Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

Chapter 5.04

TAXES, LICENSES AND REGULATIONS

Sections:

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 Finance Director 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 tax.

H. Contractor. “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. 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. 7390 § 1, 2017; Ord. 7341 § 4, 2016; Ord. 7182 § 8, 2012; 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 taxed 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. 7390 § 1, 2017; 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 taxed 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. 7390 § 1, 2017; 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 business 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 business 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 business 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 business 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 business 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 business 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 business 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 business 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 taxes by Sections 16001 and 16001.5 of the California Business and Professions Code and who distributes circulars and/or hawks, 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 business tax certificate, when issued, is subject to the following conditions:

a. Said business tax certificate shall not be defaced, mutilated, disfigured or otherwise altered subsequent to its issuance, and failure to comply herewith is grounds for revocation of said business tax certificate and for refusing its renewal or the issuance of a new business tax certificate thereafter.

b. It is nontransferable and for the exclusive use of the business taxpayer named.

c. Should a business tax certificate be found in the possession of one other than the business taxpayer named, it shall be surrendered to the Collector and revoked and neither the business taxpayer named nor the holder thereof shall thereafter be entitled to hold a business tax certificate under the provisions of this Section.

d. The business taxpayer 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 $10,000.

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 $10,000 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. 7390 § 1, 2017; Ord. 7197 § 1, 2013; 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 certificates.

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.

Any business tax certificate issued in reliance upon any misstatement or misrepresentation of a material fact made in applying for, renewing, or paying for a business tax certificate, may be revoked without liability to the City. (Ord. 7229 § 6, 2013; 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 of information 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, state, or local law enforcement officials, or to the tax officials of any state, 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. 7269 § 2, 2014; 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 and waiver of penalty.

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. For owners of a newly registered Residential Rental business, the Collector shall have the power, for good cause shown, to waive any past due tax assessed for prior years that would otherwise have accrued, provided that the business owner

has less than four residential rental properties containing two or fewer residential rental units. The Collector shall also have the authority, for good cause shown, to waive any penalty imposed, charge demanded, or any past due tax assessed for prior years that would otherwise have accrued. (Ord. 7390 § 1, 2017; Ord. 7282 § 4, 2015; 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. All business taxes paid on or before the expiration date of the then current business tax certificate will be given a 5% discount for early renewal. (Ord. 7390 § 1, 2017; 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: thirty percent (30%) of the business tax sixty (60) days after the due date; fifty percent (50%) ninety (90) days after the due date; and seventy-five percent (75%) one hundred twenty (120) 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 penalties: thirty percent (30%) of the business tax sixty (60) days after the due date; fifty percent (50%) ninety (90) days after the due date and seventy-five percent (75%) one hundred twenty (120) days after the due date.

In no event shall the amount of such penalties to be added exceed seventy-five percent (75%) 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. 7390 § 1, 2017; 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 business tax 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 business tax certificate 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 tax certificate; 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 tax certificate 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 business tax certificate 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. 7390 § 1, 2017; 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 business 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. The City may pursue any unpaid fines or penalties and their costs pursuant to Section 1.17.090. (Ord. 7390 § 1, 2017; 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 be construed to affect in any manner the City's ability to prosecute for violation of any other ordinance committed prior to adoption of this ordinance, nor be construed as a waiver of any business tax certificate 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. 7390 § 1, 2017; 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.

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 5.04.330 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 tax certificate 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 business tax certificate 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 taxed. 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. Reserved

e. Reserved

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 business 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 business 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. 7390 § 1, 2017; Ord. 7341 § 4, 2016; Ord. 7229 § 6, 2013; 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:

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 anything 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 8 a.m. or after 9 p.m. 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 Code. (Ord. 7341 § 4, 2016; Ord. 7229 § 7, 2013; Ord. 6898 § 1, 2006; Prior code § 2.68)

Section 5.08.050 Solicitation Prohibited in City-owned Buildings and Pedestrian Mall.

(a) Notwithstanding any other provisions of the 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 or the Pedestrian Mall. 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 or a permit issued by the City.

(b) The Pedestrian Mall is defined as:

Main Street between the southerly line of Sixth Street and the northerly line of Tenth Street but excluding from the mall the intersections of Main Street with Mission Inn Avenue (formerly known as Seventh Street), University Avenue (formerly known as Eighth Street) and excluding from the mall Ninth Street. This area will be commonly known as part of “Main Street Riverside.” (Ord. 7356 § 1, 2016; 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:

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 terms of agreement are to be for two-years with two one-year extensions thereafter.

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. 7190 §1, 2012; 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, and three approved drivers available to operate them.

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. 7190 §2, 2012; 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 with a minimum of two (2) feet separation between each vehicle.

1. The vehicle storage facility must be located within one (1) driving 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. 7190 §3, 2012; 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:

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 5.28

POOLROOMS

Sections:

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" includes billiard parlor and 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. 7341 § 4, 2016; 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 Division 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. 7341 § 4, 2016; 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;

4. The applicant has obtained a business tax certificate pursuant to Chapter 5.04 of this Title.

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. 7341 § 4, 2016; 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:

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

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:

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 it 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

§ 1, 1988; Ord. 5618 § 1, 1988)

Section 5.38.020 General prohibitions.

A. No person shall sell or offer for sale any food or beverage from any portable box, stand, bag, bucket or similar container, on any public street, including parkways or sidewalks, within the City.

B. No person shall sell or offer for sale any food or beverage from any pushcart on any public street, including parkways or sidewalks, within the City, except as provided for in this chapter or otherwise permitted in the Riverside Municipal Code.

C. No person shall employ, direct or otherwise cause any other person to sell or offer for sale any food or beverage in violation of Subsection A or B of this section or any other regulation of this chapter. (Ord. 6656 § 1, 2003; Ord. 5618 § 1, 1988)

Section 5.38.030 Permit requirement.

No person shall sell or offer for sale any food or beverage from a pushcart, nor employ, direct or otherwise cause any other person to do so, without having first obtained a pedestrian food vendor's permit for the pushcart from the permit officer. (Ord. 5648 § 2, 1988; Ord. 5618 § 1, 1988)

Section 5.38.040 Permit application.

A. Every applicant for a pedestrian food vendor's permit shall file with the permit officer a written application on a form provided by the permit officer which shall contain the following:

1. The name, address, telephone number and social security number of the applicant and of each person, if any, to be employed or retained by the applicant to sell food or beverages from pushcarts.

2. The number of pushcarts to be operated by the applicant, either directly or through employees or subcontractors, and the design of each pushcart, including signage.

3. The character, location, hours and routing of pushcart operations.

4. Such other information as the permit officer deems appropriate.

B. Each application shall be accompanied by payment of a non-refundable fee in an amount established by resolution of the City Council to cover costs of administering this section.

C. Prior to issuance of a pedestrian food vendor's permit, the applicant shall show proof to the permit officer that he has obtained the business license required by Chapter 5.04 of this code. (Ord. 5618 § 1, 1988)

Section 5.38.050 Indemnity agreement.

As a condition to receiving a pedestrian food vendor's permit, every permittee shall execute an agreement holding the City and its employees and agents harmless from any liability arising from the use of the permit. (Ord. 5618 § 1, 1988)

Section 5.38.060 Insurance.

Every permittee, at his sole cost and expense, and during the term of his permit or any renewal thereof, shall obtain and maintain liability insurance. Prior to the issuance of any permit, the applicant shall file and maintain with the permit officer or his designee a valid and current policy or sufficient certificate or certificates evidencing the policy or policies of liability insurance, covering all operations of the applicant and his agents, and employees. The policy or policies shall contain an endorsement naming the City as additional insured, shall provide that the City will be given thirty days' written notice prior to cancellation or material change, and shall be in such minimum limits as set by resolution of the City Council. (Ord. 5618 § 1, 1988)

Section 5.38.070 Permit issuance.

The permit officer shall issue the permit if the requirements of Sections 5.38.040, 5.38.050, 5.38.060, and other pertinent sections are complied with, and the permit officer is reasonably satisfied that the operations of the applicant will conform to the regulations set forth in Sections 5.38.115 and 5.38.120; otherwise the permit officer shall deny the permit. One written permit shall be issued for each pushcart to be operated by the applicant, either directly or through employees or subcontractors. Such written permit shall be in a form approved by the permit officer. (Ord. 6656 § 2, 2003;Ord. 5618 § 1, 1988)

Section 5.38.080 Transfer prohibited.

Permits issued under this chapter shall not be sold, assigned or transferred, and shall cover only the named permittee and pushcart to whom they are issued. (Ord. 5648 § 3, 1988; Ord. 5618 § 1, 1988)

Section 5.38.090 Permit term.

Each permit issued pursuant to this chapter shall be for a term of one year, upon the expiration of which term the permittee may renew the permit for additional one year terms by submitting new applications in conformance with Section 5.38.040, together with such permit renewal fee as may be established by resolution of the City Council. (Ord. 5618 § 1, 1988)

Section 5.38.100 Permit revocation.

A. The permit officer may revoke any permit or permits for any of the following reasons:

1. Falsehood of any information supplied by the permittee upon which issuance of the permit was based;

2. Failure of the permittee to promptly notify the permit officer of any change occurring subsequent to the issuance of the permit in the information supplied by the permittee upon which issuance of the permit was based;

3. Failure of the permittee, or of any employees or subcontractors of the permittee, to comply with the regulations set forth in this chapter;

4. Violation by the permittee, or any employee or subcontractor of the permittee, of any State, County or municipal law in the course of conducting food vending operations pursuant to the permit.

B. No person whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation. (Ord. 5648 § 4, 1988; Ord. 5618 § 1, 1988)

Section 5.38.110 Permit appeal.

Any person whose application for a permit is denied or whose permit is suspended or revoked by the permit officer may appeal such decision to the City Manager by filing a written notice of appeal in the City Manager's Office within ten days after receipt of the notice of denial, suspension or revocation. The City Manager shall review and determine the appeal and the decision of the City Manager shall be final. (Ord. 5618 § 1, 1988)

Section 5.38.115 Pushcart location regulations.

A. Within the downtown business district, no pushcart shall be located within one hundred fifty feet of a business selling food for on-site consumption.

B. Outside of the downtown business district, no pushcart shall be located within three hundred feet of a business selling food for on-site consumption.

C. No pushcart shall be located in a fixed location on any residential street, including parkways or sidewalks. Sales may be made on a residential streets from pushcarts that are

continually moved from place to place and stopped only for the period of time, not to exceed ten minutes at any one place, necessary to make bona fide sales to purchasers, subject to the provisions of this code.

D. No pushcart shall be located, for purposes of sales, on any public street that is a major arterial as shown in the transportation element of the general plan.

E. No pushcart shall be located in any location that creates an obstruction to the normal flow of vehicular or pedestrian traffic or to the access to public streets and sidewalks, or that creates a hazard to life or property.

F. No pushcart shall be located in any location that obstructs traffic signals or regulatory signs.

G. No pushcart shall be located within 15 feet of any intersections, driveway or building entrance, or in any space designed for vehicular parking.

H. No pushcart shall be located within 15 feet of any fire hydrant or fire escape, or within 50 feet of any vehicle entrance of any fire station, police department, hospital, or any other structure involved in health and safety emergency matters.

I. No pushcart shall be located within 15 feet of any loading zone, bus stop, or parking space or access ramp designed for persons with disabilities.

J. No pushcart shall be located within 1000 feet of a public or private school.

K. No pushcart shall be located within 1000 feet of a park.

L. No pushcart shall be located in any public park in violation of Section 9.08.010.

M. No pushcart shall be located against, in front of, or within 10 feet of display windows of fixed location businesses. (Ord. 7129 § 3, 2011; Ord 6656 § 3, 2003)

Section 5.38.120 Other pushcart regulations.

A. Each pushcart shall have affixed to it in plain view the permit required by this chapter and the permit required by Chapter 5.04 of this code.

B. Permittees, owners, or users of pushcarts shall not operate his or her business in any way as to cause a public or private nuisance.

C. The maximum dimensions of any pushcart shall be six feet in length and four feet in width.

D. The only signs used in conjunction with a pushcart shall be signs affixed to or painted on the pushcart or its canopy.

E. A refuse container of at least four cubic feet capacity shall be provided near the pushcart.

F. No loudspeakers, public address system, bells, chimes or other sound making devices shall be affixed to or used in conjunction with a pushcart.

G. No artificial lighting for or on any pushcart is permitted.

H. No sale of any food or beverage to any person who is in a motor vehicle at the time of sale.

I. There shall be no more than one table, measuring no more than sixteen square feet, affixed to, adjacent, or near the pushcart. The table may only be used for displaying food or beverages for sale, condiments, and napkins.

J. There shall be no more than one ice chest or comparable container affixed to, adjacent, or near the pushcart for purposes of offering food or beverages for sale.

K. No benches, chairs, or tables shall be affixed to, adjacent, or near the pushcart for purposes of supplying customers a place to eat or drink.

L. Each pushcart may have one awning or umbrella over the cart. Each pushcart may have no more than one additional awning or umbrella affixed to, adjacent, or near the pushcart.

M. Permittees, owners, and users of pushcarts are responsible for ensuring that the area immediately surrounding the pushcart is kept clean and free of trash and debris associated with the operation.

N. No pushcart or appurtenance shall be unattended at any time or stored, parked or left in a public space overnight. (Ord. 6656 § 4, 2003; 5618 § 1, 1988)

Section 5.38.130 Impoundment, abandonment, and disposal.

In addition to any criminal, civil, or administrative action taken pursuant to Chapter 1.17, any officer authorized to enforce the Riverside Municipal Code may impound pushcarts used in violation of this Chapter, including any perishable or non-perishable foods therein. The owner of the pushcart may request an impoundment hearing before a hearing officer appointed by the City Manager or his/her designee. If perishable food items are seized, the enforcement officer may dispose of the perishable items immediately. By the end of the next business day following impoundment, the owner of the cart will be contacted at the telephone number given to the enforcement officer at the time of the citation or arrest, and the pushcart and non-perishable items will be released to the owner upon proper proof of ownership, presentation of a business tax certificate, and the payment of all towing and administrative costs incurred as a result of the violation.

Any unclaimed items will be considered abandoned and forfeited to the City ninety (90) days after the City calls the owner to retrieve the impounded items, and the City may destroy or otherwise dispose of the impounded items pursuant to law. (Ord. 7129 § 4, 2011; Ord. 5618 § 1, 1988)

Section 5.38.140 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 any one or more other section, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 5618 § 1, 1988)

CHAPTER 5.40

VEHICLES FOR HIRE, TAXICABS, AND ANIMAL-DRAWN VEHICLES.

Sections:

5.40.010 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively described to them by this Section:

A. "Vehicle for hire" includes motor-propelled vehicles that are not operated over a regular or defined route and pedicabs. This Chapter governs vehicles, including non-emergency transport vehicles, which transport persons for hire upon public streets and roadways within publicly owned lands in the City. "Vehicle for hire" does not include animal-drawn vehicles, taxicabs, vehicles licensed by the Public Utilities Commission, ambulances, or courtesy vans used exclusively by the customers of a hospital or other business or governmental entity that operates such courtesy van.

B. "Taxicab" includes any motor-propelled vehicle used for the transport of persons for hire upon any public street in the City, which is not over a regular or defined route, and when charge for such transportation is measured by the distance traveled, or by the time required for such transportation, or both, and when a meter is used for such measurement as provided in this Chapter.

C. "Non-emergency transport vehicle" shall mean every motor vehicle specially constructed, modified, equipped, or arranged for the purpose of transporting persons not requiring emergency service or medical monitoring which contains specialized safety equipment over and above that normally available in persons cars, taxicabs and other forms of public conveyance and shall include gurney vans, litter vans and wheelchair vans. This definition shall exclude the following: (1) Vehicles operated as convalescent transport vehicles at the request of local authorities during any "state of war emergency" or "local emergency," as said terms are defined in the Government Code of the State of California; (2) Convalescent transport vehicles transporting persons from a location outside the City limits, regardless of destination; (3) Vehicles operated as convalescent transport vehicles by a hospital, health maintenance organization, insurance company, health care plan or similar group exclusively for its own persons and member clients; and (4) Vehicles operated by the county, state or federal government.

D. "Gurney van" means and includes any litter van and refers to a motor-propelled vehicle which is equipped with a portable single-person sized bed, cot, stretcher or gurney on wheels that can carry a person in a supine position in the state of non-emergency medical transportation. Such persons do not require any medical monitoring and are able to get on and off the gurney by themselves with minimal assistance from the driver or attendant.

E. "Wheelchair van" means every motor-propelled vehicle which contains specialized safety equipment over and above that normally available in persons cars, taxicabs and other forms of public conveyance for the purpose of transporting persons in wheelchairs or who require assistance to and from a residence, vehicle or place of treatment because of a disabling physical or mental limitation. Such persons do not require the specialized services, equipment and personnel provided in an ambulance because they are in stable condition and does not need constant observation.

F. "Animal-drawn vehicle" shall mean any non-motorized conveyance powered by animals, whether pulled, drawn or pushed, and used for the transportation of persons over streets or ways in the City and shall include, but is not limited to wagons, buggies, stagecoaches or other horse-drawn carriages.

G. "Attendant" means the person, other than the van driver, providing nonmedical assistance to the persons in a non-emergency transport vehicle.

H. "Driver" means every person who drives or is in actual physical control of a vehicle defined in this Section, either as an agent, employee or otherwise.

I. "Franchisee" or "Permit holder" means any natural person, firm, corporation, partnership or other organization, association, or group of persons however organized.

J. "Chief of Police" means Chief of Police or his or her designee.

K. “Chief Financial Officer” means Chief Financial Officer or his or her designee.

L. “For hire” means for any compensation, including but not limited to, payment, tip, contribution, donation or barter.

M. “Operate” means to drive or to be in actual physical control of a vehicle defined in this Section, either as an agent, employee, or otherwise for a monetary fare.

N. “Pedicab” means a vehicle with three or more wheels propelled by human power capable of transporting persons and used for transporting persons for hire.

O. “Meter” means a device that computes and registers the fare based upon the distance traveled, the time the taxicab is engaged, or any other lawful basis for charges which are specified in the franchise. (Ord. 7014 § 1, 2008)

5.40.020 Permit and lawful operation required.

A. It is unlawful to operate or cause to be operated a vehicle for hire upon any public street within the City without first having obtained a permit to do so in accordance with the provisions of this Chapter.

B. It is unlawful to operate or cause to be operated an animal-drawn vehicle upon any public street within the City without first having obtained a permit to do so in accordance with the provisions of this Chapter.

C. It is unlawful to operate or cause to be operated a vehicle for hire or animal-drawn vehicle in violation of applicable provisions of this Chapter or other applicable laws. A separate permit and business license must be obtained for each type of business conducted. (Ord. 7014 § 1, 2008)

5.40.030 Non-exclusive franchise and lawful operation required.

A. It is unlawful to operate or cause to be operated a taxicab upon any public street within the City without first having obtained a non-exclusive franchise to do so in accordance with the provisions of the Charter of the City and this Chapter.

B. It is unlawful to operate or cause to be operated a taxicab in violation of any applicable provisions of this Chapter or other applicable laws. (Ord. 7014 § 1, 2008)

5.40.035 Exception.

The provisions of this Chapter shall not apply to vehicles for hire, animal-drawn vehicles, or taxicabs licensed by another municipality when operating in the City in response to a request to convey a persons from other such municipality to the City. (Ord. 7014 § 1, 2008)

5.40.040 Vehicle for hire and animal-drawn vehicles: Application and fee.

Any person desiring to obtain a permit to operate a vehicle for hire or animal-drawn vehicle shall pay the Chief Financial Officer a nonrefundable fee as set by resolution and shall apply utilizing the City’s Vehicle for Hire and Animal-Drawn Vehicle application form, which shall solicit, at a minimum, the following:

1. The name, address, and telephone number of the applicant; if the same be a corporation, the names of its principal officers; or, if the same be a partnership, association, or fictitious company, the names of the partners or persons comprising the association or company, with the address and telephone number of each;

2. If any proposed stand is in a public street, such application shall be accompanied with the written consent of all occupants of the ground floor of any building in front of which such vehicle for hire or animal-drawn vehicle is to be located, and for twenty-five feet in each direction therefrom; or, if there is no such occupant, by the written consent of the owner or lessee of such building or lot;

3. A description of every vehicle, including a five by seven color photograph of the vehicle, which the applicant proposes to use, stating, if applicable:

a. Make**,** model and year
b. Vehicle identification number
c. State license plate number and expiration date
d. Seating capacity
e. Body style
4. For non-emergency transport vehicles:

a. A statement setting forth the experience of the applicant in the operation of a non-emergency transport vehicle demonstrating that the applicant is qualified to render an efficient non-emergency transport vehicle service.

b. A statement that the applicant owns or has under the applicant's control, in good mechanical condition, required equipment to adequately conduct non-emergency transport persons service in the territory for which the applicant is applying and that the applicant owns or has access to suitable facilities for maintaining such equipment in a clean and sanitary condition.

c. An affirmation that each vehicle and it appurtenances conform to all applicable provisions of this Chapter and to applicable provisions of City and State laws and regulations.

d. A list giving the name and description of the training for each non-emergency transport service employee and a copy of each certificate or license establishing qualifications for such personnel in non-emergency transport operations.

e. A schedule setting forth the rates proposed to be charged for the provision of non-emergency transport service.

f. A statement that shows that the issuance of a permit is in the public interest and that there is a need for a permit to be issued in that there is a requirement for non-emergency transport service which can be legally served by the applicant.

g. Such other facts or information as the City may reasonably require.

5. For animal-drawn vehicles:

a. Breed of animal, age, physical condition, proof of ownership or right to use the animal and evidence that the animal is suitable for the intended uses and in good health;

b. A description, including a five by seven color photograph of the animal(s) and the vehicle(s);

c. The seating capacity of the vehicles;

d. The street number and exact location of the place or places where the applicant proposes to stand each horse(s) and vehicle;

e. The proposed route(s) of operation and time(s) during which such routes will be operated.

6. The proposed schedule of rates or fares to be charged for carrying persons in such vehicle; and

7. The distinctive color scheme, name, monogram or insignia which shall be used on such vehicle. (Ord. 7014 § 1, 2008)

5.40.050 Issuance of vehicle for hire or animal-drawn vehicle permit.

Upon receipt of a complete Vehicle for Hire and Animal-Drawn Vehicle permit application referred to in Section 5.40.040, the Chief Financial Officer shall review the application to ensure all requirements have been satisfied and if so, shall issue a permit for a period of three years, subject to the filing and approval of proof of insurance coverage as provided in Section 5.40.100 and subject to the requirements of this Chapter. (Ord. 7014 § 1, 2008)

5.40.060 Taxicab franchise: Application and fee.

Any person desiring to obtain a franchise to operate a taxicab required by this Chapter shall pay the Chief Financial Officer a nonrefundable fee as set by resolution and shall apply utilizing the City's application form, which shall solicit, at a minimum, the following:

1. The name, address, and telephone number of the applicant; if the same be a corporation, the names of its principal officers; or, if the same be a partnership, association, or fictitious company, the names of the partners or persons comprising the association or company, with the address and telephone number;

2. Supporting information as required, which shall include but not be limited to, the experience and background of the applicant, the plan for operation, and the reasons the applicant believes the operation would serve the public interest and convenience;

3. If any proposed stand is in a public street, such application shall be accompanied by a written consent thereto of all the occupants of the ground floor of any building in front of which such taxicab is to be located, and for twenty-five feet in each direction therefrom; or, if there is no such occupant, by the written consent of the owner or lessee of such building or lot; and

4. The application shall be submitted on or before March 1 of each year for consideration for issuance of a franchise valid for a one year period of July 1 of that same calendar year to June 30 of the following calendar year. (Ord. 7014 § 1, 2008)

5.40.070 Taxicab franchise application - Referral to City Council.

Upon receipt of a complete application for a taxicab franchise, the Chief Financial Officer shall conduct an investigation to determine whether or not the public interest, convenience, and/or necessity, require the issuance of the franchise applied for. The investigation shall be conducted in a reasonable time. If the Chief Financial Officer determines that the public interest, convenience, and/or necessity require the issuance of the franchise applied for, the Chief Financial Officer shall refer the matter to the City Council to be processed in accordance with the City of Riverside Charter within sixty (60) days unless otherwise extended for good cause by the Chief Financial Officer. (Ord. 7014 § 1, 2008)

5.40.080 Grounds for denial or revocation of vehicle for hire permit, animal-drawn vehicle permit, or taxicab franchise.

The following reasons are sufficient grounds for denial or revocation of a vehicle for hire permit, animal-drawn vehicle permit, or taxicab franchise.

A. That the application is not in the proper form, and does not contain the information required to be contained therein by this Chapter;

B. That the vehicles, animals and/or appurtenances described therein are inadequate or unsafe for the purposes for which they are to be used;

C. That the color scheme, name, monogram, or insignia to be used upon such vehicles or in advertisements imitates or is substantially similar to any color scheme, name, monogram or insignia used by any other person or entity in such manner as to be misleading or tending to deceive, confuse, or defraud the public;

D. That the location of the stand, as therein stated, is such as to congest or interfere with travel on any public street, or that the proposed stand is within three hundred feet of any other stand theretofore fixed by the City Council on the same street;

E. That the applicant has had a permit or franchise for the operation of a vehicle for hire, animal-drawn vehicle, or taxicab suspended or revoked for cause;

F. That the applicant does not have qualified drivers to operate the vehicles for hire, animal-drawn vehicles, or taxicabs;

G. That the applicant has operated a vehicle for hire, animal-drawn vehicles, or taxicab in the City in violation of the requirements of this Code;

H. That the operation will threaten the peace, health, safety and/or welfare of the public; and

I. For taxicab franchise applications only, that the public interest, convenience, and/or necessity do not require the issuance of such permit.

The Chief Financial Officer may accept and consider corrected applications. (Ord. 7014

§ 1, 2008)

5.40.090 Appeal from denial or revocation of vehicle for hire or animal-drawn vehicle permit.

Any applicant under this Chapter who has been denied a vehicle for hire or animal-drawn vehicle permit or who has had his or her permit revoked, may, within fifteen (15) days of notification of the denial or revocation of such permit, pay a nonrefundable fee as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall set a time not less than ten (10) but no more than thirty (30) days thereafter for the hearing of the appeal before the City Council, and shall give notice to the applicant or permit holder of the time set for hearing at least five (5) days before the date of such hearing, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the City Council shall receive from the Chief Financial Officer and the applicant or permit holder information regarding the denial or revocation and appeal. The City Council shall make a determination whether to uphold or reverse the denial or revocation. The determination of the City Council shall be a final determination of the matter. (Ord. 7014 § 1, 2008)

5.40.100 Insurance requirements.

Before a vehicle for hire or animal-drawn permit or taxicab franchise shall be issued or granted, the applicant shall obtain and maintain, and show proper proof of the following:

A. A policy of insurance issued by a company duly authorized to conduct business in the State of California, by the provisions of which insurance policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the vehicles for hire referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one or more persons in any one accident shall be one million dollars and for which liability shall be assumed for injury to or destruction of property in any one accident. The applicant is required to have insurance coverage in the minimum amount of one million dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured, and

B. Workers' Compensation coverage in compliance with California Labor Code provisions. (Ord. 7014 § 1, 2008)

5.40.105 Requirements for operation of non-emergency transport vehicles and services.

Upon the issuance of a vehicle for hire permit to operate non-emergency transport vehicles and services, the permit holder shall comply with the following additional requirements:

A. Advertisements. Permit holder shall not advertise as an ambulance service or medical transport, nor shall the permit holder advertise under the ambulance or medical transport classifications in the commercial yellow pages of any telephone directory distributed in this City. Any advertising in whatever form by the permit holder shall clearly state that the permit holder does not provide “ambulance services” or “medical transport services.” Permit holder may, however, advertise as a specialized form of transportation serving the disabled, incapacitated, or persons who cannot ride in an upright position. During interfacility transports where a non-emergency BLS patient has been downgraded by a physician to gurney van services, the patient may be transported by a franchised non-emergency ambulance company.

B. Notice to Persons. Upon receiving a request for service, the permit holder must notify each persons orally or in writing that permit holder is not an ambulance service.

C. Maintenance of Persons Log. The permit holder shall keep a permanent log of every trip made and each persons transported, whether the trip was one way or round trip. If the persons was transported on a round trip, and the destination of the second segment was not

the point of origin of the first segment of the trip, then the permit holder shall state the destination of the second segment. The log shall contain the persons' name, the date and time the trip began, the persons' destination, the names of the gurney van driver and attendant, and the vehicle identification number or license plate number. The log shall state for each trip or portion thereof if the trip was interrupted or not completed, the reason for the partial trip or failure to complete the trip. Log entries shall be clearly written in permanent ink and in a bound volume with each permanently numbered. The log shall be kept for a period of three years from the period in which the log book was completed.

D. Title 22 of California Code of Regulations. The permit holder, in addition to meeting the requirements of this Chapter, shall also meet the requirements of Title 22 of the California Code of Regulations. In the case of conflict, the provisions of Title 22 shall prevail.

E. Two-Way Communications. Permit holder shall provide evidence of an operating two-way communication in each authorized vehicle in case of emergency. Communication equipment may include a two-way radio, cellular phone, or other means of two-way communication between the van and the permit holder's office and/or the 911 communications center. No non-emergency transport vehicle may be operated with a persons on board unless there is working two-way communication equipment in the vehicle.

F. Compliance With Laws. Permit holder shall comply with all federal, state, and local laws, regulations, and requirements.

G. Each gurney van while being operated with a gurney van persons shall have both a driver and attendant. The driver and attendant employed by permit holder for the gurney van service shall meet the minimum requirements as set forth in this Chapter.

H. Gurney van persons must be transported in a prone or supine position, because such persons are incapable of sitting for the period of time needed to transport.

I. Gurney van attendants shall assist in the loading and unloading of persons from the vehicle and to provide nonmedical assistance to the persons to make the ride comfortable and safe.

J. Requires specialized safety equipment over and above that normally available in persons cars, taxicabs, or other forms of normal public conveyance.

K. Does not require the specialized services, equipment, and personnel provided in an ambulance, including, but not limited to, an intravenous line or emergency medical technician, because the persons is in stable and conscious condition and does not need observation.

L. Permits the persons to get on or off the gurney without substantial assistance from the gurney van attendant.

M. Permits the persons to self-monitor the use of oxygen, if needed.

N. Exclusions. Non-emergency transport vehicles shall not be used to transport a person if any of the following conditions exist:

1. The person requires any type of continuous medical monitoring.
2. The person requires certified medical personnel at EMT-1 level or above or the presence of any nurse or licensed physician.
3. The person has trouble breathing and/or shows signs of medical distress.
4. The person is immobilized in any type of medical apparatus or equipment.
5. The person's condition has not been certified as suitable for gurney van transport in a non-emergency medical transportation vehicle by a licensed physician.
6. The person's condition is one which falls under the transportation protocols of the County EMS agency. (Ord. 7341 § 4, 2016; Ord. 7014 § 1, 2008)

5.40.110 Revocation or suspension of vehicle for hire permit, animal-drawn vehicle permit, or taxicab franchise.

A. Any vehicle for hire or animal-drawn vehicle permit granted under the provisions of

this Chapter may be revoked by the Chief Financial Officer after five (5) days notice to the permit holder requiring him or her to appear at a certain time and place to show cause why such permit should not be revoked for any of the following reasons:

1. For the nonpayment of any license fee provided by the provisions of this Chapter or other ordinance of the City;

2. For the violation of any laws or regulations by any permit holder or driver of a vehicle for hire or animal-drawn vehicle;

3. For operating any vehicle for hire or animal-drawn vehicle when the person's area and passenger compartment is not in good repair and is not in a clean and sanitary condition;

4. For falsifying, misrepresenting, or omitting a material fact on an application submitted under this Chapter;

5. When the Chief Financial Officer determines upon a showing of good cause that it would be contrary to the public interest, convenience and necessity for the permit to be continued;

6. For failure to maintain satisfactory service to the public; or

7. For violating any condition of a Special Permit issued pursuant to Section 5.40.190(K) of this Chapter.

B. A vehicle for hire or animal-drawn vehicle permit issued under the provisions of this Chapter may be suspended for the following reasons immediately upon notice by the Chief Financial Officer to the permit holder: (1) if a serious and dangerous condition exists; (2) in the event of a violation of these regulations; or (3) if the insurance coverage required in this Chapter has not been continually maintained without lapses in coverage. If a permit is suspended, written notice shall be provided to the permit holder within two (2) regular business days setting forth the violations charged and setting a time and date for the permit holder to show cause why the permit should not be revoked.

C. The City Council shall be empowered to suspend or revoke a taxicab franchise granted under the provisions of this Chapter and the City Charter when it finds and determines after investigation that the public interest, convenience, and/or necessity no longer require the issuance of the franchise. (Ord. 7014 § 1, 2008)

5.40.120 Assignment.

No vehicle for hire or animal-drawn vehicle permit issued under the terms of this Chapter shall be sold, transferred, or assigned either by contract or operation of law without the express written permission of the Chief Financial Officer, and any such attempted assignment shall be sufficient cause for revocation thereof.

No taxicab franchise issued under the terms of this Chapter shall be sold, transferred, or assigned either by contract or operation of law without the express written permission of the City Council, and any such attempted assignment shall be sufficient cause for revocation thereof.

A. If a vehicle for hire permit holder, animal-drawn vehicle permit holder, or taxicab franchisee desires to sell, transfer, or assign its permit or franchise, the holder shall submit an application for such consent in the form requested by the Chief Financial Officer. The holder shall submit such documents and information that the Chief Financial Officer may reasonably need for its consideration of the application. The Chief Financial Officer may suspend the existing vehicle for hire permit, animal-drawn vehicle permit, or taxicab franchise or allow the permit holder or franchisee to continue its operation pending approval of the application. If the application for a vehicle for hire permit or animal-drawn vehicle permit satisfies all requirements, the Chief Financial Officer shall issue a permit for a period of three (3) years, subject to the filing and approval of proof of insurance coverage as provided in Section 5.40.100 and subject to the requirements of this Chapter.

B. If the Chief Financial Officer determines that the public interest, convenience, and necessity require the sale, transfer, or assignment of a taxicab franchise, the Chief Financial

Officer shall refer the matter to the City Council to be processed in accordance with the City of Riverside Charter within sixty (60) days unless otherwise extended for good cause by the Chief Financial Officer. (Ord. 7014 § 1, 2008)

5.40.130 Driver's appearance and conduct.

The driver of any vehicle for hire, animal-drawn vehicle, or taxicab shall be neat in dress and clean in appearance. A driver may not wear as outer clothing the following: underwear, tank tops, tube tops, body shirts, swim wear, bathing trunks, or cut-off shorts. A driver shall not smoke while carrying persons. A driver shall not operate or occupy a vehicle for hire, animal-drawn vehicle, or taxicab while his or her ability is impaired by either alcohol or drugs. A driver shall not operate his or her vehicle for hire, animal-drawn vehicle, or taxicab in such manner or at a speed which endangers users of other vehicles, pedestrians or his or her persons. A driver shall act in a reasonable, prudent, and courteous manner. (Ord. 7014 § 1, 2008)

5.40.140 Stopping at railroad crossings.

Any vehicle for hire, animal-drawn vehicle, or taxicab shall, while carrying persons, come to a full stop at least thirty feet from the nearest rail before crossing any railroad track where no gates are maintained. (Ord. 7014 § 1, 2008)

5.40.150 Use of vehicle for hire, animal-drawn vehicle and taxicab stands required - Exceptions.

No vehicle for hire, animal-drawn vehicle, or taxicab shall remain standing upon any portion of any public street or sidewalk within the City, except for loading and unloading persons for a period not to exceed five minutes, unless specifically authorized by the permit. This Section shall not apply to any vehicle for hire, animal-drawn vehicle, or taxicab while the same is engaged by and being paid for by persons. (Ord. 7014 § 1, 2008)

5.40.160 Exclusive use by first persons.

No operator or owner of any vehicle for hire, animal-drawn vehicle, or taxicab shall solicit, take on or carry persons after such vehicle for hire or taxicab has been engaged or is in use by another person(s), without the consent of the original persons. A person(s) having engaged such vehicle for hire, animal-drawn vehicle, or taxicab shall have the exclusive right to the use of the persons' compartment. (Ord. 7014 § 1, 2008)

5.40.170 Driver to carry persons safely and expeditiously.

The driver of any vehicle for hire or taxicab shall carry persons safely and expeditiously to the destination by the most direct and accessible route. (Ord. 7014 § 1, 2008)

5.40.180 Driver's permit, regulations, identification card, renewal of driver's permit.

A. It is unlawful for any person to operate a vehicle for hire, animal-drawn vehicle, or taxicab in the City without having first obtained a driver's permit issued in writing by the Chief of Police. Such driver's permit shall be carried by every person while operating a vehicle for hire, animal-drawn vehicle, or taxicab, and such permit holder shall exhibit the permit to any police officer, code enforcement officer, animal control officer, or the Chief Financial Officer upon demand.

B. Any applicant for a driver's permit shall file an application with the Police Department accompanied by a nonrefundable fee in the amount established by City Council resolution.

C. The Chief of Police shall deny or revoke the issuance of a driver's permit under any of the following circumstances:

1. The applicant or permit holder is under the age of eighteen years;

2. The applicant or permit holder fails to maintain a valid California driver's license; or

3. The applicant or permit holder lacks sufficient training and experience in the operation of a vehicle for hire, animal-drawn vehicle, or taxicab.

D. The Chief of Police may deny or revoke the issuance of a driver's permit under any of the following circumstances:

1. The applicant or driver's permit holder has been convicted of reckless driving or of driving a vehicle while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage or drug;

2. The applicant or driver's permit holder has been convicted of a crime, the nature of which would endanger public health, welfare, or safety if such person were issued a permit;

3. The applicant or driver's permit holder is facing pending criminal charges of reckless driving, of driving while under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage, or of a crime, the nature of which would endanger the public health, welfare, or safety if such were issued a permit;

4. The applicant or driver's permit holder has falsified, misrepresented, or omitted pertinent information in the application; or

5. The applicant or driver's permit holder is otherwise determined to be presently or potentially unfit to perform the functions authorized by the driver's permit in a manner consistent with the public health, welfare, or safety.

The Chief of Police may receive and consider evidence of rehabilitation before rendering a decision on issuing or revoking a driver's permit under this Subsection.

E. The driver's permit holder shall be entitled to an identification card of such design and having such number as the Chief of Police may prescribe. Such identification card shall be kept on the driver's person at all times while operating a vehicle for hire, animal-drawn vehicle, or taxicab. Such identification card shall be the property of the City and shall be returned to the Police Department upon the driver's permit holder's termination of employment as an operator of a vehicle for hire, animal-drawn vehicle, or taxicab in the City.

F. All driver's permits issued pursuant to this Section to operate a vehicle for hire, animal-drawn vehicle, or taxicab are non-assignable and shall expire one year from the date of issue. Applications for renewal shall be made within thirty (30) days prior to the expiration of such permit. (Ord. 7014 § 1, 2008)

5.40.185 Appeal from denial or revocation of driver's permit.

Any applicant under this Chapter who has been denied a driver's permit or any driver's permit holder who has had his or her permit revoked may, within fifteen (15) days of notification of the denial or revocation of such permit, file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. Upon filing of the appeal, the City Clerk shall set the matter for hearing before the City Council's Public Safety Committee, which hearing shall be within sixty (60) days after receipt of said notice of appeal. The City Clerk shall give notice of the time set at least five (5) days before the date of such hearing to the applicant or driver's permit holder, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the Public Safety Committee shall receive from the Chief of Police and the applicant or driver's permit holder information regarding the denial or revocation and appeal. The Public Safety Committee shall make a determination whether to uphold or reverse the denial or revocation within ten (10) days after the date of said hearing. The determination of the Public Safety Committee shall be the final determination of the matter. (Ord. 7261 § 1, 2014; Ord. 7014 § 1, 2008)

5.40.190 Responsibilities of franchisees, permit holders, and drivers.

A. Each franchisee and permit holder shall be familiar with the requirements imposed by this Chapter.

B. Each driver shall be familiar with the mapping of City streets and the locations of major buildings and attractions.

C. Each vehicle for hire and animal-drawn vehicle driver shall remove from the persons' compartment or secure in a locked cabinet all alcoholic beverages which they may ordinarily legally provide if any of the persons are under twenty-one (21) years of age unless such person is accompanied by a parent or legal guardian. It shall be the responsibility of the owner and/or driver to verify the age of the persons and the relationship of adults to the minors.

D. Each vehicle for hire permit holder, animal-drawn vehicle permit holder, and taxicab franchisee shall report all accidents involving property damage of five hundred dollars ($500) or more and all accidents involving injury to an individual to the Chief Financial Officer on the next business day following the accident.

E. Each vehicle for hire permit holder, animal-drawn vehicle permit holder, and taxicab franchisee shall maintain and keep current at the place of business a daily log showing all trips made by every driver showing time(s), place(s) of origin, and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the Chief Financial Officer for inspection upon reasonable notice.

F. Each animal-drawn vehicle permit holder shall ensure that the operation of the animal-drawn vehicle does not exceed the speed of a slow trot.

G. Each animal-drawn vehicle driver shall be the first person into the vehicle and the last person to exit the vehicle.

H. No driver of an animal-drawn vehicle shall leave the animal and vehicle unattended.

I. Each animal-drawn vehicle permit holder and driver shall ensure all tack remains in good and safe condition, the animal is driven in a safe manner, and all requirements, including water and rest periods for the animal, are observed.

J. No animal-drawn vehicle shall be operated on any street with a speed limit in excess of 25 miles per hour.

K. A special permit will be required for animal-drawn vehicle permit holders to operate in conjunction with a special event. Such special permit shall include the specific times of operation, routes, the locations of the stands and restrictions on the number of carriages/operators. A special event is an event outside of the ordinary course of neighborhood functions involving 25 or more persons that are gathered for a common purpose under the direction and control of a person or organization. This shall include, but is not limited to, activities such as concerts, circuses or carnivals, fairs, farmer's markets, community events, fundraisers, private parties, promotional events, block parties, air or car shows, parades/processions, athletic/sporting events, foot or bicycle races, and festivals that impact City streets, sidewalks, parking lots, public property, airways, public buildings, parks, and/or traffic. Special events shall include activities on private property that have the potential to impact the public-right-of-way. Any permit holder desiring to obtain a special permit to operate in conjunction with a special event shall apply utilizing the City's application form available in the Development Department.

L. The City may utilize an administrative process to allocate and fairly limit the number of animal-drawn vehicle businesses and locations of operation.

M. Animal-drawn vehicles may only cross streets with posted speed limits in excess of 25 miles per hour at intersections controlled by traffic signals or all way stop control.

N. Each animal-drawn vehicle permit holder and driver shall ensure that such vehicle is not operated on the Pedestrian Mall on Main Street between 6th Street and 10th Street or within City parks, unless City authorization is specifically provided in writing.

O. The City may temporarily or permanently prohibit the operation or turning maneuvers of animal-drawn vehicles on specific streets within the City by providing written notice to the permit holder. It shall be the duty of each permit holder and driver to observe these specific rules.

P. Each driver shall maintain two-way communication with a base station or a fully functioning cellular phone or other acceptable means of communication whenever the vehicle is in use.

Q. Each permit holder shall maintain a separate business license for each type of business conducted as required by Chapter 5.40 of this Code.

R. An animal-drawn vehicle permit holder may request in writing to the Traffic Engineer for an exemption in regards to the restrictions identified in paragraphs (J), (M), or (N) when strict adherence to these regulations would not serve the public interest and no other viable options are available for safety or other reasons. Exemptions are only to be granted to provide limited relief for short distances or periods in highly unusual circumstances. The applicant for an exemption must demonstrate special circumstances or conditions to a proposed route of an animal-drawn vehicle which the exemption is sought. (Ord. 7014 § 1, 2008)

5.40.200 Receipt for payment.

The driver of any vehicle for hire, animal-drawn vehicle, or taxicab shall, upon demand by the persons, render to such persons a receipt for the amount charged, indicating date(s) of service, amount paid, and the name of the permit holder or franchisee. (Ord. 7014 § 1, 2008)

5.40.210 Condition of vehicles for hire, animals and taxicabs.

A. All vehicles for hire, animal-drawn vehicles, and taxicabs shall be kept clean, in good repair, in good mechanical condition and in good working order. The City reserves the right to inspect or cause to be inspected permitted vehicles for hire, animal-drawn vehicles, taxicabs, and animals for compliance with this Chapter, for the presence and operating condition of required safety features and for cleanliness. Inspections of animal-drawn vehicles may also include inspections related to safety, reliability, maintenance, and driver operation. Vehicle for hire and animal-drawn vehicle permit holders shall pay the reasonable costs of inspections required under this Section. Motorized vehicles for hire and taxicabs shall have heating and air conditioning systems in good operating condition for seasonal use. The City may order any vehicle for hire, animal-drawn vehicle, or taxicab off the road immediately for being in violation of this Chapter.

B. Each gurney van shall have both a driver and attendant while being operated with a persons.

C. Animals and animal-drawn vehicles shall have the following equipment:

1. Brakes appropriate for the design of the particular vehicle;

2. Animal harnesses in good condition, which are subject to inspection by a qualified inspector;

3. A slow moving vehicle emblem that complies with State law;

4. An effective device to catch manure;

5. Rear view mirrors appropriate to the type of vehicle shall be mounted on the vehicle to provide for viewing to the side and rear of the vehicle. This requirement applies only to vehicles constructed to accommodate mirrors;

6. Two electrified white lights for the front of the vehicle and two electrified red lights for the rear of the vehicle. All lights shall be operated when the vehicle is being driven during the hours from one-half hour before sunset to one-half hour after sunrise and during other times of lessened visibility;

7. Rubber shoes on horses. (Ord. 7014 § 1, 2008)

5.40.220 Records.

The owner of any vehicle for hire and taxicab shall maintain for a period of three years and disclose to the City upon request the following records:

1. Driver's trip records;

2. Receipts and disbursements from vehicle for hire operations;
3. Payments to drivers;
4. Mileage record of each motorized vehicle;
5. Workers' Compensation coverage, if required;
6. Liability insurance coverage;
7. All financial statements; and
8. Copies of all citations issued by a California law enforcement officer or copies of the Department of Motor Vehicles printout. (Ord. 7014 § 1, 2008)

5.40.230 Posting rate schedule and identification card.

Every vehicle for hire, animal-drawn vehicle, and taxicab shall have posted in a conspicuous location in the person's compartment a schedule of rates and charges for the hire of such vehicle, the driver's identification, the owner's name, address and telephone number, and the Finance Division, Business Tax Office's phone number. (Ord. 7014 § 1, 2008)

5.40.240 Light inside vehicle.

Every motorized vehicle for hire shall be equipped with a light within such vehicle arranged to illuminate the entire persons' compartment. The light shall be constantly lit while any persons is in such vehicle, except when the same is in motion, from one-half hour before sunset of any day until one-half hour after sunrise of the next day. No shades or blinds shall be drawn over the windows of a vehicle for hire while any persons is in such vehicle. (Ord. 7014 § 1, 2008)

5.40.250 Excessive charges.

A. Rates Established. The applicant shall submit a proposed schedule of rates for the transport service to be provided pursuant to this Chapter at the time of application for a permit. No charge shall be made by any operator or owner in excess of the rates posted in the persons compartment of such car and approved by the City.

B. Posting of Rates. Each vehicle used for the transport of a persons shall post the rates which have been approved by the Chief Financial Officer for the services authorized hereunder.

C. Changing of Rates. The rates to be charged shall not change for a period of six months from the date of approval by the Chief Financial Officer. Whenever a rate change is desired, the permit holder or franchisee may file a request for amendment with the Chief Financial Officer.

D. Nothing in this Chapter shall prohibit a permitted vehicle for hire service from contracting with any hospital, health maintenance organization, insurance company, health care plan or similar group exclusively for its own persons, members and/or clients at rates at or below those approved by the City Council.

E. Any user of a transport service contending that he or she has been required to pay an excessive charge for service or that he or she has received inadequate services may file a written complaint with the Chief Financial Officer setting forth such allegations. If deemed appropriate by the Chief Financial Officer, the City shall notify the transport service of such complaint and shall investigate the matter to determine the validity of the complaint. If the complaint is determined to be valid, the City shall take reasonable and proper actions to secure compliance with the provisions of this Chapter. (Ord. 7014 § 1, 2008)

5.40.260 Designation of taxicabs.

No vehicle shall be designated as a "taxi" or "taxicab" in any sign or advertising matter unless authorized to do so by franchise granted by the City of Riverside. (Ord. 7014 § 1, 2008)

5.40.270 Parking vehicles on streets generally.

Any applicant for a permit or franchise under this Chapter who desires space to stand a vehicle for hire, animal-drawn vehicle, or taxicab on the street shall obtain permission of the City and property owners or occupants, as required by this Chapter, but no applicant shall be entitled to space on the street for more than one vehicle for hire, animal-drawn vehicle, or taxicab and all applicants for permits for more than one vehicle for hire, animal-drawn vehicle, or taxicab shall be required to provide parking space for the remainder of such vehicles off the streets of the City. They shall not be entitled to stand the same on public streets longer than is necessary to load and unload persons, except while the vehicle for hire, animal-drawn vehicle, or taxicab is actually paid for and engaged by persons unless authorized by permit. (Ord. 7014 § 1, 2008)

5.40.280 Change in rates, color scheme, name, vehicles and animals.

In the event that any franchisee or permit holder desires to change his or her schedule of rates and charges or the color scheme, name, monogram or insignia used on such vehicle for hire or animal-drawn vehicle, or to substitute any vehicle or animal for and in place of the vehicle(s) or animal(s) described in the application for the permit, or to increase or decrease the number of vehicles or vehicles used by him or her as vehicles for hire or animal-drawn vehicles, he or she shall make application for permission to do so from the Chief Financial Officer which permission shall be granted if, the Chief Financial Officer determines that the public interest, necessity and convenience will be served by such change, and if the permit holder has complied with all the provisions of this Chapter. If a permit holder substitutes an animal for one that was not previously approved, permit holder shall provide the Chief Financial Officer with a complete description and a photograph of the animal within 10 days. (Ord. 7014 § 1, 2008)

5.40.290 Refusal to pay legal fare.

It is unlawful for any person to refuse to pay the legal fare for the hire of any vehicle or taxicab, after having hired the same, with the intent to defraud the person from whom it is hired. (Ord. 7014 § 1, 2008)

5.40.300 Meters.

All taxicabs shall be equipped with a meter in good working order in plain sight of the persons, which meter shall constantly show charge made for hire of the taxicab. The City shall determine the increments at which meters may be set. Each meter shall bear a current seal issued by the official of a California County charged with regulation of weights and measures. (Ord. 7014 § 1, 2008)

5.40.305 Regulations related to the operation of a pedicab.

A. The pedicab shall be equipped with an operable headlight capable of projecting a beam of white light for a distance of 300 feet.

B. The pedicab shall be equipped with operable taillights mounted on the right and the left, respectively, at the same level on the rear exterior of the persons' compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab.

C. The pedicab shall be equipped with side-mounted rearview mirrors affixed to the right and left side of the bicycle so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the pedicab.

D. The pedicab shall not have more than one attached trailer or sidecar.

E. The number of persons in a pedicab shall not exceed the seating capacity.

F. Pedicab operators are subject to all applicable laws, rules, and regulations of the Municipal Code and the California Vehicle Code pertaining to the operation of vehicles for hire and bicycles upon streets, except those provisions that by their very nature can have no

application. (Ord. 7014 § 1, 2008)

5.40.310 Fines for noncompliance with standards.

A. Fines. In addition to suspension or revocation of a permit or franchise as enumerated in Section 5.40.110, the permit holder or franchisee shall be subject to the following fines for failure to comply with the standards or requirements of this Chapter:

1. Fifty dollars ($50.00) for the first violation in a one-year period.
2. One hundred dollars ($100.00) for the second violation in a one-year period.
3. Two hundred and fifty dollars ($250.00) for the third and subsequent violations in a one-year period.

B. Payment. Such fines shall be due and payable to the City within fifteen days of the mailing of a notice to the permit holder or franchisee of the assessment of such fine. Any such notice of such fine shall specify the grounds for the assessment and advise the permit holder or franchisee of a right to appeal the imposition of an assessment.

C. Appeal. If a permit holder or franchisee objects to the imposition of a fine pursuant to this Section, the permit holder or franchisee may appeal such fine by filing an appeal with the Chief Financial Officer within fifteen days following issuance of the notice of imposition of the fine. The appeal shall be in writing and shall specify the grounds for the appeal. The Chief Financial Officer shall hold a hearing upon any timely filed appeal within thirty days of the date of filing. Notice of the hearing shall be given to the permit holder or franchisee by mailing the notice of hearing, postage fully prepaid, at least ten days prior to the date of the hearing. The Chief Financial Officer shall render a decision on appeal within ten days following the close of the hearing. The decision of the Chief Financial Officer shall be in writing and shall be final.

D. Payment Following Appeal. If the permit holder or franchisee has appealed the imposition of the fine in a timely manner, and if the Chief Financial Officer upholds the imposition of the fine following a hearing thereon, the permit holder or franchisee shall pay the fine to the City within fifteen days following the rendering of the decision.

E. Civil Debt. The fines imposed by this Section shall be civil debts owing to the City from the permit holder or franchisee, and may be collected by the City as any other civil debt. (Ord. 7014 § 1, 2008)

5.40.320 Reimbursement for City costs.

The City, in the exercise of its oversight responsibilities, reserves the right to retain or to contract with any consultant including medical, legal or other to assist the City in its oversight responsibilities if the Chief Financial Officer determines there is reasonable cause to believe such action is necessary. The Chief Financial Officer may require the permit holder or franchisee to pay such additional oversight costs above the oversight fee charged up to a maximum amount of two thousand five hundred dollars ($2,500). (Ord. 7014 § 1, 2008)

Chapter 5.44

TRANSPORTATION OF ROCK, SAND AND GRAVEL

Sections:

Section 5.44.010 Certificate of weights and measures required.

Every person engaged in the business of selling sand, rock or gravel in the City shall furnish to the purchaser thereof, with each load of such materials, a State certificate of weights and measures, issued by a public weighmaster authorized under the laws of the State to issue such certificate. (Prior code § 21.9)

Section 5.44.020 Carrying certificate with load.

It is unlawful for any person to transport, haul or carry sand, rock or gravel upon any public street or way within the City unless each load thereof is accompanied by a State certificate of weights and measures provided for in Section 5.44.010; provided, however, that nothing in this chapter shall be deemed or construed to require loads of sand, rock or gravel to be accompanied by such weight certificate when such loads are in transit from and to points outside of the City, or on a direct route from quarry to the nearest public weighmaster. (Prior code § 21.10)

Section 5.44.030 Contents of certificate.

Each certificate of weights and measures required under the provisions of Sections 5.44.010 and 5.44.020 shall show thereon, in addition to such other information as is or may be required by law, the gross weight of such load together with the vehicle transporting or containing the same, also the weight of such vehicle, and the net weight of such load of sand, rock or gravel being so sold, transported, hauled or carried.

In case such vehicle contains or transports more than one kind of such materials, the certificate of weights and measures shall show the net weight of each kind of such materials being sold, transported, hauled or carried. (Prior code § 21.11)

Chapter 5.46

SURFACE MINING AND RECLAMATION

Sections:

Section 5.46.010 Purpose and intent.

The City Council recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), as amended, hereinafter referred to as "SMARA", Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that :

A. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses.

B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

C. Residual hazards to the public health and safety are eliminated. (Ord. 6476 § 1, 1999; Ord. 4953 § 1, 1981)

Section 5.46.020 Definitions.

The definitions set forth in this section shall govern the construction of this chapter.

Area of Regional Significance. An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

City. The City of Riverside.

Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

Haul Road. A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle. Surface mining operations curtailed for a period of one year or more, by more than ninety percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operations. All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, steambed skimming, and segregation and stockpiling of mined materials (and recovery of same). (Ord. 6476§ 1, 1999; Ord. 4953 § 2, 1981)

Section 5.46.030 Incorporation by reference.

The provisions of SMARA (PRC §2710 et seq.), PRC Section 2207, and state regulations CCR §3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative state provisions, this Chapter shall prevail. (Ord. 6476 § 1, 1999; Ord. 4953 § 3, 1981)

Section 5.46.040 Scope.

Except as provided in this Chapter, no person shall conduct surface mining operations unless a Conditional Use Permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity form the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and excavations as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

A. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

B. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, §21000 et seq.), and the City's CEQA Resolution .

2. The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.

3. The approved construction project is consistent with the general plan or zoning of the site.

4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been definitely suspended, or are no longer being actively pursued.

C. Operation of a plant site used for mineral processing, including associated onsite

structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:

1. The plant site is located on lands designed for industrial or commercial uses in the City's general plan.

2. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the City.

3. None of the minerals being processed are being extracted onsite.

4. All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.

D. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

E. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

F. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.

G. The solar evaporation of sea water or bay water for the production of salt and related minerals.

H. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

I. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection. The exemption does not apply to onsite acclamation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes. (Ord. 7341 §4, 2016; Ord. 6476 §1, 1999; Ord. 4953 § 3, 1981)

Section 5.46.050 Vested rights.

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he or she shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post- Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations. (Ord. 6476 § 1, 1999; Ord. 4953 § 5, 1981)

Section 5.46.060 Process.

A. Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made under a Conditional Use Permit. Said application shall be filed in accord with this Chapter and subject to all applicable rules and regulations as outlined Title 19 (Zoning Ordinance). The forms for Reclamation Plan applications shall require, at a

minimum, each of the elements required by SMARA (§2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Community & Economic Development Department Director. As many copies of the Site Approval application as may be required under the Conditional Use Permit shall be submitted to the Planning Division.

B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applicants for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the City at one time.

C. Applications shall include all required environmental review forms and information prescribed by the Planning Division.

D. Upon completion of the environmental review procedure and filing of all documents required under the Conditional Use Permit, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to the this Municipal Code and applicable resolutions at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

E. Within thirty days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the State Department of Transportation that the application has been received.

F. The Planning Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City CEQA Resolution.

G. Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.

H. The Planning Commission shall hold at least one noticed public hearing on the Conditional Use Permit filed for the Site Approval and/or Reclamation Plan.

I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously and conceptually approve the Site Approval. However the Planning Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve Site Approval with the condition that the Planning Department shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

Pursuant to PRC to §2774 (d), the State Department of Conservation shall be given thirty days to review and comment on the Reclamation Plan and forty-five days to review and comment on the financial assurance. The Planning Commission shall evaluate written

comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendation and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).

K. The Planning Division shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999; Ord. 4953 § 6, 1981)

Section 5.46.070 Standards for reclamation.

A. All Reclamation Plans shall comply with the provisions of SMARA (§2772 and §2773) and state regulations (CCR §3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §3700-3713).

B. The city may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include

1. The beginning and expected ending dates for each phase;
2. All reclamation activities required;
3. Criteria for measuring completion of specific reclamation activities; and
4. Estimated costs for completion of each phase of reclamation. (Ord. 6476§ 1, 1999; Ord. 4953 § 7, 1981)

Section 5.46.080 Statement of responsibility.

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999; Ord. 4953 § 8, 1981)

Section 5.46.090 Findings for approval.

A. Site Approvals. In addition to any findings required by this Municipal Code, Site Approvals for surface mining operations shall include a finding that the project complies with the

provisions of SMARA and State regulations.

B. Reclamation plans. For Reclamation Plans, the following findings shall be required;

1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the Reclamation Plan complies with applicable requirements of state regulations (CCR §3500-3505, and §3700-3713).

3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the City General Plan and any applicable resource plan or element.

4. That the Reclamation Plan has been reviewed pursuant to CEQA and the City's CEQA Resolution and all significant adverse impacts for reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, to that suitable off-site development will compensate for related disturbance to resource values.

6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.

7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999; Ord. 4953 § 9, 1981)

Section 5.46.100 Financial assurances.

A. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may post security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of Riverside and the State Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Planning Division shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within forty-five days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Division shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of

reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands distributed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Planning Division. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revisions to financial assurances shall be submitted to the Planning Division each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required. (Ord. 7341 §4, 2016; Ord. 6476 §1, 1999; Ord. 4953 § 10, 1981)

Section 5.46.110 Interim management plans.

A. Within ninety days of a surface mining operation becoming idle, the operator shall submit to the Planning Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

C. Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty days prior to approval by the Planning Commission.

D. Within sixty days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.

E. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan. (Ord. 7341 §4, 2016; Ord. 6476 §1, 1999)

Section 5.46.120 Annual report requirements.

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Planning Division on a date established by the State Department of Conservation upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within thirty days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. (Ord. 7341 §4, 2016; Ord. 6476 §1, 1999)

Section 5.46.130 Inspections.

The Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 5.46.120, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, or other qualified specialists, as selected by the Planning Division. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Division shall notify the State Department of Conservation within thirty days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999)

Section 5.46.140 Violations and penalties.

If the Community & Economic Development Department Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions of the Riverside Municipal Code for revocation and/or abandonment of a Site Approval which are not preempted by SMARA. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999)

Section 5.46.150 Appeals.

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein, shall have the right to appeal to the City Council, per the standards established in Title 19 Code). An appeal shall be filed on forms provided, within ten calendar days after the rendition, in writing, of the appealed decision. (Ord. 7341 §4, 2016; Ord. 6476 § 1, 1999)

Section 5.46.160 Fees.

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the state regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the Conditional Use Permit, Reclamation Plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.
(Ord. 6476 § 1, 1999)

Section 5.46.170 Mineral resource protection.

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City's General Plan.

In accordance with PRC §2762, the City's General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resource of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. (Ord. 6476 §1, 1999)

Section 5.46.180 Severability.

If any section, subsection, sentence, clause or phase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter. (Ord. 6476 § 1, 1999)

Chapter 5.48

SWAP MEET

Sections:

Section 5.48.010 Swap meet defined--Requirements.

A swap meet, as used in this chapter, means any event which meets all the following requirements:

A. The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit it for sale or exchange;

B. A fee is charged, payable to the operator or organizer of the event, either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at such event. The charge for exhibiting identifiable, tangible personal property may be a fixed amount or a percentage of all sales made or of the value of all property exchanged. (Ord. 3517 § 1, 1968)

Section 5.48.020 Notice required from exhibitor.

Every person who desires to exhibit identifiable, tangible personal property at a swap meet shall, before he is permitted to exhibit such identifiable, tangible personal property at the swap meet, furnish to the operator or organizer of the swap meet or a person designated in advance by such owner or operator to receive such information, a written notice containing all of the following information:

A. The name and current address of the person who desires to exhibit identifiable, tangible personal property at the swap meet;

B. An accurate description, including any identifying manufacturer's or license number, of every item of identifiable, tangible personal property which such person will exhibit at the swap meet;

C. The name and current address of the owner of every item of identifiable, tangible personal property which such person will exhibit at the swap meet. (Ord. 3517 § 2, 1968)

Section 5.48.030 Notice required from seller or exchanger.

Every person who sells or exchanges any identifiable, tangible personal property at a swap meet shall furnish to the owner or operator of the swap meet, or a person designated in advance by such owner or operator to receive such information, a written notice containing all of the following information with respect to each such sale or exchange:

A. An accurate description, including any identifying manufacturer's or license number, of the identifiable, tangible personal property which was sold or exchanged;

B. The name and current address of the person selling or exchanging the identifiable, tangible personal property;

C. The name and current address of the person who purchased or received the identifiable, tangible personal property. (Ord. 3517 § 3, 1968)

Chapter 5.49

YARD SALES

Sections:

Section 5.49.010 Findings.

The City Council finds and declares that the City of Riverside has a substantial interest in preserving and maintaining the aesthetics and tranquility of neighborhoods, including traffic flow through the neighborhoods. These regulations directly advance the City's interest in preserving the residential character of its neighborhoods. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.020 Definitions.

For the purposes of this Chapter, "yard sale" means the sale of personal property owned or maintained by occupants of the premises in, at, or upon any residentially zoned or residentially occupied property. Yard sales shall include, but not be limited to, any garage sale, multi-family sale, home sale, patio sale, or any other sale similarly conducted on any residentially zoned or residentially occupied property. "Estate sale" is defined as a sale performed or managed by a third party who is experienced in conducting such sales and who maintains a current City Business Tax Certificate as an estate sale business. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.030 Sales prohibited.

It is unlawful for any person to sell or participate in the sale of personal property to the general public by means of a yard sale on any residentially zoned or residentially occupied property except as permitted by this Chapter. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.040 Exemption.

The provisions of this Chapter shall not apply to sales conducted pursuant to process or order of any court of competent jurisdiction. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.050 Yard sale exempted.

No business tax as provided for in Chapter 5.04 shall be required for any yard sale lawfully conducted in accordance with the provisions of this Chapter. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.060 Sales limited--Frequency and time.

Not more than four yard sales may be conducted by any person upon a lot within any

one calendar year. Sub-divided parcels that include separate addresses are allowed four yard sales per calendar per separate address. Yard sale operations are limited to the hours between 7:00 a.m. and 5:00 p.m. and may only occur on Friday through Sunday. A single yard sale may be up to three consecutive days long (Fri.-Sun.). (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.070 Display and Conduct of Sales.

All personal property to be sold shall be arranged so that fire, police, health and other officials may have access for inspection at all times during the sale. Personal property offered for sale shall not be displayed or stored on adjoining public sidewalks or streets or rights-of-way. Only personal property owned and/or maintained by the sellers may be offered for sale. New merchandise or items acquired or produced for resale or consignment are prohibited. No person shall lease, sub-lease, rent or otherwise charge a fee to a third party for the sole purpose of displaying and selling personal property on their lot or parcel, nor shall a third party lease, sub-lease or rent a parcel for this purpose. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 4067 § 1 (part), 1973)

Section 5.49.080 Signs.

All signs advertising yard sales shall conform to the City's Sign Code as set forth in Chapters 19.620 and 19.625 of the Riverside Municipal Code. (Ord. 7313 § 2, 2016; Ord. 7033 § 1, 2009; Ord. 5258 § 4, 1985; Ord. 4067 § 1 (part), 1973)

Chapter 5.52

MASSAGE

Sections:

Section 5.52.010 Findings and Purpose.

The City Council finds and declares as follows:

A. The requirements and restrictions imposed by this Chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the City.

B. There is a significant risk of injury to massage clients by improperly trained and/or educated massage technicians, and this Chapter provides reasonable safeguards against injury and economic loss.

C. There is opportunity for acts of prostitution, lewdness, and other unlawful sexual activity to occur in massage establishments. Courts have long recognized massage as a pervasively regulated activity and that massage establishments are often brothels in disguise. The establishment of reasonable standards would serve to reduce the risk of illegal activity and would thereby benefit the public health.

D. The regulations and restrictions contained in this Chapter are intended to discourage massage establishments from degenerating into houses of prostitution, and the means utilized in this Chapter bear a reasonable and rational relationship to the goals sought to be achieved within the confines allowed by state law.

E. Assembly Bill 1147 gives broad control over regulating massage establishments to local governments so that they may manage those establishments in the best interest of the individual community. Consistent with this state law, this ordinance seeks to allow legitimate therapeutic massage services to flourish, while discouraging unlawful sexual activity and human trafficking associated with prostitution. (Ord. 7326 § 2, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.020 Definitions.

For the purposes of this Chapter, the following words, items and phrases shall have the meaning given herein:

“Accredited Recognized School” means an “approved school" or "approved massage school" as defined in California Business and Professions Code Section 4600(a).

“California Massage Therapy Council” means the organization that provides voluntary statewide certification of Massage Therapists pursuant to California Business and Professions Code Section 4601(c), and to Massage Practitioners pursuant California Business and Professions Code Sections 4601(b), 4604(a), and 4604(c).

"Chief of Police" means the Chief of Police of the City of Riverside or his/her designee.

“City” means City of Riverside.

“Compensation” means the payment, loan, advance, donation, contribution, deposit, exchange or gift or money, or anything of value.

“Crime” means a crime or public offense as defined under Penal Code Section 15 and 16 or offense under a local ordinance.

“Effective Date” means thirty (30) after the second reading of this Chapter by City Council.

"Employee" means any person who renders any service, with or without compensation, to a massage establishment relating to the day-to-day operation of the massage establishment. This shall include independent contractors and unpaid volunteers.

"Massage" means any method of treating the external parts of the body for remedial, hygienic, relaxation or any other reason or purpose, whether by means of pressure or friction against, or stroking, kneading, tapping, pounding, vibrating, rubbing or other manner of touching external parts of the body with the hands, with or without the aid of any mechanical or electrical apparatus or appliance or with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, ointment or other similar preparations commonly used in this practice.

"Massage establishment" means any establishment having a fixed place of business where any person engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, massage.

"Massage technician" is a person who offers to or solicits to perform a massage for compensation, holds himself or herself out to be a person who performs massage, or who actually performs a massage for compensation.

"Owner" means any person or entity having an ownership interest in the Massage Establishment.

“Property” means the entire parcel of property on which the massage establishment is located not just a separate unit or suite.

“Sex Offenses” means an offense involving unlawful sexual conduct, such as prostitution, indecent exposure, pimping, sexual assault, sexual battery, and other similar offenses.

“State certificate” means a massage therapist certificate or massage practitioner certificate issued by the California Massage Therapy Council (“CMTC”).

“Surrender” also means revocation.

(Ord. 7372 § 2, 2017; Ord. 7326 § 3, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.030 Exceptions.

A. The requirements of this Chapter shall have no application and no effect upon and shall not be construed as applying to:

1. Any physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice such profession in the state of California.

2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the state of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist, duly licensed to practice their respective professions in this state. No other person employed by a physician, surgeon, chiropractor, osteopath, acupuncturist, or physical therapist, shall administer a massage without having first obtained a valid state certificate.

3. Any person licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code when engaging in such practice within the scope of such license.

4. Any persons providing massages that (a) do not involve disrobing and (b) are not administered in a room separate and apart from the primary business activity at the business location.

5. State-licensed hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the state of California, and the employees of such facilities while working on the premises of such state-licensed facilities.

6. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

7. Barbers, beauticians, or manicurists who are duly licensed by the state of California pursuant to the Barbering and Cosmetology Act set forth in Business and Professions Code Section 7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves, and/or feet.

8. Schools of cosmetology or barbering which comply with the requirements of Business and Professions Code Section 7362 et seq. when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of Business and Professions Code Section 7395.1.

9. Any other business or professions exempt by state law.

B. Businesses that offer ancillary massage services are exempt from this Chapter, subject to the requirements set forth below. Ancillary massage services shall be those services performed at a business where fifteen percent or less of the overall business operations are related to provision of massage services as measured by the percentage of gross sales or floor area devoted to provision of massage, whichever is greater, as documented to the Police Department. Businesses to which this exemption may apply include, but are not limited to, health clubs, spas and beauty salons.

1. Ancillary massage services must be performed by the holder of a valid certificate of registration or state certificate.

2. Ancillary massage services must comply with Section 5.52.070 relating to health and safety requirements and Section 5.52.080 relating to prohibited conduct. (Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.040 Massage establishment permit required.

A. No person shall own, operate, or manage any massage establishment in any location within the City without first having obtained a massage establishment permit.

B. Any person desiring a massage establishment permit shall file, under penalty of perjury, a written application on forms provided by and submitted to the Chief of Police accompanied by a non-refundable application fee in such amounts established by resolution of the City Council.

C. The application shall be completed and signed by the owner of the proposed massage establishment, if a sole proprietorship; one general partner, if the owner is a partnership; or two officers, if the owner is a corporation. The application shall be deemed complete if it contains or is accompanied by the following information:

1. A description of the type of ownership of the business (i.e., whether by individual, partnership, corporation or otherwise). If the applicant is a corporation, the application shall include the names and residence addresses of each of its current officers and directors. An applicant corporation or partnership shall list the names and residence addresses of each of its officers or partners.

2. A detailed description of all services to be provided at the massage establishment.

3. The proposed business name.

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

5. A complete list of the names and residence addresses of all proposed massage technicians and other employees in the massage establishment with a description of the job duties or function of each. In the event of corporate ownership, the applicant must also include the name and residence addresses of the responsible employee to be principally in charge of the day-to-day operations of the massage establishment.

6. Copies of valid certificates of registration or state certificates for each massage technician to be working at the massage establishment.

7. A description of any other business owned or operated by the applicant within the State of California.

8. The following personal information concerning every owner:

a. Full complete name and all aliases used;

b. Current residence address and residential addresses for five (5) years immediately preceding the present address, and the inclusive dates for each such address;

c. Acceptable proof that every owner is at least eighteen (18) years of age;

d. The complete business, occupation and employment history for five (5) years preceding the date of application, including, but not limited to, the massage or similar business history and experience;

e. The complete permit history including, but not limited to, massage or similar business; whether such person has ever had any permit or license issued by any agency, board, city, county, territory or state; the date of issuance of such a permit or license; whether the permit or license was denied, revoked or suspended; or whether a vocational or professional license or permit was denied, revoked or suspended, and the reason (s) therefor;

f. A complete set of the applicant's fingerprints taken by the Riverside Police Department. The applicant shall be responsible for payment of any fingerprinting fee;

g. Date of birth and original documentation to verify both the applicant's identity and employment authorization (if applicable), as listed under 8 U.S.C. Section 1324a(b)(1) and 8 C.F.R. Section 274a.2(b)(1);

h. All criminal convictions, including pleas of nolo contendere, within the last ten (10) years, including those dismissed pursuant to Penal Code Section 1203.4, and the date and place of each such conviction and reason and sentence therefore; and

i. All pending criminal charges for which the applicant is currently out on bail or on his/her own recognizance pending trial.

9. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. If the applicant is not the property owner, the application must be accompanied by an acknowledgment from the property owner that a massage establishment will be located on the property.

10. The name and address of any massage establishment or other business wherein massages are administered which is owned or operated by any individual applicant.

11. Such other identification and information as the Chief of Police may require to verify the truth of the matters set forth in the application.

12. A statement in writing and dated by the applicant certifying under penalty of perjury that all information contained in the application is true and correct.

D. Each permit issued under this section shall expire one year from the date of issuance.

E. An unrevoked permit may be renewed for one year by filing, under penalty of perjury, a written application on forms provided by and submitted to the Chief of Police, accompanied by a non-refundable renewal fee in such amounts established by resolution of the City Council.

F. A permit required under this section shall be in addition to any license, permit or fee required under any other Chapter of this Code.

G. A permit holder shall notify the Chief of Police whenever there is a change in information that was required to be submitted in the application. Such notification shall be in writing and made within ten business days of the change.

H. The Chief of Police shall complete an investigation of the qualifications and moral character of the applicant and either grant or deny the permit within ninety (90) days after the submission of the completed application; provided, however, if good cause exists, the Chief of Police may extend the period of investigation for an additional thirty (30) days, provided the applicant is mailed notification or verbally notified that the investigation has not been completed. (Ord. 7121 § 1, 2011; Ord. 6477 §1, 1999; Ord. 6290 § 1, 1996; Ord. 4109 § 1 (part), 1974)

Section 5.52.050 Refusal to issue massage establishment permit.

A. The Chief of Police shall not issue or allow a transfer of a massage establishment permit to an applicant under any of the following conditions.

1. The applicant fails to or refuses to furnish the information or documents required by this Chapter or submits false, misleading, or incomplete information on the application.

2. The massage establishment does not comply with the minimum requirements set forth in this Chapter or with the City's building fire, health and zoning regulations.

3. The operation of the massage establishment will not comport with the peace, health, safety, convenience, good morals, and general welfare of the public.

4. The applicant has been convicted of any of the following offenses, unless the Chief of Police finds the offense was so remote in time and that the applicant has been rehabilitated:

a. A sexually-related crime, including but not limited to California Penal Code Sections 266h, 266i, 314, 315, 316, 318, 647(a), 647(b), and 647(d);

b. A crime involving dishonesty, fraud, deceit, or moral turpitude;

c. A crime committed while engaged in the ownership or operation of a massage establishment or the practice of massage;

d. Health and Safety Code Section 11550 or any crime involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055, 11056, 11057 or 11058;

e. Any crime involving conduct reasonably related to the occupation being regulated;

f. Attempt to commit or conspiracy to commit any of the above mentioned offenses; or

g. Any crime in any other state which is the equivalent of or substantially similar to any of the above mentioned offenses.

5. The applicant has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Sections 11225 through 11235 of the California Penal Code, or any similar provisions of law in a jurisdiction outside the State of California.

6. The applicant has had a massage establishment permit or other similar license or permit denied, suspended or revoked for cause by any city, county, state, local agency, or other licensing authority, or has had to surrender a permit or license as a result of pending criminal charges or in lieu of said permit or license being suspended or revoked.

7. The Property has had a prior revocation of a massage establishment permit or state massage certificate or the Property was associated with criminal activity relating to massage establishment activity.

B. Denial of a massage establishment permit shall be given to the applicant in writing and shall specify the grounds for such denial. Notice of the denial shall be deemed to have been served upon personal service or when deposited in the United States Mail with postage prepaid and addressed to the applicant at the address listed on the application. Such refusal to issue a permit may be appealed to the City Council's Public Safety Committee pursuant to Section 5.52.140 of this Chapter. (Ord. 7326 § 4, 2016; Ord. 7121 § 1, 2011; Ord. 6477§ 1, 1999; Ord. 4109 § 1 (part), 1974)

Section 5.52.060 Requirements for massage establishments.

A. Every massage establishment shall:

1. Notify the Chief of Police whenever there is a change in information which was required to be submitted in the application. Such notification shall be in writing and made within ten business days of the change.

2. Display the original certificate or registration or state certificate for all massage technicians employed at the massage establishment in an open and conspicuous location.

3. Display the original, valid, massage establishment permit issued by the City pursuant to this Chapter in an open and conspicuous location.

4. Provide massage in compliance with Sections 5.52.070 of this Chapter.

5. Provide massage in compliance with Sections 5.52.080 of this Chapter.

6. Procure a business tax certificate from the City.

7. Provide the Chief of Police with a copy of a valid state certificate for every person who is employed or retained by the massage establishment to provide massage within thirty (30) calendar days of the commencement of such person's period of employment.

8. Not permit persons to be working on the premises who have been convicted of an offense enumerated in 5.52.050(A)(4)(a-g) during hours open to the public.

9. Comply with all federal, state, and local laws and cooperate with the Riverside Police Department in the enforcement of all laws in connection with the operation of the business.

B. The City may conduct reasonable inspections, during regular business hours, to ensure compliance with Chapter 10.5 of the Business and Professions Code, this Chapter and other section of the Riverside Municipal Code, and other applicable fire and health and safety requirements. An owner or employee may not refuse to permit such lawful inspection of the premises at any time it is occupied or open for business.

C. In addition to any other provisions in this Chapter, all owners of the massage establishment shall be responsible for the conduct of all of its employees while the employees are on the premises of the massage establishment. (Ord. 7372 § 3, 2017; Ord. 7326 § 5, 2016; Ord. 7121 § 1, 2011; Ord. 6749 § 1, 2004; Ord. 6477 § 1, 1999; Ord. 4109 § 1 (part), 1974)

Section 5.52.070 Health and safety requirements.

No massage establishment shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, the operation of a massage establishment unless each and all of the following requirements are met.

A. Minimum lighting equivalent to at least one forty-watt light shall be provided in each room.

B. Hot and cold running water shall be provided at all times.

C. Closed cabinets shall be provided and shall be utilized for the storage of clean linen.

D. Adequate dressing, locker, and toilet facilities shall be provided for patrons.

E. All physical facilities must be in good repair and maintained in a clean and sanitary condition.

F. Clean and sanitary towels, coverings, and linens shall be provided for patrons.

No common use of towels, coverings, or linens shall be permitted. All massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering or linen has once been used it shall be deposited in a closed receptacle and not used until properly laundered and sanitized. Towels, coverings and linens shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 140 degrees Fahrenheit for not less than fifteen (15) minutes during the washing or rinsing operation. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use.

G. Any locker facilities that are provided for the use of patrons shall be fully secured for the protection of the patron's valuables, and the patron shall be given control of the key or other means of access.

H. All liquids, creams, or other preparations used on or made available to patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

I. No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to: (1) application of electricity which contracts the muscle; (2) application of topical lotions, creams, or other substances which affect living tissue, such as chemical peel preparations or bleaches; (3) penetration of the skin by metal needles; (4) abrasion of the skin below the non-living, epidermal layers; (5) removal of skin by means of any razor-edged instrument or other device or tool; and (6) any needle-like instrument which is used for the purpose of extracting skin blemishes and other similar procedures.

J. All garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use.

K. No patrons shall be allowed to use any shower facilities of the massage establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use

L. The patron's genitals, pubic area, anus, and female patron's breasts below a point immediately above the top of the areola must be fully draped at all times while any employee of the massage establishment is in a room with the patron.

M. All massage technicians shall be clean and wear clean and sanitary outer garments at all times. All outer garments shall be of a fully opaque, nontransparent material and provide complete covering from at least the mid-thigh to two (2) inches below the collarbone. The midriff may not be exposed.

N. All massage technicians shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage to a patron. Massage shall not be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

O. No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide Massage Therapy to a patron, or remain on the premises of a massage establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to: (1) cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever; (2) streptococcal pharyngitis ("strep throat"), until 24 hours after treatment has been initiated and 24 hours after resolution of fever; (3) purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work; (4) pertussis ("whooping cough"), until five days of antibiotic therapy has been completed; (5) varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted; (6) mumps, until nine days after onset of parotid gland swelling; (7) tuberculosis, until a physician or local health department authority states that the person is noninfectious; (8) impetigo (bacterial skin infection), until 24 hours after treatment has begun; (9) pediculosis (head lice), until the morning after first treatment; and (10) scabies ("crabs"), until after treatment has been completed. Blood-borne diseases, such as HIV/AIDS, shall not be considered infectious or communicable diseases for the purpose of this paragraph.

P. No person other than that person receiving a massage and the massage technician shall be within a room in a massage establishment wherein a massage is being given.

Q. Records shall be maintained which includes the date and time of each massage, the name and address of the patron, the name of the person administering such massage, and the type of massage given. In addition, each massage establishment shall maintain a current list of all massage therapists and massage technicians providing massage services at said

massage establishment. Such records shall be made available, upon request, for inspection by the City.

R. A recognizable and legible sign shall be posted at the main entrance identifying the place as a massage establishment, which sign shall comply with the provisions of Title 19 of the Riverside Municipal Code. (Ord. 7326 § 6, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.080 Prohibited conduct.

A. No massage establishments shall allow persons to practice massage who are not certified under Sections 5.52.090 or 5.52.110 and comply with this Chapter.

B. No massage establishment shall sell, serve, furnish, keep, consume, or possess alcoholic beverages in the massage establishment unless the massage establishment has a valid license to do so issued by the state of California Department of Alcoholic Beverage Control. No alcoholic beverages shall be sold, served, furnished, kept, consumed, or possessed in any room where massage is provided.

C. No owner, massage technician or other employee of a massage establishment, or any other person shall:

1. Expose the genitals, anus, or areola of any person before, during, or after a massage.
2. Touch or expose or cause to be touched, or exposed the genitals, anus, or areola of any person before, during, or after a massage.
3. Permit a patron to touch, expose, or view the genitals, anus, or areola of any person before, during, or after a massage.
4. Be employed while under the age of eighteen (18) years of age.
5. Provide a massage on a suspended or revoked state certificate.
6. Engage in sexually suggestive advertising furthering the business.
7. Engage in any form of sexual activity on the Property.

D. No massage establishment shall be used for residential or sleeping purposes. (Ord. 7372 § 4; 2017; Ord. 7326 § 7; 2016; Ord. 7121 § 1, 2011; Ord. 6863 § 1, 2006; Ord. 4109 § 1 (part), 1974)

Section 5.52.090 Valid State Certificate required.

A. No person, other than those holding valid state certificates, shall practice massage therapy in a massage establishment in the City of Riverside.

B. Upon the effective date of this Chapter, every person must obtain a valid state certificate to practice massage therapy. If, on the effective date of this Chapter, a person is in possession of a Certificate of Registration to provide massage therapy issued by the City of Riverside, that person shall have one year from the effective date of this Chapter to obtain a valid state certificate to provide massage therapy, failing to do so, the person must cease any massage therapy in the City of Riverside and comply with the requirements of this Chapter.

C. A valid state certificate can be obtained through the California Massage Therapy Council. (Ord. 7372 § 5, 2017; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.110 State certificate holder requirements.

A. Every state certificate holder seeking to practice massage in the City must:

1. Fourteen days prior to providing massage, provide the Chief of Police the following information:

a. A copy of a valid certificate issued by the California Massage Therapy Council;

b. The name and address of the massage establishment where the massage technician will be employed;

c. The following information regarding the certificate holder: full name, including all other names used presently or in the past; date of birth; and present residence address and telephone number.

2. Notify the Chief of Police of any change in any information provided in subdivision (A)(1) of this section at least two weeks prior to the proposed change.

3. Provide massage in compliance with Sections 5.52.070 of this Chapter.

4. Provide massage in compliance with Sections 5.52.080 of this Chapter.

B. The City may make reasonable investigations into the information provided pursuant to this section. A state certificate holder may not refuse to permit such lawful inspection of the premises at any time it is occupied or open for business.

C. In addition to any other provisions in this Chapter, state certificate holders shall be responsible for their conduct while on the premises of the massage establishment or providing massage for compensation.

D. A state certificate holder shall notify the Chief of Police whenever there is a change in information which was required to be submitted in the application. Such notification shall be in writing and made within ten business days of the change.

E. A state certificate holder shall notify the Chief of Police whenever there is a change in information which was required to be submitted in the application. Such notification shall be in writing and made within ten business days of the change. (Ord. 7372 § 7, 2017; Ord. 7121 § 1, 2011; Ord. 6477 §, 1999; Ord. 4109 § 1 (part), 1974)

Section 5.52.120 Badges.

A The CMTC badge shall be available so as to be readily viewed at all times while on the premises of the massage establishment. (Ord. 7372 § 8, 2017; Ord. 7326 § 8, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.130 Revocation.

A. Subject to the procedures set forth in this section, the Chief of Police may revoke a massage establishment permit issued pursuant to this Chapter whenever any of the following has occurred:

1. The holder of an establishment permit is acting in a manner contrary to, or has violated, any of the provisions of this code.

2. The holder of an establishment permit is acting in a manner that constitutes a public nuisance.

3. The holder of an establishment permit is acting in a manner that is detrimental to the health, safety or welfare of the city or its inhabitants.

4. The holder of an establishment permit or their agents, contractors or employees has violated any laws in connection with the operation of this business or failed to cooperate with the Riverside Police Department.

5. The Chief of Police makes any of the findings that would have justified denying the application in the first instance.

B. If, in the discretion of the Chief of Police, the violation is capable of correction, then prior to revocation a written notice shall be given to the permittee or certificate holder of the violation(s) involved to allow a period of time to correct the violation(s), which period shall not exceed five business days, at the end of which period, the police department shall conduct an inspection to determine whether the violation(s) has been corrected. If the Chief of Police determines that the violation is not capable of correction or finds that the violation(s) continues without correction, then the Chief of Police may issue a notice of revocation. Examples of a violation that will be determined by the Chief of Police to be not capable of correction include but are not limited to substantial evidence of prostitution activity on the massage establishment premises or an immediate threat to health, safety or welfare.

C. To revoke a massage establishment permit, the Chief of Police shall serve upon the holder thereof, either by personal service or by United States Mail sent to the last known address, a written notice that said permit shall be revoked on a date specified in said notice. The cause or causes for revocation may be appealed to the City Council’s Public Safety

Committee pursuant the procedures set forth in Section 5.52.140 of this Chapter. All massage activity at the massage establishment (in the case of an operator's permit) or work activity by a massage employee shall cease following issuance of the notice of revocation and no activity for which the permit is required shall be conducted.

D. A revoked permit shall be immediately surrendered to the Chief of Police. (Ord. 7372 § 9, 2017; Ord. 7326 § 9, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.140 Appeal.

A. An appeal of the Chief of Police's decision to deny or revoke a massage establishment permit must be filed with the City Clerk, in writing, within ten (10) calendar days after denial of the application or revocation of the massage establishment permit has been served. The appeal shall clearly state the applicable basis for the appeal.

B. The scope of the appeal hearing pursuant to this Section shall be limited to those issues raised by appellant in the written appeal, as submitted pursuant to subdivision (A) above.

C. Should an appeal of a revocation of a massage establishment permit or state massage certificate be filed, the revocation decision will remain in effect and no massage activity may occur on the Property until such time as the Public Safety Committee has rendered a decision.

D. Upon the filing of the appeal, the City Clerk shall set the matter for hearing before the Public Safety Committee, which hearing will be set at the next available Public Safety Committee Meeting. The Committee may uphold, reverse or modify the decision of the Chief of Police.

E. Any withdrawal of an appeal or the surrender of the permit will be deemed a revocation of that permit. (Ord. 7372 § 10, 2017; Ord. 7326 § 10, 2016; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.145 Massage Establishment Land Use.

A. If, within the past five (5) years, the Property had a massage establishment permit revoked under this Chapter or there was criminal activity relating to massage activity, including sex offenses as defined in this Chapter, on the Property, the Chief of Police may deny any subsequent massage establishment permit for that Property up to one year from the date of denial of the massage establishment permit application

B. An appeal of a denial of a massage establishment permit under this section may be made pursuant to the appeal provision of this Chapter. (Ord. 7372 § 11, 2017; Ord. 7326 § 11, 2016)

Section 5.52.150 Penalty.

A. Violation of this Chapter is an infraction or misdemeanor. Revocation of a permit shall not be a defense against prosecution.

B. The provisions of this Chapter may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this Code in addition to all other proceedings authorized by this Code of otherwise by law. The prevailing party in any action, administrative proceeding, or special proceeding to abate a nuisance shall be entitled to recover their attorney's fees and costs pursuant to Chapter 1.01, 1.17, and 6.15 of this Code, and Government Code section 38773.5. (Ord. 7372 § 12, 2017; Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Section 5.52.160 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 any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 7121 § 1, 2011; Ord. 4109 § 1 (part), 1974)

Chapter 5.56

CATV FRANCHISES

Sections:

Section 5.56.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

"CATV" means a community antenna television system as defined in Subdivision (H) of this section.

"City" means the City of Riverside, California, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.

"Community antenna television system" means a system of antenna, coaxial cables, wires, wave guides, microwave links, signal repeaters or other conductors, equipment or facilities designed, constructed or used for the purpose of providing television or FM radio service by cable or through its facilities as herein contemplated. CATV shall not mean or include the transmission of any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television."

"Council" means the present governing body of the City or any future board constituting the legislative body of the City.

"Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a CATV system in the City. Any such authorization, in whatever term granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City in accordance with Chapter 5.04 entitled "Licenses" of the Riverside Municipal

Code, relating to the business license tax of the City of Riverside.

"Franchise area" means the territory within the City throughout which grantee shall be authorized to construct, maintain and operate its system and shall include any enlargements thereof and additions thereto.

"Grantee" means the person, firm or corporation to whom or which a franchise, as defined in this section, is granted by the Council under this chapter, or by the State Public Utilities Commission, and the lawful successor, transferee or assignee of said person, firm or corporation.

"Gross annual receipts" means any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for television or FM radio signals or service received within the City, and any fees or income received by grantee for carrying advertising or commercial messages over the CATV facilities. Included in "gross annual receipts" shall be installation and line extension charges levied by the grantee to subscribers. "Gross annual receipts" shall not include any taxes or services furnished by the grantee imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the grantee for such governmental unit.

"Property of grantee" means all property owned, installed or used by a grantee in the conduct of a CATV business in the City under the authority of a franchise granted pursuant to this chapter.

"Street" means the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, drive or way, now or hereafter existing as such within the City.

"Subscriber" means any person or entity receiving for any purpose the CATV service of a grantee. (Ord. 7387 § 4, 2017)

Section 5.56.020 Exclusive use of telephone facilities.

When and in the event that the grantee of any franchise granted hereunder constructs, operates and maintains a CATV system exclusively through telephone company facilities constructed, operated and maintained pursuant to a State-granted telephone franchise and offers satisfactory proof that in no event during the life of such franchise shall the grantee make any use of the streets independently of such telephone company facilities, said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used in this chapter it means and includes "licensee." (Ord. 7387 § 4, 2017)

Section 5.56.030 Franchise to operate.

A nonexclusive franchise to construct, operate and maintain a CATV system within all or any portion of the City may be granted by the Council to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter.

No provision of this chapter may be deemed or construed as to require the granting of a franchise when in the opinion of the Council it is in the public interest to restrict the number of grantees to one or more. (Ord. 7387 § 4, 2017)

Section 5.56.040 Uses permitted by grantee.

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the City, and for that purpose to install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street, such wires, cables, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the CATV system. No new poles may be installed except where unusual circumstances exist and where express written permission is provided by the Public Works Director.

No franchise granted hereunder shall be construed a franchise, permit or license to transmit any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television," and no grantee shall directly or indirectly install, maintain or operate on any television set a coin box or any other device or means for collection of money for individual programs.

The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved as provided in this chapter. No increase in the rates and charges to subscribers, as set forth in the schedule filed and approved with grantee's application, may be made without the prior approval of the Council expressed by resolution. (Ord. 7387 § 4, 2017)

Section 5.56.050 Duration.

No franchise granted by the Council under this chapter shall be for a term longer than fifteen years following the date of acceptance of such franchise by the grantee or the renewal thereof.

Any such franchise granted hereunder may be terminated prior to its date of expiration by the Council in the event that the Council shall have found, at a public hearing, after thirty days' notice of any proposed termination that:

A. The grantee has failed to comply with any provision of this chapter, or has, by act or omission, violated any term or condition of any franchise or permit issued hereunder; or

B. Any provision of this chapter has become invalid or unenforceable and the Council further finds that such provision constitutes a consideration material to the grant of said franchise; or

C. The City acquires the CATV system property of the grantee. (Ord. 7387 § 4, 2017)

Section 5.56.060 Payments.

A. Acceptance Fee. The grantee of any franchise granted pursuant to this chapter shall pay to the City upon acceptance of such franchise, a fee certain of two thousand five hundred dollars.

B. Annual Franchise Fee. The grantee of any franchise shall pay annually to the City during the life of the franchise a sum equal to five percent of the gross annual receipts of the grantee derived from subscriptions and users within the City, and in addition thereto such other sums as may be provided for in grantee's franchise. Such payments will be made to the Finance Director.

C. Annual PEG Facilities Support Fee. The Grantee of any franchise shall pay annually to the City during the life of the franchise a sum equal to one percent of the gross annual receipts of the Grantee derived from subscriptions and users within the City for the purpose of supporting PEG channel facilities.

The grantee shall file with the City, within thirty days after the expiration of any fiscal year or portion thereof during which such franchise is in force, a financial statement prepared by a certified public accountant, showing in detail the gross annual receipts, as defined in Section 5.56.010, of grantee during the preceding fiscal year or portion thereof. It shall be the duty of the grantee to pay to the City, within ten days after the time for filing such statements, the sum hereinabove prescribed or any unpaid balance thereof for the calendar year or portion thereof covered by such statements.

In the event that the above payment is not received by the City within the specified time, grantee shall pay to the City liquidated damages of two percent per month on the unpaid balance in addition thereto. In any year during which payments under this section amount to less than one thousand eight hundred dollars per year, the grantee shall pay the City as a minimum an amount equal to one thousand eight hundred dollars per year. For any portions of a year, such minimum shall be prorated at the rate of one hundred fifty dollars monthly.

The City shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recomputation of any and all amounts paid under this chapter. No acceptance of any payments shall be construed as

a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder.

In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the consent of the City, the grantee shall pay to the City a reasonable compensation and damages, of not less than one hundred percent of its total gross profits during said period. (Ord. 7387 § 4, 2017)

Section 5.56.070 Nonexclusive.

Any franchise granted under this chapter shall be nonexclusive. (Ord. 7387 § 4, 2017)

Section 5.56.080 Privilege or exemption restricted.

No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter. (Ord. 7387 § 4, 2017)

Section 5.56.090 Public property privilege.

Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property. (Ord. 7387 § 4, 2017)

Section 5.56.100 Structure, line and equipment location.

All transmission and distribution structures, lines and equipment of the grantee within the City shall be so located as to cause no interference with the proper use of streets, alleys and other public ways and places and to cause no interference with the rights of reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. (Ord. 7387 § 4, 2017)

Section 5.56.110 Restoration of disturbed surfacing.

In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the grantee shall, at its own cost and expense and in a manner approved by the Public Works Director of the City, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed in as good condition as before said work was commenced and shall maintain the restoration in an approved condition for the duration of the franchise. (Ord. 7387 § 4, 2017)

Section 5.56.120 Shutting off or interrupting service.

Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments, alterations or installations, the grantee shall do so at such time as will cause the least amount of inconvenience to its customers and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers. (Ord. 7387 § 4, 2017)

Section 5.56.130 Transfer or assignment.

Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of in whole or in part either by forced or involuntary sale, or by voluntary sale, merger, consolidation, operation of law or otherwise without the prior consent of the Council, after a public hearing, expressed by resolution and then under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the office of the City Clerk within ten days after any such transfer or assignment. Said consent of the Council may not be arbitrarily refused; provided, however, the proposed assignee will show financial responsibility and must agree to comply with all provisions of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage, or other hypothecation as whole to secure an indebtedness. (Ord. 7387 § 4, 2017)

Section 5.56.140 Chapter compliance.

Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the City to enforce prompt compliance. (Ord. 7387 § 4, 2017)

Section 5.56.150 Transfer of City right or power.

Any right or power in, or duly impressed upon, any officer, employee, department or board of the City shall be subject to transfer by the City to any other officer, employee, department or board of the City. (Ord. 7387 § 4, 2017)

Section 5.56.160 Nonliability of City.

The grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement. (Ord. 7387 § 4, 2017)

Section 5.56.170 Application of regulations.

The grantee shall be subject to all requirements of City ordinances, rules, regulations and specifications heretofore or hereafter enacted or established including but not limited to those concerning the undergrounding of utilities, street work, street excavation, use, removal and relocation of property within a street and other street work. (Ord. 7387 § 4, 2017)

Section 5.56.180 Obtaining pole space.

Any such franchise granted shall not relieve the grantee of any obligation involved in obtaining pole space for any department of the City, utility company, or from others maintaining poles in streets. (Ord. 7387 § 4, 2017)

Section 5.56.190 Abandonment of City authority.

Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation, or maintenance of any CATV system in the City; and the acceptance of any franchise hereunder shall operate as between grantee and the City, as an abandonment of any and all of such rights, privileges, powers, immunities and authorities within the City, to the effect that, as between grantee and the City, any and all construction, operation and maintenance by any grantee of any CATV system in the City shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever. (Ord. 7387 § 4, 2017)

Section 5.56.200 Compliance with City, State and federal regulations.

The grantee shall at all times during the life of this franchise comply with all provisions of existing and future rules and regulations of the City, the State, and the United States of America. (Ord. 7387 § 4, 2017)

Section 5.56.205 Compliance with State and Federal Customer Service Standards; Penalties.

The Grantee shall at all time during the life of any franchise comply with any and all provisions of existing and future state and federal customer service standards. The City Manager has the authority to establish a penalty schedule to be used as a guideline in determining the amount of penalties for any violations of such standards. The maximum amount of monetary penalties that may be imposed shall not exceed the following: for the first material breach of a standard, $500 for each day of violation, not to exceed $1,500; for the second breach of the same standard within 12 months, $1,000 for each day of violation, not to exceed $3,000; for the third breach of the same standard, $2,500 for each day of violation, not to exceed $7,500. (Ord. 7387 § 4, 2017)

Section 5.56.210 Removal of fixtures if City alters grade of public way.

If at any time during the period of this franchise, the City lawfully elects to alter or change the grade of any street, sidewalk, alley or other public way, the grantee, upon reasonable notice by the City, shall remove, relay, and relocate his wires, cables, underground conduits, manholes and other fixtures at its own expense. (Ord. 7387 § 4, 2017)

Section 5.56.220 Placement of fixture on public way.

Any fixtures placed in any public way by the grantee, shall be placed in such a manner as not to interfere with the usual travel on such public way. (Ord. 7387 § 4, 2017)

Section 5.56.230 Altering wires for building moving.

The grantee shall on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes. (Ord. 7387 § 4, 2017)

Section 5.56.240 Tree trimming.

The grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the grantee. (Ord. 7387 § 4, 2017)

Section 5.56.250 Underground facilities.

In all sections of the City where the cables, wires, or other like facilities of one or more public utilities engaged in providing electric or telephone service are placed underground, the grantee shall place its cables, wires, or other like facilities underground, unless microwave links or wireless transmission is utilized, in which case prior approval shall be obtained by the Public Works Director of the City. (Ord. 7387 § 4, 2017)

Section 5.56.260 Rights reserved to City.

A. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain.

B. There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any ordinance of the City, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or power, heretofore or hereafter enacted or established.

C. Neither the granting of any franchise hereunder nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any other person, firm or corporation, within all or any portion of the City.

D. There is hereby reserved to the City the power to amend any section or part of this chapter so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee.

E. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

F. The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The City Manager is authorized and

empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the City, the grantee, or any subscriber, in the best interest of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the City Manager may appeal the matter to the Council for hearing and determination. The Council may accept, reject or modify the decision of the City Manager, and the Council may adjust, settle, or compromise any controversy or cancel any charge arising from the operations of any grantee or from any provision of this chapter. (Ord. 7387 § 4, 2017)

Section 5.56.270 Permits, installation and service.

A. Within thirty days after acceptance of any franchise the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, or their associated microwave transmission facilities.

B. Within ninety days after obtaining all necessary permits, licenses and authorizations, grantee shall commence construction and installation of the CATV system.

C. Within ninety days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated on the map accompanying the application for franchise, as provided in Sections 5.56.580 through 5.56.610, shall be provided to all grantee's licensed subscribers within such time and upon such conditions as shall be determined by the City Council.

D. Failure to do any of the foregoing shall be grounds for a termination of the franchise.

E. The City Manager may extend the time for obtaining necessary permits and authorizations and for beginning construction and installation for additional periods in the event the grantee acting in good faith experiences delays by reason of circumstances beyond his control. (Ord. 7387 § 4, 2017)

Section 5.56.280 Location of property of grantee.

A. Any wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the Public Works Director acting in the exercise of his reasonable discretion.

B. The grantee shall not install any facilities or apparatus in or on other public property, places or rights-of-way, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, except those installed upon public utility facilities now existing, without obtaining the prior written approval of the Public Works Director.

C. In those areas and portions of the City where the transmission and/or distribution facilities of one or more public utilities engaged in providing electric or telephone service are underground or hereafter may be placed underground, then the grantee shall likewise construct, operate and maintain all of its transmission and distribution facilities underground. (Ord. 7387 § 4, 2017)

Section 5.56.290 Removal and abandonment of property of grantee.

A. In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of three months, or in the event such system or property has been installed in any street or public place without complying with the requirements of grantee's franchise or this chapter, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly, upon being given thirty days' notice remove from the streets or public places all such property of such system other than any which the Director of Public Works may

permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works.

B. Any property of the grantee remaining in place thirty days after the termination or expiration of the franchise shall be considered permanently abandoned. The City Manager may extend such time not to exceed an additional thirty days.

C. Any property of the grantee to be abandoned in place shall be abandoned in such manner as the Director of Public Works shall prescribe. Upon permanent abandonment of the property of the grantee in place, the property shall become that of the City, and the grantee shall submit to the City Council an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property. (Ord. 7387 § 4, 2017)

Section 5.56.300 Changes required by public improvements.

The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the Director of Public Works by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, storm drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that the grantee shall in all such cases have the privilege and be subject to the obligations to abandon any property of the grantee in place, as provided in Section 5.56.290. (Ord. 7387 § 4, 2017)

Section 5.56.310 Failure to perform street work.

Upon failure of the grantee to commence, pursue, or complete any work required by law or by the provisions of this chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the Public Works Director, the City Manager may, at his option, cause such work to be done and the grantee shall pay to the City the cost thereof in the itemized amounts reported by the City Manager to the grantee within ten days after receipt of such itemized report. (Ord. 7387 § 4, 2017)

Section 5.56.320 Faithful performance bond.

A. The grantee shall, concurrently with the filing of and acceptance of award of any franchise granted under this chapter, file with the City Clerk, and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at grantee's sole expense, a corporate surety bond in a company and in a form approved by the City Attorney, in the amount of one hundred thousand dollars, renewable annually, and conditioned upon the faithful performance of grantee, and upon the further condition that in the event grantee fails to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee hereunder, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of said franchise or renewal by the grantee or from its exercise of any privilege therein granted. The bond shall provide that thirty days' prior written notice of intention not to renew, cancellation, or material change, be given to the City.

B. Neither the provisions of this section, nor any bond accepted by the City pursuant hereto, nor any damages recovered by the City thereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued hereunder or for damages, either to the full amount of the bond or otherwise. (Ord. 7387 § 4, 2017)

Section 5.56.330 Indemnification of City.

A. The grantee shall indemnify and hold harmless the City, its officers, boards, commissions, agents and employees against and from any and all claims, demands, actions, suits, liabilities, and judgments of every kind and nature and regardless of the merit of the same, arising out of or related to the exercise or enjoyment of any CATV franchise granted pursuant to the provisions of this chapter, including claims, demands, actions, suits, liabilities and judgments based upon any infringement or violation or alleged violation of any copyright; and the grantee shall reimburse the City for any costs and expenses incurred by City in defending against any such claim or demand or action, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, travel and living expense; and the grantee shall upon demand of the City appear in and defend any and all suits, actions or other legal proceedings whether judicial, quasijudicial, administrative or otherwise, brought by third persons or duly constituted authorities against or affecting the City, its officers, boards, commissions, agents or employees and arising out of or related to the exercise or enjoyment of such franchise, or the granting thereof by the City. The foregoing obligation shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other security required hereunder; provided that neither the grantee nor the City shall make or enter into any compromise or settlement of any claim, demand, action or suit without first giving the other ten days' prior written notice of its intentions to do so.

B. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, furnish to the City and file with the City Clerk, and at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, in protection of the City, its officers, boards, commissions, agents and employees, in a company approved by and in a form acceptable to the City Attorney, protecting the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of the grantee under such franchise, with minimum liability limits of two hundred fifty thousand dollars for personal injury or death of any one person, and five hundred thousand dollars for personal injury or death of two or more persons in any one occurrence and one hundred thousand dollars for damage to property resulting from any one occurrence.

C. The policy mentioned in subsection B shall be primary insurance, shall name the City, its officers, boards, commissions, agents and employees, as additional insured and shall contain a provision that a written notice of cancellation, reduction, or other material change in coverage of said policy shall be delivered to the City Clerk thirty days in advance of the effective date thereof. If said insurance is provided by a policy which also covers grantee or any other entity or person other than those above mentioned, then such policy shall contain the standard cross-liability endorsement. (Ord. 7387 § 4, 2017)

Section 5.56.340 Inspection of property and records.

A. At all reasonable times, the grantee shall permit any duly authorized representative of the City to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the City, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions or property of the grantee with respect to its franchise. If any such maps or records are not kept in the City, or upon reasonable request made available in the City, and if the City Manager determines that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.

B. The grantee shall prepare and furnish to the City Manager and/or Finance Director at the times and in the form prescribed by either of said officers, such reports with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the City or any of its officers in connection with the franchise.

C. The grantee shall at all times make and keep in the City full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the City.

D. The grantee shall file with the Public Works Director, on or before the last day in March of each year, four copies of a current map or set of maps drawn to scale, showing all CATV system equipment installed and in place in streets and other public places of the City. (Ord. 7387 § 4, 2017)

Section 5.56.350 Operational standards.

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In determining the satisfactory extent of such standards the following among others shall be considered:

A. That the system provide a minimum of twenty channels, capable of delivering to subscribers the entire VHF and FM spectrum and selected portions of the UHF spectrum;

B. That the system, as installed, be capable of passing standard color TV signals without the introduction of material degradation on color fidelity and intelligence;

C. That the system and all equipment be designed and rated for twenty-four-hour per day continuous operation;

D. That the system provides a nominal signal level of two thousand microvolts across seventy-five ohms at the input terminals of each TV receiver. A minimum signal of one thousand microvolts across seventy-five ohms shall be maintained for at least ninety-five percent of the operating time;

E. The system signal-to-noise ratio shall not be less than forty-three db. (decibels). Signal-to-noise is a figure of merit, thus insuring distribution of picture without noticeable degradation;

F. Hum modulation of a one hundred percent modulated picture signal shall not exceed two percent;

G. The system shall not exceed a VSWR (Voltage Standing Wave Ratio) of 1.2 at any point in the system;

H. The sound carrier level on each television channel distributed shall not be less than seventeen db. below the level of either adjacent picture carrier;

I. The carrier level of each FM channel distributed shall be not less than seventeen db. below the picture carrier level in television channels adjacent to the FM band;

J. Co-channel interference, adjacent channel interference and other extraneous signals, including hum, measured at the receiver input, shall be at least minus forty db. with respect to the peak carrier level of each desired channel;

K. Isolation between any two subscribers shall be at least thirty-five db;

L. Radiation from coaxial cables and electronic equipment in the distribution system including power supplies and associated power lines shall be less than ten microvolts per meter at any point at a distance of ten feet. Each power supply or its associated housing shall be equipped with a suitable RF power line filter which shall provide not less than thirty-six db. of attenuation to all frequency transmitted over this system;

M. Interference from sources external to the system shall not be noticeable with a blank-screen test;

N. All equipment must conform with any pertinent City and/or underwriter's laboratory standards whichever shall be more stringent;

O. The system shall maintain all of the above specifications between ambient temperature limits from minus twenty degrees Fahrenheit to plus one hundred twenty degrees Fahrenheit, where "ambient temperature" is defined as the officially recorded City air temperature, and also for AC power line variations between one hundred five and one hundred thirty volts, and between fifty-five and sixty-five Hz. The maximum level change at the input to any randomly selected receiver shall be three db. with a temperature change of fifty degrees Fahrenheit, with no adjustment and with the AC line voltage constant within five percent of

nominal. The maximum level change shall be three db. for a constant ambient temperature with a voltage variation from one hundred five to one hundred thirty volts.

P. The signal received by the customer shall be substantially the same quality as originally transmitted by the station being received taking into consideration the technical conditions over which the system operator has no control. (Ord. 7387 § 4, 2017)

Section 5.56.360 Proof of performance specification.

The franchise grantee shall submit at the commencement of operation a proof of performance for each CATV system or major operating portion thereof that the system is operating in conformance with each of the standards and specifications listed above as of the date of the statement. The statement shall be submitted in a form approved by the City Manager. Thereafter, at least once annually the City shall employ the services of a consultant, expert in this field, who will determine that the system is operating in conformance with each of the standards and specifications listed above as of the date of the statement. This statement, too, shall be submitted in the form approved by the City Manager. Any such costs incurred by the City to determine proof of performance of the operational specifications shall be paid by the grantee within ten days of receipt of statement of costs sent by the City. More frequent proof of performance of the operational specifications may be required. (Ord. 7387 § 4, 2017)

Section 5.56.370 Filing.

When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Clerk. (Ord. 7387 § 4, 2017)

Section 5.56.380 Approval of rate schedule.

The rate schedule for advertising and for any connection fee or monthly service charge or charge thereto to subscribers must have written approval of the City Council. (Ord. 7387 § 4, 2017)

Section 5.56.390 Specification of charges in agreement.

Both the installation and monthly service charges for CATV service shall be specified in the agreement between the grantee and the subscriber. (Ord. 7387 § 4, 2017)

Section 5.56.400 Reimbursement of City expense.

The grantee must pay to the City a sum of money sufficient to reimburse it for expenses incurred by it in publishing legal notice and ordinances in connection with the granting of the franchise pursuant to the provisions of this chapter; such payment to be made in ten days after the City shall furnish such grantee with a written statement of such expense. (Ord. 7387 § 4, 2017)

Section 5.56.410 Toll free telephone number.

The grantee shall maintain a toll free telephone number, with twenty-four-hour-per-day answering or referral service, within the City so that CATV maintenance service shall be promptly available to subscribers, the cost of said maintenance service of grantee's system shall be borne by grantee. (Ord. 7387 § 4, 2017)

Section 5.56.420 Maintenance service log.

The grantee shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date cleared. This log shall be made available for periodic inspection by the City. (Ord. 7387 § 4, 2017)

Section 5.56.430 Performance correction responsibility.

The grantee shall bear the prime responsibility for appropriate corrective action whenever improper performance is detected in any part of the system, regardless of whether public utility distribution facilities are utilized. (Ord. 7387 § 4, 2017)

Section 5.56.440 Refusal of service.

No person, firm or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, that grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or the applicable monthly service charge. (Ord. 7387 § 4, 2017)

Section 5.56.460 Emergency service.

In the case of any emergency or disaster, the grantee shall upon request of the City Manager make available his facilities to the City for emergency use during the emergency or disaster. (Ord. 7387 § 4, 2017)

Section 5.56.470 Business involving receivers restricted.

Neither the grantee hereunder nor any shareholder of the grantee shall engage in the business of selling, repairing or installing television receivers, radio receivers, or accessories for such receivers within the City during the term of this franchise, and the grantee shall not allow any of its shareholders to so engage in any such business. (Ord. 7387 § 4, 2017)

Section 5.56.480 Not to replace other franchise, license or permit.

Any franchise granted pursuant to the provisions of this chapter authorizes only the operation of the CATV system as provided herein and does not take the place of any other franchise, license or permit which might be required by law of the grantee. (Ord. 7387 § 4, 2017)

Section 5.56.490 Preventing failures and accidents.

The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. (Ord. 7387 § 4, 2017)

Section 5.56.500 Manner of installation and maintenance.

The grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with the requirements of General Order No. 95 of the Public Utilities Commission of the State of California and in such manner that they will not interfere with any installation of the City or of a public utilities serving the City. (Ord. 7387 § 4, 2017)

Section 5.56.510 Maintenance required.

All structures and all lines, equipment and connections in, over, under, and upon the streets, sidewalks, alleys and public ways or places of the City wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair. (Ord. 7387 § 4, 2017)

Section 5.56.520 Employees.

The grantee shall maintain a force of one or more resident agents or employees at all times and shall have sufficient employees to provide safe, adequate and prompt service for its facilities. (Ord. 7387 § 4, 2017)

Section 5.56.530 Correcting malfunctions.

The grantee shall limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than twenty-four hours after notice. (Ord. 7387 § 4, 2017)

Section 5.56.540 Communications to regulatory agency.

Copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Security and Exchange Commission, or any other federal, State or local regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized, pursuant to this chapter, shall also be submitted simultaneously to the City Manager. (Ord. 7387 § 4, 2017)

Section 5.56.550 Flow-through of refunds.

If, during the term of any franchise, the grantee receives refunds or any payment made for television or radio signals, it shall without delay notify the City Manager, suggest a plan for flow-through of the refunds to its subscribers and retain such refunds pending order of the City Council. After considering the plan submitted by the grantee, the City Council shall order the flow-through of the refunds to the grantee subscribers in a fair and equitable manner. (Ord. 7387 § 4, 2017)

Section 5.56.560 Agreement for use of utility poles and facilities.

When any portion of the CATV system is to be installed on public utilities poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the City Clerk. (Ord. 7387 § 4, 2017)

Section5.56.570 Adoption of rules and regulations by the City Council.

A. The City Council is authorized to adopt rules and regulations consistent with the provisions of this chapter governing the operation of CATV systems in the City and such rules and regulations shall apply to and shall govern the operations of the grantee of any franchise granted pursuant to the provisions of this chapter.

B. The City Council may adopt rules or regulations or amend, modify, delete, or otherwise change such rules and regulations previously adopted in the following manner:

1. The City Council shall pass a resolution of intention describing the rules or regulations to be adopted, amended, modified, deleted, or otherwise changed and set a day, hour and place for public hearing. Such resolution shall direct the City Clerk to publish the same at least once within fifteen days of passage thereof;

2. The City Clerk shall cause such resolution to be published at least once in one newspaper of general circulation in the City and shall cause a copy of same to be mailed or delivered to any grantee not less than ten days prior to the time fixed for hearing thereon;

3. At the time for public hearing, or at any adjournment thereof, the City Council shall proceed to hear and pass upon such evidence, comments and objections as may be presented. Thereafter, the City Council by its resolution may adopt, amend, modify, delete, or otherwise change said rules and regulations. (Ord. 7387 § 4, 2017)

Section 5.56.580 Application.

Application for a franchise hereunder shall be in writing, shall be filed with the City Clerk, in a form approved by the City Manager, and shall contain but not be limited to the following information:

1. The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main officers, major stockholders and associates, the names and addresses of parent and subsidiary companies and the state of incorporation;

2. A statement and description in detail of the CATV system proposed to be constructed, installed, maintained or operated by the applicant; the proposed location of such system and its various components; the manner and time in which applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing poles or other facilities of other public utilities will be used for such system;

3. A description, in detail, of the public streets, public places and proposed public streets within which applicant proposes or seeks authority to construct, install or maintain any CATV equipment or facilities; a detailed description of the equipment or facilities proposed to be constructed, installed or maintained therein; and the proposed specific location thereof;

4. A map specifically showing and delineating the proposed franchise area or areas within which applicant proposes to provide CATV services and for which a franchise is required;

5. A statement or schedule in a form approved by the City Manager of proposed rates and charges to subscribers for installation and services, and a copy of proposed service agreement between the grantee and its subscribers shall accompany the application. Where underground cable is required, or where more than one hundred fifty feet of distance from cable to connection of service to subscribers, an additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by subscribers. For remote, relatively inaccessible subscribers within the City, service may be made available on the basis of cost of materials, labor, and easements if required by the grantee;

6. A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines, or conduits;

7. A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever;

8. A financial statement prepared by a certified public accountant showing applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system;

9. A statement indicating where other CATV franchises are held and how many existing subscribers are serviced;

10. The Council may, at any time, demand, and applicant shall provide such supplementary, additional or other information as the Council may deem reasonably necessary to determine whether the requested franchise should be granted;

11. A statement of intent with regard to program origination and acceptance of local advertising shall be included;

12. The number and identification of channels proposed to be carried on the CATV system;

13. A detailed listing of operating equipment including model numbers and types, with an "equal or better" guarantee;

14. A paragraph-by-paragraph response to the operational standards of Section 5.56.350. No deviations or waivers from these standards are contemplated unless specifically requested;

15. A proposed subscriber complaint processing and equipment repair procedure;

16. A proposed "proof of performance" description listing tests to be performed and equipment utilized. (Ord. 7387 § 4, 2017)

Section 5.56.590 Granting franchise.

Upon consideration of any such application, the City Council may grant a franchise for CATV to such applicant as may appear from said application to be in its opinion qualified to render proper and efficient CATV service to television viewers and subscribers in the City. If favorably considered, the application submitted shall constitute and form a part of the franchise as granted. (Ord. 7387 § 4, 2017)

Section 5.56.600 Resolution of intention.

Prior to the granting of the franchise pursuant to this chapter, the Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen days of the passage thereof in one newspaper of general circulation in the City. Said notice shall be published at least ten days prior to the date of hearing. At the time set for hearing, the Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant same, subject to the right of referendum of the people, or it may deny the same. If the Council determines that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon. (Ord. 7387 § 4, 2017)

Section 5.56.610 Conditions.

Any franchise issued pursuant to this chapter shall include but not be limited to the following conditions:

1. The CATV system franchise herein shall be used and operated solely and exclusively for the purpose expressly authorized by ordinance of the City and no other purpose whatsoever;

2. The inclusion of the foregoing statement and any such franchise shall not be deemed to limit the authority of the City to include any other reasonable condition, limitation, or restriction which it may deem necessary to impose in connection with such franchise pursuant to the authority conferred by this chapter. (Ord. 7387 § 4, 2017)

Section 5.56.620 Application fee.

Each application shall be accompanied by an application fee in the sum of five hundred dollars which shall be used by the City to cover the costs of reviewing, investigating and processing such an application. This fee is not refundable. (Ord. 7387 § 4, 2017)

Section 5.56.630 Effect of annexations.

A. In the event any new territory becomes annexed to the City, the City Council shall determine which grantee or grantees shall serve such new territory.

B. In the event any portion of the unincorporated territory covered by an existing franchise or license granted by the County of Riverside is annexed to the City prior to the time that the grantee of such County franchise or license has commenced installation of a CATV system within said territory, all rights acquired by said grantee under its County franchise or license shall terminate by operation of law as of the date on which the annexation to the City becomes effective.

C. In the event any portion of unincorporated territory covered by an existing franchise or license granted by the County is annexed to the City after the grantee thereof has commenced or completed construction and installation of a CATV system within said territory, the rights reserved under such franchise or license to the County or to any officer thereof, shall inure to the benefit of the City and all regulatory provisions of this chapter and any other rules and regulations applicable to CATV systems operating within the City, whether then in effect or subsequently adopted, shall be applicable to and binding upon said grantee. In addition, the grantee shall be obligated to pay annually to the City, five percent of the gross receipts derived from its operations within the annexed territory or eighteen hundred dollars whichever sum is greater. (Ord. 7387 § 4, 2017)

Section 5.56.640 Franchise renewal.

Any franchise granted under this chapter is renewable at the application of the grantee, in the same manner and upon the same terms and conditions as required herein for obtaining the original franchise, except those which are by their terms expressly inapplicable; provided, however, that the Council may at its option waive compliance with any or all of the requirements of Section 5.56.570. (Ord. 7387 § 4, 2017)

Section 5.56.650 Acceptance and effective date of franchise.

A. No franchise granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance granting same has become effective and, in addition, unless and until all things required in this section and Sections 5.56.320 and 5.56.330 are done and completed, all of such things being hereby declared to be conditions precedent to the effectiveness of any such franchise granted hereunder. In the event any of such things are not done and completed in the time and manner required, the Council may declare the franchise null and void.

B. Within fifteen days after the effective date of the ordinance awarding a franchise, or within such extended period of time as the City Council in its discretion may authorize, the grantee shall file with the City Clerk his written acceptance, in form satisfactory to the City Attorney, of the franchise, together with the acceptance fee, bond and insurance policies required by Sections 5.56.060, 5.56.320 and 5.56.330, respectively, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public and shall in form and content be satisfactory to and approved by the City Attorney. (Ord. 7387 § 4, 2017)

Section 5.56.660 Franchise for signal distribution.

From and after August 21, 1969, it is unlawful for any person to establish, operate or to carry on the business of distributing to any persons in the City any television signals or radio signals by means of a CATV system unless a franchise therefor has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect. (Ord. 7387 § 4, 2017)

Section 5.56.670 Franchise authorizing use of street or area.

From and after August 21, 1969, it is unlawful for any person to construct, install or maintain within any public street in the City, or within any other public property of the City, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect. (Ord. 7387 § 4, 2017)

Section 5.56.680 Unauthorized connection to take or receive signals.

It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound. (Ord. 7387 § 4, 2017)

Section 5.56.690 Unauthorized connection to receive signals without payment.

It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of said system. (Ord. 7387 § 4, 2017)

Section 5.56.700 Tampering with equipment.

It is unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Ord. 7387 § 4, 2017)

Section 5.56.710 Effect of preemption.

In the event the Federal Communications Commission or the Public Utilities Commission of the State of California or any other federal or State body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of any franchise hereunder, then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the City, the jurisdiction of the City shall to the extent so preempted or precluded, cease and no longer exist; provided, however, that the preemption or preclusion of the exercise by the City of any of its police power shall not diminish, impair, alter or affect any contractual benefit to the City nor any contractual obligation of the grantee under any franchise issued hereunder; and in this respect, any and all minimum standards governing the operation of grantee and any and all maximum rates, ratios and charges specified herein or in any franchise issued hereunder existing now and at any time in the future including such time as such paramount jurisdiction shall preempt or preclude that of the City in any and all powers, rights, privileges and authorities of the City to determine, establish or fix any of the same are each and all hereby declared by the City and by any grantee accepting any franchise hereunder, to be contractual in nature and to be for the benefit of the City and all subscribers situated therein, and the agreement of grantee to accept and conform to such standards, rates, ratios and charges is hereby declared by the City and by any grantee accepting the franchise hereunder to be the most material and essential consideration for the granting of such franchise, the absence of which, in whole or in part, would cause the City not to have granted such franchise. (Ord. 7387 § 4, 2017)

Chapter 5.58

SECURITY ALARM SYSTEMS

Sections:

Section 5.58.010 Purpose.

The purpose of this chapter is to establish standards and controls to reduce the incidents of false intrusion and robbery alarm calls responded to by the Police Department. The most effective alarm management is through user and alarm industry accountability. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.020 Definitions.

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

"Alarm Agent" means any Person who is self-employed or employed either directly or indirectly by an Alarm Business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing an Alarm System in or on any building, place or premises.

"Alarm Business" means any Person conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an Alarm System in or on any building, place or premises.

"Alarm Monitoring Company" means a Person in the business of providing monitoring services.

"Alarm System" means any device designed for the detection of an unauthorized entry on premises or for alerting others of the commission of an unlawful act or both, and when activated, emits a sound or transmits a signal to indicate that an emergency situation exists.
"Alarm User" means any person responsible for operating an Alarm System at any premises in the City.
"Audible Alarm" means a device designed to emit an audible sound to alert others of an unauthorized entry onto a premises, an unauthorized entry into a structure or the commission of a burglary or robbery.
“Calendar Year” means January 1st through December 31st.
"City" means the City of Riverside.
"False Alarm" means the activation of an alarm resulting from human error, a system malfunction, improper installation of the Alarm System, or design deficiencies causing an Alarm Business or reporting party to summon the police when no evidence of a criminal offense or attempted criminal offense is found.
"Exceptioned Alarm" means the activation of an alarm resulting from earthquakes, high intensity winds, unusual acts of nature, general power outages.
"Non-compliance Status" means failure to achieve compliance with select elements of this ordinance resulting in penalty assessments.
"Non-priority" means that police response to the activation of an alarm will not be given precedence over other calls and will be predicated upon availability of police units and other service needs.
"Person" means any individual, partnership, corporation or other business entity.
"Police Chief" means the Chief of Police of the City or the designee of the Police Chief.
"Police Department" means any employee of the Police Department. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.030 Non-applicability.

The provisions of this chapter are not applicable to hand held/portable personal safety devices, medical alert devices, or audible alarms affixed to automobiles, unless the vehicle alarm is connected to a central monitoring system. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.040 Government Immunity.

Issuance of an Alarm User’s Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any alarm liability and consequential damage resulting from the failure to respond to an alarm is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm User’s Permit, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4537 § 1, 1978; Ord. 4458 § 1 (part), 1977)

Section 5.58.050 Duties of Alarm Business, Alarm Agent, and Alarm Monitoring Company.

The duties shall be as follows:

A. To install an Alarm or Alarm System compatible with the environment within the perimeters of the alarm activating devices and be available to maintain the Alarm System in good working order, and to take reasonable measures to prevent the occurrence of False Alarms.

B. To provide each purchaser and Alarm User with a “summarized” copy of this

ordinance within sixty (60) calendar days of the adoption of this ordinance. The summarized copy to be written by the City.

C. To provide new customers with a summarized copy of this ordinance and the City's Alarm User's Permit Application.

D. To provide accurate and complete written and oral instruction to the Alarm User in the proper use and operation of said Alarm System. Specific emphasis shall be placed on the avoidance of False Alarms. All businesses which sell Alarm Systems, but which are not an Alarm Business as defined in this Article, are similarly responsible for providing written and oral instruction to the buyer of the Alarm System in the proper use of said system.

E. Upon the effective date of this ordinance, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch request. Records must include the name, address and telephone number of the alarm user, the alarm permit number, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The Police Department may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

F. To provide client information to the Police Department in electronic format in the number and type of fields as required by the Riverside Police Department for all known locations where alarms are installed or monitored within the City of Riverside. Electronic templates must be obtained from the Riverside Police Department.

Electronic client information shall be supplied to the Riverside Police Department within thirty (30) calendar days of being requested. Electronic client information shall cover active alarm installations and/or active monitoring accounts. Information for subsequent electronic alarm installations or new monitoring accounts shall be provided on a monthly basis to the Riverside Police Department.

Any Alarm User found to be operating an Alarm System without an Alarm User's Permit and not appearing in the client information received from the Alarm Business is not in compliance with this ordinance for supplying Alarm User's Permit information to the Riverside Police Department as required by Section 5.58.050 of this chapter. The Riverside Police Department will request the required information directly from the Alarm User. The Alarm User will continue in a Non-permitted status, which is subject to additional false alarm response penalties, until such time that an Alarm User's Permit is issued.

G. Verification of an alarm is to make a minimum of two attempts to contact the Alarm User by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. The two attempts must be made to different phone numbers where a responsible party can typically be reached.

H. At the time of installation or service of any monitored Alarm System confirm that the Alarm User has readily available the 24-hour phone number for the central monitoring station.

I. An Alarm Business performing or contracting monitoring services shall have written procedures to ensure efforts are made to verify every alarm signal, except duress, or robbery alarm activation before requesting a police response to an alarm signal.

J. Non-compliance by the Alarm Business will result in a Non-compliance Status and penalties as established by resolution of the City Council of City. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.060 Alarm Business Registration.

It is unlawful for any Person to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving, removing and monitoring an Alarm System in or on any building, place or premises within the City without first having registered with the Police Department; provided, however, such registration shall not be required for any business which only sells or leases said Alarm Systems from a fixed location unless such business services, installs, monitors or responds to Alarm Systems at the protected premises. Registration shall be accomplished by furnishing such information as may be required by the Police Department, including but not limited to the full name of the business, the number of the license issued by the State Director of Consumer Affairs for the Alarm Business, City of Riverside Business Tax Certificate, and the name and business address of the manager of operations for the area which includes the City. If any Alarm Business fails to register within thirty (30) calendar days, it will be placed in a Non-compliance Status, the Police Department will notify that business' customers in writing of the company's Non-compliance Status and provide a copy of the Security Alarm Ordinance Summary. Non-compliance by the Alarm Business shall result in penalties as established by resolution of the City Council of City. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4537 § 3, 1978; Ord. 4458 § 1 (part), 1977)

Section 5.58.070 Alarm Agent Registration Required.

It is unlawful for any Person, including the owner of an Alarm Business, to engage directly in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of an Alarm System in or on any building, place or premises within the City without first having registered and filed with the Police Department a copy of the Alarm Agent registration card issued to such person by the State Director of Consumer Affairs pursuant to the provisions of Section 7598.14 of the California Business and Professions Code; provided, however, nothing in this section shall require a Person to so register in order to install, service, repair, alter, replace or move an Alarm System on the premises owned or occupied by that person; and further provided, nothing in this chapter shall require a person to so register who is merely a salesperson for any business not required to register as an Alarm Business under the provisions of Section 5.58.060, if such salesperson does not engage in any other activities related to Alarm Systems apart from selling. Within thirty (30) calendar days of any Alarm Agent being placed in a Non-compliant Status, the Police Department will notify that agent's customers in writing of the agent's Non-compliance Status and provide a copy of the Security Alarm Ordinance Summary. Non-compliance by the Alarm Agent shall result in penalties as established by resolution of the City Council of City. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4537 § 4, 1978; Ord. 4458 § 1 (part), 1977)

Section 5.58.080 Notification of Change.

Any Alarm Business registered with the Police Department shall immediately report to the Police Department any change of name, address, ownership of the business, or the address of the manager of operations for the area which includes the City. Any person registered with the Police Department as an Alarm Agent shall immediately report to the Police Department any change of address. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.090 Alarm User's Permit.

No person shall install or cause to be installed, use, maintain or possess an Alarm System on premises owned or in the possession or control of such person within the City without first having obtained an Alarm User's Permit from the Police Department of the City in accordance with this section. The application for an Alarm User's Permit shall be submitted on a form as prescribed by the Police Department and shall include the address of the premises

wherein the Alarm System is to be located; the name, address and telephone number of the applicant; the name, address and telephone number of additional persons who may be contacted in case of an emergency; and the name, address and telephone number of the Alarm Business who will render service. If requested by the Police Department, the person(s) listed shall be required to be present at the alarm location within forty-five minutes after being advised that the Police Department has received any signal or message of an alarm activation. The application shall be accompanied by a non-refundable fee in such amount as may be established by resolution of the City Council of City.

A separate Alarm User's Permit shall be required for each premises or address on which an Alarm System is used or installed. Alarm User's Permits shall not be transferable. A new Alarm User's Permit shall be issued when a business/residence changes its name, ownership, or location.

No Alarm User's Permit shall be issued until all Alarm User's Permit fees and False Alarm response penalty assessments due and owing are paid. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.100 Correction of Information.

Whenever any change occurs relating to the written information required by Section 5.58.090 of this chapter, the permittee shall give written notice of such change to the Police Department within five (5) calendar days. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.110 Contesting False Alarm Response Reports.

Following police response to the activation of an alarm which investigation by the Police Department determines to be false and upon notification of said fact by the Police Department, the Alarm User shall notify the Police Department and file a Police report with the Police Department within seventy-two (72) hours if they have reason to believe the False Alarm Response Report was issued in error. Such report shall contain all information pertaining to the crime that occurred. If a crime did not occur, the Alarm User may submit a written letter providing the details of the alarm activation to the Riverside Police Department. The Police Department shall not consider any valid or exceptioned alarms in the computation of nuisance alarms as described in Section 5.58.170. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4537 § 5, 1978; Ord. 4458 § 1 (part), 1977)

Section 5.58.120 Nuisance Alarm Signal.

Audible Alarms which have emitted an alarm signal in excess of thirty (30) minutes, are declared nuisances, and the Police Department may cause such alarm to be disconnected by a registered Alarm Agent, with the cost thereof to be a charge payable by the Alarm User. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.130 Monitoring Services.

Every Alarm Business which monitors an Alarm System located within the City shall maintain on file a current listing of all such Alarm Systems including the Alarm User's Permit number and the name, address and telephone number of the individual or individuals from whom entry to premises may be obtained. Said information shall be available to the Police Department upon request of any authorized representative thereof. The Alarm User's Permit number assigned to an Alarm System by the Police Department shall be given to the police/fire dispatcher at the time an alarm is reported to the police/fire communications center by an alarm company, a central monitoring station, a telephone answering service or any other business that

monitors and reports alarms. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.140 Alarm Agents-Registration in Possession.

Every Person engaged in installing, repairing, servicing, altering, replacing, moving or removing an Alarm System as defined in this chapter on any premises within the City, other than those owned or occupied by said Person, shall carry a valid State Alarm Agent registration card at all times while so engaged and shall display such card to any police officer upon request. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.150 Telephone Device Prohibited.

No Person shall use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line to the Riverside Police Department and then reproduces any pre-recorded message to report any burglary or other emergency. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.160 Use of Panic Button.

A burglary or robbery panic button shall only be used when there is a threat to life or property. It shall be unlawful to use such panic button to merely summon the police. (Ord. 6978 § 1, 2008; Ord. 5947 § 1, 1991; Ord. 5934 § 1, 1991; Ord. 4458 § 1 (part), 1977)

Section 5.58.170 Nuisance Alarms.

The Police Department may declare an Alarm System at a specific location to be a nuisance if such Alarm System activates excessive False Alarms. The City Council hereby finds and determines that three False Alarms within a calendar year is excessive and thereby constitutes a public nuisance. The Police Department shall not consider any False Alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, unusual acts of nature, or general power outages. Nuisance alarms shall be considered that are the result of the negligence of the Alarm User, the agents or employees of the Alarm User or a defect in the Alarm System. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.180 False Alarm Response Penalties.

A. A False Alarm response penalty shall be paid to the City Manager-Finance Division upon the occurrence of three False Alarms received from any one source or from any one Alarm System within a calendar year. Non-permitted locations shall pay a False Alarm penalty to the City Manager-Finance Division upon the second (2nd) occurrence of a False Alarm response. The False Alarm response penalties shall be in such amounts as established by resolution of the City Council of City. A higher False Alarm response penalty may be established for each additional False Alarm within a calendar year and for alarms in a non-permitted status.

B. Penalties established and/or levied by this section shall be paid to the City Manager-Finance Division within thirty (30) calendar days from the date of the invoice rendered for said penalties by the holder of the Alarm User's Permit or the owner of the premises upon which the subject Alarm System is located if no Alarm User’s Permit has been issued for such Alarm System. (Ord. 6978 § 1, 2008; Ord. 6054 § 1, 1993; Ord. 5934 § 1, 1991)

Section 5.58.190 Penalties Assessed.

A. No penalty shall be assessed for the first two (2) False Alarms from an Alarm System during a calendar year. Thereafter, the Alarm User shall pay a penalty as established by resolution of the City Council of City for each subsequent False Alarm from the same Alarm

System during a calendar year.

B. Any person operating a non-permitted alarm system will first receive a written warning of the violation. Thereafter, any person operating a non-permitted Alarm System will be subject to a non-permitted status penalty as established by resolution of the City Council of City. A non-permitted Alarm System includes an Alarm System for which an Alarm User's Permit has not been obtained or for which an Alarm User's Permit has been revoked.

C. If cancellation occurs prior to the police officer arriving at the scene, the Police Department may determine that the cancellation will not be counted as a False Alarm for the purpose of assessing penalties.

D. The alarm installation company will be subject to a penalty as established by resolution of the City Council of City if the officer responding to the False Alarm determines that an on-site employee of the alarm installation company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the Alarm User.

E. The Alarm Monitoring Company will be subject to a penalty established by resolution of the City Council of City for each failure to verify Alarm System signals as specified in Section 5.58.050 paragraph "G" of this ordinance.

F. The provisions of paragraphs A and B herein shall not apply to facilities occupied or operated by the state, county, school districts, or other local public agency. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.200 Appeals.

If the Police Department assesses a penalty, the Police Department shall send written notice of the action and a statement of the right to an appeal to the affected person or Alarm User. Appeals shall be heard by the City Manager or his designee. The decision of the City Manager or designee shall be final. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.210 Revocation of Alarm User's Permit.

A. After the fifth False Alarm within a calendar year, the Police Department may serve the permittee with a notice of intention to revoke the Alarm User's Permit unless all fines due are submitted to the City of Riverside, City Manager-Finance Division pursuant to Section 5.58.190 and written proof from a licensed Alarm Business that the said Alarm System has been completely evaluated and the causes of the False Alarms located and corrected is provided to the Police Department. The notice of intention to revoke shall state the reason or reasons for such revocation and shall set forth the procedure to appeal the proposed revocation. Service of the notice of intention to revoke shall be deemed made immediately upon personal service on the permittee or seventy-two (72) hours after the notice has been deposited with postage prepaid in the United States mail sent to the last known address of the permittee.

B. The revocation shall be effective the sixteenth (16th) calendar day after the service of the notice of intention to revoke unless an appeal is timely filed. The notice of intention to revoke may be appealed to the City Manager or designee provided that a notice of appeal has been filed with the City Manager's office no later than the fifteenth (15th) calendar day after service on the permittee of the notice of intent to revoke. The City Manager or designee shall set the matter for a hearing, which hearing shall be within thirty (30) calendar days after receipt of the notice of appeal or such longer period as may be agreed to by the permittee. The City Manager or designee shall render a written decision on the appeal within ten (10) calendar days following the close of the hearing. Notice of the decision of the City Manager or designee shall be deemed served upon personal service on the permittee or seventy-two (72) hours after notice has been deposited with postage prepaid in the United States mail sent to the last known address of permittee. The decision of the City Manager or designee to affirm the intent to revoke is final, such revocation shall be effective the eleventh (11th) calendar day after the

service of the decision upon permittee.

C. Responses to the Alarm System subject to the revocation proceedings as hereinabove set forth shall be made by the Police Department in accordance with its usual procedures until such time as the revocation of the Alarm User's Permit is effective. Immediately after the notice of intention to revoke issued by the Police Department, or the decision of the City Manager or designee affirming the intention to revoke following an appeal, is effective and the Alarm User's Permit is revoked, the Alarm System shall receive Non-priority response from the Police Department. False Alarm response penalties will be assessed as non-permitted alarms in accordance with Section 5.58.190. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991)

Section 5.58.220 Additional Revocations.

An Alarm User's Permit may be suspended or revoked by the Police Department for any of the additional reasons:

A. Failure to observe any of the administrative requirements or other regulatory provisions of this chapter.

B. If knowingly false representations were made upon any applications or notice of change required by the provisions of this chapter.

C. If the permittee has failed to pay any fees and/or penalties required by the Riverside Municipal Code. (Ord. 6978 § 1, 2008; Ord. 5934 § 1, 1991; Ord. 5258 § 6, 1985; Ord. 4458 § 1 (part), 1977)

Section 5.58.230 Effective Period of Revoked Permits.

After the revocation, no new Alarm User's Permit may be issued to the alarm user or the property owner until all fees and penalties due are submitted to the City Manager-Finance Division pursuant to Section 5.58.190 and written proof from a licensed Alarm Business that the said Alarm System has been completely evaluated and the causes of the False Alarms located and corrected is provided to the Police Department. Approval of the verification shall be the responsibility of the Police Chief or his/her designee. (Ord. 6978 § 1, 2008)

Section 5.58.240 Reissued Alarm User’s Permit Penalty.

A penalty shall be levied upon the reissuing of an Alarm User’s Permit after the Alarm User’s Permit has been revoked. The Alarm User shall be subject to a penalty as established by resolution of the City Council of City for the reissued Alarm User’s Permit. (Ord. 6978 § 1, 2008)

Section 5.58.250 Enforcement.

Violation of this chapter is subject to the assessment of administrative civil penalties in accordance with Section 1.17.210 of the Riverside Municipal Code. Revocation of an Alarm User’s Permit shall not be a defense against assessment of administrative civil penalties.

The assessment of administrative civil penalties of any person for violation of the provisions of this chapter or for failing to secure an Alarm User’s Permit as required by this chapter shall not relieve such person from paying the Alarm User’s Permit fee due and unpaid at the time of such assessment.

The amount of any Alarm User’s Permit fee, False Alarm response penalty, or Alarm Business penalty shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the amount of any delinquent Alarm User’s Permit fee, unpaid False Alarm response penalty, or Alarm Business penalty. All fees and penalties shall be deemed delinquent thirty (30) calendar days after they are due and payable. (Ord. 6978 § 1, 2008)

Section 5.58.260 Operative Dates.

A. The provisions of this chapter shall become operative sixty days after the effective date of this ordinance for persons conducting an alarm business or engaged as an alarm agent within the City on the effective date. However, any person who has filed an application as required herein for an alarm business permit may continue doing business after the operative date until the application has been processed.

B. The provisions of this ordinance relating to alarm user permits and false alarm penalties shall become operative sixty days after the effective date of this ordinance for any alarm user whose alarm system was installed or in operation prior to the effective date of this ordinance. (Ord. 6978 § 1, 2008)

CHAPTER 5.59

FIRE ALARM SYSTEMS

Sections:

Section 5.59.010 Purpose.

The purpose of this chapter is to establish standards and controls to reduce the incidents of false fire alarm calls responded to by the Fire Department. The most effective alarm management is through user and alarm industry accountability. (Ord. 6977 § 1, 2008)

Section 5.59.020 Definitions.

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

"City" means the City of Riverside.

"False Fire Alarm" means the activation of a Fire Alarm System resulting in a response by the Fire Department and which is caused by the negligence or intentional misuse of the Fire Alarm System by owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire, exclusive of a nuisance fire alarm.

"Fire Alarm Agent" means any person who is self-employed or employed either directly or indirectly by a Fire Alarm Business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing a Fire Alarm System in or on any building, place or premises.

"Fire Alarm Business" means any person conducting or engaged in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring a Fire Alarm System in or on any building, place or premises.

“Fire Alarm Device” means a device or alarm that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.

"Fire Alarm Monitoring Company" means a person in the business of providing monitoring services.

"Fire Alarm System" means a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of a fire or emergency medical situation or both, and when activated, emits a sound or transmits a signal to indicate that an emergency situation exists.

"Fire Alarm User" means any person responsible for operating a Fire Alarm System at any premises in the city.

“Fire Department” means any employee of the Fire Department.

"Person" means any individual, partnership, corporation or other business entity. (Ord. 6977 § 1, 2008)

Section 5.59.030 Government Immunity.

Any alarm liability and consequential damage resulting from the failure to respond to an alarm is hereby disclaimed and governmental immunity as provided by law is retained. By installing a Fire Alarm System, the Alarm User acknowledges that a response may be influenced by factors such as: availability of fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. (Ord. 6977 § 1, 2008)

Section 5.59.040 Duties of Fire Alarm Business, Fire Alarm Agent, and Fire Alarm Monitoring Company.

The duties shall be as follows:

A. To install a Fire Alarm or Fire Alarm System in accordance with nationally recognized standards within the perimeters of the alarm activating devices and be available to maintain the Fire Alarm System in good working order, and to take reasonable measures to prevent the occurrence of False Fire Alarms.

B. To provide each purchaser and Fire Alarm User with a copy of the provisions of this article relating to Alarm User duties, False Fire Alarm assessments and appeal procedures, within sixty (60) calendar days of the adoption of this ordinance.

C. To provide accurate and complete instruction to the Alarm User in the proper use and operation of said Alarm System. Specific emphasis shall be placed on the avoidance of False Alarms. All businesses which sell Alarm Systems, but which are not an Alarm Business as defined in this Article, are similarly responsible for instructing the buyer of the Alarm System in the proper use of said system.

D. To maintain records of the location of these Alarm Systems, devices or services and the name and telephone number of the person and two alternates to be notified whenever an alarm is activated, and to readily report such information to the Fire Department upon request. (Ord. 6977 § 1, 2008)

Section 5.59.050 Contesting False Fire Alarm Response Reports.

Following fire response to the activation of an alarm which investigation by the Fire Department determines to be false and upon notification of said fact by the Fire Department, the Fire Alarm User shall notify the Fire Department and file a report with the Fire Department within seventy-two (72) hours if they have reason to believe the False Alarm Response Report was issued in error. Such report shall contain all information pertaining to the false alarm that occurred. If an alarm did not occur, the Alarm User may submit a written letter providing the details to the Riverside Fire Department. (Ord. 6977 § 1, 2008)

Section 5.59.060 Nuisance Alarms.

The Fire Department may declare an Alarm System at a specific location to be a nuisance if such Fire Alarm System activates excessive False Fire Alarms. The City Council hereby finds and determines that three False Fire Alarms within a 365-day period is excessive and thereby constitutes a public nuisance. The Fire Department may not consider any False Fire Alarm in this computation of nuisance alarms if such was generated by earthquakes, high intensity winds, or unusual acts of nature. Nuisance alarms shall be considered that are the result of the negligence of the Fire Alarm User, the agents or employees of the Fire Alarm User or a defect in the Fire Alarm System. After six False Fire Alarms within a 365 day period, the fire alarm system will be required to be certified per Chapter 26 of NFPA 72, the National Fire Alarm Code. (Ord. 7341 § 4, 2016; Ord. 6977 § 1, 2008)

Section 5.59.070 False Fire Alarm Response Penalties.

A False Fire Alarm response penalty shall be paid to the City Manager - Finance

Division upon the occurrence of three False Fire Alarms received from any one source or from any one Fire Alarm System within a 365-day Period. The False Fire Alarm response penalty shall be in such amount as established by resolution of the City Council of City. A higher False Fire Alarm response penalty may be established for each additional False Fire Alarm within the 365-day period. (Ord. 6977 § 1, 2008)

Section 5.59.080 Penalties Assessed.

A. No penalty shall be assessed for the first and second False Alarms from a Fire Alarm System during the 365-day period. Thereafter, the Fire Alarm User shall pay a penalty as established by resolution of the City Council of City for each subsequent False Fire Alarm during the 365-day period. The provisions of this paragraph shall not apply to facilities occupied or operated by the state, county, school districts, or other local public agency. (Ord. 6977 § 1, 2008)

B. The fire alarm company will be subject to a penalty as established by resolution of the City Council of City if the firefighter responding to the False Fire Alarm determines that the fire alarm company or fire sprinkler company directly caused the False Fire Alarm. In this situation, the False Fire Alarm will not be counted against the Fire Alarm User. (Ord. 6977 § 1, 2008)

Section 5.59.090 Appeals.

If the Fire Department assesses a penalty, the Fire Department shall send written notice of the action and a statement of the right to an appeal to the affected Person or Fire Alarm User. Appeals shall be heard by the City Manager or his designee. The decision of the City Manager or designee shall be final. (Ord. 6977 § 1, 2008)

Chapter 5.60

BINGO

Sections:

Section 5.60.010 Statutory authority.

The authority for this chapter is contained in Section 19 of Article IV of the California Constitution and Section 326.3, 326.4 and 326.5 of the Penal Code of the State. (Ord. 7281 § 4, 2015; Ord. 4444 § 3, 1977)

Section 5.60.011 Remote Caller Bingo authorized.

Remote Caller Bingo may be lawfully played in the City of Riverside pursuant to the provisions of Sections 326.3 and 326.4 of the Penal Code, and this Chapter, and not otherwise. (Ord. 7281 § 5, 2015)

Section 5.60.020 Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

“Bingo” means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

"Minor" means any person under the age of eighteen years.

“Remote Caller Bingo” has the same meaning as “remote caller bingo game” defined in Penal Code Section 326.3(u)(1). (7281 § 6, 2015; Ord. 4805 § 1, 1980; Ord. 4444 § 2, 1977)

Section 5.60.030 License--Required.

A. It is unlawful for any organization to conduct any bingo game in the City unless such organization is an organization permitted to play bingo pursuant to the provisions of section

326.5 of the Penal Code of the State and has a valid City license issued pursuant to the provisions of this chapter.

B. It is unlawful for any person to conduct any bingo games in the City unless such person is a member of and is acting on behalf of an organization that has been issued a license as provided by this chapter.

C. It is unlawful to conduct remote caller bingo games in the City unless a valid City license has been issued pursuant to the provisions of this Chapter. The following organizations are qualified to apply for a remote caller bingo license to operate a remote caller bingo game if the receipts of those games are used only for charitable purposes:

1. An organization exempt from the payment of the taxes imposed under the Corporation Tax Law by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code.

2. A mobile home park association of a mobile home park that is situated in the City of Riverside.

3. Senior citizen organizations.

4. Charitable organizations affiliated with a school district. (7281 § 7, 2015; Ord. 4444 § 4, 1977)

Section 5.60.040 License--Application--Contents.

Applications for a license or renewal thereof shall be filed with the Office of the Finance Director of the City on forms prescribed by the City Manager and shall be signed under penalty of perjury. Such applications shall be filed:

A. Not less than thirty days prior to the proposed date of the bingo game or games; and

B. Not later than thirty days after obtaining written verification from the Planning Department of the City that there is improved vehicular access to the premises wherein a bingo game is to be conducted, and that such premises contain off-street vehicle parking facilities on the basis of not less than one parking space for every thirty square feet of floor area within the assembly room wherein the bingo game is to be conducted; and that zoning and building code laws of the City would not be violated;

C. All applications and renewals shall include the names, addresses and identity of all persons conducting any bingo game and no other person shall engage in the conduct of said game;

D. All applications and renewals shall include the hours and days of play. (Ord. 5912 § 1, 1991; Ord. 4503 § 1, 1978; Ord. 4444 § 5, 1977)

Section 5.60.041 License--Application--Contents for Remote Caller Bingo.

A. A qualified organization for a remote caller bingo license shall comply with all provisions of Chapter 5.60 that are not in conflict with the specific provisions pertaining to remote caller bingo and be issued a remote caller bingo license prior to conducting remote caller bingo games. Applications for a remote caller bingo license shall be filed with the Office of the Finance Director of the City on forms prescribed by the City and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution from time to time and shall by signed under penalty of perjury. The following documentation shall be attached to the application, as applicable:

1. A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by the Franchise Tax Board, the City may refer to the Franchise Tax Board's Internet Web site to verify that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law.

2. Other evidence as the City determines is necessary to verify the facts stated in the application and determined that the applicant is qualified. (7281 § 8, 2015)

Section 5.60.050 License--Application--Investigation.

Upon receipt of an application for a license, along with the appropriate fee, the Finance Director and/or Police Chief shall investigate the truth of the matters set forth in the application and the character of the applicant, and may examine the premises to be used for the bingo game or games.

The Finance Director and Police Chief may make inquiries to any office or department of the City, and to any State and federal agencies which are deemed essential in order to carry out a proper investigation of applicant and the organization and to ensure that the applicant could comply with all regulatory ordinances of the City and State.

Upon approval of any application for a bingo license, the Finance Director shall issue the license. (Ord. 4444 § 7, 1977)

Section 5.60.051 License--Application--Investigation--Verification for Remote Caller Bingo.

A. Upon receipt of an application for a remote caller bingo license, and the nonrefundable filing fee, the Finance Director and/or Police Chief shall investigate the truth of the matters set forth in the application to determine if the applicant is a qualified organization.

1. The Finance Director and/or Police Chief may make inquiries to any office or department of the City, and to any State and/or federal agencies which are deemed essential in order to carry out a proper investigation of the applicant to determine if it is a qualified organization.

2. The license shall not be issued until the City has verified the facts stated in the application and determined that the applicant is qualified. (7281 § 9, 2015)

Section 5.60.060 License--Term--Fees.

The term of a bingo license is one year and may be renewed for a period of one year any time within one month from its date of expiration upon application therefor; no bingo games may be conducted after the expiration date unless the license has been renewed; renewal after the one-month grace period will be treated as a new application and the applicant will be charged the fee set by resolution for a new application; and no licensee shall conduct more than two bingo events at any one location in the City during any seven-day period, with each seven-day period beginning with a Sunday and ending with a Saturday. The fees for bingo application and license renewal shall be set by resolution of the City Council. (Ord. 6344 § 1, 1997; Ord. 5912 § 2, 1991; Ord. 4805 § 2, 1980; Ord. 4444 § 6, 1977)

Section 5.60.061 License--Term for Remote Caller Bingo.

A license issued pursuant to this Chapter shall be valid for one year from the date of issuance, at which time the license shall automatically expire. A new license shall only be obtained upon filing a new application and payment of the nonrefundable license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play. The City Council expressly reserves the right to amend or repeal the provisions of this Chapter pertaining to remote caller bingo by ordinance at any time. If the provisions of this Chapter pertaining to remote caller bingo are repealed, all licenses issued pursuant to this Chapter shall cease to be effective for any purpose on the effective date of the repealing ordinance. (7281 § 10, 2015)

Section 5.60.065 License--Conditions for Remote Caller Bingo.

A. Any remote caller bingo license issued pursuant to this Chapter shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code and each license shall comply with the requirements of those provisions.

B. Each remote caller bingo license issued pursuant to this Chapter shall be subject to the following additional conditions:

1. Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.

2. The licensed organization is responsible for ensuring that the conditions of this Chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any one or more of those conditions or provisions shall constitute cause for the revocation of the organization's license.

C. Each qualified organization issued a remote caller bingo license pursuant to this Chapter shall comply with all provisions of this Chapter not in conflict with provisions specific to remote caller bingo. (7281 § 11, 2015)

Section 5.60.070 License--Nontransferable.

Each license issued under this chapter shall be issued to a specified organization to conduct a bingo game at a specific location or specific locations and shall in no event be transferable from one organization to another nor from one location to another unless such location is approved by the Finance Director. (Ord. 4444 § 8, 1977)

Section 5.60.080 Denial of application--Suspension or revocation of license.

A. The Police Chief or Finance Director, subject to approval of the City Manager, may deny an application for a bingo license, or suspend or revoke a license, if he finds that the applicant or licensee or any agent or representative thereof has:

1. Knowingly made any false, misleading or fraudulent Statement of a material fact in the application or in any record or report required to be filed under this chapter; or

2. Violated any of the provisions or failed to comply with any of the requirements of this chapter;

3. Been convicted of or has pled guilty or nolo contendere to any violation of the provisions of this chapter or any other law or ordinance related to theft, fraud, perjury, narcotics or other restricted drugs within the last five years.

B. If, after an investigation, the Finance Director or Police Chief determines that a bingo license should be suspended or revoked or that an application for such license be denied, he or she shall prepare a notice of suspension or revocation of license or denial of application setting forth the reasons for such suspension, revocation or denial. Such notice shall be served personally on the licensee or applicant, or sent by registered or certified mail, postage prepaid, return receipt requested, to the licensee's or applicant's last address as provided in the application. (Ord. 5912 § 3, 1991; Ord. 4444 § 12 (part), 1977)

Section 5.60.090 Appeals.

Any person who has had an application for a bingo license denied, or who has had a bingo license suspended or revoked, may appeal the decision by filing with the City Clerk, within fifteen days after the date of such decision, a written notice of appeal briefly setting forth the reasons why such denial, suspension or revocation is not proper. The City Clerk shall give written notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the City

Council shall not be limited by the technical rules of evidence. (Ord. 4444 § 12 (part), 1977)

Section 5.60.100 Restrictions on games.

A. An organization authorized to conduct a bingo game shall conduct such bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this subsection shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.

B. No minors shall be allowed to participate in any bingo game.

C. All bingo games shall be open to the public, not just to the members of the authorized organization.

D. A bingo game shall be operated and staffed only by members of the organization which organized it. Only the organization authorized to conduct a bingo game shall operate such a game or participate in the promotion, supervision or any other phase of such game. Nothing in this subsection shall preclude the employment of security personnel who are not members of the authorized organization of such bingo game by the organization conducting the game. The organization shall immediately notify the Finance Director of the City when a person listed on its application ceases to be a member of the organization.

E. No person shall receive a profit, wage or salary from any bingo game; and no person who physically operates or conducts in any manner a bingo game shall be allowed to participate in the playing of that game.

F. No individual, corporation, partnership or other legal entity except the organization authorized to conduct a game shall hold a financial interest in the conduct of such bingo game.

G. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

H. With respect to other organizations authorized to conduct bingo games pursuant to Section 326.5 of the Penal Code of the State, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subsection G. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes;

2. A portion of such proceeds, not to exceed twenty percent of the proceeds before the deduction for prizes, or two thousand dollars per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel;

3. Such proceeds may be used to pay license fees. On or before the fifteenth calendar day of the month following the month in which a bingo game or games are conducted, the applicant shall file with the Finance Director of the City a full and complete financial Statement of all money collected, disbursed, and the amount remaining for charitable purposes. Failure to file a financial Statement within the time prescribed may result in suspension of the bingo license as provided for in Section 5.60.080.

I. No persons shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

J. The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.

K. No bingo game shall be conducted between the hours of midnight and eight a.m.

L. No bingo game shall be conducted for more than four hours at a time.

M. The hours and days of play shall not be changed without providing the Finance Director and Police Chief with seventy-two hours' notice in writing. (Ord. 6142 § 1, 1994; Ord. 5912 §§ 4, 5, 1991; Ord. 4980 §§ 1, 2, 3, 4, 1982; Ord. 4805 §§ 3, 4, 1980; Ord. 4444 § 9, 1977)

Section 5.60.110 Inspections--Audit.

Any peace officer of the City or license inspector of the City shall have free access to any bingo game licensed under this chapter, and at any reasonable time during the operation of the event and thereafter may inspect any and all records, documents and paraphernalia. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo event.

The licensee shall keep full and complete accounting records supported by properly executed contracts, leases, receipts and other related documents which pertain to all moneys; or other forms of income, collected in connection with the conduct of any of its bingo games, disbursed for expenditures in connection therewith and remaining or distributed for charitable purposes. Such records shall be clearly identified and readily accessible. Officials of the City shall have the right to examine and audit such records at any reasonable time, and the licensee shall fully cooperate with such officials by making such records available. (Ord. 4805 § 5, 1980; Ord. 4444 § 10, 1977)

Section 5.60.120 Special security.

The provisions of Chapter 2.28 of this code pertaining to special security shall remain in full force and effect with respect to bingo events. (Ord. 4444 § 11, 1977)

Section 5.60.130 Violation--Penalties.

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor punishable as set forth in Section 1.01.110.

B. Notwithstanding provisions of Subsection A of this section, any violation of Subsection E of Section 5.60.100 shall be a misdemeanor, punishable by a fine not to exceed ten thousand dollars. Such fine shall be deposited in the general fund of the City in accordance with Section 326.5 of the Penal Code of the State.

C. All sanctions provided in this chapter shall be cumulative and not exclusive. (Ord. 5258 § 7, 1985; Ord. 4444 § 13, 1977)

Section 5.60.140 Other remedies.

The provisions of Section 5.60.130 are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law. (Ord. 4444 § 14, 1977)

Chapter 5.64

MOTOR VEHICLE FUEL PRICE POSTING

Sections:

Section 5.64.010 Display of prices required.

Every person, firm, partnership, association, trustee, receiver, corporation, or assignee for the benefit of creditors, who owns, operates, manages, leases or rents a place of business in the City which abuts or is adjacent to any street or highway, and at which gasoline or other motor vehicle fuel is sold, offered for sale, or otherwise dispensed to the public, shall post or display and maintain at said place of business a sign or signs clearly visible from each abutting or adjacent street or highway which indicate or show the actual price per gallon or liter, including all taxes, at which each grade of gasoline and other motor vehicle fuel is currently being sold, offered for sale, or otherwise dispensed to the public at said place of business. If gasoline or other motor vehicle fuel is sold by the liter, the word "liter" shall be displayed on such sign or signs. (Ord. 4776 § 1, 1980; Ord. 4752 § 1, 1980: Ord. 4719 § 1 (part), 1979)

Section 5.64.020 Change in price.

No person, firm, partnership, association, trustee, receiver, corporation, or assignee for the benefit of creditors, who owns, operates, manages, leases or rents a place of business in the City at which gasoline or other motor vehicle fuel is sold to the public shall change the price of any grade of gasoline or other motor vehicle fuel which is sold, offered for sale or otherwise dispensed to the public at said place of business without such change being first indicated or shown on a sign or signs as required in Section 5.64.010. (Ord. 4719 § 1 (part), 1979)

Section 5.64.030 Number of grades displayed.

Notwithstanding the provisions of Sections 5.64.010 and 5.64.020 above, no person shall be required to post the price of more than two grades of gasoline in accordance with the provisions of said sections. (Ord. 4719 § 1 (part), 1979)

Section 5.64.035 Number of prices posted.

Notwithstanding the provisions of Sections 5.64.010 and 5.64.020 above, no person shall be required to post more than one price of each grade of gasoline in accordance with the provisions of said sections. (Ord. 4752 § 2, 1980)

Section 5.64.040 Product not available.

No person, firm, partnership, association, trustee, receiver, corporation, or assignee for the benefit of creditors, who owns, operates, manages, leases or rents a place of business in the City at which gasoline or other motor vehicle fuel is sold to the public shall advertise by

means of any sign or similar advertising medium, the price of any grade of gasoline or other motor vehicle fuel which is not immediately available to be sold or dispensed to the public at said place of business, at said advertised price. (Ord. 4719 § 1 (part), 1979)

Section 5.64.050 Sign regulations conformance.

Any sign posted or displayed pursuant to this Chapter shall not be inconsistent with the provisions of Article 12 of Chapter 14 of Division 5 (Section 13530, et seq.) of the State Business and Professions Code or with the provisions of Title 19 of this Code regulating signs. (Ord. 7341 § 4, 2016; Ord. 6393 § 28, 1997; Ord. 4719 § 1 (part), 1979)

Section 5.64.060 Exemptions.

An exemption in whole or in part from the provisions of Sections 5.64.010 and 5.64.020 may be granted by the Public Works Director upon a finding that the required sign or signs cannot be placed on the property as required without causing a traffic hazard on an abutting or adjacent street. The denial of an exemption by the Public Works Director may be appealed to the City Council within fifteen days of the decision. Upon appeal the City Council may grant an exemption in whole or in part from the provisions of Sections 5.64.010 and 5.64.020 upon a finding that the required sign or signs cannot be placed on the property as required without causing a traffic hazard on an abutting or adjacent street. (Ord. 4752 § 3, 1980)

Chapter 5.66

AMBULANCES

Sections:

Section 5.66.010 Definitions.

Unless otherwise stated, certain words and terms used in this Chapter are defined as follows:

"911 Originated Call Franchise" means a franchise granted by the Council affording a franchisee the right to provide ambulance service in the City in response to medical requests from the public services answering point.

"Administrator" means the ambulance franchise administrator of the City of Riverside, who shall be the Fire Chief or his or her designee.

"Advanced emergency medical technician" (AEMT) means a person trained and certified to provide limited advanced life support according to standards provided by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Advanced life support" (ALS) means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and

other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during inter-facility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

"Ambulance" means any motor vehicle that is specifically constructed, modified, equipped, designed, used, licensed, or operated for transporting sick, injured, convalescing, infirm, or otherwise medically incapacitated person(s) in need of ambulance or medical care. The meaning includes, but is not limited to, privately and publicly owned ambulances. “Ambulance” does not include a gurney van or a non-medical vehicle for hire designed for the transportation of persons who are wheelchair users.

"Ambulance provider" means any private or public person that owns, controls or operates one or more ambulances, whether for profit or not.

“Ambulance service” means the activity, business, or service for hire, profit, or otherwise of transporting one (1) or more persons by ambulance upon any of the streets, roads, highways, alleys, or any public way or place whether ALS, BLS, or CCT.

"Attendant" means a person who is qualified and certified or licensed under State and County laws and regulations to act as an attendant on an ambulance that is transporting a patient and who occupies the patient compartment.

"Basic Life Support” (BLS) means emergency first aid and cardiopulmonary resuscitation medical care procedures which, at a minimum, include recognizing respiratory and cardiac arrest and starting proper application of cardiopulmonary resuscitation to maintain life without invasive techniques, unless authorized by state law or regulation, until the victim may be transported or until ALS medical care is available.

"City" means the City of Riverside.

"Committee" means the City Council's Public Safety Committee.

“Consumer Price Index” means the Price Index as set by the United States Bureau of Labor Statistics.

"Council" means the City Council of the City.

"County" means the County of Riverside.

"Critical Care Transport” (CCT) means the medical transport of a patient between medical facilities where it has been determined by the patient's treating physician that such transport requires medical staff supervision consisting of a licensed registered nurse (R.N.) or physician.

"Driver" means a person who is qualified and certified under State and County laws and regulations to operate and drive an ambulance.

"Emergency" means a condition or situation in which a person has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.

"Emergency medical call" means any request for the immediate and prompt dispatch of an ambulance for the purpose of providing immediate medical assistance or transportation of a patient. "Emergency medical services” (EMS) means the services needed to provide emergency medical care in a condition or situation in which a person has a need for immediate medical attention or where the potential for such need is perceived by emergency medical personnel, a public safety agency, or with respect to critical care transfers, qualified medical personnel of the facility from which the person is to be transferred. Any transportation services provided in response to a request for an ambulance operating under a permit issued by the Commissioner of the California Highway Patrol or the attendance of certified emergency medical personnel or licensed medical personnel shall be deemed the providing of emergency medical services.

"Emergency medical technician” (EMT) means a person trained and certified to provide

basic life support according to standards prescribed by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Franchisee" means any ambulance provider possessing a current franchise granted by the Council to provide 911 Originated Calls for service within the City.

"Health officer" means the Director of Health for Riverside County who is also the City Health Officer.

"Level of service" means the type or scope of ambulance services that may be provided by a franchisee, and for EMS will be specified as basic life support, critical care transport, limited advanced life support and advanced life support provided by personnel certified as specified in Division 2.5 of the Health and Safety Code and Title 22, Division 9 of the California Code of Regulations.

"Limited advanced life support" (LALS) means special service designed to provide prehospital emergency medical care limited to techniques and procedures that exceed Basic Life Support but are less than paramedic and are those procedures specified in Division 2.5 of the Health and Safety Code.

"Local EMS Agency" means the Local Emergency Medical Services Agency of the County.

"Medical requests" means any request for the dispatch of an ambulance for the purpose of providing medical assistance or transportation of a patient.

"Medical Transport Franchise" means a franchise granted by the Council affording a franchisee the right to provide ambulance service in the City that does not originate from requests from the public services answering point.

"Paramedic" (PM) or "mobile intensive care paramedic" (MICP) means a person specially trained and licensed to provide advanced life support according to standards prescribed by Division 2.5 of the Health and Safety Code.

"Patient" means an individual who is sick, injured, wounded, convalescing, infirm, or otherwise medically incapacitated such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

"Permit" means any ambulance provider possessing a current permit granted by the Administrator to provide non-emergency ambulance service within the City.

"Person" means any individual, firm, corporation, partnership, association, agency, or group or combination acting as a unit.

"Public services answering point" means the City's call center for answering calls to an emergency telephone number for police, firefighting, and ambulance services where trained dispatchers dispatch these services. (Ord. 7345 § 1, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.020 Franchises/Permits.

A. Required. It shall be unlawful for any person, either as owner, agent or otherwise, to operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of ambulance services originating in the City, except in conformance with a valid franchise to do so granted by the Council for 911 Originated Calls for service or a valid permit to do so granted by the Administrator.

B. Accreditation. It shall be unlawful to engage in the operation of ambulance services originating in the City without current accreditation with the Commission on Accreditation of Ambulance Services ("CAAS")."

C. Request for transports. It shall be unlawful to refuse or decline to transport a patient in response to a medical request, including due to an actual or perceived inability of the patient to pay for ambulance services.

D. Exceptions. The equipment and personnel standards specified in this Chapter apply to all ambulance services; however, the franchise requirements shall not apply to:

1. Ambulance transportation services provided by the City;

2. Ambulances operating at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended;

3. Ambulances providing continuation of call services described in Section 5.66.190; or

4. Ambulances operating upon approval of the Administrator in the event of a temporary, sudden or unexpected increase in patient volume that has the potential to severely challenge or exceed the capacity of the present ambulance delivery system.

E. Enforcement. In addition to criminal prosecution and penalty under Section 1.01.110 of this code, any person who violates any of the provisions of this Chapter may be made a defendant in a civil action to enjoin any further violations hereof. (Ord. 7345 § 3, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.030 Franchise/Permit fees.

A franchise or permit fee will be imposed for the granting or extension of a franchise or permit hereunder as set by resolution of the Council. All franchisees and permit holders and shall also obtain business tax certificates pursuant to Chapter 5.04 of this Code. (Ord. 7345 § 4, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.040 Application for a franchise or extension of a franchise.

A. Procedure and Information Required. Prerequisites to the granting of a franchise or a permit or an extended term of an existing franchise or permit to an applicant shall include payment of a nonrefundable fee as set by resolution of the Council and the filing with the Administrator of an application in writing on a form to be furnished by the City, which shall provide, at a minimum, the following information:

1. Name and description of applicant;

2. Business address and residence address of record of the applicant;

3. Trade or firm name, or DBA as recorded;

4. If a corporation, a joint venture or a partnership or limited partnership, the names of all corporate officers, joint venturers or partners, including limited partners, and their permanent addresses and their percentage of participation in the business;

5. A statement of facts by new applicants explaining the past experience of the applicant in the operation of an ambulance service, including the levels of service provided, and showing that the applicant is qualified to render efficient twenty-four-hour ambulance service;

6. A photocopy of the license(s), if any, issued by the Commissioner of the California Highway Patrol to the applicant in accordance with § 2501, California Vehicle Code and Title 13, California Code of Regulations;

7. The geographical operating area within the City for which the franchise is requested;

8. The level or levels of service which the applicant proposes to provide;

9. For new franchises, designation as to whether the applicant is seeking a 911 Originated Call franchise or permit;

10. A statement in initial and extension applications that the applicant owns or will have under his or her control all equipment required to conduct an ambulance service competently in the operating area for which the applicant is or proposes to be franchised/permitted, which meet the requirements established by the California Vehicle Code if applicable, and that the applicant owns or has access to suitable and safe facilities for maintaining his or her ambulance service in a clean, sanitary and mechanically sound condition;

11. A list for initial and extension applications giving a complete description of each ambulance vehicle operated by the applicant, including the patient capacity thereof, which list shall be promptly amended as required from time to time for any changed, substituted, loaned or leased vehicles, and a copy of the most recent Ambulance Inspection Report, if any, issued by the California Highway Patrol for each vehicle;

12. An affirmation for initial and extension applications that each licensed ambulance and its appurtenances conform to all applicable provisions of this Chapter, the California Vehicle Code, the California Code of Regulations, Federal Aviation Administration regulations, and any other applicable State or local directives;

13. A statement for extension applications that the applicant employs sufficient personnel adequately trained and available to continue delivering ambulance services of good quality at all times in the applicant's operating area, and a statement for initial applications that the applicant will employ sufficient personnel adequately trained and available to deliver ambulance services of good quality at all times in the operating area for which applied;

14. A list identifying each ambulance employee and describing the level of training received by each ambulance employee, which list shall be amended as required from time to time for any personnel changes, and a copy of each certificate or license issued by the State, County, or local EMS Agency establishing qualifications of such personnel in ambulance operations shall be made available for review;

15. A proposed schedule of any special rates to be charged by the applicant for ambulance services;

16. A statement signed by the applicant that as a condition of the Council's/Administrator's granting a franchise or permit, the applicant agrees to appear in and defend all actions against the City and Council arising out of the exercise of the franchise/permit, and shall indemnify, defend, and save the City and its officers, employees and agents harmless of and from all claims, demands, actions, or causes of action of every kind and description resulting directly or indirectly from, arising out of, or in any way connected with, the granting or exercise of the franchise/permit, unless this would create a conflict of interest;

17. A statement signed by the applicant demonstrating that the applicant possesses the ability and commitment to transport all patients in response to medical requests;

18. Verification of applicant's current accreditation with the Commission on Accreditation of Ambulance Services ("CAAS")

19. Such other facts or information as the Administrator may require. (Ord. 7345 § 5, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.050 Processing of application.

A. Upon receipt of an application and a nonrefundable fee as set by resolution, the Administrator shall conduct an evaluation to determine if the applicant meets all requirements of this Chapter. The Administrator shall consult with and, if possible, obtain the assessment of the application by the Health Officer or the Local EMS Agency as part of his or her investigation. Within forty-five days after the completion of his or her evaluation, the Administrator shall for a franchise, prepare and issue a report to the Committee, present a copy to the applicant, and request that a meeting of the Committee be called within fourteen days to consider the report and other testimony. After due deliberation, the Committee shall make its recommendation to the Council on whether to approve or deny the franchise application. For a permit, the Administrator shall determine if the applicant has met all the requirements of this Chapter, and if so, issue a permit according to the procedures set forth in this Chapter. (Ord. 7345 § 6, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.060 Grant or denial of franchise/permit; appeal of a permit.

A. For a franchise, the Council may initiate proceedings under the City Charter and this Municipal Code to grant an ambulance service franchise for a period of up to five years. The Council shall consider: the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Council considers relevant. At the hearing the applicant shall have the burden of proof to present facts necessary to support the Council's findings. No franchise shall be granted by the Council unless and until the Council has determined applicant has followed the franchise procedures set forth in this Chapter and the City Charter.

B. For a permit, the Administrator may issue a permit under this Municipal Code for a period of up to five years. The Administrator shall consider: the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Administrator considers relevant. The applicant shall have the burden of proof to present facts necessary to support the Administrator's findings. No permit shall be granted by the Administrator unless and until the Administrator has determined applicant has followed the franchise/permit procedures set forth in this Municipal Code.

C. The Council or Administrator, as per their respective duties above, may deny a franchise or permit application or revoke or suspend an existing franchise or permit if the applicant or franchisee or permit holder or any partner, officer, or director thereof:

1. Was previously the holder of a franchise or permit granted by the Council or Administrator which was revoked or not extended and the circumstances upon which the revocation or non-extension was based have not been corrected;

2. Is committing or has committed any act, which, if committed by any franchisee or permit holder, would be grounds for the suspension or revocation of that franchisee's franchise or permit holder's permit;

3. Has committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the applicant has unjustly benefited;

4. Has provided or is providing ambulance service within the City without having a franchise or permit therefor as required by this Chapter; or

5. Has entered a plea of guilty to, been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of any order granting probation following

such conviction or suspending the imposition of sentence, or of a subsequent order under the provisions of § 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

D. Appeal. Any applicant under this chapter who has been denied a permit or who has had his, her or its permit revoked or suspended, may, within fifteen (15) days of notification of the denial or revocation or suspension of such permit, pay a nonrefundable fee as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall set a time not less than thirty (30) but no more than sixty (60) days thereafter for the hearing of the appeal before the Public Safety Committee of the City Council, and shall give notice to the applicant or permit holder of the time set for hearing at least ten (10) days before the date of such hearing, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the Public Safety Committee shall receive from the Administrator and the applicant or permit holder information regarding the denial or revocation or suspension of the permit. The Public Safety Committee shall make a determination whether to uphold or reverse the denial or revocation or suspension. The determination of the Public Safety Committee shall be a final determination of the matter.

E. Liability Insurance.

1. Every franchisee/permit holder shall obtain and keep in force during the term of the franchise/permit comprehensive general liability insurance issued by a company authorized to conduct insurance business in the State of California which insures the franchisee and names the City as an additional insured against loss by reason of injury or damage that may result to persons, patients or property from negligent operation or defective maintenance of the franchisee's ambulances, negligent acts or omissions of the franchisee's employees in the performance of their duties, and negligent violation of this Chapter, local EMS Agency protocols or any other law of the State of California or the United States pertaining to ambulance operations. The liability insurance policy shall be in the amount determined by City's Risk Manager for personal injury to or death of any one person or destruction of property in any one accident. The franchisee/permit holder shall also obtain and keep in force Workers' Compensation insurance covering all employees of the franchisee. Before the Council/Administrator grants a franchise/permit, copies of the policies, or certificates and endorsements confirming the existence of such policies, shall be filed with the City's Risk Manager. All policies shall contain a provision requiring that a thirty-day written notice be given to the Administrator prior to cancellation, modification, or reduction in limits.

2. Public ambulance providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents.

3. The failure to obtain, maintain or keep in force at all times the insurance required in this subsection shall be cause for Council/Administrator suspension or revocation of a franchise/permit. (Ord. 7345 § 7, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.070 Content of franchise ordinance.

A franchise ordinance may specify the terms and conditions by which the franchisee may provide ambulance service. The franchise shall require compliance with the terms and conditions of operational agreement to be prepared by the Administrator and to be approved by the franchisee and the Council. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.080 Amendment of franchise ordinances.

The Council may amend the terms and conditions specified in a franchise ordinance consistent with the provisions of the City Charter if the Council finds such changes are in substantial compliance with the provisions of this Chapter and deemed necessary for the purpose of insuring competent service to the public. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.090 Extension of franchises/permits.

Subject to the maximum term limitation of the City Charter, franchises/permits may be extended by the Council for a period of up to three years upon application of the franchisee/permit holder if the franchisee/permit holder proposes no substantial change in the content of the franchise ordinance or the permit, and if the Council/Administrator determines that the franchisee/permit holder has during the period of the franchise/permit operated in conformity with the provisions of this Chapter, the franchise ordinance or the permit, the operational agreement and the rules and regulations of the City, and that the franchisee/permit holder is capable of continuing operation in conformity with the rules and regulations of the City. (Ord. 7345 § 8, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.100 Suspension and revocation of franchises.

A. The Council, after conducting a hearing pursuant to Section 5.66.250, shall be empowered to suspend or revoke a franchise granted under the provisions of this Chapter and the City Charter to operate ambulance service when it finds and determines after investigation that the franchisee or any partner, officer, director or managing employee thereof:

1. Violated any section of this Chapter, his or her franchise, the County EMS Plans, or any rules or regulations that are promulgated by the City or the Local EMS Agency which relate to his or her franchise activities;

2. Has been convicted of any felony committed during or in connection with the provision of ambulance operations;

3. Has been convicted of any misdemeanor involving moral turpitude committed during or in connection with the provision of ambulance operations;

4. Has been convicted of any offense relating to the use, sale, possession, or transportation of narcotics or habit-forming drugs;

5. Committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the franchisee has unjustly benefited;

6. Has misrepresented a material fact in obtaining a franchise, or is no longer adhering to the conditions specified in his or her franchise;

7. Aided or abetted an unlicensed, uncertified or non-franchised person to evade the provisions of this Chapter;

8. Accepted a call within the franchised area when either unable or unwilling to provide the requested service and failed to inform the person requesting such service of any delay;

9. Failed to pay any required fees, taxes or civil or criminal penalties imposed for operations as an ambulance service; or

10. Refused or declined to transport a patient, including due to an actual or perceived inability of the patient to pay for ambulance services.

B. If any of the managing employees of an ambulance service are found after hearing to have acted in the manner set forth in subsections (A)(2), (3), (4), or (5) hereof, the ambulance service shall not have its franchise suspended or revoked unless it shall have failed, for more than fifteen days after the completion of said hearing, to have removed the employee found to have so acted from providing ambulance services in the City of Riverside. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.110 Suspension, conditional operation, and temporary variance.

A. In the event of any interruption of service, or any substantial change in the ambulance service, which causes, or threatens to cause, the ambulance service to be operated differently from the terms and conditions specified in its franchise, the franchisee shall notify the Administrator immediately in writing, stating the facts of such change and steps undertaken to cure it.

B. Upon written request by a franchisee, the Council may at the conclusion of a public

hearing on the request grant a temporary variance in writing from the conditions specified in the franchisee's franchise if it finds that such change is in substantial compliance with the provisions of this Chapter. If the Council finds that such change is not in substantial compliance with this Chapter, it may suspend, revoke or amend the franchise.

C. No franchise shall be transferred to another person except upon prior approval of the Council after timely review and report thereon by the administrator.

D. Suspension. In the event that a permit holder is suspended, the company will not be able to provide services until all aspects of the municipal code and their contract are met. There will be no financial fees associated with a suspension. The fees already paid will be prorated when the company resumes services.

E. Revocation. A permit holder whose contract is revoked will be granted ten (10) business days to conclude any outstanding contracts with patients or facilities in the City of Riverside. All fees paid to the City will not be refunded. The company may not apply for a new permit for a minimum of one year.

F. Amendment. A permit holder whose contract has been amended must meet all terms and conditions of the amendment. If the permit holder does not meet the amended terms and conditions, the permit will be revoked. (Ord. 7345 § 9, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.120 Service requirements.

A. Each franchisee/permit holder shall provide ambulance services (of the level or levels specified in the franchise/permit holder on a continuous twenty-four hours per day basis, excluding acts of God or labor disputes. If for any reason a franchisee**/**permit holder stops providing the prescribed level or levels of service on a continuous twenty-four hours per day basis, the franchisee/permit holder shall immediately stop any and all advertisement as a provider of the services which have been discontinued and immediately notify the Administrator.

B. The continuous service requirement does not apply to holders of “special events” permits. (Ord. 7345 § 10, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.130 Conformance with operating areas.

A. No ambulance service shall charge more for its services than the rates and charges approved by the City. Rates and charges are initially set by Council resolution.

B. Exceptions. A franchisee may provide EMS for ambulance calls originating within the City but outside the territorial limits fixed in his or her franchise under the following circumstances:

1. Upon request by any law enforcement or governmental agency having jurisdiction pursuant to written mutual aid agreements approved by the Council and the Health Officer;

2. Upon request of a franchisee in an adjoining service area/zone, when such franchisee does not have an ambulance or level of service immediately available in the operating area from which a request originates, and when ambulance response is immediately required; or

3. Upon request to provide medically required specialized transportation services not immediately available for a patient in another operating area if such specialized services have heretofore been approved by the Administrator. (Ord. 7345 § 11, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.140 Communications requirements.

Each ambulance service operating within the City shall establish and maintain radio contact as prescribed by the Local EMS Agency and Administrator and where applicable the Federal Aviation Administration, and in compliance with F.C.C. Regulations. No ambulance provider shall allow an ambulance to be operated in service unless it is equipped with 2 way

communication equipment, as specified by the EMS agency, capable of direct 2-way voice communications with ALS provider, and the EMS agency. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.150 Standards for operation of an ambulance service.

A. Each ambulance service shall operate in accordance with Titles 13 and 22 of the California Code of Regulations and those standards and guidelines established by the Local EMS Agency and the State of California Emergency Medical Services Authority.

B. Each ambulance service shall maintain staff and ambulances in sufficient readiness such that an ambulance containing a driver and attendant trained in cardiopulmonary resuscitation shall respond to emergency and non-emergency calls according to a response time standard approved by the Administrator. The personnel must be trained in and to the standards commensurate with those of the State of California and the Local EMS Agency. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.160 Ambulance safety and emergency equipment requirements.

A. Minimum Equipment. All ambulances shall be equipped with all safety and emergency equipment required for ambulances by California Statutes, the California Code of Regulations, and the administrative rules of the Health Officer and the Local EMS Agency as the same are now written, or hereafter amended.

B. ALS and ALS Ambulance Equipment. In addition to regular ambulance equipment and supplies, ALS and ALS ambulances shall also be equipped as required by administrative rules of the Health Officer and the Local EMS Agency.

C. Maintenance of Emergency Equipment and Supplies. Dressings, bandaging, instruments, and other medical supplies used for care and treatment of patients shall be kept and protected in a manner which assures that they will be suitable for use from a medical standpoint and as medically indicated. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.170 Ambulance personnel.

A. Ambulance Driver. Every person who drives an ambulance within the City, while responding to emergency medical calls, shall comply with the requirements of the California Code of Regulations for ambulance drivers. The driver shall also hold a certificate as an EMT, AEMT, or PM.

B. Ambulance Attendant. An ambulance attendant shall be trained and competent in the proper use of all emergency equipment required by this Chapter, and shall hold the required certification or license to satisfy the level of service specified in the franchise.

C. Attendant Required. Each ambulance being operated within the City, in response to an emergency medical call, shall be staffed by both a driver and an attendant, unless the ambulance service operator has been exempted by the Local EMS Agency. The attendant of an ambulance transporting any patient shall occupy the patient compartment while transporting any person in apparent need of medical attention.

This section shall not apply during any “state of war emergency”, "state of emergency," or "local emergency" as defined in the Government Code of the State of California. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.180 Ambulance rates.

A. No ambulance service shall charge more for its services than the rates and charges approved by the City. Rates and charges are initially set by Council resolution.

B. Proposed special rates or proposed changes in existing approved rates and charges shall be submitted to the **A**dministrator for review. The Administrator shall review all data and evidence submitted in justification of the proposal. For increases of greater than 5.0%, the

Administrator shall recommend approval or denial thereof to the Committee, which in turn shall make its own recommendation to the Council. The Administrator may approve increases up to 5.0% annually to compensate for increased ambulance operation costs as measured by the Consumer Price Index. In addition to, and not in lieu of, a Consumer Price Index increase, the Administrator may also grant rate increases up to and including 5.0% annually when extraordinary cost increases are supported by adequate documentation.

C. The Administrator at the time of any rate adjustment proposal may request an audit of books and records of a franchisee**/**permit holder for the purpose of verifying revenue and cost data. Such an audit shall be carried out by a person selected by the franchisee**/**permit holder and approved by the Administrator. If the Administrator and franchisee**/**permit holder cannot agree on a person to perform the audit, then the audit shall be carried out by a Certified Public Accountant selected by the Administrator. If there is any charge, cost or fee for such an audit, such shall be paid by the franchisee**/**permit holder. The Administrator may deny any adjustment if an audit is requested and not produced or if a produced audit does not support any need for a rate change. Every audit shall be done promptly, and within thirty days of the time it is requested so that there should be no undue delay.

D. Under no circumstances shall ambulance personnel dispatched on a Code 3 call attempt to collect for the service prior to the delivery of the patient at an appropriate medical facility. (Ord. 7345 § 12, 2016; Ord. 7232 § 1, 2013; (Ord. 7229 § 8, 2013; Ord. 5761 § 1, 1989)

Section 5.66.190 Continuation of call.

An ambulance based and properly licensed outside the City shall be authorized to transport a patient to or through the City but shall not be authorized to transport patients originating in the City, except helicopter transports and except under the conditions of Section 5.66.210. In order to maintain proper medical support, communications shall be maintained with the ambulance dispatch center for the area. ALS ambulances shall establish and maintain communications with and medical control from a base station in conformance with the rules of the Local EMS Agency.

Section 5.66.195 Permit for ambulances.

A. Each permit holder shall annually submit for inspection to the Administrator 50% of its fleet of ambulances operating in the City such that all ambulances of a franchisee operating in the City are inspected on a biannual basis.

B. The Administrator may conduct a physical inspection of an ambulance to determine its roadworthiness and compliance with standard motor vehicle requirements.

C. The Administrator may conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with the federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822."

D. The Administrator may assess a fee for each inspection, as established by resolution of the Council.

E. The Administrator shall adopt rules regarding the implementation and coordination of inspections. The rules may permit the Administrator to contract with a third party to conduct the inspections required of the Administrator under this section.

F. The Administrator shall preclude an ambulance from operating in the City if it determines that the ambulance does not meet the requirements of this section. The Administrator shall send notice of such decision by certified mail to the franchisee. The franchisee may request a hearing within ten days after receipt of the notice. If the Administrator

receives a timely request, a hearing shall be held before the Administrator.

G. If the Administrator approves the operation of an ambulance, he or she shall issue a decal, in a form prescribed by rule, to be displayed on the rear window of the ambulance. (Ord. 7345 § 13, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.200 Emergency Evacuation.

A franchisee shall provide patient transport at no cost to the patient when requested by the Administrator because an emergency evacuation of persons from an area is required. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.210 Emergency and disaster operations.

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code), as amended, each ambulance service franchised within the City shall within reason provide equipment, facilities, and personnel as requested by the Health Officer or Administrator. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.220 Mutual aid requirements.

Whenever the Health Officer determines that ambulance resources within the City are inadequate to respond to a City emergency/disaster, a request for emergency ambulance mutual aid may be made by him or her to any other County Health Officer within any County of the State or adjoining states. Whenever the Health Officer receives a request involving emergency ambulance mutual aid from any other County Health Officer, such resources may be provided as are available.

A. Where a franchisee needs additional equipment or personnel beyond that which it is usually able to supply, the franchisee shall contact the Health Officer and request his or her assistance to obtain such additional resources from adjacent area providers within the County.

B. Whenever the Health Officer or his designee determines that ambulance resources within the City are inadequate or nonexistent because a franchisee has either been suspended, revoked or not extended, then the Health Officer or Administrator may order another ambulance service to provide service in the City until a permeant provider can be selected by the Council. (Ord. 7345 § 14, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.230 User complaint procedures.

Any person or patient who has received services from an ambulance service and who contends that he or she has been required to pay an excessive charge for service or that he or she has received unsatisfactory service may file a written complaint with the Administrator setting forth such allegations and the facts upon which they are based. The Administrator shall notify the franchisee of the details of such complaint, and shall investigate the matter in cooperation with the Local EMS Agency to determine the validity of the complaint. If the complaint is determined to be valid, the Administrator shall take reasonable and proper actions to secure compliance with the conditions of this Chapter and the franchisee's franchise and/or permit holder's permit. (Ord. 7345 § 15, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.240 Enforcement responsibilities.

A. The Administrator shall propose for Council consideration and adoption rules and regulations deemed necessary and reasonable for regulating ambulance service operation, ambulance equipment, ambulance vehicles, ambulance personnel and rates and for the effective and reasonable administration of this Chapter.

B. The Administrator shall inspect the records, facilities, vehicles, equipment, and methods of operations of ambulance franchisees whenever such inspections are deemed

necessary by him. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.250 Public hearing procedure for suspensions and revocations.

A. Applicability of this Hearing Procedure. The following administrative hearing procedure shall be applied in any hearing pertaining to the suspension, revocation, or denial of extension of a franchise to engage in an ambulance service. The hearing procedure set forth in the City Charter shall apply to the granting of a franchise.

B. Hearing. The hearing shall be conducted by the Council pursuant to this Chapter.

C. Notice. At least ten days written notice of the hearing shall be given to the franchisee prior to the hearing date. The hearing date may be postponed or continued by the Council for cause. If the franchisee does not respond or appear, no further hearing procedure shall be required.

D. Hearing Procedures. Witnesses shall swear or affirm to tell the truth.

Following introduction by the Administrator of the subject matter and issues to be resolved, the franchisee shall present his, her or its case first, then the Administrator and City staff, with oral testimony and documentary evidence or other exhibits. Each party shall have the right to be represented by counsel.

E. Council Determination. No Council determination or order shall be based solely on the basis of hearsay evidence.

The Council shall make its determination at the end of the hearing, which it may continue on its own motion for additional evidence, unless the parties stipulate to a greater period of time. The determination shall be in writing, and shall State the findings upon which the determination is made. (Ord. 7345 § 16, 2016; Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Section 5.66.260 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 hereby declares that it would have adopted this Chapter 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. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

Chapter 5.70

FILM PERMITS

Sections:

Section 5.70.010 Purpose.

It is the policy of the City of Riverside to encourage the production of motion pictures and television within its boundaries. This chapter provides the basis for the rules and regulations governing the issuance of permits for filming, video taping or related activity within the City of Riverside. This chapter is intended to ensure that filming/video taping is done consistent with public health and safety and the protection of property. (Ord. 5765 § 1, 1989)

Section 5.70.020 Definitions.

Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have meanings as set forth below:

News. As used in this chapter, "news" means regularly scheduled news programs (not including magazine or documentary programs) and special new programs which are not pre-planned and are broadcast within twenty-four hours after the event.

Charitable Institution. As used in this chapter, "charitable institution" means a nonprofit organization, which qualifies under Section 501(c) (3) of the Internal Revenue Code or Section 23701 of the California Revenue and Taxation Code as a charitable organization.

Strike and Preparation Days. As used in this chapter, "strike and preparation days" means activities required to make superficial alterations as specified in the script prior to movie on-location filming and following filming to restore such location to its original condition. Such alterations may include placement of temporary architectural features, alterations in landscaping, changes in furniture or other decorative elements, placement of temporary lighting equipment and similar activities.

Issuing Authority. As used in this chapter, "issuing authority" means the City Manager or his/her designee as designated by the City Council as its authorized representative to administer the provisions of this chapter.

Film Permit Rider. As used in this chapter, "film permit rider" means a minor addition, change or deletion to the permit, as determined by the issuing authority. (Ord. 5765 § 1, 1989)

Section 5.70.030 Permit requirement.

No person shall use any public or private property, facility or residence within the City of Riverside for the purpose of taking commercial motion pictures or television pictures or commercial still photography without first applying for and receiving a permit from the issuing authority. (Ord. 5765 § 1, 1989)

Section 5.70.040 Exemptions/waivers.

A. Films produced by charitable institutions as described in Section 5.70.020 of this chapter and news media as described in Section 5.70.020 of this chapter shall be exempt from any permit requirements hereafter established by resolution.

B. The filming or video taping of motion pictures solely for private-family use and similar non-commercial uses.

C. Still photography that does not impede public right-of-way or utilize public property.

D. A student who has submitted a letter written on school letterhead by a school administrator or instructor stating that the applicant is currently enrolled in a recognized United States institution and that the film is not a commercial release, shall have permit fees waived as required by this chapter.

E. Permit fees shall be waived for public access and local origination programs by cable television franchised within the City of Riverside.

F. If film permit or facilities fees are charged, a business tax certificate will not be required. (Ord. 5765 § 1, 1989)

Section 5.70.050 Applicants and issuance.

A. Issuing Authority. The issuing authority shall be the City designee.

B. Applications. The following information shall be included in the application:

1. The name of the owner, the address and telephone number of the place at which the activity is to be conducted;

2. The specific location at such address or place;

3. The inclusive hours and dates such activity will transpire;

4. A general statement of the character or nature of the proposed filming activity;

5. The name, address and telephone number of the person or persons in charge of such filming activity;

6. The exact number of personnel to be involved;

7. Use of any animals or pyrotechnics; and

8. The exact amount and type of vehicles and equipment to be involved.

C. Reimbursement for Personnel and Equipment. The production company shall reimburse the City for any personnel, equipment, materials and associated costs provided to the company (i.e. police, fire) for the purpose of assisting the production. (Ord. 5765 § 1, 1989)

Section 5.70.060 Use of facilities.

The issuing authority may approve temporary usage of property owned by or held under the control of the City, by issuance of a filming permit, provided:

A. Such issuance will not result in a frequency of usage likely to create incompatibility between such temporary use and the surrounding area.

B. Such issuance does not interfere with performance of the intended governmental function of the site in question. (Ord. 5765 § 1, 1989)

Section 5.70.070 Liability provisions.

A. Liability Insurance. A certificate of insurance will be required in an amount not less than one million dollars naming the City as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage before a permit is issued. City officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the City. A copy of the certificate will remain on file.

B. Worker's Compensation Insurance. An applicant shall conform to all applicable federal and State requirements for Worker's Compensation Insurance for all persons operating

under a permit.

C. Indemnification Agreement. An applicant shall execute an indemnification agreement as provided by the City prior to the issuance of a permit under this chapter.

D. Faithful Performance Bond. To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined) at the time application is submitted. Upon completion of filming and inspection of the site by the City, the bond may be returned to the applicant. (Ord. 5765 § 1, 1989)

Section 5.70.080 Rules and regulations.

A. Change of Date. Upon the request of the applicant, the issuing authority shall have the power, upon a showing of good cause, to change the date from which the permit has been issued provided established limitations are complied with in respect to time and location.

B. Rules. The designated City officer is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the City Council, governing the establishment of fees and the issuance of permits. (Ord. 5765 § 1, 1989)

Section 5.70.090 Violations of permit.

If an applicant violates any provision of this chapter or a permit issued pursuant thereto, the City may cancel the permit. (Ord. 5765 § 1, 1989)

Chapter 5.75

MOBILE HOME PARKS RENT STABILIZATION PROCEDURES

Sections:

Section 5.75.010 Findings and purpose.

The relative immobility of mobile homes, the substantial investment involved in the purchase of a mobile home, and the expense, difficulty, and risk of damage in moving a mobile home has created a captive market of mobile home owners and tenants in the City. A significant portion of mobile home owners or tenants in the City are senior citizens, many of whom live on limited or fixed incomes.

It is therefore the purpose of the City Council to provide a mechanism to prevent excessive, unreasonable and frequent rent increases while at the same time recognizing the need of mobile home park owners to receive a just and reasonable return on their investment. (Ord. 6013 § 1, 1992)

Section 5.75.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given herein:

A. "Base year" means calendar year 1991.

B. "Capital improvements" means those improvements which materially add to the value of property, appreciably prolong its useful life, or adapt it to new uses, which are claimed by the owner as capital expenses for Internal Revenue Code purposes and which are required to be amortized over the useful life of the improvement pursuant to the Internal Revenue Code and the regulations issued pursuant thereto.

C. "Consumer Price Index" or "CPI" means the Consumer Price Index for All Urban Consumers in the Los Angeles-Anaheim-Riverside area published by the Bureau of Labor Statistics of the United States Department of Labor.

D. "Mobile home" means a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home as defined in Section 18007 of the Health and Safety Code and a mobile home as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle as defined in Section 799.24 of the Civil Code and

Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code.

E. "Mobile home owner" or "resident" or "tenant" means any person entitled to occupy a mobile home dwelling unit in a mobile home park pursuant to a rental agreement, either oral or written.

F. "Mobile home park" means an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation.

G. "Mobile home park owner" or "park owner" means any owner, lessor, or sublessor of a mobile home park in the City of Riverside, and the representative, agent or successor of such owner, lessor or sublessor, who receives or is entitled to receive rent for the use or occupancy of any mobile home space thereof, and reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits or deductions because of such ownership.

H. "Park committee" means a permanent, in-park resident committee composed of mobile home owners or residents in a mobile home park.

I. "Rent" means the consideration paid for use or occupancy of a mobile home space.

J. "Rent review hearing board" or "mobile home rent review hearing board" shall mean the hearing board established pursuant to Section 5.75.055.

K. “Tenant-to-be” means a person who is not currently a tenant in a mobile home park but is a prospective mobile home owner, resident or tenant as defined in this chapter and has presented himself/herself to the mobile home park owner, as well as a current tenant under a rental agreement of twelve (12) months or less, who is being offered a rental agreement in excess of twelve (12) months by the mobile home park owner.” (Ord. 7148 § 2, 2011; Ord. 6333 § 1, 1996; Ord. 6173 § 1, 1994; Ord. 6013 § 1, 1992)

Section 5.75.025 Applicability.

The provisions of this chapter shall apply to any mobile home park within the corporate limits of the City and to those residents who reside in or hold an ownership in a mobile home under a rental agreement, whether oral or in writing, of one year or less. The provisions of this chapter shall not apply to any mobile home park or portion thereof excluded pursuant to the provisions of Section 798.45 of the Civil Code or to any rental agreement exempt pursuant to the provisions of Section 798.17 of the Civil Code. (Ord. 6013 § 1, 1992)

Section 5.75.027 Rights of a Tenant-to-be.

Every mobile home park owner shall provide each tenant-to-be with a written notification which shall state the following:

> “PURSUANT TO RIVERSIDE MUNICIPAL CODE SECTION 5.75.027 YOU ARE ADVISED THAT YOU MAY NOT BE ENTITLED TO RENT STABILIZATION (RENT CONTROL) PROGRAM BENEFITS UNDER CHAPTER 5.75 IF YOU ELECT A RENTAL AGREEMENT OF MORE THAN TWELVE MONTHS IN DURATION AND THAT RENTAL AGREEMENT MEETS THE REQUIREMENTS OF CALIFORNIA CIVIL CODE SECTION 798.17.”

This written notification shall be typewritten in capital letters and in a minimum 12 point font.

Every mobile home park owner shall also provide each tenant-to-be with a copy of Chapter 5.75 of the Riverside Municipal Code. (Ord. 7148 § 3, 2011)

Section 5.75.030 Utilities and related services.

If the rental charge as of calendar year 1991 included a utility service such as gas, electricity, water, cable television, sewer or other service as part of the base rent, and the obligation therefor is transferred to the residents, then the "base rent" shall be the net amount of such rent after deduction of the average monthly cost to the park owner. Such costs shall be presented to the residents with adequate documentation, and will reflect the average costs of the items for the preceding twelve months. Residents shall be notified in writing, within sixty days, of the exact amount of reduction in base rent. (Ord. 6013 § 1, 1992)

Section 5.75.035 Limitation on frequency of rental increase.

No rent increase shall be imposed by a park owner more frequently than once each calendar year, excluding a rental increase necessitated by an unforeseen assessment, special tax or general tax increase greater than two percent per annum imposed by a governmental agency or by a change in law. (Ord. 6013 § 1, 1992)

Section 5.75.040 Rental increase excluded.

No rental increase shall be subject to the provisions of this chapter that meet the following specific criteria:

A. An annual increase which does not exceed eighty percent of the percentage increase in the CPI for the twelve-month period ending August 31st of the prior year;

B. A rental increase which compensates the park owner for increases in property taxes or other government mandated costs provided such increase shall be limited to those increases in excess of two percent per annum;

C. A rental increase resulting from a capital improvement to the mobile home park as such cost is declared and reported by the park owner for federal income tax purposes together with all interest expenses, points and other costs and charges which the park owner may incur in connection with the costs of such capital improvement; provided, however, that before the commencement of the construction of capital improvements related to new amenities, the prior approval of a majority of the spaces of the park must be obtained. Prior approval of capital improvements to existing facilities need not be obtained from the residents; provided, however, the park committee shall be notified prior to the commencement of such improvements which notice shall specify the reasons and the estimated costs therefore. The interest rate for capital improvements shall be simple interest and shall not exceed the prime rate plus two percent. No other financing costs shall be passed on. The prime rate shall be as established by the Bank of America and shall be the average rate for three months preceding the awarding of the contract for the capital improvements. The cost shall be divided by the number of years of its useful life, as such life is reported for federal income tax depreciation purposes; and the cost as thus divided shall be allocated to an equal number of adjustment periods divided equally by the total number of spaces in the park, and commencing with the adjustment period following that in which the improvement was completed. Capital improvements shall be a separate item on the billing and the date of amortization shall be provided. The City Council may by resolution establish guidelines for the determination of "capital improvements" as said term is used in this chapter;

D. Any fee provided in State law for inspection of mobile home parks and authorized to be assessed against the tenant by park owner;

E. A rental increase that occurs upon the sale of a mobile home or if the space is vacant. (Ord 7058 §1, 2009; Ord. 6173 §§ 2, 3, 1994; Ord. 6084 § 1, 1993; Ord. 6013 § 1, 1992)

Section 5.75.050 Park committee.

If a permanent in-park resident committee is not in existence as of July 1, 1992, in a

mobile home park and one is desired by its residents, an election shall be held within sixty days in such mobile home park for the purpose of electing a permanent in-park resident committee of no less than three and no more than seven members ("park committee"). The park committee shall be elected based on a vote equal to at least fifty percent of the occupied mobile home spaces in that park. The park committee and park owner shall meet at the request of either party upon thirty days' written notice to the other. The park committee may establish its own rules and regulations and term of office. (Ord. 6013 § 1, 1992)

Section 5.75.055 Rent Review Hearing Board.

The City Council hereby establishes a Mobile Home Rent Review Hearing Board consisting of three City employees designated by the City Manager. Any such appointee to the Rent Review Hearing Board shall not be a resident of a mobile home park located within the City of Riverside or have any financial interest in any mobile home park located within the City. (Ord. 6845 § 1, 2006; Ord. 6333 § 2, 1996; Ord. 6013 § 1, 1992)

Section 5.75.060 Rent increase procedures.

Any rent increase not excluded pursuant to the provisions of Section 5.75.040 shall be unlawful and void unless it has been approved in writing by the park committee or pursuant to the provisions of this section.

A. Application for Review. A park owner shall submit an application for the review of a proposed increase in rent not excluded pursuant to the provisions of Section 5.75.040 prior to the issuance of the written notice required by Section 798.30 of the Civil Code. Such application for review shall be filed with the City Manager of City. The application for review shall include a detailed explanation of the need for the increase and the names and addresses of the residents affected and shall be under penalty of perjury. The application shall be accompanied by such processing fee as may be set from time to time by resolution of the City Council.

B. Notice of Hearing. Within fifteen days from the filing of the application for review of the proposed rental increase, the City Manager shall serve by mail notice of the date, time and place of hearing to the park owner and to each affected resident. The hearing shall not be set sooner than ten days nor more than thirty days after the date of the mailing of the notice unless a later date is agreed to by the park owner.

C. Hearings. All rent review hearings shall be conducted by the Rent Review Hearing Board in an informal manner consistent with due process of law. All parties to the hearing may have assistance in presenting evidence or in setting forth by argument their positions from an attorney or such other persons as may be designated by such party. The hearing may be continued by the Rent Review Hearing Board from time to time as may be reasonable and necessary.

D. Standards for calculations of rental increases. The Rent Review Hearing Board shall evaluate any request for rental increase based upon, but not limited to, the following guidelines:

1. The percentage of increase in the park owner's gross income from space rent on a per annum basis since the base year, which would be realized as the result of the proposed rental increase;

2. Changes in services or amenities in the park since the base year or since any such change has previously been considered in connection with a prior approved increase;

3. The percentage increase in the CPI from the base year to the date of proposed notice of the rental increase;

4. The net operating income (NOI) of the park for the current and base year as compiled in accordance with generally recognized accounting procedures;

5. It shall be rebuttably presumed that the NOI produced by a mobile home park during

the base year provided the park owner with a just and reasonable return. It shall further be rebuttably presumed that, where the NOI is less than 50 percent of gross income in the base year, the park owner was receiving less than just and reasonable return on the mobile home park; and

6. Such other guidelines as established from time to time by resolution of the City Council.

E. Decision. The decision of the Rent Review Hearing Board shall be upon a majority vote of said Board. Within 15 days following the conclusion of the hearing, the decision of the Rent Review Hearing Board shall be given in writing to all parties. The findings and conclusions of the Rent Review Hearing Board shall be final and there shall be no right of appeal to the City Council. (Ord. 6333 § 3, 1996; Ord. 6013 § 1, 1992)

Section 5.75.065 Rental increase disputes.

A. Application for Review. In the event any park committee, or any individual mobile home owner or resident if no park committee exists, disputes that a rental increase is excluded under the provisions of this chapter, such park committee or individual may file a petition for a review of such rental increase with the City Manager of City. Such petition shall set forth in detail the grounds for alleging the increase was in violation of this chapter and shall include the name and mailing address of the park owner and all other tenants affected by the increase as reasonably known to the appellant. The petition shall be accompanied by such processing fee as may be set forth from time to time by resolution of the City Council.

B. Notice of Hearing. Within fifteen days from the filing of the petition for review, the City Manager shall serve by mail notice of hearing to the appellant and the park owner. The hearing shall not be set sooner than ten days nor more than thirty days after the date of the mailing of the notice unless a later date is agreed to by the appellant.

C. Hearing. The hearing on the petition shall be conducted by the Rent Review Hearing Board in an informal manner consistent with due process of law. All parties to the hearing may have assistance in presenting evidence or in setting forth by argument their position from an attorney or other such person as may be designated by said party. The hearing may be continued by the Rent Review Hearing Board from time to time as may be reasonable and necessary.

D. Decision. The decision of the Rent Review Hearing Board shall be upon a majority vote of said Board. Within 15 days following the conclusion of the hearing, the decision of the Rent Review Hearing Board shall be rendered as to whether the rent increase was excluded from the provisions of this Chapter. Such decision shall be given in writing to all parties. The findings and conclusions of the Rent Review Hearing Board shall be final and there shall be no right of appeal to the City Council. If the Rent Review Hearing Board determines that the increase or any portion thereof was not excluded from the provisions of this Chapter, such rental increase or portion thereof determined to be contrary to the provisions of this Chapter which have been collected by a park owner together with the interest thereon computed at the current legal rate of interest on a judgment shall be returned to the resident by the park owner, together with the cost of the processing fee paid to City for filing the petition. (Ord. 6333 § 4, 1996; Ord. 6013 § 1, 1992)

Section 5.75.070 Penalties and remedies.

A. Misdemeanor. Any person knowingly violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as set forth in Section 1.01.110.

B. Civil Damages. Any park owner who demands, accepts, receives or retains any money as rent from a resident to which said park owner is not entitled under the provisions of this chapter shall be liable to the resident for any actual damages, attorneys' fees and costs

incurred by the resident as a consequence thereof. In addition, the park owner shall be liable for an additional penalty of five hundred dollars upon a finding that the park owner willfully violated the provisions of this chapter. The resident shall bear the burden of proving entitlement to these penalties.

C. Other Remedies. The provisions of Subsections A and B above are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law. (Ord. 6013 § 1, 1992)

Section 5.75.075 Severability.

If any section, subsection, sentence, clause or phrase in 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 this 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 any one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional. (Ord. 6013 § 1, 1992)

Section 5.75.080 Annual review.

Each September, commencing September 1993, a public hearing shall be held at which the City Manager shall make a report to the City Council concerning activities undertaken during the prior twelve-month period. The City Council shall consider the report of the City Manager and any public comment, and take such action, if any, it deems necessary and proper. (Ord. 6013 § 1, 1992)

Chapter 5.77

CANNABIS TESTING LABORATORIES

Sections:

Section 5.77.010 Purpose and Intent.

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") for the purpose of protecting the public by ensuring that all cannabis and cannabis products are tested prior to delivery to a retailer for retail sale to cannabis patients and customers while imposing sensible regulations on the use of land to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the testing of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of Riverside and to enforce rules and regulations consistent with state law. It is the further purpose of intent of this Chapter to require all Cannabis Testing Laboratory operators to obtain and renew annually a permit to operate within Riverside. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law. (Ord. 7398 § 1, 2017)

Section 5.77.020 Definitions.

Where a term or word used within this Chapter is not defined by the Riverside Municipal Code ("RMC"), the definitions contained within the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) shall apply. When there is conflict between the definitions in the RMC and MAUCRSA, or otherwise there remains ambiguity in defining a term or word, the City Manager or his/her designee shall interpret the definition pursuant to the authority and process established by RMC Section 19.060.020. (Ord. 7398 § 1, 2017)

Section 5.77.030 Cannabis Testing Laboratory Permit Required.

A. No Person shall own, operate, or manage any Cannabis Testing Laboratory within the City of Riverside unless the Person: (1) has a valid Cannabis Testing Laboratory permit from the City of Riverside; (2) has a valid City of Riverside Business Tax Certificate; (3) has written authorization from the property owner(s) acknowledging and allowing the proposed use; and (4) is currently in compliance with all applicable state and local laws and regulations pertaining to Cannabis Testing Laboratories and associated activities, including the duty to obtain any required state licenses.

B. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

C. Prior to the establishment of any Cannabis Testing Laboratory or the operation of any such business, the Person intending to establish a Cannabis Testing Laboratory must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Cannabis Testing Laboratory intends to establish and to operate.

D. Prior to the approval of any Cannabis Testing Laboratory Permit, the applicant must provide the Police Department with Security Plan outlining measures to deter and prevent unauthorized access to and theft of cannabis or cannabis products, employee and public safety protocols, and other security measures.

E. The Person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Riverside, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the Cannabis Testing Laboratory whether or not said violations occur within the permit holder's presence.

F. The City's Reservation of Rights:

The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided and failure to comply with other requirements in this Chapter, an application RISKS BEING REJECTED for any of the following reasons:

1. Proposal not containing the required elements, exhibits, nor organized in the required format.

2. Proposal considered not fully responsive to this request for permit application.

(Ord. 7398 § 1, 2017)

Section 5.77.040 Expiration of Cannabis Testing Laboratory Permits.

Each Cannabis Testing Laboratory Permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis Testing Laboratory Permits may be renewed as provided in Section 5.77.050. (Ord. 7398 § 1, 2017)

Section 5.77.050 Renewal of Cannabis Testing Laboratory Permit.

A. An application for renewal of an unrevoked Cannabis Testing Laboratory Permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.

B. The renewal application shall contain all the information required for new applications.

C. The applicant shall pay any applicable fees to cover the costs of processing the renewal permit application and any costs incurred by the City to administer the program created under this Chapter.

D. An application for renewal of a Cannabis Testing Laboratory permit may be rejected if any of the following exists:

1. The application is filed less than sixty (60) days before its expiration.
2. The Cannabis Testing Laboratory permit is suspended or revoked at the time of the application.
3. The Cannabis Testing Laboratory has not been in regular and continuous operation in the four (4) months prior to the renewal application.
4. The Cannabis Testing Laboratory has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
5. The permittee fails or is unable to renew its State of California license.
6. If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the Cannabis Testing Laboratory permit.

E. The City Manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his/her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his/her designee(s) shall be handled pursuant to Chapter 5.77.080.

F. If a renewal application is rejected, a Person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection. (Ord. 7398 § 1, 2017)

Section 5.77.060 Revocation of Permits.

A. When there is determined to be an imminent threat to public health, safety or welfare, the City Manager or his/her designee, may take immediate action to temporarily suspend a Cannabis Testing Laboratory permit issued by the City.

B. Cannabis Testing Laboratory Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter or as a result of the loss of any other applicable state or local license as required in 5.77.030-A.

C. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a Cannabis Testing Laboratory to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a Cannabis Testing Laboratory, such revocation or termination shall also revoke or terminate the ability of a Cannabis Testing Laboratory to operate within the City of Riverside. (Ord. 7398 § 1, 2017)

Section 5.77.070 Filing an Appeal.

A. Within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper.

B. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time. (Ord. 7398 § 1, 2017)

Section 5.77.080 Appeal Hearing and Action.

A. If the permit holder or applicant files a timely request for a hearing, the revocation or suspension of an existing permit shall be stayed pending a final determination of the hearing. Notwithstanding the above, if the State has suspended or revoked the license, then the permit shall be immediately suspended or revoked without further action.

B. If a timely appeal is made to the City Clerk, the City Clerk shall fix the time and place of the hearing to be held no less than ten (10) business days and no more than twenty (20) business days following the notice of appeal of the permit revocation, suspension or denial.

C. The appellant shall be given notice of such hearing at least five (5) calendar days prior to the hearing. Notice may be by personal service, mail, or email.

D. At the time and placed fixed in the notice, an administrative hearing officer shall hear all testimony of all competent Persons regarding the Cannabis Testing Laboratory Permit revocation.

E. If, from the evidence introduced at the hearing, the hearing officer finds grounds exist for revocation or suspension of the permit, the permit shall be revoked or suspended. If, following the hearing, the hearing officer determined no grounds exists for revocation or suspension of the permit, then the hearing officer shall grant the appeal and no revocation or suspension of the permit shall be applied. The Hearing Officer shall notify the appellant of the decision, in writing, within ten (10) calendar days following the close of the hearing. (Ord. 7398 § 1, 2017)

Section 5.77.090 Change in location; updated registration form.

Any time the testing lab location specified in the regulatory permit has changed, the applicant shall reapply with the City Manager or his/her designee(s) within fifteen (15) calendar days of the change. The process and the fees shall be the same as the process and fees set forth for renewal in sections 5.77.050. (Ord. 7398 § 1, 2017)

Section 5.77.100 Transfer of Cannabis Business Permit.

A. The owner of a Cannabis Testing Laboratory Permit shall not transfer ownership or control of the permit to another Person or entity unless and until the transferee obtains an amendment to the permit stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files a new application with the City Manager or his/her designee in accordance with all provisions of this Chapter (as though the transferee were applying for an original Cannabis Testing Laboratory Permit) accompanied by the applicable fee, and the City Manager or his/her designee determines, in accordance with this Chapter that the transferee meets all other requirements of this Chapter.

B. Cannabis Testing Laboratory Permits issued through the grant of a transfer shall be valid for a period of one year. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.

C. Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved through the transfer process contained in 5.77.100-A. Failure to comply with this provision is grounds for permit revocation.

D. A permittee may change the form of business entity without applying to the City Manager or his/her designee for a transfer of permit, provided that either:

1. The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical); or

2. If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA, provided that the Board of

Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity. Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager or his/her designee in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.

E. No Cannabis Testing Laboratory Permit may be transferred when the City Manager or his/her designee has notified the permittee that the permit has been or may be suspended or revoked.

F. Any attempt to transfer a Cannabis Testing Laboratory Permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit. (Ord. 7398 § 1, 2017)

Section 5.77.110 City Business Tax Certificate.

Prior to commencing operations, a Cannabis Testing Laboratory shall obtain a City of Riverside Business Tax Certificate. (Ord. 7398 § 1, 2017)

Section 5.77.120 Building Permits and Inspection.

Prior to commencing operations, a Cannabis Testing Laboratory shall be subject to all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), Fire Department approvals, Health Department approvals and other zoning and land use permit(s) and approvals. (Ord. 7398 § 1, 2017)

Section 5.77.130 Limitations on City's Liability.

To the fullest extent permitted by law, the City of Riverside shall not assume any liability whatsoever with respect to having issued a Cannabis Testing Laboratory Permit pursuant to this Chapter or otherwise approving the operation of any Cannabis Testing Laboratory. (Ord. 7398 § 1, 2017)

Section 5.77.140 Miscellaneous Operating Requirements.

A. Restriction on Consumption. Cannabis shall not be consumed or sampled by any testing lab employee, visitor, operator or vendor on the premises of any Cannabis Testing Laboratories.

B. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a Cannabis Testing Laboratory Permit, or on any of the vehicles owned or used as part of the Cannabis Testing Laboratory. No outdoor storage of cannabis or cannabis products is permitted at any time.

C. Odor Control. Odor control devices and techniques shall be incorporated in all Cannabis Testing Laboratories to ensure that odors from cannabis are not detectable off-site. Cannabis Testing Laboratories shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Testing Laboratory that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Testing Laboratory. (Ord. 7398 § 1, 2017)

Section 5.77.150 Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance. (Ord. 7398 § 1, 2017)