale of which is prohibited by applicable regulations or Ordinances (Ord. 495)

12-42 Hours of Operation. Swap meets shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m. Such hours may be reduced or enlarged based on the recommendation of the Police Department or Director of Public Works/Planning. (Ord. 565)

12-43 Notice and Surveillance. The operator of any swap meet shall take reasonable steps to notify all participants of the regulations and prohibitions contained in this chapter, including, but not limited to, the posting of notices in conspicuous places on the swap lot. Additionally, the operator, or his employees and agents, shall maintain continued surveillance and inspection to assure compliance with the provisions of this chapter. (Ord. 440)

12-44 Existing Uses. Operators of swap meets in existence and operation on the effective date of this chapter shall have one hundred eighty (180) days to comply with all requirements contained in the chapter (Ord. 440)

12-45 Revocation of License. A license may be revoked for violation of any provision of this chapter. The Imperial Police Department or the Director of Public Works/Planning may initiate action to revoke a license by filing a notice of intention with the City Manager and serving a copy of same by mail on the owner or operator. The notice shall contain a statement of the reasons for the proposed revocation and shall

inform the owner or operator of the right to a hearing before the City Council. Unless the owner or operator requests a hearing as provided by paragraph 12-46 below, the license shall be deemed revoked. (Ord. 565)

12-46 Appeal Hearings. Any owner or operator entitled to a hearing pursuant to this chapter must file a written request for hearing with the City Clerk within five (5) days after service by mail of the particular notice from which the appeal is taken. The request for hearing shall contain the appellant's statement of reasons for the appeal. The City Clerk shall set the matter for hearing as soon as practical and notify the appellant and appropriate departments of the time and place set for said hearing. Any interested person may appear and present evidence at the public hearing. The action of the City Council on appeals shall be final (Ord. 440)

12-47 Violations. Any person violating a provision of this chapter shall be guilty of a misdemeanor. (Ord. 440)

12-48 Guns and Ammunition. Guns and ammunition may only be sold, traded, bartered at special swap meets designated as "Gun Shows". A Gun Show must meet all of the requirements of this Ordinance as relating to swap meets. No Gun Show may be held in a location adjacent to or in conjunction with a "Swap Meet." All Gun Shows must be held for the sole and explicit purpose of the showing, trading or selling of firearms. Ammunition for firearms and black powder for black powder weapons must be kept in locked containers for the protection of the public. All Gun Shows must comply with all State and Federal gun control regulations. The operator shall be responsible for certifying that all State and Federal regulations are being met and shall enforce said regulations upon the vendors at his show. (Ord. 495)

12-49 Livestock and Animals. Livestock and animals may be sold at locations specifically approved by the Director of Public Services for that purpose. Livestock and animals may not be swapped at swap meets or in conjunction with or adjacent to swap meets where general merchandise is being swapped. The operators of any livestock and animal show must collect all required fees and comply with all provisions of this ordinance. (Ord. 495)

#### Article VI. Taxicabs

12-50 Application of Chapter. The provisions of this chapter shall apply to taxicab companies doing business within the City.

12-51 Definitions. For the purpose of this chapter, the words and phrases defined in this section shall be deemed and construed to have the meanings respectively ascribed to them, unless from the particular content, it clearly appears that some other meaning is intended.

- a) "City" means the incorporated area of this City of Imperial as currently constituted or hereafter changed.

- b) “Driver” means and includes every person in actual charge and control of any taxicab.
- c) “Owner” means and includes every person owning, operating or controlling any taxicab business.
- d) “Stand” means and includes a portion of the street designated by the traffic engineer for the sole use of taxicabs while waiting for employment.
- e) “Taxicab” means and includes every motor vehicle designed for carrying not more than eight persons, excluding the driver, of a distinct color or commercial appearance used in the business of carrying passengers for hire, and which is rented from a public or private garage, or any fixed stand or location and the destination and route of which are under the control of the passenger being carried therein.
- f) “City Engineer” means the City Engineer for the City of Imperial or such other person as the City Manager may from time to time designate.

12-52 Business License Required. Every person carrying passengers for hire in a taxicab shall obtain a business license and pay the tax provided for by Chapter 12. The business license shall not be issued until the required permits have been obtained as provided for in this chapter.

12-53 Owner, Driver and Stand Permits Required.

- a) No taxicab shall operate in the City unless an owner’s permit has been issued to the owner of the taxicab and a driver’s permit has been issued to the driver of the taxicab.
- b) No taxicab shall use any stand until a stand permit has been obtained.
- c) Permit fees shall be submitted with each application for the above-referenced permits in an amount to be determined by resolution of the City Council.
- d) No permit granted pursuant to this chapter shall be transferable.

12-54 Owner’s Permit – Application. Notwithstanding any of the provisions of this code to the contrary, any owner desiring to obtain an owner’s permit shall make application therefore to the City Manager or his designee. The application shall be under penalty of perjury and shall set forth and include the following:

- a) The name, age, business address, residence and citizenship of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of its principal officers, together with their partners, or the persons compromising the

association or company, with the place of business and residence of each such partner or person;

- b) A description of each vehicle which the applicant proposes to use, giving the type of each vehicle, the name of the manufacturer thereof, the horsepower and the seating capacity thereof, according to its trade or factor rating;
- c) An annual certificate of inspection by a state licensed garage indicating that each vehicle's brakes and lights are in safe condition and good working order;
- d) The street number and exact location of the public or private garage from which each such vehicle is to be operated;
- e) A schedule of the rates of fare or uniform tariffs to be charged for carrying passengers. Rates shall not exceed the maximum amount set by resolution of the City Council;
- f) The applicant's experience in operating a taxicab business and the name, address and experience of the person to be in charge of the premises or business;
- g) A financial statement of the applicant upon request;
- h) Whether or not any similar permit has been revoked, and if so, the circumstances of such revocation;
- i) The color scheme, name, monogram or insignia which the applicant proposes to use. The color scheme, name, monogram or insignia to be used upon such taxicab shall not conflict with or imitate any color scheme, name, monogram or insignia used by another taxicab owner in such manner so as to be misleading, or tend to deceive or defraud the public, or that a color scheme, name, monogram or insignia has therefore been designated for the applicant; and
- j) Such further information as the City Manager or his designee may require.

#### 12-55 Owner's Permit – Issuance.

Upon receipt of any application for an owner's permit, the City Manager or his designee shall forward the application to the Chief of Police. The Chief of Police shall conduct a criminal investigation of the applicant and, on the basis of such investigation, shall approve or deny the application. Upon approval of the application by the Chief of Police, the City Manager or his designee shall issue an owner's permit if the applicant has complied with all of the terms and conditions of this Article. The Chief of Police may, in his discretion, inspect vehicles identified in the application.

12-56 Owner's Permit – Duration. An owner's permit issued pursuant to this chapter shall remain in effect, unless revoked, so long as there is a valid business license in effect for the business.

12-57 Operate Only Vehicles Listed.

No owner shall operate any taxicab other than those listed on the owner's permit application. No owner shall operate any taxicab other than the one bearing the color scheme, name, monogram or insignia set forth in the application for the permit. No person shall change the color scheme, name, monogram or insignia without first having filed a written application with the City Manager or his designee and having obtained the consent of the City.

12-58 Additional Vehicles.

If an owner wishes to operate vehicles than those originally listed, inspected and approved with the original owner's application, the owner shall file an application therefore with the City Manager or his designee who shall forward the same to the Chief of Police.

12-59 Leasing or Renting Taxicabs.

- a) Any owner may lease or rent any vehicles licensed to operate as taxis under the provisions of this chapter.
- b) Lease of vehicles under this section shall in no way relieve any owner, lessor, or lessee from responsibility of full compliance with all the provisions of this Chapter.
- c) All provisions applicable to a taxi driver shall also apply to a lessee and any violation of such provisions by lessor shall be considered a violation by the owner and shall carry the penalty prescribed.
- d) All chapter provisions applicable to a taxi driver shall also apply to a lessee and any violation of such provisions by lessee shall carry the prescribed penalty.
- e) Owners entering into lease arrangements shall notify the Chief of Police in writing and provide the following information:
  1. The number of taxis operating under lease agreements
  2. The vehicle identification numbers
  3. The full name and home address of the lessee
  4. A photocopy of the lease or rental agreement as signed by both lessor and lessee

5. Any other pertinent information

- f) It shall be unlawful to lease or rent a vehicle to any person other than a licensed driver possessing all necessary permits as provided under this chapter.
- g) It shall be unlawful for a lessee to fail to maintain an accurate daily manifest as prescribed by this Chapter. The lessee shall deliver such records to the lessor who shall be responsible for their retention as specified in this Chapter.
- h) The maintenance of the vehicle as prescribed by this chapter shall be the responsibility of the lessor.
- i) A permittee who leases or rents taxis shall have such taxis painted with his or her identifying color scheme and/or insignia, and such taxis shall be fully insured as provided by section 12-61 of this chapter.

12-60 Liability Insurance – Indemnity.

- a) No owner's permit shall be issued or continued in operation unless there is full force and effect a policy of comprehensive general and automobile liability insurance in a form prescribed by the City Manager or his designee, executed by an insurance company approved by the City Manager or his designee with a Best's Key Rating of not less than "A VII," unless otherwise approved by the City Manager or his designee, whereby the owner and driver of each of the vehicles operating pursuant to the permit as was as the holder of the permit as insured against liability for damage to property and for injury to or death of any persons as a result of the ownership, operation or other use thereof. The minimum liability limits shall be as established by resolution of the City Council and shall be applicable to all owned, non-owned and hire vehicles.
- b) Such policies of insurance shall contain endorsements providing that the policy will not be canceled until notice in writing has been given to the City, addressed in care of the City Manager or his designee, 420 South Imperial Avenue, at least thirty days immediately prior to the time such cancellation becomes effective.
- c) Such policies of insurance shall name the City, its officers, agents, and employees as additional insureds.
- d) Holders of owner's permits, vehicle owners, and drivers shall indemnify, defend and hold harmless the City, its officers, agents, and employees, from any loss, liability, claim, injury, or damage arising or alleged to arise from the acts of omission of the holder of the owner's permits, vehicle owner, or driver

in connection with the provision of transportation service pursuant to the owner's permits.

12-61 Driver's Permit – Application.

- a) No driver shall operate or drive any taxicab unless the owner thereof has obtained a permit and license therefore as required under the provisions of this code, and such driver has obtained a driver's permit and both such permits are in full force and effect.
- b) The application for such driver's permit shall be made to the City Manager or his designee and shall be made under penalty of perjury.
- c) The application shall set forth:
  - 1. The name, age, and address of the applicant;
  - 2. The names and addresses of employers during the preceding period of three years.
  - 3. The name and address of the owner by whom the applicant is, or will be, employed as a driver. Such owner shall endorse the application;
  - 4. A statement that the applicant has not been convicted of reckless driving, driving under the influence or a hit and run offense in the past five years;
  - 5. A current drug test (within a three (3) month period); and
  - 6. Such additional information as the City Manager or his designee may require. Additionally, the applicant shall provide to the City Manager or his designee a copy of the applicant's valid State of California driver's license.
- d) An owner's permit shall not constitute a permit to drive a taxicab. Any owner who wishes to drive a taxicab must also obtain a driver's permit.

12-62 Driver's Permit – Issuance.

- a) Upon receipt of an application for a driver's permit, the City Manager or his designee shall forward the application to the Chief of Police. The Chief of Police shall conduct an investigation of the application and, on the basis of such investigation, shall approve or deny the application. Upon approval of the application by the Chief of Police, the City Manager or his designee shall issue a driver's permit if the applicant has complied with all of the terms and conditions of this Article. Every driver's permit shall set forth the name of the driver and the name of the owner by whom the driver is employed.
- b) Any conviction of any offense set forth in Chapter I of Title 9 of the Penal Code (Section 261 et seq.) relating to sexual crimes at any time, or upon any



conviction in the last five years of reckless driving, driving under the influence, or a hit and run offense shall be grounds for denial of a driver's permit.

12-63 Driver's Permit – suspension/revocation.

- a) A driver's permit issued pursuant to this chapter shall remain in effect unless suspended or revoked in accordance with subsection (b) of this section.
- b) The Chief of Police shall have the power to instruct the City Manager or his designee to revoke or suspend any driver's permit issued under the provisions of this chapter in the event the holder thereof shall be found guilty of a violation or any of the provisions of this chapter or shall be found guilty of any crime set forth in Section 12-62, which violation, in the sound discretion of the Chief of Police, shall be deemed sufficient evidence of the fact that such driver is not a competent person to operate the taxicab for which the driver's permit was issued. Violation of any state or federal statute or regulation applicable to operation or maintenance of taxicabs may also form the basis for suspension or revocation. In the event of such revocation or suspension of a driver's permit, such certificate issued in connection therewith shall be forthwith surrendered to the City Manager or his designee.
- c) If a permit is revoked, there will be a 24 month period before driver can re-apply.

12-64 Driver's Identification Badge. All drivers employed by any given owner, while on duty, shall wear a distinctive badge bearing the driver's number. Badges shall be worn in a conspicuous place.

12-65 Driver Termination. Upon the termination of the employment of any driver, the owner for whom such driver has been working shall immediately give the City Manager or his designee written notice of such termination. Upon the termination of such employment, the driver shall forthwith surrender the driver's permit to the City Manager or his designee.

12-66 Testing of Drivers for Controlled Substances and Alcohol.

- a) Each holder of an owner's permit shall maintain a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations for all drivers of vehicles operated under the certificate. Under the program and the requirements of this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent. The program shall contain requirements for rehabilitation and for return-to-duty and follow-up testing and other requirements conforming substantially to Part 382 of Title 49 of the code of Federal Regulations.

- b) No owner's permit shall be issued or renewed unless the holder at the time of permit issuance or renewal files with the City a certification that the holder maintains a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations for all drivers of vehicles operated under the permit.
- c) No owner's permit shall be issued or renewed unless the holder at the time of permit issuance or renewal files with the City a certification that, prior to employment with the holder of an owner's permit, each driver of vehicles operated under the permit has tested negatively for controlled substances under a mandatory controlled substance testing certification program, conforming to Part 40 of title 49 of the Code of Federal Regulations.
- d) No driver's permit shall be issued or renewed unless the applicant and the permit holder for which the driver is authorized to operate a vehicle both certify that the driver is in compliance with a mandatory controlled substance and alcohol testing certification program conforming to Part 40 of Title 49 of the Code of Federal Regulations.

12-67 Stand Permits.

- a) The application for a stand permit shall be submitted to the City Manager or his designee, who shall forward the same to the City Engineer.
- b) The stand permit application shall specify the street number and exact location of the place where the owner proposes to place the stand.
- c) No such stand shall be wider than fourteen feet on streets where angled parking is permitted or wider than twenty-two feet on streets where parallel parking is permitted
- d) The City Engineers shall cause an investigation to be made of the proposed location and shall grant the permit if the City Engineer determines that the location of the stand is such that it will not congest or interfere with travel on or the use of any public street including necessary parking, and is not prohibited by an ordinance of the City.
- e) Upon the granting of the stand permit, the permittee shall mark the stand as designated.

12-68 Sharing Stand. Any one stand that is granted to any owner may be used jointly by two or more owners holding taxicab owners' permits under this chapter by the mutual consent of such owners. Such consent must first be reduced to writing, property signed and filed with the City Engineers.

12-69 Change of Stand Location. No stand location shall be changed without the prior written approval of the City Engineer. An application shall be filed with the City Engineer setting forth the proposed new location. An accompanying application fee shall be paid in an amount determined by ordinance of the City Council.

12-70 Permits Represented by Certificate.

- a) When an owner's permit or driver's permit is granted under the provisions of the chapter, the City Manager or his designee shall issue to the grantee thereof a certificate giving the name and address of such permittee, the nature of the permit granted and the date when the same was granted.
- b) When a stand permit is granted under the provisions of this chapter, the City Engineer shall issue to the grantee thereof a certificate designating the exact location of the stand on which the taxicab may park.

12-71 Revocation of Permits.

- a) Action of City Manager or his designee. In the event that the City Manager or his designee determines that a permittee under this article is conducting operations in a manner which is contrary to the provision of this code, in a manner which constitutes a public nuisance, in a manner which is detrimental to the public peace, health, safety or welfare of the City or its inhabitants, or in the event that the City Manager or his designee determines that a permittee supplied false information on the permit application, the City Manager or his designees shall give notice to such permittee of the violations involved and set forth a period of time allowed for the correction of the violations by the permittee if correction is possible. If the City Manager or his designee finds that the violation(s) continue without correction, or if correction is not possible, then the City Manager or his designee shall issue an order of revocation.
- b) Orders of Revocation. An order of revocation issued by the City Manager or his designee shall contain a statement of the violation(s) which constitute the basis for the order of revocation. The City Manager or his designee shall serve the order of revocation on the permittee, as well as any other interested person requesting a copy of the same. The order of revocation issued by the City Manager or his designee shall be final.
- c) If a permit is revoked, there will be a 24 month period before re-applying.

12-72 Schedule of Fares.

- a) The City Council shall by resolution set the maximum amount of tariffs or fares to be charged.

- b) No operator or driver shall impose a charge, for the use of such taxicab other than that specified in the tariff or schedule of fares on file with the City Clerk.
  - c) An owner may file a written application with the City Clerk requesting an increase in the maximum tariffs or rates. The application shall contain the applicant's reasons and justification for the increase.
- 12-73 Display of Information. Every taxicab shall display at all times in a conspicuous place of the passenger compartment a sign stating in clearly legible character the rates of fare or tariff charged for carrying passengers, the owner's name or the fictitious name under which the owner operates, the business address and telephone number of such owner and the business license number furnished by the City Manager or his designee.
- 12-74 Fare Receipt. No driver of any taxicab, upon receiving full payment for a fare, shall refuse to give a receipt upon the request of any passenger making such payment.
- 12-75 Passenger to Pay Legal Fare. No passenger shall refuse to pay the legal fare of any taxicab after having hired the same, nor shall any passenger hire any such taxicab with the intent to defraud the person from whom it is hired.
- 12-76 Direct Route. Every driver of a taxicab who is engaged in carrying passengers shall take the most direct route available, unless otherwise directed by the passengers.
- 12-77 Hiring of Vehicle. The services of a taxicab operating pursuant to any permit granted under the provisions of this chapter shall be available only upon telephone call, engagement of the taxicab when parked at a regular stand or when hailed from the street, sidewalk or curb, but not otherwise. No taxicab driver, owner or agent shall solicit passengers.
- 12-78 Passengers-Exclusive Right. When a taxicab for hire is engaged, the occupants shall have the exclusive right to the full and complete use of passenger compartment, and no owner or driver of such taxicab shall solicit or carry additional passengers therein.
- 12-79 Vehicles Subject to Inspection. No owner or driver shall operate, or cause to be operated, any taxicab while the same or any of the equipment used thereon or therewith shall be in defective, unsafe or unsanitary condition. Every taxicab shall at all time be subject to the inspection of any Police Officer of the City. A vehicle may be ordered out of service where such inspection discloses an unlawful or unsafe condition.

## Article VII Park Permits

12-80 Applicability. A park permit for the use of a park shall be obtained from the Public Works Department by the person(s) conducting, operating, presenting or managing any of the following activities:

- a) Picnics, parties, outings or gatherings sponsored by an organization or individuals numbering 15 or more persons.
- b) Contests, exhibits, plays, motion pictures, radio or television broadcasts, fairs, circuses, shows, musical events such as a band, glee club, choir, or orchestra concert, or any other similar event.
- c) A licensed concessionaire which sells food, refreshments, or miscellaneous items, or the sale of food and refreshments by vendors in parks and ballfields.

12-81 Requirements. Any person seeking a park permit for use of a park area or facility shall file a completed city application with the Public Works Department no later than seven (7) calendar days prior to the event date. The Public Works Department shall issue a park permit when they find:

- a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- b) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park or cause annoyance or the disturbance of any other person's reasonable use of the park facilities, or cause annoyance or disturb the peace of persons residing near the park, or interfere with the maintenance of the park or its facilities.
- c) That the proposed activity or use is not unreasonably anticipated to incite violence, crime or disorderly conduct.
- d) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police supervision by the city.
- e) That the facilities desired have not been reserved for other use at the day and hour required in the application.

12-82 Right of Refusal. Within five (5) calendar days after receipt of an application for park usage, the Public Works Department shall notify the applicant in writing of reasons for refusing a permit or reservation: and an aggrieved person may appeal in writing within three (3) calendar days to the City Manager, who shall consider the application under the standards set forth in Section 12-81 above and sustain, modify or overrule the Public Works Department's decision within four (4) calendar days.

- 12-83 Effect of Permit. Any person using a permit, reservation or license shall be bound by all park rules and regulations, all applicable state statutes and city codes. The applicant shall retain the form in his/her possession at all times while utilizing the park and shall show the form to any city employee or police officer upon request.
- 12-84 Revocation. The Public Works Department may revoke a permit, license or reservation upon finding of violation of this code, state statute, or a park rule or regulation, or upon good cause shown. All reservations are voidable if the reserved area is not in use within thirty (30) minutes after the reservation period starts.
- 12-85 Adult Leagues. Any adult league shall be self-supporting as far as direct costs of personnel, space rental and supplies involved. Each year the Public Works Department shall publish and make available to members of the general public a schedule of fields and times available.
- 12-86 Fees. The Imperial City Council shall adopt by Resolution fees for the following park permits:
- a) Picnics, parties, outings or gatherings sponsored by an organization or individuals numbering 15 or more persons shall pay a cleaning/security deposit.
  - b) All horseshoe tournaments shall be required to pay a participant fee.
  - c) All adult leagues shall be required to pay a participant fee. Team and player fees shall be established by the City based on the cost for the use of the fields and lighting. All fees shall be received by the city on or before the annual league inception date. (Ord. 612)