

**Title 5**

**BUSINESS TAXES, LICENSES AND REGULATIONS**

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**Section 5.04.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall be defined as follows:

A. Average Number of Employees. "Average number of employees" means the average number of persons employed daily in the person's business for the preceding period of one year and shall be determined by ascertaining the total number of hours of service performed by all employees during the preceding year, including paid leave, dividing the total number of hours of service by the full-time equivalent (two thousand eighty hours). In computing the average

number of employees, fractions of numbers shall be rounded to the nearest whole number with one-half or greater being rounded up and less than one-half being rounded down.

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

C. Business Rentals. "Business rentals" means any business conducted or carried on by any person engaged in the business of renting or letting a building or structure of any kind, including, but not limited to, office buildings, warehouses, commercial spaces, office spaces and industrial spaces to a tenant for purposes other than dwelling, sleeping or lodging.

1. One (1) or more business rental units on the same parcel or adjoining parcels shall be considered a separate place of business and a tax certificate must be obtained for each separate place of business.

2. This definition shall not include cooperatively owned multiple business units wherein all units are individually owned and occupied by the owner of the unit.

3. All taxable business rental units shall be taxed on the basis of gross receipts, as provided for by Section 5.04.300.A.1, entitled Classification "A" Retail Sales.

D. Certificate. "Certificate" means the business tax payment certificate issued to the taxpayer upon the payment of the business tax. The certificate does not authorize the person to conduct any lawful business in an illegal manner or to conduct within the City of Riverside the business for which the certificate has been issued without strictly complying with all the provisions of the ordinances of said City. The certificate does not constitute a permit to engage in business. It is the document issued upon the payment of the business tax. References to a license or business license in this Chapter or other chapters of this Code shall be understood to refer to the business tax payment certificate.

E. City. "City" means the City of Riverside, a California Charter City and municipal corporation.

F. Collector. "Collector" means the Chief Financial Officer or other City officer charged with the administration of this Chapter. References to License Collector or Tax Administrator shall be understood to refer to the Chief Financial Officer or his authorized representative.

G. Conduct or Carry on. "Conduct or carry on" means and includes the engaging in, carrying on, owning, maintaining, managing or operating any business, trade, art, profession, calling, employment, occupation, or any commercial, industrial or professional pursuit or vocation whether done as owner, or by means of an officer, agent, manager, employee, servant, lessee or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities.

As to business conducted within the City, whether the business establishment is located within or outside the City, every such sale, service or other transaction shall be deemed to have occurred within the City for purposes of the business license tax.

H. Contactor. "Contractor" means every person conducting, carrying on or managing a business who is licensed as a contractor by the State of California and who undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits bids to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of scaffolding or other structures or works in conjunction therewith.

1. Any "contractor" as defined above conducting or carrying on the business of selling goods, wares or merchandise as a retailer or wholesaler, in addition to his contracting business shall, in addition to the contractor's business tax certificate provided herein, secure a certificate for such retail or wholesale business as required in the chapter.

2. The term "contractor" includes general engineering contractor, general building contractor, specialty contractor and subcontractor whether operating within the City or from outside the City with no fixed place of business in the City.

3. Any "contractor" as defined herein that possesses a current license, issued by the State of California, and such license bears an address located within the City, shall maintain a certificate at all times whether the contractor's work is located within the City or outside the City.

I. Employee. "Employee" means, in relation to a business, any and all owners, or members of the owner's family, partners, or associates or individuals, to whom the business pays a wage, all of whom shall be included in the computation of the average number of employees of the business.

1. Any business leasing, renting or otherwise providing space for self-employed individuals to conduct their business, or any business utilizing self-employed individuals in the conduct of their business, shall either pay for the self-employed individual as an employee of their business, or shall require the self-employed individual to obtain a separate certificate. In either case, a list of all self-employed individuals shall be provided to the Collector when registering for a certificate. This Section includes any service already enumerated in this Chapter.

2. Employment services shall include all pay rolled individuals, whether working in or out of the City of Riverside, when determining the average number of employees.

J. General Services. "General services" means providing, maintaining or performing labor for benefit of another within the City; supplying some general demand for the benefit of another within the City and does not include professional services or other services enumerated in this Chapter.

K. Gross Receipts: "Gross receipts" means and includes the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. "Gross receipts" includes all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever;

1. A business established outside the City but maintaining a branch office within the City, or doing business within the City through an agent, broker or employee, shall report as gross receipts, its total sales or receipts attributable to the local branch office, local agent, broker or employee operating within the City;

2. Gross receipts for real estate brokers or agents, travel agents, insurance brokers, and bail bond brokers shall mean the total gross commissions.

3. The following shall be excluded from "gross receipts":

a. Cash discounts allowed and taken on sales;

b. Credit allowed on property accepted as part of the purchase price and which property may later be sold;

c. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

d. Such part of the sale price or property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

e. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the Collector with the names and addresses of the others and the amounts paid to them;

f. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

g. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

h. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the State of California;

i. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser.

L. Insurance Agent. "Insurance agent" means any person, including bail bond agents, directly authorized by and on behalf of an insurer to transact insurance and bind the insurer in the execution of insurance policies.

M. Insurance Broker. "Insurance broker" means any person, including bail bond brokers, who, for compensation and on behalf of another person, transacts insurance other than life, with, but not on behalf of, an insurer.

N. Location. "Location" means the place where the business is conducted whether at a single address or multiple addresses that are contiguous. If a business entity conducts business at two or more addresses which are not physically contiguous, each such noncontiguous address shall constitute a separate location. In the case of electronic transactions, the place where the seller is located is deemed the "location" for purposes of this Chapter.

O. Manufacturing. "Manufacturing" means the business of making, developing, assembling or packaging of any machines, devices, articles, things, commodities, goods, wares, merchandise, products, equipment, material or substances for sale or distribution to the public either at wholesale or retail.

P. Persons. "Person" means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, trusts, societies, and individuals transacting and carrying on any business in the City, other than as an employee.

Q. Professional Services. "Professional services" means any person, including a professional corporation, wherever located, engaged in/or carrying on within the City any profession requiring compliancy with written and/or oral examination standards adopted by a branch of the state or federal government and/or requiring a certain amount of tenure with such branch of government; such professions to include but not be limited to: architect, attorney, accountant (all types), audiologist, chiropractor, clinical social worker, dentist, economist, engineer (all types), geologist, marriage, family and child counselor, mortician, optician, optometrist, osteopath, physician (all types), podiatrist, psychologist, registered nurse, speech pathologist, surveyor, veterinarian, etc.

R. Residential Rentals. "Residential rentals" means any business conducted or carried on by any person engaged in leasing, renting, subleasing, subletting, providing, exchanging or trading without loss of ownership or leasehold, any real property, dwelling, building, structure, premises or portion thereof, for the purpose of dwelling, sleeping, lodging, boarding or other such occupancy, accommodation or general residency.

1. Two (2) or more single-family residential rental units and multiple-residential rental units of two (2) or three (3) units shall be taxed as one business using the property owner's physical address as the business address.

2. Four (4) or more residential rental units on the same parcel or adjoining parcels shall be considered a separate place of business and a tax certificate must be obtained for each separate place of business.

3. This definition shall not include cooperatively owned multiple dwellings wherein all units are individually owned and occupied by the owner of the unit.

4. Any person claiming to have only one (1) single-family residential rental unit shall declare such on a form provided by the Collector and shall obtain a tax free certificate.

5. All taxable residential rental units shall be taxed on the basis of gross receipts, as provided for by Section 5.04.300.A.1, entitled Classification "A" Retail Sales.

S. Sale. "Sale" means and includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving of, supplying of, or furnishing for a consideration any property; and any transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price. The foregoing shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

T. Sworn Statement. "Sworn statement" means an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

U. Wholesale Sales. "Wholesale sales" means the sale of goods, wares or merchandise for the purpose of resale and there is no sale to the ultimate consumer. (Ord. 6923 § 2, 2007; Ord. 5762 § 2, 1989; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.020 Revenue measure.**

This Chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. No certificate issued under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business. (Ord. 6923 § 3, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.030 Effect on other ordinances.**

Persons required to pay a business tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any business tax for the privilege of doing such business required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.040 Business tax payment required.**

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this Chapter business taxes in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a business tax certificate from the City and paying the tax hereinafter prescribed or without complying with any and all applicable provisions of this Chapter.

This Section shall not be construed to require any person to obtain a certificate prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California. Persons not so required to obtain a certificate prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this Chapter.

Nothing contained in this Chapter shall be construed to relieve the obligation to obtain a separate certificate and to pay the appropriate business tax required for each business owned or conducted by a separate owner within an individual establishment or location, whether under the same management or not.

Any person who operates any business, whether upon a cost, rental or commission basis as a concession or upon rented floor space in or upon the premises of any person licensed under the provisions of this Chapter, shall be required to obtain a separate and independent certificate pursuant to this Chapter except as may be otherwise specified hereinafter.

No certificate shall be issued to any person failing to obtain any regulatory permit or otherwise comply with any other provision of this Code having to do with the regulation of any trade, business or occupation. The City may revoke any certificate inadvertently issued in

violation of this Section without liability to the City. (Ord. 6923 § 4, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.050 Branch establishments.**

A separate tax certificate must be obtained for each branch establishment or separate business location, and for each separate type of business at the same location. In reference to theaters and shows, each screen shall be considered a separate business. Each certificate shall identify the type of business certified thereby at the location; provided that warehouses or distribution facilities located on the same premises or upon contiguous premises and used in connection with or incidental to a business licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments; provided further that no separate business transactions or administrative or management related activities shall be carried on in such incidental or supplemental warehouses or distribution facilities. (Ord. 6923 § 5, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.060 Evidence of doing business.**

When any person by use of signs, circulars, business cards, telephone book, newspapers, trade publications, television, radio, internet, or any other advertising media, advertises, holds out or represents that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, or when such person gives other evidence of transacting and carrying on business as may be defined in this Chapter, such action shall be considered evidence of doing business in the City. If such person fails to deny by a sworn statement under penalty of perjury given to the Collector that he is not conducting a business in the City, after being requested to do so by the Collector, then these facts shall be considered prima facie evidence that he is conducting a business in the City. (Ord. 6923 § 6, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.070 Constitutional apportionment.**

None of the business taxes provided for by this Chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

A. In any case where a business tax is believed by a registrant for a certificate to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the Collector for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed business tax. The registrant shall, by sworn statement and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Collector may deem necessary in order to determine the extent, if any, of such undue burden or violation.

B. The Collector shall then conduct an investigation and shall fix as the business tax for the registrant, an amount that is reasonable and nondiscriminatory, or if the business tax has already been paid, shall order a refund of the amount over and above the business tax so fixed.

C. In fixing the business tax to be charged, the Collector shall have the power to base the business tax upon a percentage of gross receipts or any other measure which will assure that the business tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the business tax as prescribed by this Chapter. Should the Collector determine the gross receipts measure of business tax to be the proper basis, he may require the registrant to submit, either at the time of termination of registrant's business in the City, or at the end of each three-month period, a sworn statement of

the gross receipts and pay the amount of business tax therefore, provided that no additional business tax during any one calendar year shall be required after the registrant shall have paid an amount equal to the annual business tax as prescribed in this Chapter. (Ord. 6923 § 7, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.080 Exemptions.**

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

Any person claiming an exemption pursuant to this Section or Section 5.04.090 shall file a sworn statement with the Collector stating the facts upon which the exemption is claimed, and shall provide the Collector any additional documentation requested that substantiates the claim, and in the absence of such statement and requested documentation substantiating the claim, such person shall be liable for the payment of the taxes imposed by this Chapter.

The Collector shall, upon a proper showing contained in the sworn statement, issue a certificate to such person claiming exemption under this Section or Section 5.04.090 without payment to the City of the business tax required by this Chapter.

The Collector, after giving notice and a reasonable opportunity for hearing to a registrant, may revoke any certificate granted pursuant to the provisions of this Section or Section 5.04.090 upon information that the registrant is not entitled to the exemption as provided herein. (Ord. 6923 § 8, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.090 Tax-free certificate provision.**

The provisions of this Chapter shall not be deemed or construed to require the payment of a business tax to conduct, manage or carry on any business, occupation or activity from any institution or organization or persons who fall within any of the following classifications:

A. Any business conducted, managed or carried on wholly for the benefit of charitable purposes and from which profit is not derived, either directly or indirectly, by any individual.

B. Any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects within the City whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church or school or to any religious or benevolent purpose.

C. Any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly by any individual.

D. Nothing in subsections A, B, or C, above, shall be deemed to exempt any such organization or association from complying with any of the provisions of this Chapter requiring a certificate to conduct, manage or carry on any profession, trade, calling or occupation.

E. Any group of residents of the City who are organized solely and exclusively for the benevolent, charitable, religious, scientific, educational, historical, cultural or recreational purposes, and not for profit and all receipts, less allowable expenses, are used exclusively within the City for the purposes mentioned in this paragraph.

F. Any attorney whose only business done in the City is in the courts operated in this City, and who does not maintain a business location within the City.

G. Any doctor whose only business done in the City is surgery and/or consultation in a regularly established hospital in the City, and who does not maintain a business location within

the City.

H. Any bank, including any national banking associations, federal credit unions, and financial corporations, to the extent that a City may not levy a license tax upon them under the provisions of Article XIII, Section 27 of the California Constitution.

I. Any Insurance company or associations engaged in the sale and servicing of insurance and their direct agents, including bail bond agents and life agents, to the extent that a City may not levy a license tax upon them under the provision of Article XIII, Section 28 of the California Constitution.

All insurance brokers, bail bond brokers, life and disability insurance analysts, and insurance solicitors are not exempt from payment of a business tax as provided in Article XIII, Section 28 of the California Constitution.

J. Any vendors at any certified farmers' market, as defined by Section 47004 of the California Food and Agricultural Code.

K. Any governmental agency or subdivision and the employees thereof, to the extent they are engaged in the business of such governmental agencies or subdivisions.

L. Any for-hire motor carrier of property, to the extent that the City may not levy a license tax upon its transportation business pursuant to Section 7233 of the California Revenue and Taxation Code.

M. Any household goods carrier or for-hire motor carrier of property operating under the jurisdiction of the Public Utilities Commission of the State of California whose definite permanent points of origin and termination lie outside of the legal limits of the City to the extent that a City may not levy a license tax upon its intercity transportation business pursuant to Section 5327 of the California Public Utilities Code.

N. Any state alcoholic beverage licensee engaged in the manufacture, sale, purchase, possession, or transportation of alcoholic beverages within the State of California to the extent that a City may not levy a license tax upon them under provisions of Article XX, Section 22 of the California Constitution.

O. Any licensed community care facility where not more than six (6) people are cared for on a full- or part-time basis, to the extent that a City may not levy a license tax upon them pursuant to Section 1523.1 of the California Health and Safety Code.

P. Any small family day care home, as defined in Section 1596.78 of the California Health and Safety Code, where not more than eight (8) or fewer children are cared for in the provider's home, for periods of less than 24 hours per day, to the extent that a City may not levy a license tax upon them pursuant to Section 1597.45 (b) of the California Health and Safety Code.

Q. Any residential care facility where not more than six (6) people are cared for on a full-time or part-time basis, to the extent that a City may not levy a license tax upon them pursuant to Section 1566.2 of the California Health and Safety Code.

R. Any vendor operating in conjunction with an event organized, sponsored or operated by a nonprofit, tax-exempt organization and the annual gross income of the vendor's household from all sources is less than eight thousand dollars (\$8,000) on the last preceding federal or state personal income tax reporting period.

S. Any vendor who is certified disabled by either a state or federal agency and the annual gross income of the vendor's household from all sources is less than eight thousand dollars (\$8,000.00) on the last preceding federal or state personal income tax reporting period.

T. Every person who has been honorably discharged from military service of the United States and who is exempted from the payment of business license taxes by Sections 16001 and 16001.5 of the California Business and Professions Code and who distributes circulars and/or hawk, peddles, and/or vends any goods, wares or merchandise owned by him, except spirituous, malt, vinous or other intoxicating liquor, subject however to the restrictions, limitations, regulations and conditions hereinafter set forth.

1. Every applicant must furnish a certificate of physical disability, dated within a month of said application, executed by a qualified physician or submit equivalent evidence of disability.
2. Every applicant must obtain a solicitors permit issued by the City Police Department.
3. The applicant may not have a fixed business location.
4. A license, when issued, is subject to the following conditions:
  - a. Said license shall not be defaced, mutilated, disfigured or otherwise altered subsequent to its issuance, and failure to comply herewith is grounds for revocation of said license and for refusing its renewal or the issuance of a new license thereafter.
  - b. It is nontransferable and for the exclusive use of the licensee named.
  - c. Should a license be found in the possession of one other than the licensee named, it shall be surrendered to the Collector and revoked and neither the licensee named nor the holder thereof shall thereafter be entitled to hold a license under the provisions of this Section.
  - d. The licensee named must identify himself by his signature whenever required to do so by any City police officer, or any authorized agent of the Collector.
- U. Any business conducted or carried on from a person's residence located in the City of Riverside, and having total annual taxable and nontaxable gross receipts from within and without the City, which do not exceed \$2,000.00.
  1. To qualify for the exemption, the business requesting the exemption must furnish the Collector with a copy of the business's federal and state income tax returns for the previous year as well as any additional information as may be required by the Collector.
  2. A new business declaring less than \$2,000.00 gross receipts must:
    - a. Provide documentation to support the declaration as may be required by the Collector.
    - b. Furnish the Collector with a copy of the business's federal and state income tax returns after completion of the first year's business as well as any additional information that may be required.
    - c. If it is determined that the business was not eligible for the exemption, all applicable past due taxes, including any applicable penalties, shall be owed.
  3. Any business determined to be exempt under this Section shall be required to register with the City, pay a \$10.00 processing fee, and obtain a tax-free certificate.
  4. Failure to furnish the required documents and to obtain a certificate thirty (30) days after the due date, shall render the exemption inapplicable and the business shall be subject to the tax otherwise payable and any penalty applicable pursuant to Section 5.04.220.
- V. Any public utility furnishing gas and/or electric service that pays the City a tax pursuant to a franchise or similar agreement with the City. (Ord. 6923 § 9, 2007; Ord. 6393 §§ 23, 24, 1997; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 5457 § 1, 1986; Ord. 5359 § 1, 1985; Ord. 3804 (part), 1971)

#### **Section 5.04.100 Registration for business tax certificate.**

Upon a person registering for the first certificate to be issued hereunder or for a newly established business, such person shall furnish to the Collector a sworn statement, upon a form provided by the Collector; setting forth the following information:

- A. The exact nature or kind of business for which a certificate is requested;
- B. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;
- C. In the event that registration is made for the issuance of a certificate to a person doing business under a fictitious name, the registration shall set forth the names and places of residences of those owning said business;
- D. In the event that the registration is made for the issuance of a certificate to a corporation or a partnership, the registration shall set forth the names and places of residences

of the officers or partners thereof;

E. In all cases where the amount of business tax to be paid is measured by gross receipts, the registration shall set forth such information as may be therein required and as may be necessary to determine the amount of the business tax to be paid by the registrant;

F. In all cases where the business contracts, sells or delivers any goods, wares or merchandise in the City for which sales or use tax is payable and who is required to report and pay such sales and use tax to the state shall obtain an appropriate California State Board of Equalization permit and furnish the Collector with his sales tax number and shall report separately in his return to the state the amount of receipts from sales in the City and/or the receipts from sales for use in the City and shall pay the required sales or use tax on such receipts. Any such person who fails to do so shall be deemed guilty of a misdemeanor violation of this Chapter.

G. Such other information as may be necessary for the enforcement of the provisions of this Chapter or required by state or federal law;

H. Any further information which the Collector may require to enable him to issue the type of certificate registered for.

If the amount of the business tax to be paid by the registrant is measured by gross receipts, he shall estimate the gross receipts for the period to be covered by the certificate to be issued. Such estimate, if accepted by the Collector as reasonable, shall be used in determining the amount of business tax to be paid by the registrant; provided, however, the amount of the business tax so determined shall be tentative only, and such person shall, within thirty days after the expiration of the period for which such certificate was issued, furnish the Collector with a sworn statement, upon a form furnished by the Collector, showing the gross receipts during the period of such certificate, and the business tax for such period shall be finally ascertained and paid in the manner provided by this Chapter for the ascertaining and paying of renewal business taxes for other businesses, after deducting from the payment found to be due, the amount paid at the time such first certificate was issued.

In no case shall any error in the amount collected for any business tax or any penalty prevent the collection of the amount actually due. In case an error is made in the classification of any certificate, then a new certificate shall be issued in the proper classification thereof, under the date of the original certificate, and the certificate holder shall pay any additional amount required by such change.

The Collector shall not issue to any such person another certificate for the same or any business, until such person shall have furnished to him the sworn statement and paid the business tax as herein required.

Any person knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in applying for or paying for the business tax certificate shall be deemed guilty of a misdemeanor violation of this Chapter. (Ord. 6923 § 10, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.110      Renewal registration.**

In all cases, the registrant for the renewal of a certificate shall submit to the Collector for his guidance in ascertaining the amount of the business tax to be paid by the registrant, a sworn statement, upon a form to be provided by the Collector, setting forth such information concerning the registrant's business during the preceding year as may be required by the Collector to enable him to ascertain the amount of the business tax to be paid by said registrant pursuant to the provisions of this chapter. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.120 Contents of business tax certificate.**

A business tax certificate issued under the provisions of this chapter shall contain the following information:

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

Whenever the tax imposed under the provisions of this chapter is measured by the number of vehicles, devices, machines or other pieces of equipment used, or whenever the business tax is measured by the gross receipts from the operation of such items, the Collector may issue only one certificate; provided that he may issue for each tax period for which the business tax has been paid one identification sticker, tag, plate, or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the gross receipts from such items. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.130 Statements and records.**

No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the Collector, his deputies, or authorized employees of the City, who are hereby authorized to examine, audit, and inspect such books and records of any person registering for certification as may be necessary in their judgment to verify or ascertain the amount of business tax due.

All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases, and other expenditures, and shall retain all such records of examination by the Collector. Such records shall be maintained for a period of at least three years. No person required to keep records under this section shall refuse to allow authorized representatives of the Collector to examine said records at reasonable times and places. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.140 Information confidential.**

It is unlawful for the Collector or any person having an administrative duty under the provisions of this chapter to make known in any manner the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a certificate, or pay a business tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or registration, or to permit any statement or registration, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this section shall be construed to prevent:

- A. The disclosure to, or the examination of records and equipment by another City official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or collecting taxes imposed hereunder;
- B. The disclosure of information to, or the examination of records by, federal or State officials, or the tax 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;
- C. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any business tax liability of the particular taxpayers to the

City;

D. The disclosure after the filing of a written request to that effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amount of tax required to be collected, interest and penalties; further provided, however, that the City Attorney approved each such disclosure and that the Collector may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

E. The disclosure of the names and addresses of persons to whom certificates have been issued, and the general type or nature of their business;

F. The disclosure by way of public meeting or otherwise of such information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of business taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for business taxes, or when acting upon any other matter;

G. The disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.150 Failure to file statement or corrected statement.**

If any person fails to file any required statement within the time prescribed, or if after demand therefore made by the Collector he fails to file a corrected statement, or if any person subject to the tax imposed by this Chapter fails to register for a certificate, the Collector may determine the amount of business tax due from such person by means of such information as he may be able to obtain.

If the Collector is not satisfied with the information supplied in statements or registrations filed, he may determine the amount of any business tax due by means of any information he may be able to obtain.

If such a determination is made the Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Riverside, California, postage prepaid, addressed to the person so assessed at his last known address. (Ord. 6923 § 11, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.160 Appeal.**

A. Any person aggrieved by any decision of the Collector or of any other officer of the City made pursuant to the provisions of this Chapter may appeal therefrom to the Collector, or his designee, not later than thirty (30) days after notice thereof, unless a later date is agreed to by the Collector and the appellant. The Collector shall give notice of the hearing to the appellant no later than ten (10) days prior to such hearing. At such hearing the appellant may appear and offer evidence why the assessment should not be confirmed and fixed as the business tax, or why any other decision should not be reversed or otherwise modified. After such hearing the Collector shall determine and reassess the proper tax to be charged or determine whether any other decision appealed from shall be confirmed, reversed, or otherwise modified and shall give written notice thereof to the applicant by serving it personally or by depositing it in the United States Post Office at Riverside, California, postage prepaid, addressed to the person so assessed at his last known address.

B. If, after having first appealed to the Collector, as required in Subsection A, any person still aggrieved by an adverse decision of the Collector, made pursuant to the provisions of this Chapter concerning such person's business tax, may appeal to the City Manager within fifteen (15) days after notice of said adverse decision by filing with the Collector a written notice

of appeal, briefly stating the grounds relied upon for such appeal.

C. If such appeal is made within the time prescribed, the Collector shall cause the matter to be set for hearing before the City Manager or his designee within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten (10) days' written notice of the time and place of such hearing. The City Manager or his designee may appoint an Employee Hearing Officer to conduct the hearing on the matter and render a written recommendation to the City Manager or his designee.

D. The City Manager or his designee shall render a decision on the appeal and give notice thereof to the Collector no later than twenty (20) days following completion of the hearing thereon or, in the event such hearing is held by an Employee Hearing Officer, within thirty (30) days following completion of the hearing thereon. After receiving notice of such decision, the Collector shall determine and reassess the proper tax to be charged and shall give written notice thereof, or of the decision made as to any other decision appealed, to the applicant by serving it personally or by depositing it in the United States Post Office at Riverside, California, postage prepaid, addressed to the person so assessed at his last known address.

E. If, after having first appealed to the Collector and the City Manager, as required in Subsections A and B, any person still aggrieved by an adverse decision made pursuant to the provisions of this Chapter concerning such person's business tax, may appeal to the City Council within fifteen (15) days after notice of said adverse decision by filing within fifteen (15) days after notice of said appeal, briefly stating the grounds relied upon for such appeal. If such appeal is made, the Collector shall cause the matter to be set for hearing before the City Council. The Collector shall give at least ten (10) days notice to such person of the time and place of hearing. The City Council shall consider all evidence produced, and shall make findings thereon, which shall be final. After such hearing the Collector shall determine and reassess the proper tax to be charged and shall give written notice thereof, or of the decision made as to any other decision appealed, to the applicant by serving it personally or by depositing it in the United States Post Office at Riverside, California, postage prepaid, addressed to the person so assessed at his last known address.

F. If, during the appeal process, no timely appeal is made, any decision rendered by the Collector or City Manager shall become final and conclusive upon the expiration of the time set herein for filing an appeal. (Ord. 6923 § 12, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.170 Extension of time.**

In addition to all other powers conferred upon him, the Collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement or registration and, in such case to waive any penalty imposed, or charge demanded, that would otherwise have accrued, and, if the Collector so determines, eight percent simple interest shall be added to any tax determined to be payable. (Ord. 6923 § 13, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.180 Business tax certificate nontransferable--Changed location and ownership.**

A. No certificate issued pursuant to this Chapter shall be transferable; provided, that where a required certificate is issued to a person to transact and carry on a business at a particular place, such certificate holder may, upon application therefore and paying a fee of two dollars, have the certificate amended for the transacting and carrying on of such business under said certificate at some other location to which the business is to be moved. Any additional amendment to the business tax certificate such as name changes, etc., shall be made upon application therefore accompanied by a payment of two dollars for each such amendment.

B. Provided further that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this Section.

C. In the event a certificate holder is a corporation, a new certificate shall be required when there is an actual change in control or when ownership of more than fifty percent (50%) of the voting stock of the certificate holder is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of the voting stock, singly or collectively.

D. In the event a certificate holder is a partnership, a new certificate shall be required when there is an actual change in ownership and fifty percent (50%) or more of the business is acquired by a person or group of persons acting in concert, none of whom already own fifty percent (50%) or more of such business, singly or collectively.

E. For the purpose of this Section stockholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity.

F. Transfer of the certificate does not permit operation of a business in violation of other Municipal Code sections.

G. The Collector shall cancel a valid unexpired certificate issued or granted to the certificate holder pursuant to this Chapter at the request of the certificate holder provided:

1. The certificate holder so endorses, signs and surrenders the certificate receipt along with any applicable decal, sticker or tag, and

2. All business activity pursuant to the certificate has ceased. (Ord. 6923 § 14, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.190 Duplicate business tax registration notice and/or certificate.**

A duplicate certificate or registration may be issued by the Collector to replace any certificate or registration previously issued hereunder which has been lost or destroyed upon the certificate or registration holder filing statement of such fact, and at the time of filing such statement paying to the Collector a duplicate business tax fee of ten dollars. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.200 Posting and keeping business tax certificate.**

A. Any certificate holder transacting and carrying on business at a fixed place of business in the City shall keep the certificate posted in a conspicuous place upon the premises where such business is carried on.

B. Any certificate holder transacting and carrying on business but not operating at a fixed place of business in the City shall keep the certificate upon his person at all times while transacting and carrying on the business for which it is issued.

C. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a business tax, the person to whom such stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefor at such locations as are designated by the Collector. Such sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine, or piece of equipment kept in use, during the period for which the sticker, tag, plate, or symbol is issued.

D. No person shall fail to affix as required herein any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment, for which it has been issued at the location designated by the Collector, and no person shall give away, sell, or transfer such identifying sticker, tag, plate, or symbol to another person, or permit its use by another person.

E. Every individual or firm operating, maintaining, leasing or letting the use of any coin-operated machine or device shall maintain thereon a label conspicuously placed to indicate the name, address, telephone number of such individual or firm. (Ord. 6923 § 15, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.210 Business tax--When payable.**

Unless otherwise specifically provided, all annual business taxes shall be due and payable in advance on or before the expiration date of the then current business tax certificate or on or before the first day of business for any new business. Business taxes for periods other than the annual period are payable in advance on or before the first day of business and thereafter on or before the first day of each applicable period. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 5010 § 1, 1982; Ord. 4063 § 1, 1973; Ord. 3804 (part), 1971)

**Section 5.04.220 Delinquent taxes--Penalties.**

For failure to renew and pay a business tax when due, the Collector shall add the following penalties: fifty (50) percent of the business tax sixty (60) days after the due date: one hundred (100) percent ninety (90) days after the due date.

For failure to register a new business and pay the business tax when due, the Collector shall add the following penalty: fifty (50) percent thirty (30) days after the due date: one hundred (100) percent sixty (60) days after the due date.

In no event shall the amount of such penalties to be added exceed one hundred (100) percent of the amount of the business tax due. When the due date of the business tax falls on a Saturday, Sunday or state or national holiday, payment of the business tax due may be made without penalty on the first working day following the holiday.

For the purposes of this Chapter, postmarks shall be accepted as the date of payment made provided the transmitting envelope contains a postage cancellation not later than 12:00 a.m. on the due date.

No certificate or sticker, tag, plate, or symbol shall be issued, nor one which has been suspended or revoked shall be reinstated to any person, who at the time of registering therefore, is indebted to the City for any delinquent business taxes. (Ord. 6923 § 16, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 5178 § 1, 1984; Ord. 4063 § 2, 1973; Ord. 3804 (part), 1971)

**Section 5.04.230 Application for refund.**

A. Any business tax, or penalties or interest thereon, or portion thereof, may be refunded, if they were:

1. Paid more than once;
2. Erroneously or illegally collected;
3. Paid in excess of the correct amount due;
4. Issued for a business which subsequently does not operate in the City, due to applicant's inability to obtain additional permits required under any provision of this Code.

In such case, the applicant shall be entitled to a refund of the business tax paid less a twenty dollar (\$20.00) processing charge, without further deduction to cover the administrative cost therefore.

B. No refund of business taxes shall be made upon termination of a business that does not meet the criteria set forth in this section, or for any unused portion or term of a license period.

C. No refund of monies howsoever paid or collected shall be allowed in whole or in part unless an application therefore is filed with the Collector within a period of one (1) year from the expiration of the license period for which a refund is sought, and all such claims for refund must

be filed with the Collector on forms furnished by him or her in the manner prescribed by him or her. Such application may be made only by the person who made the payment, his or her guardian, executor, administrator or heir. Refunds shall not be made to an assignee of the application. Upon the filing of such a claim, and when he or she determines that a refund is warranted, the Collector shall refund the amount warranted, less a fifteen dollar (\$15.00) processing charge, to cover the administrative cost of the refund. Provided, however, that in the case of a refund made pursuant to Subsection 2, and where applicable, Subsection 4, no deduction shall be made on account of the administrative cost therefore. The failure to file such application within the time prescribed herein shall bar any future right of recovery.

D. Where the Collector has determined that a refund is due upon a particular business tax certificate, but where the applicant is at the same time determined to be delinquent or otherwise liable for a business tax upon a separate business license; then in that event, the Collector shall apply said refund amount to the balance owing and delinquent for said business. The Collector shall then refund any amount remaining.

E. No refund shall be made where the business license was issued under a misrepresentation of fact by the applicant and/or such applicant actually engaged in the conduct of the business for which the license was granted prior to the date stated in applicant's original application.

F. In all cases proof of payment shall be a prerequisite to any refund. (Ord. 6923 § 17, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.240 Administrative rules and regulations.**

The Collector may make rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to aid in the enforcement of the provisions of this chapter. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

#### **Section 5.04.250 Enforcement.**

It shall be the duty of the Collector, and he is directed to enforce each and all of the provisions of this Chapter, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the Collector.

The Collector in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Chapter have been complied with.

The Collector, and each and all of his assistants and any police officer shall have the power to seal the coin openings of slots of nonidentified or unlicensed coin-operated machines in a manner which will render inoperative the coin devices on any machine or device not otherwise exempted by the provisions of the chapter which is found available to the public for operation and which does not have stamped or affixed thereon the required identification or for which the proper license tax has not been paid in full; in lieu thereof, he or she may seize and hold any such machine for the payment of such.

The Collector and each and all of his assistants and any police officer shall have the power and authority to enter free of charge, during business hours, any place of business required to be certified herein, and demand an exhibition of a certificate and a sales and use tax permit. Any person having such certificate, or sales or use tax permit, in his possession or under his control, who willfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this Chapter. It shall be the duty of the Collector and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

The Collector and each and all of his assistants and any police officer are authorized to

issue a written notice to appear upon persons whom they have a reasonable cause to believe have violated any provisions of this Section.

The Collector and each and all of his assistants are authorized to issue an administrative citation upon any person whom they have reasonable cause to believe has violated any provision of this Section. (Ord. 6923 § 18, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.260 Business tax a debt.**

The amount of any business tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the City. An action may be commenced in the name of said City in any court of competent jurisdiction, for the amount of any delinquent business tax and penalties. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.270 Remedies cumulative.**

The conviction and punishment of any person for engaging in any business without first obtaining a certificate to conduct such business shall not relieve such person from paying the business tax fee due and unpaid at the time of such conviction, nor shall the payment of any business tax fee prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.280 Effect of chapter on past actions**

Neither the adoption of the ordinance codified herein nor its superseding of any portion of any other ordinance of the City shall in any manner be construed to effect prosecution for violation of any other ordinance committed prior to adoption of this ordinance, nor be construed as a waiver of any license or any penal provision applicable to any such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance to be posted, filed or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect. (Ord. 6923 § 19, 2007; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 4063 § 3, 1973; Ord. 3804 (part), 1971)

**Section 5.04.300 Business tax rates.**

Every person who engages in business within the City shall pay a business tax as set forth in this Section.

The maximum annual tax payable for businesses taxed at the rates established in subdivisions 5.04.300 A.2 and 3 of this Section shall be four thousand dollars as of July 1, 1989, and shall be automatically adjusted November 1st of each year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Anaheim-Riverside metropolitan area or five percent, whichever is less.

For purposes of calculating the annual inflator/deflator under this Section, the formula detailed in Section 5.04.300 shall be used.

A. Tax Rates Based Upon Gross Receipts. Every person who engages in business in the City shall pay a business tax based upon gross receipts unless specifically assigned a different tax rate in a subsequent schedule.

1. Classification "A" Retail Sales. All businesses consisting of selling at retail, manufacturing and selling at retail, services, rental of residential and nonresidential real estate, hotels, motels, bowling alleys, skating rinks, food establishments, convalescent hospitals, child

care centers, day nurseries, babysitters and pawnbrokers will be classified in this category and shall pay an annual business tax as follows:

a. Minimum tax of sixty-five dollars for the first twenty-five thousand dollars of gross receipts and in addition thereto, the sum of forty-four cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of twenty-five thousand dollars but less than five hundred thousand dollars and in addition thereof, the sum of eleven cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of five hundred thousand dollars.

2. Classification "B" Wholesale Sales, Manufacturing, Newspapers, News Agencies and Telephone Companies. All businesses consisting of selling at wholesale, manufacturing, packing, processing, managing or carrying on a business consisting mainly of newspapers, news agencies and similar publishing businesses, and telephone companies will be classified in this category and shall pay an annual business tax as follows:

a. Minimum tax of sixty-five dollars for the first fifty thousand dollars of gross receipts and in addition thereof, the sum of twenty-two cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of fifty thousand dollars but less than one million dollars and in addition thereto, the sum of six cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of one million dollars.

3. Classification "C" Motor Vehicle Dealers -- New and Used. Any person conducting, managing, or carrying on the business of selling automobiles, and heavy equipment only, whether at retail or wholesale, will be classified in this category and shall pay an annual business tax of:

a. Minimum tax of sixty-five dollars for the first fifty thousand dollars of gross receipts and in addition thereof, the sum of thirty-three cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of fifty thousand dollars but less than seven hundred fifty thousand dollars and in addition thereto, the sum of nine cents per year for each additional one thousand dollars of gross receipts or fractional part thereof in excess of seven hundred fifty thousand dollars.

4. Classification "D" Vending Machines -- Merchandise. Any person conducting, managing or carrying on the business of leasing any merchandising machines, where merchandise is received by inserting coins or tokens, will be classified in this category and shall pay an annual business tax of:

Base fee ..... \$40.00  
Plus \$0.52 per \$1,000 gross receipts

The provisions of this subsection are not applicable to any vending machines maintained and owned by the proprietor of an established place of business if the following conditions exist:

a. The machines are owned, serviced and maintained by the proprietor of an established place of business who is the holder of a business license which is issued for the place of business where the machine is maintained and operated;

b. The machine vends only tangible personal property which is owned by the proprietor.

B. Tax Rates Based Upon Number of Employees or Other Units. Every person conducting business hereinafter listed shall pay a business tax as follows:

1. General Services. All persons engaged in business of a service nature, and not specifically enumerated elsewhere in this Chapter, shall pay an annual business tax of:

Base fee ..... \$75.00  
Plus per owner, partner, corporate officer or employee  
Each ..... \$6.00

2. Professional Services.

Base fee ..... \$115.00  
Plus per professional employee ..... \$115.00

Plus per non-professional employee ..... \$6.00

3. Contractors.

a. Engineering or General Contractor ..... \$160.00

Plus per non-professional employee ..... \$6.00

b. Specialty Contractor ..... \$110.00

Plus per employee ..... \$6.00

c. It shall be the responsibility of every general building, engineering, prime contractor and owner-builder to require subcontractors under his control or direction to pay a business tax as herein provided before permitting said subcontractor to begin or perform services for said general building, engineering, prime contractor or owner-builder.

d. Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the Collector, no later than fifteen (15) City business days prior to requesting a final inspection, a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the City for which a license is required under the provisions of this Chapter. Any owner-builder, general building contractor, engineering contractor, specialty contractor, or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this Section. Said statement shall include the name, address, telephone number, business tax certificate number, state license number and specialty classification, and the Riverside start work date of each person required to be licensed. Any general contractor that fails to file a listing of subcontractors shall be liable for the fee otherwise payable by the subcontractor.

e. In order to obtain a business tax clearance at the time of issuance of a building permit, any general contractor may deposit an amount determined by the Collector, which amount shall not exceed three thousand dollars (\$3,000.00), one thousand dollars (\$1,000.00) per subcontractor for up to a maximum of three subcontractors, to be applied to the business tax due from any person who performs services on the job site for which the building permit was issued. The general contractor may, at the time of completion of the project for which the deposit was made, submit the list of subcontractors as described in subsection d, above, and upon showing of proof of payment of the business tax due and owing from all subcontractors performing services at the job site, request a refund of any deposit overpayment. In the event that the general contractor does not request a refund within 180 days from the date of issuance of a certificate of occupancy for the project, the right to any refund of the deposit shall be forfeited.

4. Recreation and Entertainment Services.

a. Amusement Center -- Permanent Fixed Location. Includes any location where mechanical devices or animals are maintained for furnishing rides or entertainment.

First ten devices, rides, etc. -- Annual ..... \$60.00

Per additional device, ride, etc. -- Annual ..... \$13.00

b. Amusement Rides, Devices, Etc. -- Temporary. Includes all rides, devices, etc., not otherwise defined in Section 5.04.300B.4.c.

First ten rides, etc. -- Daily ..... \$30.00

Per ride in excess of ten. -- Daily ..... \$6.00

c. Carnival, Circuses, Tent Shows and Open Air Shows.

First day ..... \$250.00

Each additional day ..... \$125.00

d. Dance Hall, Public -- Annual ..... \$100.00

e. Dance, Public, -- Daily ..... \$20.00

f. Billiards or Pool.

First table at each location -- Annual ..... \$55.00

Each additional table -- Annual ..... \$10.00

- g. Boxing, Wrestling and Other Professional Athletic Exhibitions.
  - Daily ..... \$125.00
- h. Theatrical Performance.
  - First day ..... \$250.00
  - Each additional day ..... \$125.00
- i. Special Show, No Merchandise for Sale.
  - Each show -- Annual ..... \$90.00
  - Each show -- Daily ..... \$30.00
- j. Special Show, With Merchandise for Sale.
  - Each show -- Annual ..... \$180.00
  - Each show -- Daily ..... \$60.00
- k. Theaters and Shows. For every person engaged in the business of conducting a theater or show in an established place of business within a permanent building, including musical, vocal, theatrical or operatic concerts or performances, or at an established place of business constructed for theatrical purposes of the type commonly referred to and called "drive-in theater," the business tax shall be as follows:
  - First one hundred seats -- Annual ..... \$150.00
  - Each additional one hundred seats or fraction thereof -- Annual ..... \$20.00

For the purpose of determining the seating capacities of "drive-in theaters," each car space shall equal two seats.

  - l. For each limited-time performance, activity, event or exhibit held in City-owned and City-operated facilities, a daily fee of twenty-five dollars. Said tax is imposed upon each sponsor of such events and not upon each participant or exhibitor.

Business conducted in conjunction with amusement businesses, such as eating and drinking establishments, shall be subject to additional business taxes applicable to such type of business.
- 5. Miscellaneous Businesses.
  - a. Advertising, Outdoor.
    - Each billboard -- Annual ..... \$85.00
  - b. Ambulance Service.
    - Each vehicle -- Annual ..... \$30.00
  - c. Automobile Parking.
    - Minimum ten spaces -- Annual ..... \$30.00
    - Each additional space in excess of ten -- Annual ..... \$3.00
  - d. Laundries and Dry Cleaners, Automatic Self- Service.
    - Minimum tax -- Annual ..... \$75.00
    - Plus per each machine -- Annual ..... \$4.00
  - e. Shoeshine Stand.
    - Per operator -- Annual ..... \$30.00
  - f. Christmas Tree Pumpkins, or other Seasonal Sales.
    - Each location, per season ..... \$40.00
  - g. Vending Machines -- Game, Phonograph, Weighing, and All Other Coin-Operated Machines Not Vending Merchandise, Unless Otherwise Enumerated.
    - Each machine -- Annual ..... \$30.00
  - h. Limited Time Outdoor or Indoor Events - Daily
    - Each location - operator -- Annual ..... \$375.00
    - Each vendor -- Daily ..... \$3.00
    - (i) Includes any limited time outdoor or indoor event, other than swap meets as defined in Section 5.48.010, of one week or less, where goods are displayed and/or sold.
    - (ii) Each daily vendor participating in any limited time outdoor or indoor event shall pay a

tax in the amount specified in this Section. Such tax shall constitute a debt owed by the vendor to the City and shall be extinguished only by payment to the operator of the event. The vendor shall pay a tax to the operator at the time and on each day the vendor participated in the event. Each operator shall be responsible for the collection of the vendor tax and the amount of the tax shall be separately stated from any other moneys collected by the operator. The fee shall be in addition to any other license tax required by this Chapter.

(iii) On or before the fifteenth day of the month following the close of the calendar month, each operator shall file a return with the Collector showing the total amount of the taxes collected under this Section and such other information as may be required by the Collector. At the time the return is filed, the operator shall remit the full amount of the taxes collected to the Collector. Returns and payments shall be due immediately upon cessation of business by the operator for any reason.

(iv) Every operator shall hold all taxes collected under this Section in trust for the account of the City until payment thereof is made to the Collector.

i. Peddlers and Salesmen -- Itinerant. For the business of peddling any goods, wares, merchandise or other things of value, not otherwise specifically certified by this Section, for each peddler, salesman,

or employee -- Daily ..... \$30.00

"Peddling" means and includes traveling or going from place to place or from house to house within the City and peddling, hawking, vending or selling any goods, wares or merchandise carried or caused to be carried or conveyed by or with the person peddling, hawking, vending or selling the same.

The provisions of this subsection shall not apply to commercial travelers or agents selling goods, wares or merchandise to dealers at wholesale, to persons who use the purchased goods, wares or merchandise in the making of a product to be manufactured in the City, or to persons exempt under the interstate commerce laws.

j. Taxicabs.

Per vehicle -- Annual ..... \$65.00

k. Auctions.

Annual ..... \$775.00

Daily ..... \$75.00

l. Delivery by Vehicle.

Per vehicle -- Annual ..... \$50.00

m. Swap Meets (as defined in section 5.48.010 of the Riverside Municipal Code).

Each location -- operator -- Annual ..... \$375.00

Each vendor -- daily (except Sunday) ..... \$1.00

Each vendor -- daily (Sunday only) ..... \$2.00

The operator of each swap meet shall be responsible for the collection and payment to the City of the business tax for each vendor herein provided.

(i) Each swap meet vendor participating in a swap meet shall pay a tax in the amount specified in this Section. Such tax shall constitute a debt owed by the swap meet vendor to the City and shall be extinguished only by payment to the swap meet operator. The swap meet vendor shall pay the tax to the swap meet operator at the time and on each day the swap meet vendor participated in the swap meet. Each swap meet operator shall be responsible for the collection of the vendor tax and the amount of the tax shall be separately stated from any other moneys collected by the swap meet operator. The fee shall be in addition to any other license tax required by this Chapter.

(ii) On or before the fifteenth day of the month following the close of the calendar month, each swap meet operator shall file a return with the Collector showing the total amount of the taxes collected under this Section and such other information as may be required by the Collector. At the time the return is filed, the swap meet operator shall remit the full amount of

the taxes collected to the Collector. Returns and payments shall be due immediately upon cessation of business by the swap meet operator for any reason.

(iii) Every swap meet operator shall hold all taxes collected under this Section in trust for the account of the City until payment thereof is made to the Collector. (Ord. 6956 §1, 2007; Ord. 6923 § 20, 2007; Ord. 5837 §§ 1, 2, 1990; Ord. 5786 §§ 1, 2, 1989; Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 5724 §§ 1, 2, 1989; Ord. 5237 § 1, 1984; Ord. 5227 § 1, 1984; Ord. 5147 §§ 1, 2, 1983; Ord. 5127 § 1, 1983; Ord. 5048 § 1, 1982; Ord. 4302 § 1, 1976; Ord. 4176 §§ 1, 2, 1974; Ord. 3835 §§ 1, 2, 1971; Ord. 3804 (part), 1971)

#### **Section 5.04.306 Business tax rate reductions--Local enterprise zones.**

A. Notwithstanding anything to the contrary in this chapter, the business taxes to be paid by those new industrial or commercial developments commencing business in the City on or after the establishment of a local enterprise zone by resolution of the City Council for the area encompassing said business, excluding retail firms, creating at least five new permanent jobs and by those existing industrial or commercial developments located within said local enterprise zone, excluding retail firms, which have expanded after the designation of said local enterprise zone and which expansion results in an increase of ten percent in the number of permanent jobs for that business at that location subject to a minimum increase of five additional jobs, shall be reduced for a three-year period in accordance with the following schedule; provided, however, that each such business seeking to qualify for the reduction will be required to add value to the existing assessed valuation of the subject property by investing at least five hundred thousand dollars over a five-year period in new construction and/or tenant improvements; and further provided that the reduction for those existing industrial or commercial developments which are expanding shall be limited to that portion of the business tax attributable to such expansion and not to the existing development: by seventy-five percent in the first year following the opening of a new business or the expansion of an existing business; by fifty percent in the second year; and by twenty-five percent in the third year. No reductions shall be granted in the fourth or any following year.

B. To permit the reduction as above provided, the person registering for the certificate must submit a verified statement in writing to the Finance Department at City Hall upon a form provided by the tax collector claiming the reduction and with such supporting documentation as may be required by the tax collector to establish the applicability of the provisions of this section.

C. "First year" as used in this section means for a new industrial or commercial development, the twelve-month period immediately following the date of commencement of business at the location for which the reduction in taxes is claimed; and for the expansion of an existing business, the next tax year immediately following the date the required number of additional employees report to work at the location for which a claim is filed.

D. "Retail firm" as used in this section means a firm or business which derives fifty percent or more of its gross receipts from direct and final sales of goods or services to the general public.

E. "Local enterprise zone" means those economically depressed areas of the City so designated as a local enterprise zone from time to time by resolution of the City Council, the boundaries of which are specifically described in said resolution. (Ord. 6168 § 2, 1994)

#### **Section 5.04.307 Business tax rate reductions--Retention of manufacturing business.**

Notwithstanding anything to the contrary in this chapter, the business taxes to be paid by those manufacturing business as may be designated from time to time by resolution of the City Council as hereinafter provided shall be reduced for a three-year period in accordance with the following schedule: by seventy-five percent in the first tax year of such business following the designation of the business by resolution of the City Council; by fifty percent in the second tax

year; and by twenty-five percent in the third tax year. No reductions shall be granted in the fourth or any following year. The City Council may by resolution designate a manufacturing business as able to obtain the reduction in its business taxes as herein provided upon a finding by the City Council that reductions in certain fees, charges or taxes are necessary to retain a major manufacturing business with no less than five hundred permanent employees within the City and that such retention is in the City's economic best interests. (Ord. 6250 § 2, 1995)

**Section 5.04.310 Outside businesses.**

Every person not having a fixed place of business within the City who engages in business within the City and is not subject to the provisions of Section 5.04.300(B) shall pay a business tax at the same rate prescribed in this chapter for persons engaged in the same type of business from and having a fixed place of business within the City. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.320 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of this City declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989; Ord. 3804 (part), 1971)

**Section 5.04.330 Adjustment for inflation/deflation.**

Each tax, including each of its components, together with any other charges which are imposed pursuant to this chapter, shall be automatically adjusted on July 1, 1991, and on November 1 of each year thereafter, upward or downward, equivalent to the most recent change in the annual average of the Consumer Price Index as published by the United States Department of Labor for the Los Angeles-Anaheim-Riverside metropolitan area or five percent, whichever is less.

For purposes of calculating the annual inflator/deflator factor under this section, the base year shall be that year ending with the quarter ending March 31, 1991. Rates shall first be adjusted on July 1, 1991, and thereafter, based on the annually calculated change from the base year. Said change shall be rounded off to the nearest whole percent per hundred as follows: If the remaining fraction of a percent is forty-nine one-hundredths of a percent or less such fraction shall be omitted. If the remaining fraction of a percent is fifty one-hundredths of a percent or more, the next highest percent shall be applied. The base tax of calculated tax rates shall be rounded off to the nearest twenty-five cents, while each additional multiple of gross receipts tax rates shall be rounded to the nearest one cent, and all additional tax rate multiples shall be rounded to the nearest dollar. A similar method of computation shall be used in the application of the annual inflator/deflator factor to the amount of each flat fee, deposit or other charge required pursuant to this chapter, which amount shall be rounded off to the nearest dollar. (Ord. 5732 § 1, 1989; Ord. 5731 § 1, 1989)

## Chapter 5.08

### SOLICITING

#### Sections:

- 5.08.010** Definitions.
- 5.08.020** Solicitation within the City of Riverside is Unlawful where Posted or otherwise Communicated to the Solicitor.
- 5.08.030** General Restrictions regarding Solicitation.
- 5.08.040** Time Restrictions on Solicitation.
- 5.08.050** Solicitation Prohibited in City-owned Buildings.
- 5.08.060** Solicitation Provisions are Nonexclusive.

#### **Section 5.08.010 Definitions.**

Unless it is apparent from the context that another meaning is intended, the following words, when used herein, shall have the meaning ascribed to them by this Section:

"Person" means an individual, group, firm, copartnership, corporation, company, association, church, religious sect, religious denomination, society, organization or league;

"Private property" means a privately owned building, either a residence or commercial enterprise;

"Solicit" or "solicitation" means to request, directly or indirectly, money, property, including discarded household furnishings, newspapers, magazines, castoff materials, or financial assistance of any kind, including donations or pledges of donations, or to sell, to offer for sale or to exhibit any thing or object whatever to raise money, including any article, tag, service, emblem, publication, ticket, advertisement or subscription; or to secure or attempt to secure money or donations or other property by promoting any bazaar, sale, dance, card party, supper or entertainment, whether any of such acts occur on the streets, in any office or public building, by house-to-house canvass or in any public or private place by personal solicitation. (Ord. 6898 § 1, 2006; Prior code § 21.65)

#### **Section 5.08.020 Solicitation within the City of Riverside is Unlawful where Posted or otherwise Communicated to the Solicitor.**

(a) No person shall engage in solicitation activity upon any private property after having been asked to leave such property by the owner or occupant of the property.

(b) Unless invited by the legal occupants or owners of the private property, it shall be unlawful for any such person to engage in solicitation upon the private premises or residence or business located thereon if such premises or residence is posted with notice prohibiting solicitation, prominently displayed upon which is printed:

#### **"SOLICITING AT THIS LOCATION IS A VIOLATION OF LAW"**

For purposes of the preceding sentence, a private property, either residence or business, shall be deemed to be posted prohibiting solicitation if there is exhibited, on or near the main entrance to the property or on the main door to any structure located thereon, a sign conspicuously posted, which bears the above wording or similar wording restricting or prohibiting solicitation on the premises. (Ord. 6898 § 1, 2006; Prior code § 21.66)

#### **Section 5.08.030 General Restrictions regarding Solicitation.**

(a) No person who engages in solicitation shall use a plan, scheme or ruse or make any

statement which indicates or implies that the purpose of the solicitation is other than to obtain orders or to make sales of goods or services.

(b) No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.

(c) No person who engages in solicitation shall solicit by shouting or by using any sound device in connection with soliciting, including bells or amplifying system.

(d) No person who engages in solicitation shall step onto or over the threshold of a doorway of a residence unless invited to do so by the occupant or place hands, legs or any portion of the solicitor's body in the doorway so that it reasonably appears that the door may not be closed, unless allowed to do so by the occupant.

(e) It shall be unlawful to make false statements or misrepresentations about the purpose of the solicitation. (Ord. 6898 § 1, 2006; Prior code § 21.67)

**Section 5.08.040 Time Restrictions on Solicitation.**

No person shall engage in any form of door to door solicitation before 8am or after 9pm.

Further, it shall be unlawful for any person to engage in solicitation at any time of day if such time of day is clearly posted on the "no soliciting" sign posted pursuant to the sections of this Ordinance. (Ord. 6898 § 1, 2006; Prior code § 2.68)

**Section 5.08.050 Solicitation Prohibited in City-owned Buildings.**

Notwithstanding any other provisions of this Chapter, it is unlawful for any person to solicit or sell or offer for sale, by taking orders, subscriptions, direct sales or any other method, any merchandise or printed matter within any building owned by the City. Nothing in this Section shall prohibit solicitation or direct sales by any person permitted to engage in such activities pursuant to a lease or rental agreement with the City. (Ord. 6898 § 1, 2006; Prior code § 21.69)

**Section 5.08.060 Solicitation Provisions are Nonexclusive.**

Nothing in this Chapter shall be construed as to replace or eliminate any of the provisions or requirements of Title 5 of the Riverside Municipal Code requiring business licenses. (Ord. 6898 § 1, 2006; Prior code § 21.70)

## Chapter 5.15

### REGULATION OF RIVERSIDE POLICE OFFICIAL POLICE TOW TRUCK SERVICE

#### Sections:

- 5.15.010 Intent and Purpose.**
- 5.15.020 Definitions.**
- 5.15.030 Application.**
- 5.15.080 Agreements.**
- 5.15.090 License required.**
- 5.15.095 Franchise fee.**
- 5.15.100 Standards for tow truck equipment.**
- 5.15.110 Standard rules of operation.**
- 5.15.120 Response time.**
- 5.15.130 Determination of official police tow service providing service.**
- 5.15.140 Grounds for cancellation, revocation or suspension.**
- 5.15.145 Procedure for action against official police tow service.**
- 5.15.150 Liquidated damages.**

#### **Section 5.15.010 Intent and Purpose.**

It is the intent of this chapter to prescribe the basic regulation for the operation of "official police towing service" in police emergency situations and in the removal of vehicles which are apparently abandoned, or involved in a collision, or which constitute an obstruction to traffic because of mechanical failure. It is the purpose of the City Council in enacting the ordinance codified in this chapter to provide a fair and impartial means of distributing requests for towing services among qualified firms, and to insure that such service is prompt and reasonably priced, and in the best interest of the public as well as the interest of efficient policing operations for the removal from public streets of such vehicles. (Ord. 6965 §1, 2007; Ord. 6454 §2, 1998)

#### **Section 5.15.020 Definitions.**

"Attendant" or "operator" means a trained and/or qualified individual responsible for the operation of a tow car, tow truck or vehicle storage facility.

"Chief of Police" means the Chief of Police or the Chief's designee.

"Finance Director" means position appointed by the City Manager and his charge of the administration of the financial affairs of the City of Riverside.

"Official police tow service" means a towing company having a contractual relationship with the City of Riverside to provide towing services to the Police Department. An official police tow service shall be used by the Police Department for any police emergency situation where a tow truck is required.

"Revenue Division" means the City of Riverside Revenue Division of the Finance Department.

"Tow car" or "tow truck" means a motor vehicle which has been altered or designed and equipped for and exclusively used in the business of towing vehicles by means of a crane, tow bar, tow line, or dolly, or is otherwise exclusively used to render assistance to other vehicles. (Ord. 7106 §2, 2010; Ord. 6454 §2, 1998)

#### **Section 5.15.030 Application.**

The Riverside Police Department may require interested parties to complete a written application by any towing company expressing interest in becoming an official police tow

service. Such application may require a physical inspection of the applicant's equipment and/or tow yard. Such application must be completed in its entirety before any tow company will be considered by the Riverside Police Department. (Ord. 7106 §3, 2010)

**Section 5.15.080 Agreements.**

A. Tow truck operators designated as an Official Police Tow Service as defined in 5.15.020 shall enter into an agreement with the City, which agreement shall contain eligibility requirements, operating regulations, and fee schedules as adopted by the City Council. Every Official Tow Service shall post in a conspicuous place in the interior of each tow truck operated by said Official Police Tow Service an approved rate schedule in a form and location approved by the Chief of Police.

B. The City shall set the tow fee schedules by using the average tow fee allowed by the California Highway Patrol, Riverside Bureau. The term of official police tow truck service agreements shall be three years with two one year options. The official police tow service may also include as part of the tow fee the per tow franchise fee as required by Section 5.15.095.

C. No person may have an ownership interest in more than one business entity designated as an official police tow service contracting with the City of Riverside. (Ord. 7106 §4, 2010; Ord. 7038 §1, 2009; Ord. 6454 §2, 1998)

**Section 5.15.090 License required.**

Every Official Police Tow Service shall have a valid license to do business in the City of Riverside. (Ord. 6454 § 2, 1998)

**Section 5.15.095 Franchise fee.**

The Official Police Tow Service shall pay monthly to the City during the term of the agreement, a per tow franchise fee. Terms and provisions for payment of the fee shall be in the agreement set forth in Section 5.15.080. (Ord. 6965 § 2, 2007; Ord. 6454 § 2, 1998)

**Section 5.15.100 Standards for tow truck equipment.**

A. Official police tow services shall provide towing equipment capable of providing for the following services:

1. Recovery trucks with an adjustable boom with at least five ton of lifting capacity.
2. Wheel lift towing.
3. Roll back/flatbed towing.
4. Towing in parking garages.
5. Towing from off-road areas.
6. Towing of large and oversized vehicles.
7. Towing of motorcycles without causing additional damage.

B. All tow trucks shall be equipped as provided in the California Vehicle Code.

C. Official police tow services shall, at all times, have at least three fully equipped and operational tow trucks in service. All of the tow trucks in service must have a minimum capacity of one ton. At least one of the tow trucks in service must be a flatbed tow truck. At least one of the three tow trucks in service must have a five ton lifting capacity.

D. Every official police tow service shall be equipped for and have personnel proficient in unlocking locked vehicles when requested to do so by Police Department employees. (Ord. 6454 § 2, 1998)

**Section 5.15.110 Standard rules of operation.**

A. All requests for towing service and the removal of traffic hazards shall be made

through the Police Department. Official police tow services shall provide towing service when:

1. The owner or driver of a disabled vehicle requests or specifies a specific garage or tow service.
2. The owner or driver of a disabled vehicle is unable to or fails to specify a garage or tow service.
3. A disabled vehicle presents a hazard that renders any request by a driver or owner impractical.
4. A Police Department employee requests a towing service for the purposes of storing or impounding a vehicle, and the owner or driver is not present or not consulted due to an arrest.

B. 1. Official police tow service's business office shall be located within 150 feet from the storage yard and attended at all times for servicing the public and the City from 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays of January 1, known as New Years Day; third Monday in January known as Dr. Martin Luther King Jr.'s Birthday; third Monday in February, known as Washington's Birthday/President's Day; last Monday in May, known as Memorial Day; July 4, known as Independence Day; first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Veteran's Day; fourth Thursday in November, known as Thanksgiving Day; and December 25, known as Christmas Day. If January 1, July 4, November 11, or December 25 fall upon a Sunday, the Monday following is a holiday and if they fall upon Saturday, the preceding Friday is a holiday. Official police tow service may comply with this provision on the day after Thanksgiving and Christmas Eve only by providing an on-call attendant provided that the attendant can respond to the lot in 45 minutes or less from the initial call and that no additional fees (commonly referred to as "late fees") are charged to the person recovering the vehicle.

2. Official police tow service may make an additional charge for after normal business hours release of vehicles as provided in the California Vehicle Code.

3. Official police tow service must be available to promptly respond twenty-four hours a day, seven days a week for all requests by the City for towing services.

4. Official police tow service shall release vehicles stored or impounded by the Police Department, pursuant to authorization provided by appropriate employees of the Police Department. Such authorization shall be in writing on a form provided by the Police Department or may be given verbally by employees authorized by the Department to provide verbal releases.

5. A stored vehicle is any vehicle removed from a site and taken to the tow yard at the direction of a Police Department employee and, for which a Vehicle Report (currently, form CHP 180) is provided to the official police tow service or where such vehicle is involved in a traffic collision.

6. An impounded vehicle is any vehicle containing evidence of a criminal activity, or which in and of itself provides evidence of a criminal act, that is removed from a site and taken to the tow yard at the direction of a Police Department employee and for which a Vehicle Report (currently, form CHP 180) is provided to the official police tow service.

7. "HOLD" is a designation by the storing/impounding Police Department employee requesting a level of care above that generally accorded to stored or impounded vehicles. "HOLDS" expire ten calendar days after the date of the tow, unless otherwise extended by a Police Department employee.

8. Every official police tow service shall provide written notice to the Traffic Bureau Commander or his designee whenever a vehicle with a "HOLD" is stored in excess of seventy-two hours. Failure to provide written notification to the Traffic Bureau Commander or his designee shall result in forfeiture of official police tow service's right to storage fees.

9. All vehicles stored or impounded as a result of a tow ordered by the Police Department shall be made available to the owner of the vehicle or his representative, any insurance agent, insurance adjuster, or any body shop or car dealer, for the purpose of estimating or appraising damages, except vehicles with a "police hold".

C. Removing Hazards. After being dispatched by the Police Department to the scene, the tow truck operator shall cooperate with the police officers in removing hazards and illegally parked vehicles as requested. It is the duty of the police officers to determine when such vehicle should be impounded or moved, and the tow truck operator shall abide by their decisions.

D. Each towing company shall comply with Section 27907 of the California Vehicle Code regarding signs on tow trucks.

E. The owners of towing companies participating in towing assignments by the Police Department shall be responsible for the acts of their employees while on duty. Towing company shall be responsible for damage to vehicles while in its possession caused by the active or passive negligence of the official police tow service.

F. 1. All towing company's records, equipment, and storage facilities will be subject to periodic checks by Police Department or other City investigators during normal business hours.

2. Throughout the term of this agreement, every official police tow service shall maintain all offices, storage facilities and equipment in a neat, clean and organized manner.

3. Every official police tow service shall provide access to employees of the City at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this agreement are being fulfilled.

G. The official police towing services shall record its time in and it time out on every tow truck assignment. Such records shall be available and open to City examination.

H. All official police towing services shall submit a monthly report to the Chief of Police and Finance Director, which shall include the following:

1. Total police impounds;
2. Number of times dispatched by Riverside Police Department;
3. Number of these calls resulting in impounds;
4. Number of vehicles sold on lien sale under authority of Section 3072 Civil Code, and reporting said lien sales as per authority of Section 22705 CVC;
5. Number of vehicles sold under authority of Section 3073, Civil Code;
6. Names and addresses of buyers and description of vehicles when sold;
7. Number of calls answered in which time beyond one hour was required to handle.

I. All official police towing services shall comply with the following communications requirements:

1. Official police tow service shall subscribe to an answering service used in common with all other official tow companies.

2. Official police tow service shall require the answering service to retain data and records relating to the City's requests for towing services on premises for the term of the contract.

3. Official police tow services shall require the answering service to promptly accept and relay requests for towing services made by the City. Failure or refusal to promptly relay the City's requests for towing services shall constitute failure to comply with the requirements, terms and conditions of this agreement and may result in termination of the agreement.

4. Official police tow services shall install and maintain at all times during the length of this agreement communications between their tow vehicle(s) and the official answering service. This communication may be either two-way radio or cellular telephone.

5. Official police tow service shall maintain a twenty-four hour per day communication contact with their tow vehicle(s).

6. Official police tow service shall maintain a twenty-four hour per day telephone service

to receive calls from the public.

J. Official police tow service shall have a secure and environmentally safe vehicle storage facility with a minimum of fifteen thousand usable square feet.

1. The vehicle storage facility must be located within one mile of the corporate City limits of the City of Riverside.

2. The vehicle storage facility must be completely enclosed by a six foot high wall or fence with no holes, gaps or other unsecured openings, and a gate. All gates into the storage yard shall meet the same standards required of the wall or fence.

a. Any damage to walls, fences or gates which allow unauthorized access must be repaired within twenty-four hours.

3. The vehicle storage facility shall have adequate lighting, and comply with all applicable building codes, zoning regulations, environmental laws and regulations, and any and all the applicable laws, rules and regulations established by federal, state, county and/or city governments.

4. The vehicle storage facility must have adequate storage facilities to provide storage of two vehicles within an enclosed area, totally protected from the weather, contamination or handling by unauthorized person(s).

a. The Police Department will designate when a vehicle is to be placed into inside storage and may place a seal on each door of the vehicle and/or door(s) of the impound facility. Vehicles placed into inside storage shall not be removed therefrom without authorization from the Police Department.

5. The vehicle storage facility must provide an inspection area for authorized members of the Police Department. Such area shall have, at a minimum, a covered inspection area (roof) with a paved (concrete or asphalt) surface.

6. No official police tow service shall perform any work upon any vehicle stored or impounded by the Police Department without first obtaining authorization from the Police Department and the Registered Owner of the vehicle.

7. Official police tow service shall not dispose of any impounded vehicle, through any process whatsoever, without first obtaining authorization from the Police Department.

K. Official garages when disposing of unclaimed vehicles shall abide by all federal, state and local laws pertaining thereto.

L. All vehicles stored or impounded as a result of a tow ordered by the Police Department shall be towed directly to an official storage lot unless the Police Department or other person legally in charge of the vehicle requests that it be taken to some other location. Vehicle release fees shall be established by resolution of the City Council. (Ord. 7106 §5, 2010; Ord. 7004 §1, 2008; Ord. 6965 §3, 2007; Ord. 6454 §2, 1998)

#### **Section 5.15.120 Response time.**

A. When it becomes evident that there will be a delay in responding to a request for towing service, the towing company shall advise the Police Department of this delay and the reason for the delay.

B. Official police tow services agree that, for any thirty day period, the average response time pursuant to requests for tow service by the Police Department, shall not exceed twenty (20) minutes. Official police tow service also agrees that the maximum response time for any single request for tow service by the Police Department shall not exceed thirty (30) minutes. Response time is defined as the elapsed time between the relaying of the tow service request to the answering service and arrival of the tow vehicle on the scene. (Ord. 6965 §6, 2007; Ord. 6454 §2, 1998)

**Section 5.15.130 Determination of official police tow service providing service.**

A. 1. Official police tow service shall be placed on a "rotation list" in an initial order to be determined by the Police Department. The rotation list shall be used whenever a driver or owner of a disabled vehicle is unable to specify a particular garage or tow service, or whenever a Police Department employee stores or impounds a vehicle and the driver or owner is not present or is not consulted.

2. Official police tow service shall be called, in turn, in response to a Police Department request, and, when in turn, shall have exclusive right to provide service as follows:

a. Official police tow service shall have preference to tow all vehicles from a specific scene, provided that official police tow service responds all equipment needed to accomplish the tows within the response time specified herein.

3. Whenever official tow service cannot respond all equipment needed to accomplish all tows at a specific scene within the response time specified herein, the next company on the rotation list shall be called to provide service to the remaining vehicle(s).

4. Whenever any official police tow service cannot, for any reason, respond any equipment needed to accomplish the requested service within the response time specified herein, the official police tow service shall be passed over and the next company on the rotation list will be called. The official police tow service shall become eligible to provide service again only in its next turn in rotation.

5. Exception: whenever the driver or owner of a disabled vehicle specifies a particular club, association or tow service be called to provide service, such calls shall not constitute a "rotation" call.

6. Exception: whenever a Police Department employee determines that an emergency exists because official police tow service is unable, for any reason, to provide adequate tow service, the Police Department employee shall have the right to have such duties performed by any other means available.

7. For purpose of determining response, the City shall be divided into geographical service areas, as determined by the Police Department. The City reserves the right to alter the boundaries of any service area or to divide service areas further to create additional service areas. Official police tow service shall be placed into only one area, as determined by the Police Department. (Ord. 7106 §6, 2010; Ord. 6965 §7, 2007; Ord. 6454 §2, 1998)

**Section 5.15.140 Grounds for cancellation, revocation or suspension.**

The contractual agreement shall be subject to cancellation, revocation or suspension by the Deputy Chief of Police either as a whole or as to any person or vehicle described therein. The procedure for such cancellation, revocation or suspension is set forth herein as 5.15.145. The contract holder shall be given five days' notice to appear before the Traffic Bureau Commander to show cause why the contract should not be revoked or cancelled for any of the following reasons:

A. Nonpayment of any City business license fees or other fees provided in the contract or by the Riverside Municipal code;

B. Breach of any rules, regulations, or conditions set forth in the contract or the Riverside Municipal Code;

C. For the violation of any federal, state or local law by the contract holder, any person having any ownership interest in the official police tow service or any employee of the official police tow service;

D. For failure to maintain a satisfactory level of service to the police or public;

E. For failure to keep any such vehicle in safe condition and good repair;

F. For failure to use distinctive coloring, monogram, or insignia;

G. For any deviation from the schedule of rates set forth in the contract;

H. Passing on a tow assignment three or more times in any calendar month. "Passing" is defined as refusing, for any reason, any tow assignment from the Riverside Police Department.

I. For any cause which the Riverside Police Department finds makes it contrary to the public interest, convenience, necessity, or general welfare for the contract to continue. (Ord. 7106 §7, 2010; Ord. 6454 §2, 1998)

**Section 5.15.145 Procedure for action against official police tow service.**

A. For equipment violations or business omissions, where the Police Department desires to provide official police tow service the opportunity to correct such violations or omissions the Traffic Bureau Commander or his designee, may suspend official tow service from providing service for a period of time, not to exceed five calendar days. Such suspension shall not be considered punitive and shall be for the specific purpose of providing official police tow service time to correct specified violations or omissions.

B. For substantive violations of the agreement between the official police tow service and the City of Riverside, where the Police Department intends to take punitive action against official police tow service, the Traffic Bureau Commander, or his designee, may suspend official police tow service from providing service for a period of time, not to exceed ten days, in preparation for a hearing.

C. The Traffic Bureau Commander, or his designee, shall conduct such hearing and may receive information from any source deemed relevant to the inquiry.

D. The purpose of the hearing shall be to determine the factual basis of the allegation(s) against the official police tow service.

1. The hearing shall be informal in nature.

2. Formal rules of evidence (California Evidence Code and/or the Federal Rules of Evidence) shall not apply.

3. Official police tow service shall have the opportunity to respond to the allegations and present information relevant to official police tow service's defense.

4. At the conclusion of the hearing or within a reasonable time thereafter, the Traffic Bureau Commander, or his designee, shall make a finding as to whether the allegation(s) are "Founded" or "Unfounded".

5. Upon a finding the allegation(s) are "Founded" the Traffic Bureau Commander, or his designee, shall so advise the Deputy Chief of Police. The Deputy Chief of Police shall determine the appropriate sanction to be taken against the official police tow service.

a. The Deputy Chief of Police may extend the suspension of official police tow service for a period of time, not to exceed thirty additional days, or;

b. Permanently remove official police tow service from providing service in response to Police Department request.

6. The Deputy Chief of Police, or his designee shall notify official police tow service of his finding and/or sanction to be imposed in person, by registered mail, or by written notice hand-delivered to official police tow service's business office.

7. Official police tow service may appeal the finding of, or the sanction imposed by, the Deputy Chief of Police to the Chief of Police.

8. An appeal hearing must be requested within ten (10) days. At the conclusion of the appeal hearing or within a reasonable time thereafter, the Chief of Police shall make a finding as to the imposed sanction. All findings of the Chief of Police are final. (Or. 7106 §8, 2010; Ord. 6965 §8, 2007; Ord. 6454 §2, 1998)

**Section 5.15.150 Liquidated damages.**

A. Official police tow services agree that official police tow services' failure to meet the

average response time for any thirty day period, or failure to meet the maximum response time for any single request for tow service, will result in damages being sustained by the City. Such damages are, and will continue to be impracticable and extremely difficult to determine. Official police tow services agrees to pay the City five hundred dollars each and every time official police tow services fails to meet the average response time requirements for any thirty calendar day period. Official police tow services agrees to pay the City two hundred dollars each and every time official police tow services fails to meet the maximum response time for any single request for tow service by the Police Department. Official police tow services further agree that said sums are the minimum value of the costs and actual damages caused by failure of the official police tow services to complete service within the allotted time period. Such sum is a liquidated damage and shall not be construed as a penalty. (Ord. 7106 §9, 2010; Ord. 6454 §2, 1998)

## Chapter 5.16

### CLOSE-OUT SALES

#### Sections:

- 5.16.010 License required.**
- 5.16.020 Inventory.**
- 5.16.030 Additions to stock.**
- 5.16.040 Statements and records.**
- 5.16.050 Enforcement.**
- 5.16.060 Close-out sale license fee.**
- 5.16.070 Revocation of license and appeal procedure.**

#### **Section 5.16.010 License required.**

It shall be unlawful for any person to advertise or conduct any sale of goods, wares or merchandise that is by representation or advertisement intended to lead the public to believe that upon disposal of the goods to be placed on sale, the business being conducted in any location will cease without first filing with the Finance Department the inventory provided in Section 5.16.020 and obtaining a license to be known as a Close-Out Sale License. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

#### **Section 5.16.020 Inventory.**

The inventory shall contain a complete and accurate list of the stock of goods, wares and merchandise to be sold at any sale for which a license is hereby required, together with the wholesale price thereof, which inventory list shall be signed by the person seeking the license or by an authorized agent. By affidavit at the foot thereof, such person or such agent shall swear or affirm that the information therein given is full and true and known by such person or agent to be so. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

#### **Section 5.16.030 Additions to stock.**

It is unlawful for any person to sell, offer or expose for sale at any such sale or to list on such inventory any goods, wares or merchandise which are not the regular stock of the store, to make any replenishments or additions to such stock, other than goods, wares or merchandise back-ordered prior to start of sale, for the duration of the sale. (Ord. 5838 § 1, 1990; prior code § 21.49-1 (part))

#### **Section 5.16.040 Statements and records.**

All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases and other expenditures, and shall retain all such records for examination by the Finance Department. Such records shall be maintained for a period of at least three years. No person required to keep records under this section shall refuse to allow authorized representatives of the Finance Department to examine said records at reasonable times and places. (Ord. 5838 § 1, 1990)

#### **Section 5.16.050 Enforcement.**

It shall be the duty of authorized representatives of the Finance Department to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such

assistance in the enforcement hereof as may from time to time be required.

Authorized representatives of the Finance Department and any police officer shall have the power and authority to enter, at any reasonable time, any place of business required to be licensed herein.

Authorized representatives of the Finance Department and any police officer are authorized to issue a written notice to appear upon persons whom they have a reasonable cause to believe have violated any provisions of this section. (Ord. 5838 § 1, 1990)

**Section 5.16.060 Close-out sale license fee.**

The fee for such license shall be as established by resolution of the City Council. No license issued in accordance with this section, including extensions, shall exceed one hundred twenty days. A valid business tax certificate must be issued to the business closing out before a license may be issued.

After completion of the close out sale, no business of same or similar nature may be conducted by person or persons owning the business having such sale for a period of twelve months.

The provisions of this chapter do not apply to foreclosures, bankruptcy or other similar sales conducted under the direction of or pursuant to the order of court or a governmental agency. (Ord. 6564 § 2, 2001; Ord. 5838 § 1, 1990)

**Section 5.16.070 Revocation of license and appeal procedure.**

Upon a showing that the licensee has violated or failed or refused to abide by the provisions of this chapter, the Finance Director may order the license revoked. Such revocation shall make it unlawful to continue such close-out sale. Such revocation shall be after a proper hearing before the Finance Director or designated representative of the Finance Director.

Any person aggrieved by any decision of the Finance Director or of any other officer of the City made pursuant to the provisions of this chapter may appeal therefrom to the City Council within fifteen days after notice thereof by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the Council within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the Council at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant.

In the event no appeal is taken by the permittee, the decision of the Finance Director shall become final and conclusive on expiration of the time fixed in this section for appeal. (Ord. 5838 § 1, 1990; prior code § 21.29-1 (part))

## Chapter 5.24

### DANCE HALLS AND PUBLIC DANCES

#### Sections:

- 5.24.010 Definitions.
- 5.24.020 Dances excepted from provisions of chapter.
- 5.24.030 License tax payment required.
- 5.24.040 Permit required.
- 5.24.050 Application for permit--Fee to accompany.
- 5.24.060 Issuance of permit.
- 5.24.070 Revocation of permit.
- 5.24.080 Chief of Police to make rules.
- 5.24.090 Lighting or illumination regulations.
- 5.24.100 Enclosures prohibited--Exceptions.
- 5.24.110 Fully lighted room for soft drink service.
- 5.24.120 Size of room for soft drink service.
- 5.24.130 Disorderly conduct.
- 5.24.140 Improper dancing prohibited.
- 5.24.150 Smoking on dance floor prohibited.
- 5.24.160 Patrons violating rules to be excluded by management or police.
- 5.24.190 Dancing for hire prohibited.
- 5.24.200 Where dancing instruction permitted.
- 5.24.210 Dancing instruction prohibited in private rooms.
- 5.24.220 Prohibition of dancing instruction not applicable to places where classic dancing taught.
- 5.24.230 Proprietor responsible although police present.
- 5.24.240 "Set-ups" prohibited.
- 5.24.260 Morning dancing.

#### Section 5.24.010 Definitions.

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

"Public dance" means a dance which is or may be participated in by and of the members of a group or gathering of persons who are assembled or present at a place to which the public is admitted, with or without charge, for the principal or incidental purpose of dancing;

"Public dance hall" means any room, place or premises, whether enclosed or unenclosed, where a public dance is being conducted or permitted. (Prior code § 11.1)

#### Section 5.24.020 Dances excepted from provisions of chapter.

The following designated dances are excepted from the provisions of this chapter:

- A. Any dance conducted by the City as a part of its recreation program;
- B. Any dance conducted by any public school or private school which is permanently located within the City, as a part of the recreation program of the school for the exclusive entertainment of its duly registered pupils. (Prior code § 11.2)

**Section 5.24.030 License tax payment required.**

No person shall conduct a public dance or operate a public dance hall without first having paid the license tax required by the City in Chapter 5.04. (Prior code § 11.3)

**Section 5.24.040 Permit required.**

No person shall conduct a public dance or operate a public dance hall without first having secured a permit from the Chief of Police. (Prior code § 11.4)

**Section 5.24.050 Application for permit--Fee to accompany.**

All applications for permits shall be accompanied by a filing fee of two dollars, shall be in writing and shall be filed with the Chief of Police and shall contain such information as will enable the Chief by reasonable investigation to determine whether the allowing or permitting of dancing or the offering of entertainment in the place for which such permit is sought will be inimical to the public health, welfare or safety of the community. (Prior code § 11.5)

**Section 5.24.060 Issuance of permit.**

If the Chief of Police finds that the issuing of a permit will not be inimical to the public health, welfare or safety of the community he shall issue a permit subject to such rules and regulations as he may make governing the operation of the public dance hall. (Prior code § 11.6)

**Section 5.24.070 Revocation of permit.**

Any permit issued for any public dance hall as provided in Section 5.24.060, is subject to revocation if the proprietor or person in charge violates or permits or condones any violation of this chapter or permits any intoxicated, boisterous or disorderly person to enter, be or remain in or to assist in any such public dance hall. (Prior code § 11.7)

**Section 5.24.080 Chief of Police to make rules.**

The Chief of Police may make rules governing the conduct of public dances and the operation of public dance halls. (Prior code § 11.8)

**Section 5.24.090 Lighting or illumination regulations.**

No person carrying on a public dance hall, or having charge or control thereof, nor any person employed in or about the same shall carry on a public dance hall after sunset of any day, unless the room or hall in which dancing takes place, including any loge, booth or alcove, be lighted or illuminated in the manner and to the extent as is usual or customary for lighting or illuminating halls or rooms of like dimensions in the nighttime for public assemblies, before any person is admitted thereto and before any dancing is commenced therein. Lighting or illumination shall be maintained thereafter throughout the entire time while dancing is in progress without diminution and without interruption until dancing is concluded and until all dancers leave the premises. (Prior code § 11.9)

**Section 5.24.100 Enclosures prohibited--Exceptions.**

There shall be no booths, alcoves or enclosures of any kind in a public dance hall, except toilet facilities and except office rooms to which patrons shall not have access. (Prior code § 11.10)

**Section 5.24.110 Fully lighted room for soft drink service.**

A public dance hall that maintains soft drink service shall be permitted to have tables and chairs for the convenience of patrons; provided, that the tables and chairs are in a fully lighted room and not shut off from the main dance hall by doors, curtains or any partition other than clear glass. (Prior code § 11.11)

**Section 5.24.120 Size of room for soft drink service.**

Any room used for soft drink service in connection with a public dance hall must be large enough to accommodate no fewer than twelve persons. (Prior code § 11.12)

**Section 5.24.130 Disorderly conduct.**

No person in charge of, or assisting in the conduct of any public dance hall, shall permit any intoxicated, boisterous or disorderly person to enter, be or remain in or to assist in any such public dance hall. No person in an intoxicated condition shall enter or remain in any dance hall. No person shall conduct himself in a boisterous or disorderly manner in a public dance hall. (Prior code § 11.13)

**Section 5.24.140 Improper dancing prohibited.**

No person shall dance in a lewd, suggestive or unusual manner, nor shall any lewd or improper person enter or remain in, or be permitted to enter or remain in any public dance hall. (Prior code § 11.14)

**Section 5.24.150 Smoking on dance floor prohibited.**

No person shall smoke on the dance floor of any public dance hall. (Prior code § 11.15)

**Section 5.24.160 Patrons violating rules to be excluded by management or police.**

Any patron of a dance hall who violates any of the provisions of this chapter or any rules of the Chief of Police pertaining thereto may be excluded from the dance hall by the management or by any member of the Police Department. (Prior code § 11.16)

**Section 5.24.190 Dancing for hire prohibited.**

No person carrying on a public dance hall, or having charge or control thereof, shall permit any female person to dance for hire with a male person. (Prior code § 11.19)

**Section 5.24.200 Where dancing instruction permitted.**

No person carrying on a public dance hall, or having charge or control thereof, shall employ or permit any female person under the age of twenty-one years to give instruction in dancing to male persons, nor shall any person, male or female, give instruction in dancing in any public dance hall to a person of the opposite sex except when such instructors are specifically authorized by the Chief of Police in writing to give dancing instruction. Any such authorization shall at once be revoked if it shall become evident that the person is dancing for hire and is not a bona fide dancing instructor. (Prior code § 11.20)

**Section 5.24.210 Dancing instruction prohibited in private rooms.**

No person carrying on a public dance hall, or having charge or control thereof, shall permit any instructor to give instructions in dancing in any private room or booth in the public dance hall. For the purpose of this section "private room or booth" includes any room, booth, alcove or enclosure, every part of which is not clearly visible at all times from the main dance

floor. (Prior code § 11.21)

**Section 5.24.220 Prohibition of dancing instruction not applicable to places where classic dancing taught.**

Nothing contained in Sections 5.24.190 through 5.24.210 shall be deemed or construed as applying to any place where classic dancing is the principal subject taught. (Prior code § 11.22)

**Section 5.24.230 Proprietor responsible although police present.**

The presence of any policeman at any public dance hall shall not relieve the proprietor, or any of his employees, from the responsibility of the provisions of this chapter or for violations of any law or ordinance or lawful rule of the Chief of Police or from responsibility for maintaining decency and order in the public dance hall. (Prior code § 11.23)

**Section 5.24.240 "Set-ups" prohibited.**

No person carrying on a public dance hall, or having charge or control thereof, shall serve or permit to be served any drinks other than individual drinks, or to serve or permit to be served cracked ice in glasses or otherwise, or serve or permit to be served what is commonly termed a "set-up." (Prior code § 11.24)

**Section 5.24.260 Morning dancing.**

No person under the age of eighteen years shall enter, be in or dance in any public hall on any day between the hours of two a.m. and six a.m. (Ord. 3807 § 1, 1971; prior code § 11.26)

## Chapter 5.28

### POOLROOMS

#### Sections:

<b>5.28.010</b>	<b>Purpose.</b>
<b>5.28.020</b>	<b>Definitions.</b>
<b>5.28.030</b>	<b>Permit required.</b>
<b>5.28.035</b>	<b>Application--Fingerprinting--Zoning verification--Fees.</b>
<b>5.28.040</b>	<b>Permit procedures.</b>
<b>5.28.050</b>	<b>Appeal of denial of permit.</b>
<b>5.28.060</b>	<b>Term of permit--Renewal.</b>
<b>5.28.070</b>	<b>Display of permit.</b>
<b>5.28.080</b>	<b>Sale or transfer and change of location.</b>
<b>5.28.090</b>	<b>Visibility.</b>
<b>5.28.100</b>	<b>Hours of operation.</b>
<b>5.28.110</b>	<b>Location of Establishment.</b>
<b>5.28.120</b>	<b>Minors.</b>
<b>5.28.130</b>	<b>Responsibility of owners, managers and operators.</b>
<b>5.28.140</b>	<b>Revocation of permit.</b>
<b>5.28.150</b>	<b>Severability.</b>

#### **Section 5.28.010 Purpose.**

The operation of poolrooms as defined in this chapter, presents an environment with the demonstrated potential for excessive noise generation and disorderly conduct by patrons, with the attendant adverse public safety impact on the surrounding business and residential community, including depreciation in property values, interference with residential neighbors' enjoyment and use of their property due to debris, noise and vandalism, higher crime rates in the vicinity of poolroom businesses involving gang, prostitution and drug activity. Therefore, it is the purpose of this chapter that the operation of poolroom businesses be regulated as a matter of public safety through the issuance of a police permit by the Chief of Police. (Ord. 6088 § 1, 1993; Ord. 6012 § 1, 1992)

#### **Section 5.28.020 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

"Chief of Police" means the Chief of Police of the City or the designated representative of the Chief of Police.

"City" means the City of Riverside.

"Manager" means the proprietor or other person in charge of any poolroom as herein defined.

"Pool" means any of several games played on a table, surrounded by an elastic ledge or cushions, with balls, which are impelled by cues and shall include all forms of the game known as pool, billiards or snooker.

"Poolroom" means any building open to the public or any portion thereof set aside for, devoted to or used in connection with the playing of pool, billiards or snooker where a fee is charged which is directly or indirectly conditioned upon or related to the playing of any such game.

"Regional amusement center" means a complex located on at least ten acres devoted

solely to family entertainment including amusement rides and miniature golf courses. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.030 Permit required.**

It shall be unlawful for any person, association, firm or corporation to engage in a business where games of snooker, billiards or pool are conducted for profit, and which premises contains three or more pool or billiard tables, without first having obtained a permit issued pursuant to the provisions of this chapter. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.035 Application--Fingerprinting--Zoning verification--Fees.**

A. Application. Any person desiring to obtain a permit for the operation of a poolroom shall first file with the Police Department an application in writing upon a form as prescribed by the Chief of Police and which shall contain at least the following:

1. The full name and signature, present residence, business name and address, and telephone numbers of the applicant.
2. Any and all maiden, fictitious or other names ever used by the applicant.
3. Prior residences and business addresses used by the applicant during the ten-year period preceding the date of the application.
4. The birth date and place of birth of the applicant.
5. The California driver's license or California identification card number or other satisfactory government issued identification number of applicant.
6. The name or names both true and fictitious and addresses of any and all persons, associations, partnerships or corporations, including officers thereof, holding an interest or involvement or managerial control in said business.
7. A statement of any and all criminal convictions except minor traffic offenses, when and where they occurred and the sentence.
8. The address of the poolroom proposed to be operated by applicant.
9. Number of tables to be operated.
10. Such other identification and information as is necessary to discover the validity of the matters specified above as required to be set forth in the application.

B. Fingerprinting. In addition to the written application as required above, the applicant, manager, and persons referred to in Section 5.28.035(A)(6) shall personally appear at the Police Department and submit to fingerprinting and photographing for the purpose of criminal record investigation. No application will be considered without these items.

C. Zoning Verification. At the time of filing of the written application, the applicant shall submit on a form approved by the Chief of Police, written verification from the Planning Department of the City of the current zoning of the premises in which the poolroom is to be located, whether the City Zoning Code permits the operation of a poolroom thereon, and whether any permits, if necessary, have been obtained.

D. Fees. At the time of filing of each application, the applicant shall pay to the City an amount as may be set from time to time by resolution of the City Council for each location or address where applicant proposes to operate a poolroom. If the application is denied, such fee shall not be refunded. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.040 Permit procedures.**

A. Granting of Permit. After a reasonable period of time to verify the information on the application and to conduct an investigation, the Chief of Police shall issue the permit, provided that he determines the following:

1. The application is complete and truthful;
2. The applicant, if a business entity, is an entity organized and conducted for a lawful

purpose;

3. The persons interested in the business, including, but not limited to, the applicant, his or her employee, agent, partner, director, officer, or manager, has not been convicted or has not pled nolo contendere or guilty to any violation of the provisions of this chapter or any law or ordinance related to theft, fraud, gambling, controlled substances, prostitution, or other crime involving moral turpitude, or any felony within the last ten years.

B. Denial of Permit. The Chief of Police shall deny the application if he determines one or more of the requirements set forth in Section 5.28.040(a) has not been satisfied.

C. Notification to Applicant. The Chief of Police shall notify the applicant the application has been denied or granted within ninety days of the date of filing the completed application, including fingerprints, zoning verification, and payment of filing fees. The reasons in supporting the granting or denial of the permit shall be set forth in this notification. (Ord. 6088 § 2, 1993; Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

#### **Section 5.28.050 Appeal of denial of permit.**

An applicant may appeal a decision of the Chief of Police to deny an application. The appeal shall be heard by the Public Safety Committee of the City Council. The City Attorney or designated representative shall be present at all appeal hearings. A notice of appeal must be filed by the applicant with the City Clerk within thirty days after being notified of the final determination of the Chief of Police by personal service or by certified mail. Such appeal shall be accompanied by a fee in an amount as set from time to time by resolution of the City Council.

Upon the filing of the notice of appeal, the City Clerk shall set the matter for hearing before the Public Safety Committee not more than forty days after receipt of said notice. The Committee shall hear all relevant evidence and shall render its decision within ten days after the conclusion of the hearing. The Committee may uphold, reverse or modify the decision of the Chief of Police. The decision of the Committee shall be final with no further right of appeal to the City Council. (Ord. 6012 § 1, 1992)

#### **Section 5.28.060 Term of permit--Renewal.**

If a permit is granted by the Chief of Police, it shall be valid for a term of three years. The permit may thereafter be renewed for periods of three years each upon payment of a renewal fee as set by resolution of the City Council. (Ord. 7010 § 1, 2008; Ord. 6012 § 1, 1992)

#### **Section 5.28.070 Display of permit.**

The permit granted pursuant to the provisions of this chapter shall be displayed in a conspicuous place so that the same may be readily seen by persons entering or using the poolroom. (Ord. 6012 § 1, 1992)

#### **Section 5.28.080 Sale or transfer and change of location.**

Upon the sale or transfer of any interest in the business operating the poolroom, the permit holder shall immediately notify the Chief of Police of the sale or transfer and the permit shall be null and void. A new application shall be made by the person desiring to own or operate the poolroom in accordance with the provisions of Section 5.28.035 above. A change of location of a poolroom shall be approved by the Chief of Police upon the payment of the necessary change in location fee as may be set by resolution of the City Council and verification that such new premises meet the requirements as set forth herein. (Ord. 7010 § 2, 2008; Ord. 6012 § 1, 1992)

**Section 5.28.090 Visibility.**

A. Subject to the exceptions stated in subsection B below, each poolroom shall be maintained in such a condition that the full area in which the tables are located shall be visible from outside the building through unobstructed windows or glass doors, whether such building is single or multiple stories.

B. All poolrooms which are legally in operation in a bowling alley containing at least fifteen lanes or a regional amusement center need not be visible from outside the building, but the poolroom area shall be so located to permit clear and unobstructed observation of the tables from outside the poolroom portion of the bowling alley or regional amusement center building. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.100 Hours of operation.**

All poolroom businesses shall be closed between the hours of two a.m. and six a.m. (Ord. 6012 § 1, 1992)

**Section 5.28.110 Location of Establishment.**

Poolrooms may only be located in an area where the City's zoning laws, rules and regulations as set forth in Title 19 of the Municipal Code allow such activity. (Ord. 6012 § 1, 1992)

**Section 5.28.120 Minors.**

A. No person operating any business regulated by this chapter shall allow any person under the age of eighteen to be or remain on the premises later than ten p.m. unless with written consent from a parent or guardian or accompanied by a parent or guardian. The manager must verify guardian or parental consent, or the parent or guardian must accompany the minor at all times while on the premises.

B. No person operating any business regulated by this chapter located within one thousand feet of an elementary or secondary school shall allow a minor to be on the premises during school hours unless accompanied by a parent or guardian. At least one sign stating this prohibition shall be prominently displayed in the poolroom. The prohibition stated herein shall be for the entire time period between the opening of the school to its closing on the same day. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.130 Responsibility of owners, managers and operators.**

A designated person shall be on premises whenever the business is open to the public. Said person shall provide adequate identification upon demand from any police officer. The designated responsible person or the permittee shall immediately notify the Riverside Police Department of any unlawful or illegal/criminal activity in the poolroom known to such person or which should be reasonably known to such person. (Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.140 Revocation of permit.**

The Chief of Police shall revoke any permit issued if it reasonably appears that after investigation, any of the grounds set forth in Section 5.28.040(A) have been violated or the existence of the business has become a public nuisance as defined under the various applicable laws of this State to such a degree which impairs the peace, health or morals of the surrounding business or residential community. To revoke a permit, the Chief of Police shall serve upon the holder thereof, either by personal service or certified mail sent to the address shown on the application or otherwise more recently of record, a written notice that the permit

has been revoked effective five days after service or date of mailing of such notice, and stating the grounds thereof, and advising of the procedures for the appeal of such revocation. A revocation of a permit may be appealed as set forth in Section 5.28.050; provided, however, a notice of appeal must be filed within five days after service of the notice of revocation. Upon the timely filing of a notice of appeal, a permit revoked by the Chief of Police shall remain in effect during the time of the appeal. (Ord. 6088 § 3, 1993; Ord. 6012 § 1, 1992; Ord. 3969 § 1 (part), 1972)

**Section 5.28.150 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The City Council hereby declares that it would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6012 § 1, 1992)

**Chapter 5.32****TRANSIENT OCCUPANCY TAX****Sections:**

<b>5.32.010</b>	<b>Definitions.</b>
<b>5.32.020</b>	<b>Tax imposed.</b>
<b>5.32.030</b>	<b>Exemptions.</b>
<b>5.32.040</b>	<b>Operator's duties.</b>
<b>5.32.050</b>	<b>Registration.</b>
<b>5.32.060</b>	<b>Returns and remittances.</b>
<b>5.32.070</b>	<b>Reporting and remitting.</b>
<b>5.32.080</b>	<b>Cessation of business.</b>
<b>5.32.090</b>	<b>Delinquency.</b>
<b>5.32.100</b>	<b>Fraud.</b>
<b>5.32.110</b>	<b>Failure to collect and report tax--Determination of tax by Tax Administrator.</b>
<b>5.32.120</b>	<b>Administrative appeal.</b>
<b>5.32.125</b>	<b>Judicial review</b>
<b>5.32.130</b>	<b>Records.</b>
<b>5.32.140</b>	<b>Refunds.</b>
<b>5.32.150</b>	<b>Revocation of permit.</b>
<b>5.32.160</b>	<b>Closure of hotel without permit.</b>
<b>5.32.170</b>	<b>Recording certificate--Lien.</b>
<b>5.32.180</b>	<b>Priority and lien of tax.</b>
<b>5.32.190</b>	<b>Warrant for collection of taxes.</b>
<b>5.32.200</b>	<b>Seizure and sale.</b>
<b>5.32.210</b>	<b>Successor's liability--Withholding by purchaser.</b>
<b>5.32.220</b>	<b>Liability of purchaser--Release.</b>
<b>5.32.230</b>	<b>Responsibility for payment.</b>
<b>5.32.240</b>	<b>Withhold notice.</b>
<b>5.32.250</b>	<b>Violations--Misdemeanor.</b>
<b>5.32.260</b>	<b>Extension of time.</b>
<b>5.32.270</b>	<b>Confidentiality of records.</b>
<b>5.32.280</b>	<b>Severability.</b>

**Section 5.32.010 Definitions.**

Except where the context otherwise requires, the definitions given in this section shall govern the construction of this chapter:

"Hotel" means any structure, which is occupied or intended or designed for use or occupancy by transients, including but not limited to dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right or entitlement to the use or possession, of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the

operator performs management functions through a managing agent or any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

"Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

"Rent" means the amount of the consideration charged or chargeable to the tenant or person entitled to occupancy, for the occupancy of space, valued in money whether received in money, labor or otherwise, including the full value of receipts, cash, credits, property or services of any kind or nature, without any deduction whatsoever.

"Tax Administrator" means the City Finance Director or designated agent.

"Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement of whatever nature, for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any person so occupying space in a hotel shall be deemed to be a transient if his actual total period of occupancy does not exceed thirty days. Unless days of occupancy or entitlement to occupancy by one person are consecutive without any break, then prior to subsequent periods of such occupancy or entitled to occupancy shall not be counted when determining whether a period exceeds the stated thirty calendar days. (Ord. 6058 § 1, 1993; Ord. 3380 § 2, 1966)

#### **Section 5.32.020 Tax imposed.**

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of eleven percent of the rent charged by the operator. Effective July 1, 2012 and thereafter, each transient is subject to and shall pay a tax in the amount of twelve percent (12%) of the rent charged by the operator. Effective July 1, 2014 and thereafter, each transient is subject to and shall pay a tax in the amount of thirteen percent (13%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator. (Ord. 7111 § 1, 2011; Ord. 6066 § 1, 1993; Ord. 6058 § 1, 1993; Ord. 5050 § 1, 1982; Ord. 3999 § 1, 1973; Ord. 3486 § 1, 1967; Ord. 3380 § 3, 1966)

#### **Section 5.32.030 Exemptions.**

A. No tax shall be imposed upon:

1. Any person as to whom or any occupancy as to which it is beyond the power of the City to impose the tax herein provided;
2. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

B. No exemptions shall be granted except upon a claim therefor made at the time the rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator. (Ord. 6058 § 1, 1993; Ord. 3380 § 3, 1966)

#### **Section 5.32.040 Operator's duties.**

Each operator shall collect the tax imposed by this chapter to the same extent and at the

same time as the rent is collected from every transient. The amount of the tax shall be separately stated from the amount of the rent charged. No operator shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator; or that it will not be added to the rent; or that, if added, any part will be refunded except in the manner hereinafter provided. (Ord. 6058 § 1, 1993; Ord. 3380 § 5, 1966)

#### **Section 5.32.050 Registration.**

A. Every person desiring to engage in or conduct business as operator of a hotel renting to transients within the City shall file with the Tax Administrator an application for a transient occupancy registration permit for each place of business. Every application for such a permit shall be made upon a form prescribed by the Tax Administrator and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, and such other information as the Tax Administrator may require. The application shall be signed by the owner if a natural person, by a member or partner, if an association or partnership, by an executive officer or some person specifically authorized by the corporation to sign the application in the case of a corporation. The transient occupancy registration permit must be in effect at all times while the business is in operation and shall be at all times posted in a conspicuous place on the premises. Said permit shall, among other things, state the following:

1. Name of hotel;
2. Name of operator;
3. Hotel address;
4. The date upon which the permit was issued;

5. "This Transient Occupancy Registration Permit signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Chapter by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This Permit does not authorize any person to conduct any unlawful business in an unlawful manner, nor operate a hotel without strictly complying with all applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This Permit does not apply in lieu of such other permits which are otherwise required."

B. This certificate is nonassignable and nontransferable and shall be surrendered immediately to the tax collector upon cessation of business at the location named or upon the sale or transfer of the business or the real property on which the business is located.

C. At the time of making an application for a registration permit, the applicant shall pay a registration fee equal to the base tax of the business tax payment required for operation of a hotel as enumerated in Chapter 5.04 of the Riverside Municipal Code. The registration fee and the business tax payment are both required to operate a hotel.

D. It shall be unlawful to operate a hotel without a transient occupancy registration permit or to fail to post the certificate in a conspicuous place at all times. (Ord. 6058 § 1, 1993; Ord. 3380 § 6, 1966)

#### **Section 5.32.060 Returns and remittances.**

The tax imposed under Section 5.32.020 is:

A. Due to the Tax Administrator at the time it is collected by the operator; and

B. Becomes delinquent and subject to penalties if not received by the Tax Administrator on or before the fifteenth day of the month following the close of each calendar month. (Ord. 6058 § 1, 1993)

**Section 5.32.070 Reporting and remitting.**

A. Each operator shall, on or before the fifteenth calendar day of the month following the close of each calendar month, file a return with the Tax Administrator on forms provided, including any rentals charged for occupancies exempt under the provisions of Section 5.32.030, of the total rents charged and received and the amount of tax collected for transient occupancies. Each such return shall contain a declaration under penalty of perjury, executed by the operator or his authorized agent, that to the best of the signer's knowledge, the statements in the return are true, correct and complete. Amounts claimed on the return as exempt from the tax shall be fully itemized and explained on the return or supporting schedule. In determining the amount of "taxable receipts" on the tax return, "rent" as defined in Section 5.32.010 may not be reduced by any business expenses including but not limited to the amount of service charges deducted by credit card companies or commissions paid to travel agencies. At the time the return is filed, the tax fixed at the prevailing transient occupancy tax rate for the amount of rentals charged, and which are not exempt from the tax shall be remitted to the Tax Administrator.

B. The Tax Administrator may establish other, shorter reporting periods.

C. The Tax Administrator may require a cash deposit or bond or a separate trust fund bank account for any certificate holder if it is deemed necessary in order to insure receipt of the tax by the City, and the Tax Administrator may require additional information in the return.

D. All taxes collected by operators pursuant to this chapter shall be and remain public money, the property of the City and shall be held in trust for the account of the City until remittance thereof is made to the Tax Administrator. (Ord. 6058 § 1, 1993; Ord. 5050 § 2, 1982; Ord. 3380 § 7, 1966)

**Section 5.32.080 Cessation of business.**

Each operator shall notify the Tax Administrator ten days prior to the sale or cessation of business for any reason, and returns and remittances are due immediately upon the sale or cessation of business. (Ord. 6058 § 1, 1993)

**Section 5.32.090 Delinquency.**

Any operator who fails to remit any tax to the City or any amount of tax required to be collected and remitted to the City, including amounts based on determination made by the Tax Administrator under Section 5.32.110, within the time required, shall pay penalties of ten percent of the tax in addition to the tax amount due the first day on which the tax required to be collected becomes delinquent, twenty-five percent in addition to the tax amount due shall be imposed on the thirtieth day of delinquency, and fifty percent in addition to the tax amount due shall be imposed on the sixtieth day of delinquency. In addition, interest of one percent per month, or fraction thereof, shall be imposed from the date on which the tax required to be collected becomes delinquent until the day of payment. (Ord. 6058 § 1, 1993; Ord. 3380 § 8 (part), 1966)

**Section 5.32.100 Fraud.**

If the Tax Administrator determines that the failure to make any remittance or payment due under this chapter is due to fraud, a penalty of one hundred percent of the amount of the tax and penalties, shall be added thereto in addition to the penalties stated in Section 5.32.090. (Ord. 6058 § 1, 1993; Ord. 3380 § 8 (part), 1966)

**Section 5.32.110 Failure to collect and report tax--Determination of tax by Tax Administrator.**

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance required by this chapter, the Tax Administrator shall obtain facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator procures such facts and information upon which to base the assessment of any tax imposed by this chapter, the Tax Administrator shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter.

In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known address. Such operator may within ten days after the serving or within fifteen days after the mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five days' written notice to the operator to show cause at a time and place fixed in said notice why the amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of the determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 5.32.120. (Ord. 6058 § 1, 1993; Ord. 3380 § 9, 1966)

**Section 5.32.120 Administrative appeal.**

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of any tax, interest or penalties, if any, may appeal to the Finance Committee within fifteen days after notice thereof by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the Finance Committee within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the Finance Committee at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant. (Ord. 6058 § 1, 1993; Ord. 3380 § 10, 1966)

**Section 5.32.125 Judicial review.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the City or an officer thereof, to prevent or enjoin the collection of taxes sought to be collected pursuant to this Chapter and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability. (Ord. 7055 § 1, 2, 2009)

**Section 5.32.130 Records.**

A. It shall be the duty of every operator liable for the collection and remittance to the City of any tax imposed by this chapter to keep and preserve, in the City, for a period of three years, records in such form as the Tax Administrator may require to determine the amount of

such tax.

B. The Tax Administrator or his designated agent shall have the right to inspect such records at all reasonable times.

C. Failure to allow inspection at all reasonable times shall be cause for revocation of the transient occupancy registration permit pursuant to Section 5.32.150.

D. It shall be unlawful to refuse to permit such inspection to be conducted after a lawful demand therefor by the Tax Administrator. (Ord. 6058 § 1, 1993; Ord. 3380 § 11, 1966)

#### **Section 5.32.140 Refunds.**

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections B and C of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three years of the date of the payment. The claims shall be on forms furnished by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid or paid more than once when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the person or credited to rent subsequently payable by the person to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once, and received by the City, by filing a claim in the manner provided in Subsection A of this section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records. (Ord. 6058 § 1, 1993; Ord. 3380 § 12, 1966)

#### **Section 5.32.150 Revocation of permit.**

A. Whenever any operator fails to comply with any provisions of this chapter relating to occupancy tax or any rule or regulation of the Tax Administrator relating to occupancy tax prescribed and adopted under this chapter, the Tax Administrator upon hearing, after giving the operator ten days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit or permits should not be revoked, may suspend or revoke any one or more of the permits held by the operator. The Tax Administrator shall give to the operator written notice of the suspension or revocation of any of his permits. The notices herein required may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The Tax Administrator shall not issue a new permit after revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this chapter relating to the occupancy tax and regulations of the Tax Administrator.

B. At the time of making application for a new permit, the applicant shall pay a registration fee equal to the base tax of the business tax payment required for operation of a hotel as enumerated in Chapter 5.04 of the Riverside Municipal Code. (Ord. 6058 § 1, 1993)

#### **Section 5.32.160 Closure of hotel without permit.**

During any period of time during which a permit has not been issued, or is suspended, revoked or otherwise not validly in effect, the Tax Administrator may require that the hotel be closed. (Ord. 6058 § 1, 1993)

**Section 5.32.170 Recording certificate--Lien.**

If any amount required to be remitted or paid to the City under this chapter is not remitted or paid when due, the Tax Administrator may, within three years after the amount is due file for record in the Office of the Riverside County Recorder a certificate specifying the amount of tax, penalties and interest due, the name and address as it appears on the records of the Tax Administrator of the operator liable for the same and the fact that the Tax Administrator has complied with all provisions of this chapter in the determination of the amount required to be remitted and paid. From the time of the filing for record, the amount required to be remitted together with penalties and interest constitutes a lien upon all real property in the County owned by the operator or afterwards and before the lien expires acquired by him. The lien has the force, effect and priority of a judgment lien and shall continue for ten years from the time of filing of the certificate unless sooner released or otherwise discharged. (Ord. 6058 § 1, 1993)

**Section 5.32.180 Priority and lien of tax.**

A. The amounts required to be remitted and/or paid by any operator under this chapter with penalties and interest shall be satisfied first in any of the following cases:

1. Whenever the person is insolvent;
2. Whenever the person makes a voluntary assignment of his assets;
3. Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased;
4. Whenever the estate and effects of an absconding, concealed or absent person required to pay any amount under this chapter are levied upon by process of law. This chapter does not give the City a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

B. The preference given to the City by this section shall subordinate to the preferences given to claims for personal service by Sections 1204 and 1206 of the Code of Civil Procedure. (Ord. 6058 § 1, 1993)

**Section 5.32.190 Warrant for collection of taxes.**

At any time within three years after any operator is delinquent in the remittance or payment of any amount herein required to be remitted or paid or within three years after the last recording of a certificate under Section 5.32.170, the Tax Administrator may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the City under this chapter. The warrant shall be directed to any Sheriff, Marshal or Constable and shall have the same effect as writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner with the same effect as a levy of and a sale pursuant to a writ of execution. The Tax Administrator may pay or advance to the Sheriff, Marshal or Constable the same fees, commissions and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The Tax Administrator, and not the court, shall approve the fees for publication in a newspaper. (Ord. 6058 § 1, 1993)

**Section 5.32.200 Seizure and sale.**

At any time within three years after any operator is delinquent in the remittance or payment of any amount, the Tax Administrator may forthwith collect the amount in the following manner: The Tax Administrator shall seize any property, real or personal, of the operator and sell the property, or a sufficient part of it, at public auction to pay the amount due together with any penalties and interest imposed for the delinquency and any costs incurred on account of the seizure and sale. Any seizure made to collect occupancy taxes due shall be only of property of the operator not exempt from execution under the provisions of the Code of Civil Procedure. (Ord. 6058 § 1, 1993)

**Section 5.32.210 Successor's liability--Withholding by purchaser.**

If any operator liable for any amount under this chapter sells out his business or quits the business, his successor shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Tax Administrator showing that it has been paid or a certificate stating that no amount is due. (Ord. 6058 § 1, 1993)

**Section 5.32.220 Liability of purchaser--Release.**

If the purchaser of a hotel fails to withhold purchase price as required, he shall become personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money.

At the time purchaser applies and pays his business tax and requests a permit to operate a hotel, the Tax Administrator shall either issue the permit or give notice to the purchaser of the amount that must be paid as a condition of issuing the permit. Failure of the Tax Administrator to give notice of the amount due does not release liability of the purchaser. (Ord. 6058 § 1, 1993)

**Section 5.32.230 Responsibility for payment.**

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the City and payable through the operator. Any such tax collected by an operator which has not been remitted to the City is a fiduciary obligation of the operator to the City and collectible in the same manner as a debt. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City of Riverside for the recovery of such amount. (Ord. 6058 § 1, 1993)

**Section 5.32.240 Withhold notice.**

If any person or operator is delinquent in the remittance or payment of the amount required to be remitted or paid by him or in the event a determination has been made against him for the remittance of tax and payment of the penalty, the City may, within three years after the tax obligation became due, give notice thereof personally or by registered mail to all persons, including the State or any political subdivision thereof, having in their possession or under their control any credits or other personal property belonging to the taxpayer. After receiving the withholding notice, the person so notified shall make no disposition of the taxpayer's credits, other personal property or debts until the City consents to a transfer or disposition or until sixty days elapse after the receipt of the notice, whichever expires earlier. All persons, upon receipt of said notice, shall advise the City immediately of all such credits, other personal property or debts in their possession, under their control or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of the bank, to be effective the notice shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held. If any person so notified makes transfer or disposition of the property or debts required to be held hereunder during the effective period of the notice to withhold, he shall be liable to the City to the extent of the value of the release up to the amount of the indebtedness owed by the taxpayer to the City. (Ord. 6058 § 1, 1993)

**Section 5.32.250 Violations--Misdemeanor.**

A. Any operator or other person who knowingly or willfully fails or refuses to remit transient occupancy tax collections to the Tax Administrator prior to the time of delinquency is guilty of a misdemeanor.

B. Any person knowingly violating any of the provisions of this chapter shall be guilty of

a misdemeanor.

C. Any operator or other person who willfully fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Tax Administrator, or who renders a false or fraudulent return or claim is guilty of a misdemeanor.

D. Any person required to make, render, sign or verify any report or claim who willfully makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made, is guilty of a misdemeanor.

E. The commencement of criminal proceedings shall neither preclude nor abate administration or civil actions to collect taxes due under this chapter. (Ord. 6058 § 1, 1993; Ord. 3380 § 14, 1966)

**Section 5.32.260 Extension of time.**

The Tax Administrator, for good cause, may extend not to exceed thirty days the time allotted to return or pay any transient occupancy tax, penalties and interest required under this chapter. The extension may be granted at any time, provided a request is filed with the Tax Administrator prior to the period for which the extension may be granted. Any person granted an extension shall pay, in addition to the tax, interest calculated at one percent per month or fraction thereof, from the date upon which the tax was due until the date of payment. (Ord. 6058 § 1, 1993)

**Section 5.32.270 Confidentiality of records.**

All records, returns and payments submitted by each operator shall be treated as confidential by the Tax Administrator and all persons having an administrative duty under this chapter and shall not be released except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State of California, the County of Riverside or the City of Riverside for official use only. (Ord. 6058 § 1, 1993)

**Section 5.32.280 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional. (Ord. 6058 § 1, 1993)

## CHAPTER 5.36

## REGULATION OF MOBILE FOOD VENDORS

<b>Section 5.36.010</b>	<b>Findings.</b>
<b>Section 5.36.020</b>	<b>Authority.</b>
<b>Section 5.36.030</b>	<b>Definitions.</b>
<b>Section 5.36.040</b>	<b>Compliance with State and Local Laws.</b>
<b>Section 5.36.050</b>	<b>Business Tax Certificate Required.</b>
<b>Section 5.36.060</b>	<b>Environmental Health Permit Required.</b>
<b>Section 5.36.070</b>	<b>Sales from Vending Vehicles.</b>
<b>Section 5.36.080</b>	<b>Sales to Children Near School Grounds.</b>
<b>Section 5.36.090</b>	<b>Exception.</b>
<b>Section 5.36.100</b>	<b>Severability.</b>

**Section 5.36.010 Findings.**

The City Council finds as follows:

A. Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City.

B. The act of looking for prospective buyers while operating a vending vehicle makes the operator less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses obvious traffic and safety risks to the public which the City seeks to prevent.

C. Vending vehicles parked in one location for more than ten minutes at a time further exacerbate traffic problems in highly congested areas and obstruct sidewalks. This also creates safety issues for children who may run across public roadways attempting to access the vendors. This is especially true of school sites when children are coming to and going from school.

D. Mobile food vendors who fail to park their vending vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard.

E. The sale of non-food items presents special regulatory challenges which may affect the health, safety and welfare of minors who frequent this type of vendor, often without adult supervision.

F. The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 7112 §1, 2011)

**Section 5.36.020 Authority.**

Notwithstanding Chapter 6.08 of this Code, Chapter 5.36 is adopted pursuant to the authority granted to the City of Riverside by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote public safety. (Ord. 7112 §1, 2011)

**Section 5.36.030 Definitions.**

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

A. "Beverages" means and refers to a liquid for drinking that does not contain alcohol.

B. "Food" or "foodstuff" means and refer to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

C. "Food preparation" means and refers to packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as set forth by Section 113791 of the California Health and Safety Code.

D. "Mobile food merchant" means and refers to any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.

E. "Mobile food vending" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.

F. "Pre-packaged food" means and refers to any food as defined by Section 113876 of the California Health and Safety Code, as properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.

G. "School" means and refers to any elementary school, middle school, junior high school, four-year high school, senior high school, continuation high school, or any branch thereof.

H. "Vending operations" means and refers to the sale, display, solicitation, offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.

I. "Vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise. (Ord. 7112 §1, 2011)

#### **Section 5.36.040 Compliance with State and Local Laws.**

The mobile food merchant shall comply with all applicable State and local laws.

This Chapter is not intended to be enforced against pedestrian food vendors as defined in Chapter 5.38, or against mobile food vendors who operate human powered push carts and other non-self-propelled vehicles including trailers. Such vendors may be regulated by other Chapters in this Code or by other State or local laws. (Ord. 7112 §1, 2011)

#### **Section 5.36.050 Business Tax Certificate Required.**

No person shall engage in mobile food vending or operate a vending vehicle within the corporate limits of the City of Riverside without first having procured a business tax certificate from the City of Riverside as stated in Chapter 5.04 of this Code. (Ord. 7112 §1, 2011)

#### **Section 5.36.060 Environmental Health Permit Required.**

All vending vehicles from which foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged shall have displayed in a conspicuous place a valid permit to operate as a mobile food merchant issued by the County of Riverside. (Ord. 7112 §1, 2011)

#### **Section 5.36.070 Sales from Vending Vehicles.**

A. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code 22500 and the provisions of Title 10 of this Code prior to initiating vending operations.

B. No mobile food merchant shall sell, display, solicit, barter, gift, or exchange or

otherwise, any item, other than pre-packaged food from a vending vehicle within the corporate limits of the City of Riverside as set forth in this Code.

C. Only pre-packaged food and/or beverages are permitted for sale, display, solicitation, barter, exchange, gift or otherwise, from a vending vehicle within the corporate limits of the City of Riverside.

D. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.

E. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring.

F. No mobile food merchant shall sell, display, solicit, barter, gift, and/or exchange or otherwise, any foodstuffs as provided in this Code from a vending vehicle within 300 feet of the entrance to a business establishment which is open for business and is offering for sale any foodstuffs as an item offered for sale by the mobile food vendor; or within 300 feet of any restaurant, café, or eating establishment which is open for business.

G. No mobile food merchant shall operate in any public park in violation of Section 9.08.010 of this Code. (Ord. 7112 §1, 2011)

**Section 5.36.080 Sales to Children Near School Grounds.**

In accordance with Section 9.04.210 of this Code, it is unlawful for every mobile food merchant to sell or offer for sale, display, solicit, barter, exchange, gift or otherwise, any food and/or beverages to any minor child, attending any of the public or private schools within the City, on the street or from other public places within one thousand feet of the exterior boundaries of land on which is located any public or private school or pre-school building within the City between the hours of seven a.m. and four p.m. of any school day.

The above provision shall not apply to any mobile food merchant who has received written consent of the school principal or other authorized school official to park, stop or stand for the purpose of vending when such authorization does not interfere with public vehicle traffic or pose a traffic safety hazard to school children. Any such written authorization shall be kept and maintained with the mobile merchant at all times for inspection. (Ord. 7112 §1, 2011)

**Section 5.36.090 Exception.**

Any mobile food merchant identified in an application for a special event submitted pursuant to Chapter 2.28 of this Code or any other City sponsored or approved event shall be exempt from the requirements of this Chapter pertaining to mobile food vending, provided that the vending vehicle is parked for the duration of the special event to conduct its business. (Ord. 7112 §1, 2011)

**Section 5.36.100 Severability.**

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are declared to be severable. (Ord. 7112 §1, 2011)

**Chapter 5.38****PEDESTRIAN FOOD VENDORS****Sections:**

<b>5.38.010</b>	<b>Purpose.</b>
<b>5.38.015</b>	<b>Definitions.</b>
<b>5.38.020</b>	<b>General prohibitions.</b>
<b>5.38.030</b>	<b>Permit requirement.</b>
<b>5.38.040</b>	<b>Permit application.</b>
<b>5.38.050</b>	<b>Indemnity agreement.</b>
<b>5.38.060</b>	<b>Insurance.</b>
<b>5.38.070</b>	<b>Permit issuance.</b>
<b>5.38.080</b>	<b>Transfer prohibited.</b>
<b>5.38.090</b>	<b>Permit term.</b>
<b>5.38.100</b>	<b>Permit revocation.</b>
<b>5.38.110</b>	<b>Permit appeal.</b>
<b>5.38.115</b>	<b>Pushcart location regulations.</b>
<b>5.38.120</b>	<b>Other pushcart regulations.</b>
<b>5.38.130</b>	<b>Impoundment, abandonment, and disposal.</b>
<b>5.38.140</b>	<b>Severability.</b>

**Section 5.38.010 Purpose.**

The purpose of this chapter is to protect the public safety and welfare against the problems created by the street vending of food and other items from pushcarts, baskets, lunch wagons, eating carts, and other non-motorized food carts within the City of Riverside. These street-vending activities can pose special dangers to pedestrians and impact vehicular traffic and movement on the public rights-of-way.

The City Council finds that the regulation of the vending activities specified within this chapter is necessary to prevent significant hazards to health, safety, and welfare of its residents and to prevent potential automobile accidents on the public rights-of-way and streets which could result in serious and fatal bodily harm to its residents. The City Council further finds that regulation of street vending is necessary because congestion on the public rights-of-way may impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity. (Ord. 7129 § 1, 2011; Ord. 5648 § 1, 1988; Ord. 5618 § 1, 1988)

**Section 5.38.015 Definitions.**

For the purposes of this chapter, the following terms have the following respective meanings:

"Pushcart" means any wagon, cart or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the State of California, from which food or beverage is offered for sale to the public.

"Permit officer" means the Finance Director of the City of Riverside or his or her designated representative.

"Downtown business district" means that area of the City of Riverside bounded on the west by Brockton Avenue, on the east by Lime Street, on the north by Third Street and on the south by Fourteenth Street, from the centerline of each street. (Ord. 7129 § 2, 2011; Ord. 5648



















































































































































































































