ITEM 11.B.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Barry K. Hogan, Deputy City Manager**

DATE: **November 19, 2007 (CC Meeting of 12/5/2007)**

SUBJECT: **Second Reading of Ordinance No. 366 Amending Title 5, Business Taxes, Licenses And Regulations of the Moorpark Municipal Code by Deleting Chapter 5.04 Business License; Amending Chapter 5.08 Business Registration; Deleting Chapter 5.12 Ambulances; Deleting Chapter 5.20 Billiard Rooms; Amending Chapter 5.24 Bingo Games; Deleting Chapter 5.28 Cardrooms; Amending Chapter 5.32 Pawnbrokers, Junk Dealers and Secondhand Dealers; Deleting Chapter 5.36 Dancehalls; Deleting Chapter 5.40 Teen Dances; Amending Chapter 5.44 Hotels and Motels; Amending Chapter 5.48 Massage Establishments and Technicians; Amending Chapter 5.60 Newsracks; Amending Chapter 5.64 Peddlers, Itinerant Merchants and Solicitors, Deleting Chapter 5.68 Private Patrols; Deleting Chapter 5.76 Taxicabs; Deleting Chapter 5.80 Temporary Shows; and Deleting Chapter 5.84 Kennels**

DISCUSSION

After first reading of Ordinance No. 366 staff found an inconsistency with Chapter 12.16, Parks, specifically Section 12.16.090. This inconsistency applies to vendors in City parks. Section 12.16.090 does not allow vendors in City parks without having authorization by the City Manager or his/her designee. Minor additions to Section 5.64.090 need to be made prior to second reading of the ordinance. The minor changes are to subsection B and are shown as strikeout and underlining:

5.64.090 Hours of operation and location restrictions.

A. Vendors must operate only between the hours of nine (9:00) a.m. to seven (7:00) p.m. Monday through Saturday, except as further restricted by section 5.64.090B.

B. Vendors must not conduct the business for which he/she is permitted within one-quarter (1/4) mile of any elementary or secondary public or private school ~~or any public park~~ between the hours of eight (8:00) a.m. and four (4:00) p.m. on days school is in session. The authority may approve a temporary use permit to allow the conduct of the business for which a street vendor is permitted for special events or occasions sponsored by the city. Vending in public parks shall comply with Section 12.16.090.

C. The prohibition of this section does not apply to any person invited in writing to call upon any elementary or secondary public or private school by the principal of the school or other authorized person thereof. The written invitation shall be presented to any city official or law enforcement officer upon demand.

D. It is unlawful for any street vendor to solicit business on private property that has a "No Solicitors" sign prominently displayed.

The City Attorney has reviewed the proposed minor changes and does not consider such changes to be significant enough to warrant another first reading. Second reading of the ordinance can proceed with the minor changes.

STAFF RECOMMENDATION

Approve the minor changes to Section 5.64.090, waive full reading, and declare Ordinance No. 366 read for the second time and adopted as read.

ATTACHMENTS:

1. City Council Ordinance No. 366

ORDINANCE NO. 366

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA AMENDING TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS OF THE MOORPARK MUNICIPAL CODE, BY DELETING CHAPTER 5.04 BUSINESS LICENSE; AMENDING CHAPTER 5.08, BUSINESS REGISTRATION; DELETING CHAPTER 5.12, AMBULANCES; DELETING CHAPTER 5.20, BILLIARD ROOMS; AMENDING CHAPTER 5.24, BINGO GAMES; DELETING CHAPTER 5.28, CARDROOMS; AMENDING CHAPTER 5.32, PAWNBROKERS, JUNK DEALERS AND SECONDHAND DEALERS; DELETING CHAPTER 5.36, DANCEHALLS; DELETING CHAPTER 5.40, TEEN DANCES; AMENDING CHAPTER 5.44, HOTELS AND MOTELS; AMENDING CHAPTER 5.48, MASSAGE ESTABLISHMENTS AND TECHNICIANS; AMENDING CHAPTER 5.60, NEWSRACKS; AMENDING CHAPTER 5.64, PEDDLERS, ITINERANT MERCHANTS AND SOLICITORS; DELETING CHAPTER 5.68, PRIVATE PATROLS; DELETING CHAPTER 5.76, TAXICABS; DELETING CHAPTER 5.80, TEMPORARY SHOWS; AND DELETING CHAPTER 5.84, KENNELS

WHEREAS, at its meeting of November 7, 2007, the City Council conducted a hearing on amending Title 5, Business Taxes, Licenses and Regulations of the Moorpark Municipal Code, by deleting Chapter 5.04, Business License; amending Chapter 5.08, Business Registration; deleting Chapter 5.12, Ambulances; deleting Chapter 5.20, Billiard Rooms; amending Chapter 5.24, Bingo Games; deleting Chapter 5.28, Cardrooms; amending Chapter 5.32, Pawnbrokers, Junk Dealers and Secondhand Dealers; deleting Chapter 5.36, Dancehalls; deleting Chapter 5.40, Teen Dances; amending Chapter 5.44, Hotels and Motels; amending Chapter 5.48, Massage Establishments and Technicians; amending Chapter 5.60, Newsracks; amending Chapter 5.64, Peddlers, Itinerant Merchants and Solicitors, deleting Chapter 5.68, Private Patrols; deleting Chapter 5.76, Taxicabs; deleting Chapter 5.80, Temporary Shows; and deleting Chapter 5.84, Kennels, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, many of the Chapters of Title 5, Business Taxes, Licenses and Regulations are now governed by the requirements of the state of California and other Chapters of Title 5 are now regulated by amendments to the City's Zoning Ordinance; and

WHEREAS, the City Council concurs with the Planning Director's determination that amending Title 5, Business Taxes, Licenses and Regulations of the Moorpark Municipal Code, by deleting Chapter 5.04, Business License; amending Chapter 5.08, Business Registration; deleting Chapter 5.12, Ambulances; deleting Chapter 5.20, Billiard Rooms; amending Chapter 5.24, Bingo Games; deleting Chapter 5.28,

Cardrooms; amending Chapter 5.32, Pawnbrokers, Junk Dealers and Secondhand Dealers; deleting Chapter 5.36, Dancehalls; deleting Chapter 5.40, Teen Dances; amending Chapter 5.44, Hotels and Motels; amending Chapter 5.48, Massage Establishments and Technicians; amending Chapter 5.60, Newsracks; amending Chapter 5.64, Peddlers, Itinerant Merchants and Solicitors, deleting Chapter 5.68, Private Patrols; deleting Chapter 5.76, Taxicabs; deleting Chapter 5.80, Temporary Shows; and deleting Chapter 5.84, Kennels is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 5, Business Taxes, Licenses and Regulations of the Moorpark Municipal Code is amended to delete Chapter 5.04, Business License in its entirety; amend Chapter 5.08, Business Registration in its entirety as shown in attachment A; delete Chapter 5.12, Ambulances in its entirety; delete Chapter 5.20, Billiard Rooms in its entirety; amend Chapter 5.24, Bingo Games to change the title to Bingo Game Permit and amending it in its entirety as shown in attachment B; delete Chapter 5.28, Cardrooms in its entirety; amend Chapter 5.32, Pawnbrokers, Junk Dealers and Secondhand Dealers to change the title to Pawnbrokers, Thrift Shops Owners and Secondhand Dealers and amend in its entirety as shown in attachment C; delete Chapter 5.36, Dancehalls in its entirety; delete Chapter 5.40, Teen Dances in its entirety; amend Chapter 5.44, Hotels and Motels in its entirety as shown in attachment D; amend Chapter 5.48, Massage Establishments and Technicians in its entirety as shown in attachment E; amend Chapter 5.60, Newsracks in its entirety as shown in attachment F; amend Chapter 5.64, Peddlers, Itinerant Merchants and Solicitors to change the title to Vendor Permit and amending in its entirety as shown in attachment G, delete Chapter 5.68, Private Patrols in its entirety; delete Chapter 5.76, Taxicabs in its entirety; delete Chapter 5.80, Temporary Shows in its entirety; and delete Chapter 5.84, Kennels in its entirety.

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall

make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 5th day of December, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachments:

Exhibit A, Chapter 5.08
Exhibit B, Chapter 5.24
Exhibit C, Chapter 5.32
Exhibit D, Chapter 5.44
Exhibit E, Chapter 5.48
Exhibit F, Chapter 5.60
Exhibit G, Chapter 5.64

EXHIBIT A

Chapter 5.08

BUSINESS REGISTRATION PERMIT

5.08.010 **Registration permit required.**
5.08.020 **Exempt organizations, activities, persons.**
5.08.030 **Definitions.**
5.08.040 **Permit application.**
5.08.050 **Permit form and content.**
5.08.060 **Additional requirements prior to permit issuance.**
5.08.070 **Amendment and duplicate permit.**
5.08.080 **Information confidential.**
5.08.090 **Posting and carrying permit.**
5.08.100 **Delinquency and penalties.**
5.08.110 **Permit term and renewal.**
5.08.120 **Violation and penalty.**

5.08.010 Registration permit required.

Any person engaged in any business within the city must obtain a valid business registration permit issued pursuant to the provisions of this chapter. A separate business registration permit is required for each branch establishment or location of a business in the city. All mobile businesses must obtain a valid business registration permit. Issuance of a business registration permit does not authorize or legalize any business or business activity which violates any federal, state or local statute, ordinance, rule or regulation.

5.08.020 Exempt organizations, activities, persons.

A. Nothing in this chapter shall be deemed or construed to apply to any person, business or activity exempt by virtue of the Constitution, statutes or laws of the United States or the State from the requirement to obtain a permit or pay for a permit or an application, renewal, amendment or duplicate permit fee.

B. In addition, the following organizations, activities and persons are exempt from certain provisions of this chapter, as follows:

1. Nonprofit organizations. An institution or organization that is exempt from the payment of federal income taxes under Subchapter F, commencing with Section 501, of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, as amended from time to time, or that is exempt from the payment of State income taxes under Cal. Revenue and Taxation Code, Chapter 4, commencing with Section 23701, of Part 11 of Division 2, as amended from time to time. Exemption shall apply upon presentation of proof of nonprofit status.

2. Benefit, charitable and nonprofit activities. Any entertainment, dance, concert, exhibition or lecture from which the gross receipts are to be donated to a nonprofit institution or organization described in subsection (1) of this section, to the State, the county, the city or to any school or house of worship, is exempt from the requirements imposed by this chapter to obtain a permit and pay permit taxes, provided that profit, other than wages paid to employees of such institutions or organizations, is not derived from such activity, either directly or indirectly, by any person. The exemption set out in this subsection shall not apply to persons employed to promote benefit, charitable and nonprofit activities.

3. Independent city contractors. Certain independent contractors hired by the city. Any person hired by the city as an independent contractor to provide babysitting services; to perform artistic demonstrations or give other performances; to provide classes in art, dance, crafts, cooking, sports, music, fitness, or dog obedience; to give lectures, readings, gallery talks or workshops; or to officiate sporting events at city-owned locations, programs or performances at the High Street Art Center are exempt from the requirements imposed by this chapter to pay permit fees if those persons work in the city is exclusively for the city.

C. No person other than the permittee shall use any permit issued pursuant to this subsection.

D. No person shall purchase or transfer any permit issued pursuant to this subsection.

5.08.030 Definitions.

As used in this chapter, the following words are defined:

"Applicant" means the person desiring to engage in the business or such person's duly authorized representative.

"Business" means professions, trades or occupations of all and every kind of calling which are engaged in for the purpose of earning, in whole or in part, a profit or livelihood, whether or not a profit or livelihood is actually earned, and whether paid for in money, goods, labor or otherwise including, but not limited to professions, trades or occupations which do not have a fixed location within the city.

"Person" means an individual, corporation, whether foreign or domestic, joint venture, association, partnership, estate or trust, or any combination thereof, acting as a unit and engaged in any business in the city other than as an employee.

5.08.040 Permit application.

A. A business registration permit application must be filed with the community development director or his/her designee or such other person authorized by the city manager upon a form provided by the city. The permit application shall not be deemed filed unless the form has been filled out completely and accurately by the applicant and accompanied by the filing fee established by city council resolution.

B. The application shall include, but not be limited to the following:

1. Business name, business dba (doing business as), if any, business address and business telephone number and mailing address of the person who will engage in the business;

2. Name, title, business address and telephone number and mailing address of the applicant. If such person is a corporation, the name and address of each director and the name and address of each officer who is duly authorized to accept service of legal process;

3. Nature or type of business;

4. Such other and further information as the community development director or his/her designee may deem necessary.

5.08.050 Permit form and content.

A. The business registration permit shall be prepared and issued upon approval by the city manager or his/her designee after a zoning clearance in accordance with section 17.44.030 has been issued. The permit shall be deemed null and void if the permit application contained false or misleading information.

B. Each permit shall state upon the face thereof the following:

1. Business name or person's name to which the permit is issued;
2. Business type;
3. Business location;
4. Permit issuance date;
5. Permit expiration date;
6. Permit control number, unique to each permit;
7. Official city seal; and
8. Other information as the city manager or his/her designee deems necessary.

5.08.060 Additional requirements prior to permit issuance.

Prior to the issuance of a business registration permit the following businesses are subject to the additional requirements indicated below.

Business	Required Action
Adult Business Performer Permit	Compliance with Chapter 5.18. Table 17.20.060A.1., section 17.24.040N and section 17.28.050
Bingo	Compliance with Chapter 5.24
Businesses operated in a home	Home Occupation Permit approval in accordance with section 17.28.020 and payment of five (5) years of business registration fee
Hotels and Motels	Compliance with Chapter 5.44
Massage Establishments and Massage Technicians	Compliance with Chapter 5.48
Pawnshops and Pawnbrokers	Compliance with Chapter 5.32
Peddlers, Vendors and other Mobile Businesses	Compliance with Chapter 5.64
Secondhand Dealers, Internet Secondhand Sales or Thrift Shops	Compliance with Chapter 5.32
Temporary Uses	Approval of a Temporary Use Permit in accordance with Section 17.44.040A

5.08.070 Amendment and duplicate permit.

A. Any addition or deletion of the name, telephone number or address of any business owner or change of the address at which a business is conducted is an amendment. A permit or application may be amended at the request of a permittee as long

as the ownership of that business has not been transferred to a new owner or the business has not been terminated. The applicant shall pay the permit amendment fee at the time of requesting the amendment.

B. If a permittee files a sworn statement that a permit has been lost or destroyed, and pays the duplicate permit fee as established by city council resolution, the city may issue a duplicate permit.

5.08.080 Information not confidential.

A. Nothing in this section shall be construed to prevent:

1. The disclosure of information to, or the examination of records and equipment by, a city official, employee or agent for the sole purpose of administering or enforcing any provisions of this chapter imposed hereunder;

2. The disclosure of information to, or the examination of records by, federal or state officials, or the officials of another city or county, or city and county, if a reciprocal arrangement exists, or to a grand jury or court of law upon subpoena;

3. The disclosure of the names and addresses of permittees and the general type or nature of their business, excluding the street addresses of residences other than those which are the place of businesses;

4. The disclosure to the city council, in a public meeting or otherwise, of facts concerning a matter to be acted on by the city council;

5. The disclosure of general statistics regarding business conducted in the city;

6. The disclosure of information and examination of records of any permittee who is a litigant in a lawsuit to which the city is a party and in which such information or records are relevant to the issues in the lawsuit; and

7. The disclosure to the extent otherwise required by law.

5.08.090 Posting and carrying permit.

A. Any permittee conducting business at a fixed place of business in the city must post the permit in a conspicuous public location at the place of business.

B. Any permittee conducting business, but not operating at a fixed place of business in the city, must keep the permit on his/her person at all times while conducting the business.

5.08.100 Delinquency and penalties.

A. If a person fails to pay the permit fee when due, the city shall add a penalty fee as established by city council resolution. This penalty shall be assessed on the first day of each month after the due date of the permit, up to a maximum of fifty percent (50%) of the amount of the permit fee due.

B. A permit shall not be issued for a business that at the time of application has a municipal code violation.

5.08.110 Permit term and renewal.

Business registration permits shall be issued quarterly and shall be valid for one year from the date of issuance. Permits issued in other than the quarterly month, i.e. January, April, July, and October, shall have the permit fee prorated for the remaining portion of the twelve months. Permits shall be renewed annually by filing the renewal

permit application thirty (30) calendar days prior to the expiration of the permit. Business registration permits for home occupations will be issued annually. A permittee shall not be entitled to a refund of any portion of the permit fee paid by reason of cessation of the business prior to the expiration of the permit period.

5.08.120 Violation and penalty.

Any person who violates any provision of, or fails to comply with any requirement of, this chapter is guilty of a misdemeanor/infraction and, upon conviction thereof, is subject to the penalties set forth in chapter 1.16 of this code.

EXHIBIT B

Chapter 5.24

BINGO GAME PERMIT

5.24.010 **Definitions.**
5.24.020 **Issuance authority.**
5.24.030 **Eligible organizations.**
5.24.040 **Application process and information.**
5.24.050 **Issuance conditions generally.**
5.24.060 **Appeals.**
5.24.070 **Suspension, modification or revocation for cause.**

5.24.010 Definitions.

"Bingo game" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random. Bingo game includes cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes.

"Pulltab game" means a game played with pulltab tickets. The pulltab tickets are multi-layered paper tickets containing symbols hidden behind perforated tabs. Each ticket has two sides. One side lists the winning combinations of symbols, the cash payout for each combination, the number of tickets that contain each winning combination, and the total number of tickets in the game. The other side of the ticket contains the perforated tabs. After purchasing the ticket, the player pulls the perforated tabs to reveal their winnings, if any.

5.24.020 Issuance authority.

An application for a bingo game permit must be filed with the community development department. Upon determining the application to be complete, it shall be transmitted to the police chief for review and clearance of the permit for a bingo game, pursuant to Section 326.5 of the Penal Code of the state, for the period through June 30th of any given year. The permit must be issued by the community development director if the permit is cleared by the police chief, and the applicant complies with the conditions of section 5.24.050.

5.24.030 Eligible organizations.

A. A permit may only be granted to organizations exempted from the payment of the bank and corporation tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), and 23701(l) of the Revenue and Taxation Code of the state, mobilehome park associations and senior citizen organizations.

B. The organization shall conduct a bingo game only on property which is:

1. Owned or leased by it, and

2. Used by such organization for an office or for the performance of the purposes for which the organization is organized.

5.24.040 Application process and information.

Upon the receipt of a valid and complete application for a bingo game permit, the community development department must process the application. The community development director shall notify the applicant of the approval or denial of the application within thirty (30) calendar days after the receipt of a complete application. The application shall be filed on city approved forms and shall include, but not be limited to the following:

A. The organization's name and address; and

B. Proof of its exempt status as shown by a determination issued by the Franchise Tax Board of the state pursuant to the Revenue and Taxation Code of the state, or proof of status as a mobile home park association or senior citizen organization; and

C. Proof of the applicant's authority to file the application on behalf of the organization; and

D. Estimated nurnber of players.

5.24.050 Issuance conditions generally.

The following conditions must apply to all permits or renewals:

A. Only the organization authorized to conduct a bingo game shall operate, promote, supervise or hold a financial interest in the conduct of the bingo game.

B. A bingo game must be operated and staffed only by members of the organization authorized to conduct a bingo game. Those individuals may not receive a profit, wage or salary from the bingo game.

C. A bingo game is open to all members of the public, who are physically present. Minors cannot attend.

D. All proceeds derived from the conduct of bingo games shall be used only for charitable purposes, kept in a special fund or account and shall not be commingled with any other fund or account; provided, however, a portion of such proceeds may be used for:

1. Prizes awarded during the conduct of a bingo game, which prizes shall not exceed two hundred fifty dollars ($250.00) in cash or kind, or both, for each separate game; and

2. Payment for the rental of property, overhead and administrative expenses, all of which shall not exceed ten percent (10%) of the proceeds after deductions for prizes, or five hundred dollars ($500.00) per month, whichever is less.

E. The organization shall keep a current and running record available for inspection by the community development director at his/her request indicating:

1. The amount in the special fund account as required in section 5.24.050D; and

2. The dates any bingo games were played; and

3. The number of bingo games played for each date; and

4. The number of players for each date; and

5. The amount of fees or moneys collected for each date; and
6. The total prizes awarded for each date.

F. The pulltab game may be played only currently with, and at the same time, date and premises, as the bingo game. Pulltab cards may be purchased only from persons and not from machines.

G. The winning Bingo cards must not be known prior to the game by any person participating in the playing or operation of the bingo game.

H. All preprinted cards, including pulltab cards, must bear the legend "for sale or use in a bingo game authorized under California law and local ordinance."

5.24.060 Appeals.

The decision of the community development director to approve or deny a permit is final unless appealed to the city manager or his/her designee within ten (10) calendar days of the written decision of the community development director. The appeal shall be filed with the city clerk's office and accompanied by the appeal fee established by city council resolution. The appeal process shall be in accordance with section 5.64.120.

5.24.070 Suspension, modification or revocation for cause.

Pursuant to the procedures outlined in section 5.64.110 the community development director may suspend, modify or revoke any bingo game permit on the ground that the conditions of the permit have not been met.

EXHIBIT C

Chapter 5.32

PAWNBROKERS, THRIFT SHOPS OWNERS AND SECONDHAND DEALERS

5.32.010 **Definitions.**
5.32.020 **Permit.**
5.32.030 **Permit application.**
5.32.040 **Permit approval.**
5.32.050 **Receipt reports.**
5.32.060 **Inspection.**
5.32.070 **Retention of goods.**

5.32.010 Definitions.

As used in this chapter:

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.

"Pawnbroker" is any person who, in the course of business, buys, sells or deals in secondhand goods, wares or merchandise other than motor vehicles or junk and provides loans secured by goods, wares or merchandise.

"Secondhand dealer" or "thrift shop owner" is any person who, in the course of business, buys, sells or deals in secondhand goods, wares or merchandise other than motor vehicles or accepts secondhand goods, wares or merchandise in part payment coincidentally with the sale of new goods, wares or merchandise in the regular course of business.

5.32.020 Permit.

A. No person, as a principal, shall engage in the business of secondhand dealer or thrift shop owner without first obtaining a business registration permit.

B. No person, as a principal, shall engage in the business of pawnbroker without first obtaining a business registration permit.

5.32.030 Permit application.

Any person desiring to obtain a business registration permit required by Chapter 5.08 for a pawnbroker, thrift shop, or secondhand dealer use must make a written application to the Moorpark Police Department stating, in addition to the general information required by Chapter 5.08 of this title, the following information:

A. Residence address of the applicant and the address of the place of business;

B. Name under which the business is to be transacted;

C. Names and addresses of all persons having an ownership interest in the business.

5.32.040 Permit approval.

If the Moorpark Police Department finds that the permittee has not been convicted of crimes involving stolen goods, or has not had repeated violations of the reporting requirements under Business and Profession code sections 21625 through 21647 and the application provided for in Chapter 5.08 complies with all of the requirements of this chapter the application shall be approved.

5.32.050 Receipt reports.

Each day that a pawnbroker, thrift shop owner or secondhand dealer operates its business, the pawnbroker, thrift shop owner or secondhand dealer must provide to the Moorpark Police Department a completed report, on forms supplied by the Moorpark Police Department, showing all goods, wares and merchandise purchased or received during the day preceding the filing of such report. The report must be presented in person or via electronic mail or fax on or before two (2:00) p.m. to the Moorpark Police Department. The Moorpark Police Department must retain the report for a period of three (3) years from the date upon which it is filed.

5.32.060 Inspection.

All goods, wares and merchandise purchased or received by any pawnbroker, thrift shop owner or secondhand dealer, shall be promptly open for inspection at all times during business hours to any officer of the Moorpark Police Department.

5.32.070 Retention of goods.

It is unlawful for any pawnbroker, thrift shop owner or secondhand dealer to sell or dispose of any article or thing unless at least seventy-two (72) hours has elapsed since the article or thing was first reported to the Moorpark Police department as having been purchased or acquired, unless the article or thing is sold or disposed of to a person holding a business registration under the provisions of this chapter.

EXHIBIT D

Chapter 5.44

HOTELS AND MOTELS

5.44.010 **Definitions.**
5.44.020 **Register contents.**
5.44.030 **Register requirements, permanency, display and violation**

5.44.010 Definitions.

Whenever any of the following words defined in this section are used in this chapter, it includes but is not limited to those enumerated:

"Establishment" includes a hotel, motel, bed and breakfast inn, boardinghouse or other facility where sleeping accommodations are made available to the public on a daily or weekly basis;

"Guest" includes patron or lodger.

"Proprietor" includes the owner, manager, operator, desk clerk or other employee whose duty it is to register patrons of the establishment.

5.44.020 Register contents.

The register must contain the following information for each guest:

A. Name and address;

B. Day, month and year when registered;

C. Number of rooms occupied;

D. Number of persons occupying the room(s); and

E. The year, make and model of the vehicle as well as the license number and the state issuing said license for the vehicle that the registered person arrived in.

5.44.030 Register-requirements, permanency, display and violation.

A. The proprietor of every establishment must keep a register of all guests.

B. Before renting, furnishing or otherwise making available any room or accommodation to any guest, the proprietor of the establishment must require the guest to sign the register.

C. The register is a permanent record which must be kept on the premises of the establishment for two (2) full calendar years next following the close of the establishment's fiscal year.

D. The register must be available to any peace officer, as defined in Penal Code Section 817, for inspection in the normal course of his duties.

E. The proprietor of any establishment who willfully refuses or omits to keep a register or who willfully refuses or omits to permit a peace officer to inspect, examine or make copies of a register shall be guilty of a misdemeanor. Every violation of any provision of this chapter shall be construed as a separate offense for each day or part of a day during which such violation continues.

EXHIBIT E

Chapter 5.48

MASSAGE ESTABLISHMENTS AND THERAPISTS

5.48.010 **Purpose.**
5.48.020 **Definitions.**
5.48.030 **Permits required.**
5.48.040 **Permit application fees.**
5.48.050 **Exemptions.**
5.48.060 **Massage establishment permit application.**
5.48.070 **Massage therapist permit application.**
5.48.080 **Approval or denial of permits.**
5.48.090 **Permit renewal.**
5.48.100 **Suspension or revocation.**
5.48.110 **Appeals.**
5.48.120 **Massage establishment facility requirements.**
5.48.130 **Massage establishment operating requirements.**
5.48.140 **Prohibited conduct.**
5.48.150 **Change of business.**
5.48.160 **Inspections.**
5.48.170 **Violations and penalties.**

5.48.010 Purpose.

The purpose of this chapter is to impose reasonable and necessary permit requirements and restrictions to protect the health, safety and welfare of the citizens of the City as authorized, by virtue of the State Constitution and Section 51030 et seq. of the Government Code, to regulate massage establishments by imposing reasonable standards relative to the education and experience of massage facility managers and massage therapists and reasonable conditions on the operation of the massage establishment.

5.48.020 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Customer area" means areas open to customers of the establishment or the general public.

"Employee" means any and all persons, other than a massage therapist or manager, who renders any service, with or without compensation, for the owner, manager or agent of either an owner or manager of a massage establishment and who

has no physical contact with customers or clients. For purposes of this chapter, the term "employee" shall include independent contractors.

"Home occupation massage" means a massage business conducted by a licensed massage therapist from his/her residence accompanied by a required Home Occupation Permit pursuant to Section 17.28.020B of the Moorpark Municipal Code.

"Manager" means the person(s) designated by the owner of the massage establishment to act as the representative and agent of the owner in managing the day-to-day operations with corresponding liabilities and responsibilities. Evidence of management includes, but is not limited to evidence that the individual has the power to direct or hire and dismiss employees, control hours of operation, acts as a receptionist who collects money for the business, keeps the books to track customers and cash transactions, creates policy or rules, or purchase supplies. A manager may also be an owner.

"Massage" or "massage therapy" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or simulating the external parts of the human body by any physical or mechanical means, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other preparations.

"Massage establishment" means any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, limited liability company, joint venture, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in, conducted or carried on, massages, or health treatments involving massage on the business premises in exchange for anything of any monetary value, and does not include a home occupation massage business.

"Massage therapist" means any person who performs massage in exchange for anything of any monetary value whatsoever whether in a massage establishment, a home occupation permit business, or outcall massage.

"Outcall massage" means a massage performed or administered for money or other consideration by a licensed massage therapist at a location other than a licensed massage establishment.

"Owner" means the individual(s) whose name(s) appears on the City of Moorpark Business Registration and includes any and all persons who have any ownership interest in a massage establishment. An owner may also be a manager.

"Recognized school of massage" means any school or institution of learning that teaches the theory, ethics, practice, profession and work of massage, which school or institution of learning requires a residence course of study of not fewer than 200 hours to be given before the student is furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study, and which school or institution (i) meets the minimum requirements for a post-secondary education school or institution under the California Education Code, or (ii), if such school or institution is not located in California, has complied with standards commensurate with those required by California and has obtained certification under any similar state certification program, if such exists, or (iii) is a member of the American Massage Therapy Association Council of Schools. Any school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at

class, or courses of a massage therapist not approved by or commensurate with the standards of the California Department of Education, is not a "recognized school of massage."

5.48.030 Permits required.

It is unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises within the City, massage therapist services or engage in the business of a massage establishment or home occupation massage business in exchange for anything of any monetary value within the City in the absence of a permit issued pursuant to the provisions of this chapter and a Business Registration Permit issued pursuant to the provisions of chapter 5.08, unless exempt pursuant to Section 5.48.050.

5.48.040 Permit application fees.

Any person desiring to obtain a permit to operate a massage establishment or act as a massage therapist must make an application in accordance with the provisions of this chapter. A nonrefundable fee set by City Council resolution must accompany the submission of each application. A person licensed as a massage therapist to perform massage services who desires to operate a massage establishment also must obtain a Massage Establishment Permit.

5.48.050 Exemptions.

This chapter does not apply to the following businesses or classes of individuals:

A. Massage establishment permits are not required of the following:

1. Licensed hospitals, nursing homes, and sanitariums.

2. Recognized schools of massage.

3. Medical facilities in which massage is performed as a prescribed treatment only on patients of the medical facility.

4. Barbershops, beauty shops and nail salons provided that any massage services performed or provided are incidental or accessory and within the scope of any barber's or beautician's or manicurist's California license.

5. High Schools and Colleges with sports programs.

B. Massage therapist permits are not required of the following

1. Persons holding a valid certificate or license to practice the healing arts under the laws of the state of California including, but not limited to, holders of medical degrees such as physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses and vocational nurses while performing activities encompassed by their applicable professional license or certificate.

2. Cosmetologists, barbers, or manicurists who are duly licensed to practice their professions in the state of California, while performing activities encompassed by such professional license.

3. Any licensed or certified person exempted under subsections (1) or (2) who employs or utilizes a non-licensed or certified person to administer a massage is required to employ or utilize a massage therapist who holds a valid city permit issued

pursuant to this chapter unless such person is a professional assistant meeting the applicable qualifications of the California Business & Professions Code.

4. Students enrolled in and training at a recognized school of massage where the student performs massage in the scope of that training only under the direct personal supervision of an instructor certified by the California Department of Consumer Affairs Bureau for private post-secondary and vocational education.

5. A massage instructor certified by the California Department of Consumer Affairs Bureau for private post-secondary and vocational education with respect to any massage performed as part of the instructional curriculum for a recognized school of massage.

6. Accredited high school and college sports coaches and sports trainers while acting in the scope of their employment.

7. Trainers of any amateur, semi-professional or professional athlete or athletic team within the scope of their employment.

8. Individuals giving massage to members of his or her immediate family.

9. Individuals who restrict their manipulation of the soft tissues of the human body to the hands, feet or ears and do not hold themselves out to be massage practitioners or therapists or perform massage or massage therapy.

5.48.060 Massage establishment permit application.

Any person desiring a massage establishment permit shall file a written application on the required form, with the community development department, who shall forward the application to the police department for investigation. Application for a permit or possession of a valid massage establishment permit does not authorize performance of a massage unless and until such permit has been properly granted. The application shall contain or be accompanied by the following information:

A. The signature of a qualified individual attesting to the veracity of the statements in the application. Such individual must complete and sign all application forms required for an individual applicant under this chapter, but only one application fee shall be charged. The person is qualified if he or she is a natural person, is authorized to bind the applicant, and is:

1. A general partner if the owner is a partnership;
2. An officer or a director if the owner is a corporation;
3. A participant if the owner is a joint venture; or
4. A manager or owner if the owner is a limited liability company.
5. The sole proprietor if the owner is a sole proprietorship.

B. The type of ownership of the business, i.e., individual, partnership, limited liability company, corporation or otherwise.

1. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five (5%) percent of the stock of that corporation.

2. If the applicant is a partnership, the application must set forth the name and residence of each of the partners, including limited partners. If it is a limited

partnership, it must furnish a copy of its certificate of limited partnership filed with the Secretary of State.

3. If the applicant is a limited liability company, the name of the company must be set forth exactly as set forth in the articles of organization, together with the Secretary of State's file number, state of organization, name and address of the agent for service of process, the names and residence addresses of each member, designation of chief executive officer or business manager, and a statement of information filed with the Secretary of State.

4. If the applicant is a joint venture, the application must set forth the name and residence of each of the participants, including all of the information required of corporations, partnerships, and limited liability companies, if those are participants in the joint venture.

C. If the applicant is a partnership, limited liability company, corporation, or joint venture, documentary proof that such entity was duly formed, and is authorized to do business and is in good standing in the state of California.

D. The full and precise name under which the massage establishment is to be conducted.

E. The complete address and all telephone numbers of the massage establishment.

F. A description of any other business operated on the same premises, or within the city or the state of California that is owned or operated by the applicant.

G. The personal information concerning every owner shall be as follows:

1. Full complete name, and all aliases and previous names used by the applicant, along with complete residence address and telephone.

2. Date and place of birth, California driver's license or identification card, and resident alien card, if applicable, or proof of authority to work in the United States.

3. Acceptable written proof that the applicant is at least eighteen (18) years of age.

4. Height, weight, color of hair and eyes, and gender.

5. Two (2) front-faced photographs taken by city staff.

6. The complete massage permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; or if a vocational or professional license or permit was denied, revoked or suspended.

7. All criminal convictions, including pleas of nolo contendere, within the last five (5) years, but excluding minor traffic violations, and the date and place of each such conviction and reason therefore.

8. A complete set of fingerprints taken by the city of Moorpark police department.

H. Authorization for the city, its agents and employees to seek verification of the information contained in the application.

I. A statement in writing, dated and signed by the applicant, which certifies under penalty of perjury that all information contained in the application is true and correct.

J. If, during the term of a permit, the permit holder has any change in information, the permit holder shall submit changes to the police department in writing within ten (10) business days.

K. If an owner or manager of a massage establishment desires to act as a massage therapist, he/she must also obtain a massage therapist's permit.

5.48.070 Massage therapist permit application.

A massage therapist permit is valid for outcall massage, a home occupation massage business when accompanied by a home occupation permit; and is valid for any massage establishment that is properly licensed with the city of Moorpark. Any person desiring a massage therapist permit shall file a written application on the required form with the community development department, who shall forward the application to the police department for investigation. The application shall contain the following information.

A. A statement including:

1. Full complete name, and all aliases used by the applicant, along with complete residence address and telephone.

2. Date and place of birth, California driver's license or identification card, and resident alien card, if applicable, or proof of authority to work in the United States.

3. Acceptable written proof that the applicant is at least eighteen (18) years of age.

4. Height, weight, color of hair and eyes, and gender.

5. Two (2) front-faced photographs taken by city staff.

6. A complete massage permit history of the applicant; whether such person has ever had any permit or license issued by any agency, board, city, county, or state; the date of issuance of such a permit or license, whether the permit or license was denied, revoked or suspended; or if a vocational or professional license or permit was denied, revoked or suspended.

7. All criminal convictions, including pleas of nolo contendere, within the last five years, but excluding minor traffic violations, and the date and place of each such conviction and reason therefore.

8. A complete set of fingerprints taken by the city of Moorpark police department.

B. Authorization for the city, its agents and employees to seek verification of the information contained in the application.

C. A statement in writing, dated and signed by the applicant, which certifies under penalty of perjury that all information contained in the application is true and correct.

D. If, during the term of a permit, the permit holder has any change in information, the permit holder shall submit changes to the police department in writing within ten (10) business days.

E. Each applicant must furnish with an initial application, a diploma or certificate and certified transcript of graduation from a recognized school of massage. If the applicant cannot supply a diploma or transcript, then the applicant must supply a

course description, an outline of material covered, and a letter to the city from the school administrator verifying successful completion of the program.

F. The community development director may consider an applicant's study of massage completed outside the state of California if proof of completion from a formalized course of study in massage practice, anatomy, and/or physiology is provided with the application. Proof of completion must include dates of study and the name, address and telephone number of the school attended.

5.48.080 Approval or denial of permits.

A. Massage establishment permits. Upon receipt of a written application for a permit, the community development director or his/her designee, shall verify the truthfulness of the application to determine whether such permit should be approved or denied. The community development director or his/her designee must, within thirty (30) calendar days of receipt of an application, approve, conditionally approve or deny the application. The thirty (30) calendar day period may be extended for up to thirty (30) additional calendar days, if necessary, to complete the investigation. The community development director or his/her designee must issue the permit as requested, unless he/she makes any of the following findings:

1. The applicant, if an individual, or any of the officers or directors of the corporation, if the applicant is a corporation; or a partner, if the applicant is a partnership, or a manager or member if a limited liability company or any person directly engaged or employed in the massage establishment, has:

a. Been convicted of a violation of California Penal Code Sections 266h, 266i, 314, 315, 316, 318, subsections (a) or (b) of Penal Code Section 647 or any other provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code Section 415, 602 or any lesser included or lesser related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes or applicable violations, or been convicted of or pled nolo contendere to any offense in any other jurisdiction that is the equivalent of any of these aforementioned offenses.

b. Within five (5) years from the date of filing the application, been convicted of a violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Sections 11054, 11055, 11056, 11057 or 11058 or been convicted of any offense in any other jurisdiction that is the equivalent of any of these aforementioned offenses.

c. Been engaged in conduct in another jurisdiction that, if it had occurred within the city, would constitute grounds for denial, suspension or revocation under this chapter.

d. Committed an act in another jurisdiction which, if committed in this state, would have been a violation of law and, which, if done by a permittee under this chapter, would be grounds for denial, suspension or revocation of the permit.

e. Been convicted of an act involving dishonesty, fraud, deceit or moral turpitude or an act of violence, which act or acts are related to the qualifications,

functions or duties of the owner or manager within five (5) years from the date of filing the application.

f. Not yet attained 18 years of age.

2. The applicant has made a false, misleading or fraudulent statement or omission of fact to the city in the permit application process; the application does not contain all of the information required by section 5.48.060.

3. The massage establishment as proposed by the applicant does not comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

4. If the application is denied for failure to comply with subsection (3) of this section, the applicant may not reapply for a period of one year from the date the application was denied.

B. Massage therapist permits. Upon receipt of a written application for a permit, the community development director or his/her designee must conduct an investigation in such manner as he/she deems appropriate in order to determine whether such permit should be issued as requested. The community development director or his/her designee must approve or deny the application at his or her discretion within thirty (30) calendar days of the filing of a completed application. The thirty (30) calendar day period may be continued for an additional thirty (30) calendar days to complete the investigation. The community development director or his/her designee shall issue such permit as requested, unless he/she makes any of the following findings:

1. The applicant has been convicted of any of the following:

a. A violation of Penal Code Sections 266 (h), 266 (i), 314, 315, 316, 318, subsections (a) or (b) of Penal Code Section 647 or that the applicant is required to register under the provisions of Penal Code Section 290, or when the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of California Penal Code Section 415, 602 or any lesser included or lesser related offense in satisfaction of, or as a substitute for, any of the previously listed crimes.

b. Any offense in any other state that is the equivalent of any of the above-mentioned offenses.

2. The applicant has committed an act, which, if committed in this state would have been a violation of law and which, if done by a permittee under this chapter, would be grounds for denial, suspension or revocation of the permit.

3. The applicant has knowingly made a false, misleading or fraudulent statement or omission of fact to the city in the permit application process.

4. If the applicant is denied for failure to comply with subsection (3) of this section, the applicant may not reapply for a period of one year from the date the application was denied.

5. The applicant is less than 18 years of age.

5.48.090 Permit renewal.

Permits for massage establishments and massage therapists shall be renewed on an annual basis provided the permittee continues to meet the requirements as stated in this chapter. The renewal fee for massage establishments and massage therapists shall be set by resolution of the city council. The permittee shall submit an application

for permit renewal, which shall update any information that has changed from the original application. Applications for renewal of a permit shall be filed with the community development director or his/her designee at least sixty (60) calendar days before the expiration of the then current permit. Temporary permits will not be issued for renewals. Any permittee allowing his/her permit to lapse, or which permit expires during a suspension, shall be required to submit a new application and pay the corresponding original application fees.

5.48.100 Suspension or revocation.

A. The community development director or his/her designee may revoke or suspend a massage establishment permit or massage therapist permit if any of the following are found that the permittee:

1. Does not possess the qualifications for the permit as required by this chapter;

2. Has been convicted of any violation of the provisions of this chapter or any lesser included offense;

3. Has made a material misrepresentation on the permit application or renewal; has engaged in conduct or operated the massage establishment or as a massage therapist in a manner which violates any of the provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit to be unfit to hold a permit. Further, the permittee shall be responsible for the acts or omissions of its employees and massage therapists that are done in the course and scope of their employment by the permittee.

B. In any proceeding to revoke or suspend a massage therapist permit as the result of alleged violation of any provision of this section or chapter, it shall not be necessary to prove that the permittee had personal knowledge of the provisions of this chapter. The standard of proof shall be a preponderance of the evidence.

C. A hearing shall be scheduled upon not less than ten (10) calendar day's notice to the permittee stating the grounds for proposed revocation or suspension. Notice shall be given by personal service or certified mail to the address shown on the last application or renewal.

D. Notice of the decision shall be given in the same manner as for the hearing. The decision of the community development director or his/her designee may be appealed by the permittee to the city manager in accordance with the provisions of section 5.48.110.

E. Service shall be deemed complete when personal service is made, when the certified letter is delivered, or when the decision is mailed by first class mail. If the permit is suspended or revoked, the permit shall be null and void and surrendered.

5.48.110 Appeals.

A. The permittee or applicant, not later than thirty (30) calendar days after service of notice of revocation, suspension, denial of application or renewal or approval with conditions, may file an appeal by filing a written statement of such appeal, including the grounds for appeal and the asserted errors in the decision, with the city clerk's office.

B. The city manager, or his/her designee, must schedule and hold a hearing within thirty (30) calendar days after the filing of the appeal. Notice of the date, time and place of the hearing must be mailed, postage prepaid, at least ten (10) calendar days prior thereto, to the applicant at the address given in the appeal, or if none is provided, to the address set forth in the permit application.

C. The city manager, or his/her designee, must render a written decision and must determine, after consideration of all evidence presented, whether a permit should be issued, reinstated, suspended, or revoked. The decision of the city manager, or his/her designee, is final. If the denial or revocation is sustained, the permittee or applicant shall be ineligible for a permit for one year from the date the denial or revocation becomes final.

D. The following rules shall apply to all appeal hearings:

1. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination.

2. Technical rules relating to evidence and witnesses shall not apply to hearings provided for herein. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory law that might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent that they now, or are hereafter, permitted in civil actions. Irrelevant, collateral, undue, and repetitious testimony shall be excluded.

5.48.120 Massage establishment facility requirements.

Every massage establishment must maintain facilities that meet the following requirements:

A. Water. Hot and cold running water must be provided at all times.

B. Linen storage. Closed cabinets must be provided and utilized for storage of clean linens, and approved receptacles must be provided for the deposit of soiled linen.

C. Toilet facilities. A minimum of one toilet and one washbasin must be provided for every massage establishment.

D. Massage table. Massage tables must be covered with a waterproof material acceptable to the Ventura County Health Department.

E. Doors, curtains, screens or walls must separate areas where massage is to be performed.

F. Structure. Massage establishments must be housed in a structure, which is located in a zoning district, which permits such use.

5.48.130 Massage establishment operating requirements.

Every massage establishment must comply with all of the following applicable operating requirements:

A. Each person employed or acting as a massage therapist must have a valid permit issued by the city. It shall be unlawful for the owner, responsible managing employee, manager or permittee in charge of, or in control of the establishment, to employ or permit a person to act as a massage therapist, as defined in this chapter, who does not possess a valid massage therapist's permit. Massage therapists may not use a name other than the name used on the permit application.

B. The owner of a massage establishment must display an original massage establishment permit, and the original or copy of permit for each and every massage therapist employed in the establishment, in an open and conspicuous place on the premises next to their business registration.

C. No massage establishment may discriminate or exclude patrons on the basis of race, sex, religion, age, or handicap.

D. Massage operations may be open between the hours of 7:00 a.m. and 10:00 p.m. No person shall operate a massage establishment between the hours 10:00 p.m. and 7:00 a.m. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in the front window clearly visible from the outside. If an establishment changes the hours of operation, the community development department must be notified in writing within ten (10) business days prior to such change. Additional operating hours may be granted at the sole discretion of the community development director.

E. A list of services in readily understood language with applicable prices must be posted in an open, public place on the premises. No owner, responsible managing employee, manager, or permittee shall permit, and no massage therapist shall offer to perform, any services other than those posted.

F. Massage establishments must at all times be equipped with an adequate supply of clean, sanitary towels, coverings, and linens. Towels and linens must not be used on more than one patron unless they have first been laundered and disinfected.

G. Facility must be thoroughly cleaned and disinfected at all times during all hours of operation.

H. The owner and the manager of the massage establishment must keep a single complete and current list of the names and residence addresses of all massage therapists and employees of the massage establishment. The owner and the manager must keep a single roster of all employees for a minimum of two (2) years following an employee's termination. This roster must be kept at the premises and be available for inspection by officials charged with enforcement of this chapter.

I. Every person operating a massage establishment and each person doing business as a massage therapist must keep a legible written record of the date and hour of each treatment or service, the name and address of the patron, the name of the therapist administering such treatment or services and a description of the treatment or service rendered.

J. No part of the establishment shall be used for residential or sleeping purposes.

K. Recordings. No electrical, mechanical or artificial device shall be used by the owner and/or manager or any employee of the massage establishment for audio and/or video recording or for monitoring the performance of a massage, or the

conversation or other sounds in the massage rooms without the knowledge and express written consent of the patron.

L. Signaling Devices. No massage establishment shall have installed or utilize, any signaling devices of any type to alert employees and/or customers to the presence of law enforcement personnel or other governmental officials.

M. All exterior doors must remain unlocked during business hours in accordance with the Uniform Fire Code.

5.48.140 Prohibited conduct.

A. An owner, massage therapist, manager, or any other employee shall not violate the provisions of Sections 647 (a) or 647 (b) of the California Penal Code, or any other State law while providing massage services.

B. An owner, massage therapist, manager, or any other employee must be fully clothed at all times.

C. An owner, massage therapist, manager, or any other employee, shall not massage, fondle, or otherwise have intentional contact or manipulation of the genitals, or the breasts of a female patron, and such practices must not be allowed or permitted by the massage establishment permittee.

D. An owner, massage therapist, manager, or any other employee shall not give a massage unless the breasts of female patrons are covered and the genitals of all patrons are covered, and such practices must not be allowed or permitted by the massage establishment permittee.

E. A massage therapist providing massage services away from licensed or permitted massage premises shall not provide such services unless carrying a valid massage therapist permit upon his/her person.

F. Notwithstanding subsections (c) and (d), the breasts of female patrons may be touched and/or massaged in situations where the patron provides prior written consent from a state-licensed medical practitioner and/or a written consent from the patron to undergo massage therapy procedures for conditions such as, adjuvant therapy in post-operative breast cancer care, manual lymph drainage therapy, and sub-mammary myoskeletal dysfunction, or other medical condition.

G. Notwithstanding subsections (c) and (d), genitalia of female patrons may be touched and/or massaged in situations where the patron provides prior written consent from a state-licensed medical practitioner to undergo massage therapy procedures for a medical condition.

5.48.150 Change of business.

A. No massage establishment permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void. A massage establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit, or any stock authorized but not issued at the time of the granting of a permit is thereafter issued or sold, transferred or

assigned. Notwithstanding the other provisions of this subsection, if the massage establishment is co-owned and one or more of the owners die, the remaining owners can acquire the ownership interest of the deceased owner(s) without effecting a surrender or termination of such permit, and in such case, the permit, upon notification of the community development director, shall be placed in the name of the surviving owner(s).

B. No massage therapist permit may be sold, transferred or assigned by a permittee, or any operation of law, to any other person or persons.

C. A person(s) purchasing an existing massage establishment business licensed under the ordinance codified in this chapter must complete the licensing process before completing the purchase of the business. To avoid a disruption in business services, it is the responsibility of the purchaser to apply for the permit in a timely manner such that the approval of the permit may be prior to or concurrent with the completion of the business sale.

D. No massage establishment may be operated under any name or allow business to be conducted under any designation or business name not specified in the application.

5.48.160 Inspections.

As provided by law, the investigating and enforcing officials of governmental agencies shall have the right to periodically enter the premises during regular business hours for the purpose of making reasonable inspections, to observe and enforce compliance with applicable laws and ordinances; building, fire, electrical, plumbing or health regulations, providing that such inspections do not unreasonably disturb the business or unreasonably interfere with delivery of service to clients.

5.48.170 Violations and penalties.

A. Any person violating any section of this chapter shall be guilty of a misdemeanor.

B. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance. The city attorney may, in addition to, or in-lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal, or enjoinment thereof, in the manner provided by law. The city attorney shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief, as shall abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter.

EXHIBIT F

Chapter 5.60

NEWSRACKS

5.60.010 **Definitions.**
5.60.020 **Prohibited installation.**
5.60.030 **Registration required.**
5.60.040 **Standard for installation, maintenance and removal.**
5.60.050 **Display of certain matter prohibited.**
5.60.060 **Newsrack violation and impoundment.**
5.60.070 **Hearing procedure.**
5.60.080 **Notices.**
5.60.090 **Nonconforming newsracks.**
5.60.100 **Abandoned newsracks.**
5.60.110 **Unmarked newsracks.**

5.60.010 Definitions.

For the purpose of this chapter, certain words and phrases are defined as set forth in this section, unless it is apparent from the context that a different meaning is intended.

"Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of printed material.

"Parkway" means that portion of a street, within the street right-of-way, other than the roadway and sidewalk.

"Printed material" means any newspaper, periodical, magazine, book, picture, photograph or other similar matter.

"Registration authority" means the city manager or his/her designee.

"Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

"Sidewalk" means any surface within a street right-of-way provided for the exclusive use of pedestrians.

"Street" means all the public right-of-way dedicated for public street purposes and shall include parkways, roadways and sidewalks.

5.60.020 Prohibited installation.

Any newsrack installed or maintained which in whole or in part rests upon, in or over any parkway, street or any property owned or controlled by the city, or in such a manner as to violate the Americans with Disabilities Act, except as expressly permitted pursuant to this chapter is prohibited.

5.60.030 Registration required.

A. No person shall maintain any newsrack without having registered the newsrack with the registration authority within one business day after installation and without otherwise complying with the provisions of this chapter. Such registration shall be in writing by the owner of the newsrack or his authorized agent, shall be filed with the registration authority and shall contain the following:

1. The name, address and telephone number of the owner of the newsrack and the name and address of the person to whom any notice pursuant to this chapter should be given;

2. The location where the newsrack has been installed;

3. The maintenance program established in compliance with section 5.60.040;

4. An executed document, approved as to form by the city attorney, by which the registrant agrees to indemnify and hold harmless the city, its officers, employees, servants and agents from any claim, demand or judgment in favor of any person, arising out of the location, installation, maintenance or removal of the newsrack.

B. An encroachment permit shall not be required to install a newsrack on city right-of-way, in accordance with the requirements of this chapter, if the newsrack is registered in accordance with this section.

5.60.040 Standard for installation, maintenance and removal.

A. Any newsrack which is installed or maintained pursuant to this chapter shall comply with the following minimum standards:

1. The newsrack must be installed on the sidewalk and shall not overhang onto the parkway, roadway or private property.

2. The height of the newsrack shall not exceed fifty-four inches (54") measured from the sidewalk; nor shall it exceed thirty inches (30") in width, and twenty-four inches (24") in depth. The base shall not be any larger than the maximum width and depth of the newsrack.

3. The newsrack must have painted metal panels on all four (4) sides. The paint color must be any primary or secondary color.

4. The newsrack must be securely anchored in place on a single or multiple pedestal-type base, or in a base made of pre-formed concrete. A pedestal-type base shall be bolted to the sidewalk. A maximum of four (4) newsracks shall be installed on any one base. The base must be painted black; provided, however, a pre-formed concrete base may be left in its natural gray color, unpainted.

5. Where the sidewalk is adjacent to the curb, the newsrack must be placed parallel to a curb with the back of the newsrack at least twelve inches (12") but no more than eighteen inches (18") from the edge of the curb. For all installations, there shall be at least forty-eight inches (48") clear path of travel remaining on the sidewalk to comply with the Americans with Disabilities Act.

6. Where there is a parkway adjacent to the curb and the sidewalk adjacent to the parkway, the back of the newsrack must be placed parallel to the edge of the sidewalk closest to the parkway.

7. In lieu of placing newsracks in accordance with section 5.60.040A5 and A6, newsracks may be placed on the sidewalk adjacent to the wall of a building. In this event, the newsrack must be placed with the back no more than six inches from the wall and there must be at least forty-eight inches (48") clear path of travel remaining on the sidewalk. No such newsrack may be placed or maintained opposite another newsrack.

8. Newsracks may be placed next to each other; provided, however, no group of newsracks shall extend more than eight-feet (8') along the sidewalk, and no group of newsracks may be located within fifteen feet (15') of any other group of newsracks;

9. Advertising, signs, banners, and flags are not allowed on newsracks except as indicated below:

a. The name of printed material dispensed therefrom may be displayed on the bottom one-third (1/3) of the hood, and

b. Advertising rack cards contained in card pans may be attached to, and located on, the front of the newsrack. The rack cards shall not exceed fifteen inches (15") in height and twenty-two inches (22") in length and shall be limited to the display, sale or purchase of the printed material dispensed from the newsrack;

10. Newsracks must be maintained in a clean, neat, safe and secure condition and in good repair at all times.

11. Newsracks must not be installed or maintained within:

a. Five feet (5') of any marked crosswalk;

b. Fifteen feet (15') of any curb return;

c. Five feet (5') of any utility meter or service box;

d. Five feet (5') of any driveway;

e. Six feet (6') of any bus bench or bus bench shelter;

f. Five feet (5') before and twenty-five feet (25') after any sign marking a designated bus stop;

g. Fifteen feet (15') of any fire hydrant, fire call box, police call box or other emergency facility;

h. Three feet (3') of any display window of any building abutting the sidewalk or in such manner as to impede or interfere with the reasonable use of such window for display purposes.

12. Newsracks must not be installed or maintained so as to:

a. Reduce the clear sidewalk space for the passageway of pedestrians to less than four feet (4') in accordance with the Americans with Disabilities Act;

b. Cause, create or constitute a hazard to, or unreasonably interfere with, or obstruct the flow of, vehicular traffic or pedestrians;

c. Endanger persons or property;

d. Unreasonably obstruct or interfere with access to, or the use and enjoyment of, abutting property.

13. Newsracks may not be installed or maintained on a sidewalk that abuts property that is zoned residential.

14. No issue or edition of any printed matter shall remain in the newsrack after the publication date of the next issue or edition.

B. Whenever a newsrack location is voluntarily abandoned, the registrant shall so notify the registration authority prior to removing the newsrack. The registrant shall completely remove the newsrack and its mount and shall restore the sidewalk to a good and safe condition, leaving no hole or projection in the sidewalk and using the same type and quality of construction material as that which exists at the surface of the abutting sidewalk.

5.60.050 Display of certain matter prohibited.

A. Printed matter dispensed from any newsrack installed or maintained pursuant to this chapter must not be displayed or exhibited in a manner which exposes to public view from the street any of the following:

1. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statement or words have as their purpose or effect sexual arousal, gratification or affront;

2. Any photograph, picture or illustration of genitals, pubic hair, perineums, anuses, or anal regions of any person where such photograph, picture or illustration has as its purpose or effect sexual arousal, gratification, or affront;

3. Any photograph, picture or illustration depicting explicit sexual acts where such photograph, picture or illustration has as its purpose or effect sexual arousal, gratification or affront.

B. Explicit sexual acts, as used in this section, means depiction of sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation, or lewd exhibition of genitals, whether any of the above conduct is depicted or described as being performed among or between members of the same or opposite sex or between humans and animals, or other acts of sexual arousal involving any physical contact with a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

5.60.060 Newsrack violation and impoundment.

A. Whenever the registration authority is advised that a newsrack has been installed or is being maintained in violation of this chapter, he/she shall notify the person in whose name the newsrack is registered pursuant to Section 5.60.030. Such notice shall state the nature of the violation, the intention to impound the newsrack if the violation shall not be corrected or a hearing is not requested before the registration authority within fifteen (15) calendar days after the giving of such notice, and the procedure for requesting such a hearing. A timely request for a hearing shall stay any impounding, provided that if the violation is not corrected within five (5) business days after the decision at such hearing becomes final, the registration authority may impound the newsrack in accordance with Sections 5.60.060B. and C. The City may remove, without notice, any newsrack which has been installed in the public right-of-way without first registering the newsrack with the City.

B. Notwithstanding subsection A of this section, in the case of any violation of this chapter which creates an immediate danger to the public health, safety or welfare, which violation cannot be corrected by moving or otherwise repositioning an

unanchored newsrack, the newsrack may be summarily impounded by the registration authority.

C. The registrant or other person who provides satisfactory proof of ownership of the impounded newsrack may, at any time within thirty (30) calendar days of the notice of impound, obtain the return of the newsrack and its contents upon payment of an impound fee in an amount established by city council resolution to cover the cost to the city of removing and storing the newsrack.

D. If, after a hearing pursuant to Section 5.60.070, the impounded newsrack is found not to have been in violation of this chapter, the newsrack shall be returned to the registrant or other claimant without payment of any impound fee or, if an impound fee has previously been paid, the impound fee must be refunded.

E. Upon failure of the registrant or other claimant to claim an impounded newsrack and pay the impound fees within the thirty (30) calendar day period, the newsrack is deemed to be unclaimed property in possession of the city. The registration authority shall sell or otherwise dispose of such newsrack and its contents in accordance with law.

5.60.070 Hearing procedure.

A. Within fifteen (15) calendar days of the notice of violation or notice of impound of a newsrack, the person in whose name the newsrack is registered pursuant to Section 5.60.030, or other person who provides satisfactory proof of ownership may request a hearing before the registration authority. The request shall be in writing, shall state the basis thereof, and shall be filed with the registration authority. The hearing shall be held within five (5) working days of the filing of the request. At the hearing any person may present evidence or argument as to whether the newsrack has been installed or maintained in violation of this chapter. Within two (2) working days after the close of the hearing, the registration authority shall render a decision in writing and shall give such written decision to the person who requested the hearing.

B. Any person who requested a hearing before the registration authority may, within ten (10) calendar days after the issuance of the decision, appeal such decision to the city council. The appeal must be in writing, shall state the basis upon which the appeal is made, and shall be filed with the city clerk.

C. The city council must hear the appeal within thirty (30) calendar days of the filing of the request. At the hearing, any person may present evidence or argument as to whether the newsrack has been installed or maintained in violation of this chapter. At the next regular meeting of the city council after the close of the hearing, the council must render a decision in writing. Within five (5) business days after the decision is rendered, the city clerk shall give notice thereof to the person who made the appeal. The decision of the city council is final.

5.60.080 Notices.

Notices required pursuant to the provisions of this chapter shall be given in writing by personal service or United States postal service, certified mail, return receipt requested, addressed to the person to be notified at his or her last known address.

Notice under this chapter shall be deemed to have occurred as of the date of personal service or the date of receipt indicated on the return receipt.

5.60.090 Nonconforming newsracks.

This chapter shall apply to all newsracks, whether installed or maintained prior to, or after, the effective date thereof. Those newsracks installed prior to the effective date of the ordinance codified in this chapter, shall be brought into compliance with the provisions of this chapter within thirty (30) calendar days of the effective date thereof. In the event the number of such newsracks at any location exceeds the number of newsracks that are permitted by this chapter at that location, priority shall be determined solely on a first-come, first registration basis and in the event of a registration tie, by random lot drawing performed by the registration authority. Any newsrack not brought into compliance within the thirty (30) calendar day time period is deemed to be in violation of this chapter.

5.60.100 Abandoned newsracks.

A newsrack shall be deemed abandoned when no printed material is contained therein for a period of more than fifteen (15) consecutive days. If the registration authority determines that a newsrack has been abandoned he or she shall summarily impound such newsrack and, notwithstanding Section 5.60.060, the newsrack shall immediately be deemed to be unclaimed property in the possession of the city. The registration authority shall sell or otherwise dispose of the newsrack in accordance with law.

5.60.110 Unmarked newsracks.

Whenever the registration authority finds that a newsrack does not have the name, address and telephone number of the owner thereof placed upon such newsrack, in compliance with Section 17570 et seq. of the Business and Professions Code of the state, he/she must make every reasonable effort to ascertain the owner thereof. If the registration authority is unable to determine ownership, he/she must summarily impound such newsrack and, notwithstanding Section 5.60.060, the newsrack must immediately be deemed to be unclaimed property in possession of the city. The registration authority must sell or otherwise dispose of such newsrack and its contents in accordance with law.

EXHIBIT G

Chapter 5.64

STREET VENDOR PERMIT

5.64.010 **Definitions.**
5.64.020 **Street vendor permit required.**
5.64.030 **Street vendor permit application.**
5.64.040 **Street vendor permit fee.**
5.64.050 **Street vendor permit approval authority.**
5.64.060 **Permit content.**
5.64.070 **Street vendor permit multiple businesses.**
5.64.080 **Street vendor permit identification card required.**
5.64.090 **Hours of operation and location restrictions.**
5.64.100 **Vehicle tags and parking restrictions.**
5.64.110 **Revocation of permit.**
5.64.120 **Appeal of authority's revocation decision.**

5.64.010 Definitions.

Any word or phrase not defined in this chapter shall be used as defined in Chapter 1.04.110 of the Moorpark Municipal Code; if the word or phrase is not defined in Chapter 1.04.110; the word shall be as defined elsewhere in the Moorpark Municipal Code; if the word is not defined in the Moorpark Municipal Code the word shall be used as defined in Webster's Unabridged Dictionary, latest edition.

"The authority" means the community development director or his/her designee.

"Hawker" means a peddler who carries goods for sale and seeks purchasers either by shouting or by attracting notice and attention to the goods for sale by bells, the sound of a horn, or other means.

"Nonprofit organizations" means a nonprofit corporation that has obtained recognized state or federal tax exempt status.

"Peddler" means any person who goes from house to house or from place to place seeking to make concurrent sale and delivery of the goods, wares and merchandise of any nature whatsoever.

"Solicitor" means a drummer or canvasser or any other person who goes from place to place or from house to house taking or attempting to take orders for the sale of goods, wares or merchandise of any nature whatsoever for future delivery or services of any nature whatsoever to be furnished or performed in the future, whether or not such individual has a sample and whether or not he or she is collecting advance payments.

"Street vendor" is a generic term that includes all hawkers, peddlers, solicitors, transient merchants, and itinerant merchants as defined herein.

"Transient or itinerant merchant" is any person who establishes himself or herself in business with the intention to remain in business for a short period of time only, whether such period is a definite or indefinite one, or until a particular stock of goods, wares or merchandise is disposed of, or until the local market for the goods, wares or merchandise handled by the dealer has been exhausted, and who for such limited period engages or occupies a building or other place for the exhibition and sale of the goods, wares or merchandise.

"Vehicle" is any cart, automobile, truck or other similar wheeled device, motorized or not, used for the purpose of assisting a street vendor in conducting his/her business.

5.64.020 Street vendor permit required.

Prior to engaging in street vending a person wishing to operate as a street vendor consistent with the definition in Section 5.64.010 must obtain a street vendor permit, regardless of whether or not the person maintains or is employed at an established place of business. Each person of the business must obtain a street vendor permit. Nonprofit organizations may operate under one single license regardless of the number of street vendors which the organization may have. The provisions of this chapter shall not apply to wholesale salespersons selling or soliciting to established places of business.

5.64.030 Street vendor permit application.

A street vendor permit application must be submitted to the city in writing on the city's application form and must include, but not be limited to the following:

A. Name and description of the applicant or organization with proper identification;

B. Permanent home address of the applicant and the address of the organization;

C. Nature of the business to be conducted;

D. Name and address of the employer, or individuals designated as street vendors if any;

E. Statement as to whether or not the applicant has been convicted of a violation of this chapter, any felony or misdemeanor involving moral turpitude or a violation of any narcotics law, exclusive of all city or county ordinance violations and violations of the Vehicle Code not constituting a felony;

F. Statement as to the number of vehicles to be used in conducting the business including the model, year and vehicle license number(s).

G. Nonprofit organizations must provide a copy of the organization's federal or state tax exemption status.

H. The required fee.

5.64.040 Street vendor permit fee.

The fee for obtaining a permit required by this chapter must be established by resolution of the city council. Nonprofit organizations must meet the requirements of the chapter except that they may be exempted from the payment of the permit fee, or any

portion thereof, if the city council so provides for an exemption in the fee resolution. Fees are payable to the issuing authority upon acceptance of the application.

5.64.050 Street vendor permit approval authority.

If the authority finds that the application complies with all the requirements of this chapter and has not been convicted of convicted of a violation of this chapter, any felony or misdemeanor involving moral turpitude or a violation of any narcotics law, exclusive of all city or county ordinance violations and violations of the Vehicle Code not constituting a felony, the permit must be approved. The authority must approve or deny the application in no more than fifteen (15) calendar days from the time the application is received.

5.64.060 Permit content.

The permit must include, but not be limited to the following:

A. Nature of the business to be conducted;
B. Name of the permit;
C. Place for which the permit is issued;
D. Amount paid for the permit;
E. Date of permit issuance;
F. Date of permit expiration;
G. Name of each person or company for whom the permittee will act or work.

5.64.070 Street vendor permit multiple businesses.

A. Every person who is required to be permitted pursuant to this chapter must obtain a permit for each business if more than one (1) business is being conducted.

B. A permittee shall not engage in any business not designated on the permit or engage in any business for an employer not designated on the permit

5.64.080 Street vendor permit identification card required.

Every person required to have a street vendor permit pursuant to this chapter must wear an identification card (hereafter called "card") issued by the authority, while engaged in the business for which he/she is licensed. The card must be worn on the upper left hand portion of the torso, clipped or attached to the outer garment, and shall remain visible at all times. The card shall exhibit a front faced photograph of the person taken by city staff and pertinent permit information deemed appropriate by the authority.

5.64.090 Hours of operation and location restrictions.

A. Vendors must operate only between the hours of nine (9:00) a.m. to seven (7:00) p.m. Monday through Saturday, except as further restricted by section 5.64.090B.

B. Vendors must not conduct the business for which he/she is permitted within one-quarter (1/4) mile of any elementary or secondary public or private school or any public park between the hours of eight (8:00) a.m. and four (4:00) p.m. on days school is in session. The authority may approve a temporary use permit to allow the

conduct of the business for which a street vendor is permitted for special events or occasions sponsored by the city.

C. The prohibition of this section does not apply to any person invited in writing to call upon any elementary or secondary public or private school by the principal of the school or other authorized person thereof. The written invitation shall be presented to any city official or law enforcement officer upon demand.

D. It is unlawful for any street vendor to solicit business on private property that has a "No Solicitors" sign prominently displayed.

5.64.100 Vehicle tags and parking restrictions.

A. Every person requiring a permit by this chapter shall obtain a vehicle tag for each vehicle used in the business pursuant to section 5.64.030F. When the permit is issued, the authority must also issue tags. All vehicles for which tags are issued shall display the tag on the exterior lower rear right hand portion of the vehicle.

B. The fee for each such tag shall be established by resolution of the city council.

C. While engaged in selling or delivering products from a vehicle used in his/her trade, including but not limited to the sale of foods, the permittee shall not stop such vehicle for more than thirty (30) minutes in any one (1) location on any public street or public right-of-way, or any private property within the city. The authority may approve a temporary use permit to allow a street vendor vehicle to stop for longer periods of time than specified for special events or occasions.

5.64.110 Revocation of permit.

In order to revoke the permit of any street vendor, the authority shall provide written notice to the permittee of the purpose, time and location of the office hearing. The notice shall be given by deposit in the United States mail or by personal delivery at least ten (10) calendar days prior to the hearing. At the office hearing, which may be continued from time to time, the authority shall hear and consider all relevant evidence including, but not limited to, any written or oral testimony. After conducting an office hearing, the authority may revoke the permit of any street vendor that is found to have provided false application information, has been convicted of a misdemeanor violation of this chapter, or is found not to be in compliance with the requirements of this chapter. The authority's decision to either revoke or sustain the permit must be made within ten (10) calendar days of the hearing. A copy of the authority's revocation decision shall be served upon the permittee by United States mail or by personal delivery. The decision shall be deemed received upon the third (3rd) calendar day after deposit in the United States mail or upon personal delivery.

5.64.120 Appeal of authority's revocation decision.

A. The decision of the authority to revoke the permit of any street vendor may be appealed to the city manager. The appeal shall be made in writing and filed with the city clerk, along with the applicable fee as set by city council resolution, within ten (10) calendar days following receipt of the written revocation decision from the authority.

B. The city manager or his/her designee shall, upon receipt of such appeal, set the matter for a hearing not less than ten (10) calendar days or more than thirty (30) calendar days following the filing of the appeal. Notice of hearing shall be given by deposit in the United States mail or by personal delivery at least ten (10) calendar days prior to the hearing.

C. At the time and place of hearing, the city manager or his/her designee shall hear and consider all relevant evidence including, but not limited to, the report of the authority and any written or oral testimony. The hearing may be continued from time to time.

D. Upon the conclusion of the public hearing, the city manager or his/her designee shall, on the basis of the evidence presented at the hearing, determine whether the street vendor's license shall be revoked. A copy of said decision shall be served upon the permittee by United States mail or by personal delivery. The determination of the city manager or his/her designee is final.