

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA  
REVOKING TITLE 5 OF THE GLENDALE MUNICIPAL CODE, 1995, REGARDING  
BUSINESS LICENSES AND REGULATIONS, AND INTRODUCING A PROPOSED  
TITLE 5 IN ITS PLACE, AS WELL AS AMENDING TITLE 15 TO RELOCATE  
CONTRACTORS LICENSES.**

**WHEREAS**, Title 5 of the Glendale Municipal Code, 1995, provides standards for Business Licenses and Regulations within the City of Glendale;

**WHEREAS**, in the course of years of amendments, certain portions of Title 5 have become obsolete, unenforceable, redundant, or insufficient in regard to the regulation of businesses within the City;

**WHEREAS**, the Council desires to streamline business license application procedures to standardize language, improve ease of use, and to ease unnecessary bureaucracy within the provisions of Title 5;

**WHEREAS**, the changes in this ordinance are consistent with those goals and in the best interest of the City of Glendale;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Recitals. The City Council finds that all of the facts, findings, and conclusions set forth above in this Ordinance are true and correct and hereby incorporate them by this reference.

**SECTION 2.** All Chapters of Title 5 of the Glendale Municipal Code, 1995, entitled "Business Taxes, Licenses and Regulations" are revoked, except for Chapter 5.112 as established by Ordinance No. 5962.

**SECTION 3.** Chapter 15.26 is added to the Glendale Municipal Code, 1995, entitled "Contractor's Licenses." It shall include the following section:

**15.26.010 Contractor's licenses.**

For every person, firm or corporation engaged in the business of a general engineering contractor or a general building contractor or a specialty contractor, as those terms are respectively defined in Sections 7056, 7057 and 7058 of the Business and Professions Code of the state of California, shall pay a fee as set forth in the resolution pursuant to Section 5.08.010. All licenses issued pursuant to this section shall expire on December

31st of each year. The city may adopt reasonably necessary rules to effect the classification of contractors in a manner consistent with established usage and the foregoing definitions.

**SECTION 4.** Title 5 of the Glendale Municipal Code, 1995 is renamed “Business Licenses and Regulations.”

**SECTION 5.** The following chapters are added to the Glendale Municipal Code, 1995:  
**Chapter 5.04 BUSINESS LICENSES GENERALLY**

**5.04.010 Definitions.**

For the purposes of this title, the following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

“Business” means the conducting of a trade, calling, profession, or occupation to produce and/or sell goods and/or services.

“Business activity” means any event, recurring event, temporary installation, or activity that falls within the license requirements of any license listed in section 5.04.030(E) that may not otherwise fit the definition of a “business.”

“Department” shall refer to the Community Development Department.  
“Director” shall refer to the Director of the Community Development Department and/or a designee.

“License” shall refer to all licenses, permits, and certificates regulated by and referenced in this title, including the business registration certificate.

“Permit” shall refer to those licenses granted for a finite event over a discrete period of time.

“Person” means an individual, company, firm, organization, association, trust, estate, partnership, corporation, limited liability company, or entity however organized.

“Title” means Title 5 of the Glendale Municipal Code, concerning “Business Taxes, Licenses and Regulations.”

**5.04.020 Purpose and Intent.**

The purpose of the provisions of this title is to provide for necessary regulation, monitoring, enforcement and tracking of lawful businesses and business activities set forth in this title that are being conducted within the city, in order to protect public health, safety, and welfare. Business license fees charged under this title shall be revenue-neutral in that they may not exceed the reasonable costs of providing the regulatory services included in the applicable business registration and licensing program. No

business registration or license fee charged under the provisions of this title shall be construed as a business license tax.

#### **5.04.030 Business Registration Certificate and/or Licenses Required.**

A. No person, whether as principal or agent, clerk or employee either for himself or herself or for any other person, or for any body corporate, or as an officer of any corporation, or otherwise, shall conduct any business within the city without having first obtained a valid business registration certificate from the city to do so. All businesses are required to obtain a business registration certificate, including non-profit institutions, private schools, and churches within the city.

B. A business registration certificate shall not be required for businesses operated pursuant to chapter 30.45 of this code for home occupation permits. Additionally, the following land uses shall not be required to obtain a business registration certificate: domestic violence shelter; emergency shelter; home-sharing as defined in Section 5.56.030; multiple residential dwellings; residential congregate living, limited; residential congregate living, medical; residential congregate living, non-medical; and senior housing.

C. No person shall commence or carry on any business or business activity for which a license is required by subsection E without first having procured a license from the city to do so, or without complying with any and all regulations of such business, trade, calling, profession or occupation contained in this title.

D. The carrying on of any business or business activity without having first procured a business registration certificate and/or license required in subsection E, or without complying with all laws and regulations applicable to such business or business activity required by this title, shall constitute a separate violation for each and every day that such business, trade, calling, profession or occupation is so carried on.

E. In addition to the business registration certificate required by subsection A, any person carrying on a business or business activity as defined within the following chapters may need to register or obtain one or more licenses or permits as applicable:

- 5.16. Entertainment Business License
- 5.20. Sidewalk Vendor Business License
- 5.24. Special District License
- 5.28. BINGO License
- 5.32. Sale from Motor Vehicle License
- 5.36. Christmas Tree and Pumpkin Sales Lot License
- 5.40. Smoking Permitted Area License
- 5.44. Tobacco Retailer License
- 5.48. Pawnbroker, Secondhand Dealer, Auto Wrecker, and Junk Dealer License
- 5.52. Cart License
- 5.56. Home Sharing License and Prohibition of Vacation Rentals
- 5.60. Adult Business License

- 5.64. Massage Establishments
- 5.68. Taxicabs and Other Vehicles for Hire
- 5.72. Private Patrol Systems
- 5.76. Boxing, Wrestling, and Other Contact Sports
- 5.80. State Video Service Franchises
- 5.84. Temporary Place of Amusement Permit
- 5.88. Commercial Special Events
- 5.92. Motion Picture and Television Production Permit

#### **5.04.040 Evidence of doing Business.**

The following circumstances shall be considered prima facie evidence that a person is conducting any business or business activity in the city:

A. Where any business organization or person, by use of any sign, circular, card, brochure, telephone book, magazine, newspaper, website, electronic media or other publication, shall advertise, hold out or by any other means represent that the person or organization is in business in the city; or

B. When any business organization or person holds an active license or permit issued by a governmental agency indicating that the business organization or person is in business in the city, and such person fails, upon request of the city, to sign and provide a sworn statement attesting that such business organization or person is not conducting or carrying on such business, trade, calling, profession or occupation in the city.

#### **5.04.050 Application and Issuance Procedures.**

Unless the requirements for a particular license under this title state otherwise, application for any license under this title shall be made according to the following procedures:

A. Any person wishing to obtain any license required by this title shall complete the most current application issued by the Community Development Department and available on the City's website. Forms must be completed with all information necessary to evaluate the application, including any supplemental requirements and information requests. No application shall be accepted unless sufficient information is provided. All applications shall include:

1. The name and address of the business;
2. The name(s), address(es), and contact information for the applicant to receive all license-related communications and notices;
3. The applicant's California driver's license number or California identification number;
4. Whether the applicant is an individual, corporation, partnership, limited partnership, limited liability company, or another form of business organization;

- a. The organization's full name and any fictitious names under which it operates or exists; State of incorporation, filing, or registration; and Date of incorporation, filing or registration;
  - b. The full name, present address (residential and business), telephone number (residential and business), and date of birth of each: Officer; Director; Shareholder who owns more than ten (10) percent of stock or beneficial interest in that corporation; Partner, or Limited Partner;
  - c. The organization's current legal status or authorization, with the state of incorporation, filing, or registration, to transact business (including, but not limited to: in good standing, suspended, restricted, or revoked);
  - d. Authorization for the individual submitting the application to act as an agent of the organization for purposes of conducting the business; and
  - e. The applicant shall attach a true, correct copy of the corporation's charter; articles or certificate of incorporation, organization, or registration; partnership agreement; or limited partnership agreement, showing the file stamp or seal of the state of incorporation, organization, or registration.
5. The name(s), address(es), and contact information for any manager(s) of the business;
  6. Any other information, items, or documents as the Director may require to conduct necessary background investigations of the applicant and/or verify the truthfulness and accuracy of the information in the application.

B. Application forms must be certified, under penalty of perjury, that all facts, information, and statements are true, accurate, and correct. If the applicant is:

1. An individual, the same individual shall sign the application;
2. A corporation, an officer shall sign the application;
3. A partnership or limited partnership, a general partner shall sign the application;
4. A limited liability company or other business organization, a managing member, manager, or chief executive officer shall sign the application.

C. A business license application may be reviewed by any city department or any governmental agency to determine if the business operations and premises to be occupied meet the requirements of federal, state, or local laws, as well as to determine what effect, if any, the issuance of such license shall have on the public peace, health, safety and general welfare of the city. The Director may also refer to any governmental agency any information submitted by persons subject to the provisions of this chapter in connection with the conduct of a business regulated, or supervised, or otherwise the concern of any such agency, including agencies concerned with health, zoning, or fire/life/safety regulations or any other safeguard of the public interest. Failure to comply with conditions required by another agency's review shall result in denial of the application.

D. It is a violation of this chapter to knowingly make a false statement in any application for a license required under this chapter, or to procure a license in any way

by fraud, misrepresentation, deception, or mistake. Such false statements or acts shall cause an application to be denied or a license suspended or revoked.

E. No application which has been denied, in whole or in part, shall be filed again within six months of the date of such denial except upon proof of changed conditions. No license which has been suspended or revoked shall be considered for reissuance within six months of the date of such suspension or revocation except upon proof of changed conditions. Proof of changed conditions must demonstrate that the basis for the denial, suspension, or revocation has been resolved or removed.

F. For all licenses, if a license has not been obtained within one hundred eighty (180) days after the initial application fee is paid, the application shall be deemed withdrawn and a new application and application fee shall be required before a license may be issued.

G. Any act or condition for which a license can be suspended or revoked under 5.04.100(A) shall result in denial of an application.

H. Denial of an application shall be made in writing, mailed to the applicant, and state the specific grounds for which the application was denied.

I. Denial of an application may be appealed within fifteen (15) days of the denial following procedures in section 5.04.110.

#### **5.04.060 Display of Licenses.**

Every person having a license under the provisions of this chapter, and carrying on a trade, calling, profession, occupation or activity at a fixed place of business, shall keep the current license posted and displayed in a clearly visible and conspicuous location at his or her place of business. Every person having such a license and not having a fixed place of business shall carry such license with him or her at all times while carrying on the business or business activity for which the license was granted and shall produce the license for inspection upon demand. Every person having a license issued under the provisions of this chapter shall present the license when applying for a renewal thereof, and whenever requested to do so by any police officer or by any officer authorized to issue, inspect, or collect licenses.

#### **5.04.070 Duration and Renewal of Business Licenses.**

A. All licenses issued under this title, including the Business Registration Certificate, shall be valid for one (1) year from the date of issuance, unless revoked or suspended earlier in accordance with other provisions in this title, or unless subject to a different expiration date or temporary time period under the terms of the individual license.

B. Any person who seeks to renew a license pursuant to this title shall submit a renewal application and tender any applicable fees to the Director within the thirty (30) calendar days prior to the expiration of the current license. Unless timely renewed, any license issued pursuant to this chapter shall expire and become null and void at the end of its term. If a renewal application is not received within 30 days prior to its expiration, the license holder shall file a new application.

C. Any applicant seeking a renewal of a current license must include in the renewal application any and all information that has changed since the initial application or previous renewal. Renewal applications are subject to the same rights and procedures as any other license application under 5.04.050.

#### **5.04.080 Separate License for each Branch or Separate Place of Business.**

A separate license must be obtained for each branch establishment or separate place of business in which the business or business activity is carried on, and each license shall authorize the party obtaining it to carry on, pursue or conduct only that business or business activity described in such license, and only at the location or place of business which is indicated thereby.

#### **5.04.090 Transferability.**

No license, permit, or certificate granted or issued under any provisions of this chapter shall be in any manner transferred or assigned, and no other person than the person to whom the license was issued is authorized to carry on the licensed business or business activity. Any change in location or name of person from that which is shown on the issued license shall require a new license to be obtained.

#### **5.04.100 License Suspension and Revocation.**

A. Any license issued under this chapter may be suspended or revoked by the Director when he or she determines:

1. The activity authorized by such license is conducted, maintained, or carried on contrary to or in violation of any law of the state;
2. The activity authorized by such license is conducted, maintained, or carried on contrary to or in violation of any provision of this code;
3. The activity authorized by such license is conducted, maintained, or carried on contrary to or in violation of any condition of the license;
4. The activity authorized by such license is conducted, maintained, or carried on in such a manner as to constitute a nuisance, or to disturb the peace of persons in the vicinity, or to be deleterious to the public peace, morals, health, safety or welfare;
5. The licensee has had a license issued pursuant to this title revoked within the preceding twelve (12) months;
6. The licensee has received three (3) or more administrative citations for violations of this title within the preceding twelve (12) months;

7. The licensee has unpaid city fees, fines, or community service; or
8. The licensee, any agent or employee, or any person connected or associated with the licensee as partner, director, officer, stockholder, associate, or manager has committed, assisted in, or incited the commission of any act, or act of omission, which would be grounds for disciplinary action under this chapter if committed by a licensee.

B. When the Director makes the determination set forth in subsection A above, he or she shall notify the licensee in writing of the proposed action, he or she is taking and in such notice shall state the notice's issuance date, the reason or reasons for the proposed action, the date on which the proposed action will go into effect, and the applicant's right, within fifteen (15) days after the notice's issuance date, to request an appeal hearing according to the procedures set forth in Section 5.04.110 of this Chapter.

C. Notwithstanding any provision in this code to the contrary, any business, trade, calling, profession or occupation that engages in or carries out any activity contrary to federal, state or local laws shall be prohibited, and the city may deny, suspend, or revoke a license to any such business, trade, calling, profession or occupation.

#### **5.04.110 Appeals.**

Unless the requirements for a particular license under this title state otherwise, appeals for denial, revocation, suspension, or other license-related grievances shall be made according to the following procedures:

A. Within fifteen (15) days after the issuance date of a written notice of proposed action or denial of an application, the applicant or licensee may appeal the proposed action by submitting a written appeal to the Community Development Department. The appeal must:

1. Specify the ground or grounds for the appeal;
2. State facts that support each ground for the appeal;
3. Identify documents or items, and attach a copy of them, that substantiate each ground for the appeal; and
4. Include an appeal fee as established by resolution of the city council.

B. The Director shall set the hearing on a date not earlier than fourteen (14) days, and not later than thirty (30) days, after the date that the Community Development Department received the request for a hearing.

C. The Director's proposed action will go into effect and will become final action, and the applicant or licensee will waive any appeal, if the applicant or licensee fails to do one or more of the following:

1. Submit a written appeal within fifteen (15) days after the issuance of a written notice of proposed action or denial of an application; or

2. Attend the hearing with the Director or the person whom the Director designates.

D. Within fifteen (15) days after the hearing date, the Director shall:

1. Decide, upon substantial evidence, whether to uphold, reverse, or modify the proposed action; and
2. Give the applicant or licensee written notice of the Director's final decision by certified mail, postage prepaid, or by personal delivery.

E. An applicant or licensee aggrieved by the Director's decision under this section's hearing and appeal procedures may appeal to the city council within the time and in the manner provided in chapter 2.88.

#### **5.04.120 Licenses for Revenue Purposes.**

The licenses required by this chapter which are also licensed by the state are for revenue purposes only and any other regulatory provisions of this Title, including the power to revoke and suspend the licenses as provided by section 5.04.100, shall not apply.

### **Chapter 5.08 FEES**

#### **5.08.010 Fees Generally.**

A. The application for all licenses in this title shall be accompanied by a fee established or modified by resolution of the city council. All application fees are non-refundable.

B. All license fees shall be paid in advance, in lawful money of the United States, to the city, before commencing or carrying on any business or business activity subject to a license under this title.

C. In no case shall any mistake made by a city employee or an agent of the city regarding the amount of any license fee prevent or prejudice the city's collection of the fee which is actually due from any person carrying on any business or business activity subject to a license under this title.

D. A charge for each license issued to replace any license issued under the provisions of this title which has been lost or destroyed shall be made in such amount as established by resolution.

E. The amount of any fee for a license required by this title shall be deemed a debt to the city and any person carrying on any business or business activity contained in this title without having first procured a license from the city to do so may be subject to an action in the name of the city in any court of competent jurisdiction for the collection of any such license fee.

F. All moneys collected for licenses issued shall be deposited with the city treasurer and shall, on or before the fifteenth day of each month, be reported to the director of finance and administrative services.

#### **5.08.020 Exemptions from Payment of License Fees.**

A. Nothing in this title shall be deemed or construed to apply to any person transacting or carrying on any business or business activity exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California with respect to payment of license fees required by this chapter.

B. For licenses required under section 5.04.030(E), the provisions of this title shall not be deemed or construed to require the payment of a license fee to conduct, manage or carry on any such business or business activity by any institution or organization organized and carried on primarily for charitable purposes and for which a profit is not derived, either directly or indirectly.

C. For licenses required under section 5.04.030(E), no license fee shall be required to conduct an entertainment, dance, concert, exhibition or lecture by any religious, fraternal or other organization or association when the proceeds of such entertainment, dance, concert, exhibition or lecture are to be appropriated to charitable purposes and from which profit is not derived, either directly or indirectly.

D. The term "profit", as used in this section, shall not include a reasonable compensation paid, or agreed to be paid, to any person for bona fide services rendered.

E. Notwithstanding the above, nothing in this section shall be deemed to exempt any person, business, institution, organization or association from complying with the provisions of any local, state or federal law requiring a license to be obtained to conduct, manage or carry on any business, trade, calling, profession, occupation, activity, entertainment, dance, concert, exhibition or lecture.

#### **5.08.030 Certificate of Exemption.**

A. Application. No person, business, institution, organization or association shall be exempted from the payment of a license fee, as provided for in section 5.08.020, until a certificate of exemption is applied for and issued certifying that such person, business, institution, organization or association is entitled to such exemption. An application for such certificate shall be filed with the Director. Any person, business, institution, organization or association desiring to obtain such certificate shall file a verified application containing the following information:

1. The name of the person, agent, firm, corporation, or other entity making the application, and the purpose(s) for which it is organized and conducted;

2. Proof of tax exemption status from the Internal Revenue Service of the United States Government and the state of California Franchise Tax Board, if applicable;
3. The kind of business, trade, calling, profession, occupation, or activity proposed to be conducted, the address where, and the times when it is proposed to conduct the same;
4. The amount of compensation to be paid to any person for rendering services in connection with the conducting of such business, trade, calling, profession, occupation, or activity, and whether the same is to be actually conducted, controlled and managed by the applicant or is merely to be conducted under its auspices;
5. The purposes for which the net proceeds derived are to be used;
6. That the person signing the application has been duly authorized to make such application on behalf of such institution, organization or association; and
7. Any other information or documentation requested by the city that is reasonably necessary to establish the necessity or qualification for the exemption.

B. Issuance. The application required in subsection A of this section shall be investigated and issued by the Director. Any decision of the Director regarding the issuance or the denial of the certificate of exemption may be appealed pursuant to the appeal procedures contained in section 5.04.110.

C. Revocation. Any certificate of exemption may be revoked by the Director if it appears that the same was procured by fraud, or that such person, business, institution, organization or association has not complied with requirements set forth in this code, or that such person, business, institution, organization or association is no longer entitled to exemption pursuant to the provisions of section 5.08.020. Such revocation shall occur following the same procedure set forth for revocation of a license in section 5.04.100 and any decision regarding such revocation may be appealed pursuant to the appeal procedures contained in section 5.04.110. If such certificate is so revoked, such person, business, institution, organization or association shall thereafter be subject to the payment of license fees as though no such certificate had ever been issued.

## **Chapter 5.12 ENFORCEMENT**

### **5.12.010 Enforcement Generally.**

A. The Director is authorized and empowered to adopt such rules and policies as the Director may deem reasonably necessary to carry out the purposes of this chapter, subject to the review of the City Council.

B. The Director and his or her deputies, and all enforcement officers and police officers shall have and exercise the power:

1. To cite or make arrests for the violation of any of the provisions of this title.
2. To enter, free of charge, at any time the business is open, any place of business for which a license is required by this title, and to demand the display of such license for the current term by any person engaged or employed in the transaction of such

business; and if such person shall then and there fail to exhibit such license, such person shall be liable for any penalties authorized under this title.

3. To enter, free of charge, at any time, any place of business for which a license is required by this title to inspect, examine, photograph, videotape, or audiotape all or any part of the business to obtain any evidence needed to verify compliance with any part of this title.

C. Criminal Prosecution. A violation of this chapter is punishable under subsection 1.20.010 of this code, or any successor legislation.

D. Public nuisance. Any business that is established, operated, conducted, managed, or maintained contrary to this title is a public nuisance, and the city declares that such conduct is a public nuisance.

E. Civil Enforcement by City Attorney.

1. In addition to, or in place of, prosecuting a criminal action under this chapter, the City Attorney may take any one or more lawful steps—including, but not limited to, commencing one or more civil actions, or administrative proceedings, or both, in the manner the law provides, to:

- a. Enforce this chapter's provisions;
- b. Abate, remove, or enjoin a public nuisance; and
- c. Obtain one or more appropriate remedies available at law or in equity.

2. The prevailing party may recover attorney's fees and costs in any judicial action, or administrative proceeding, or both, for the city's exercising one or more remedies under this section.

### **5.12.020 Civil Penalties.**

Any person conducting, maintaining or sponsoring any activity for which a license under this title is required, who does not obtain a license prior to commencing that activity, shall be subject to a civil penalty equal to two times the applicable fee set by resolution in addition to, and not in lieu of, any other penalties provided by this code. This section shall not be construed so as to require the issuance of a license.

### **5.12.030 Effect of Conviction for Transacting Trade without License.**

The conviction and punishment of any person for transacting any business or business activity without a license shall not excuse or exempt such person from the payment of such license due or unpaid at the time of such conviction, and nothing in this section shall prevent a criminal prosecution for any violation of the provisions of this Title.

### **5.12.040 Engaging in Business Without License—Remedies Cumulative.**

The conviction and punishment of any person for engaging in any business or business activity without first obtaining a license required by this title shall not relieve

such person from paying the license fee, including any penalty or interest, due and unpaid at the time of such conviction, nor shall the payment of any license fee prevent a criminal prosecution for violation of any provision of this title. All remedies prescribed in this title are cumulative, and the use of any one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Title.

## **Chapter 5.16 ENTERTAINMENT BUSINESS LICENSE**

### **5.16.010 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

“Amusement machine” means any claw, hook or grab machine, the use, operation or play of which is controlled, permitted or made available by placing therein any coin, plug, disc, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor or upon the making of any purchase; provided that the provisions of this section shall not apply to the keeping, possessing or exhibiting of any such game or machine at or in any store or place in which such games or machines are kept solely for sale or storage when members of the public are not permitted or allowed to operate, manipulate or play such games or machines, except as incident to demonstration for the purpose of sale.

“Arcade establishment” means any place of business containing five (5) or more arcade devices or a combination of arcade devices and amusement machines.

“Arcade machine” means any device commonly known as a “pinball machine” or “video game” powered by electricity and operated by inserting coins, bills, tokens, or other money-based credit, not including any device sold and used solely for home use.

“Billiard room” means any public place wherein the game of billiards is permitted to be played and includes any place where a fee is charged, which is directly or indirectly conditioned upon or related to the playing of the game of billiards.

“Billiards” means any of the 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 a game known as pool.

“Billiard table” means any table, including coin-operated tables, on which billiards may be played.

“Charitable” or “charity” means and includes, but is not limited to the words religious, patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal.

“Claw, hook or grab machines” means and includes any machine or device so designed that articles placed therein for the purpose of the game may be grabbed, hooked or otherwise displaced, recovered or removed by the operation of any contrivance, simulating in miniature a power shovel, clam shell or drag line, or other mechanical device operated to produce a similar result.

“Dance hall” means any indoor location where a public dance is held.

“Entertainment Business” means any business that includes or allows on its premises the operating or carrying on of an Arcade Machine, Amusement Machine, Arcade Establishment, Billiard Room, Billiard Table, Live Entertainment, Dance Hall, Public Dance, or Trampoline Center; unless exempted under 5.16.020(B).

“Live Entertainment” means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion, or other similar purpose by a person or persons who are physically present when providing that activity to a patron or group of patrons who are physically present.

“Public dance” means and includes any dance:

1. To which admission may be had by the payment of a fee, or cover charge, or equivalent, or by the purchase, possession or presentation of a ticket or token;
2. To which admission may be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender; or
3. To which the public generally may gain admission with or without the payment of a fee.

“Reasonable lighting” means sufficient lighting for licensee, licensee’s employees, or City inspectors to monitor the safety of any and all patrons or attendees without the need for flashlights or other devices.

“Tag” means an individual use under the Entertainment Business License. Available tags include 1) Arcade or Amusement Machine, 2) Arcade Establishment, 3) Billiard Room, 4) Live Entertainment, 5) Public Dance, and 6) Trampoline Center.

“Trampoline” means a device of canvas, fabric, or other material attached to a framework by springs, rubber coils, or other elastic material upon which a person can jump, bounce, tumble, or otherwise perform tricks, stunts, or acrobatics.

“Trampoline center” means any place of business open to the public where trampolines are offered for use for any period of time. This definition shall not include any place of business where use of such trampolines is limited to children under twelve years of age.

## **5.16.020 Entertainment Business License Generally**

A. No person shall engage in any Entertainment Business, as defined in this chapter, without first obtaining an Entertainment Business License.

1. No person shall operate or allow to operate any arcade or amusement machine, as defined in this chapter, without first obtaining an Arcade or Amusement Machine tag for their Entertainment Business License for each arcade or amusement machine on the premises. No Arcade or Amusement Machine tag shall be required if the Entertainment Business License has an Arcade Establishment tag.
2. No person shall operate an arcade establishment, as defined in this chapter, without first obtaining an Arcade Establishment tag for their Entertainment Business License.
3. No person shall operate a billiard room or billiard table, as defined in this chapter, without first obtaining a Billiard Room tag for their Entertainment Business License.
4. No person shall engage in, conduct, or operate a place where live entertainment, as defined in this chapter, is furnished, allowed, offered, or permitted to be carried on without first obtaining a Live Entertainment tag for their Entertainment Business License.
5. No person shall conduct, maintain, sponsor, or assist in the conducting or maintaining of any dance hall or public dance, as defined in this chapter, without first obtaining a Public Dance tag for their Entertainment Business License.
6. No person shall operate a trampoline center, as defined in this chapter, without first obtaining a Trampoline Center tag for their Entertainment Business License.

B. A tag for live entertainment or public dance is not required when the business or establishment has a current, valid, active Special District License under Chapter 5.24 of this code.

C. Nothing in this Chapter shall be understood to authorize the operation of any business or activity contrary to zoning requirements in Title 30 of this code.

D. Any person wishing to obtain an Entertainment Business License shall file an application according to requirements and procedures in section 5.04.050.

E. Any and all tags for an Entertainment Business License are valid only during the term of the underlying Entertainment Business License.

F. Denial, suspension, or revocation of any tag based on its particular additional conditions and operating requirements shall affect only the tag in question, and shall not cause a denial, suspension, or revocation of the underlying Entertainment Business License or any other tags thereunder.

#### **5.16.030 Application Procedure for Arcade or Amusement Machine Tag**

A. Entertainment Business License Arcade or Amusement Machine Tag application requirements and procedures shall follow the same format as a license under section 5.04.050.

B. Applications for Arcade or Amusement Machine Tags shall include the following additional information:

1. Name or title of the machine;
2. Footprint dimensions and photograph or image of the machine;
3. Rough map of intended layout/situation of the machine within place of business;
4. Name, address and telephone number of the distributor or supplier of the machine.

C. In the event that a Person seeks an Arcade or Amusement Machine Tag and no other Tags under an Entertainment Business License, the Entertainment Business License fee shall be waived and such Person shall pay an application fee for the Arcade or Amusement Machine Tag alone.

#### **5.16.040 Additional Conditions and Operating Requirements for Arcade or Amusement Machines**

A. Arcade or amusement machines should not be situated in such a location that they are not routinely visible to employees or the public.

B. Arcade or amusement machines should be located in areas with reasonable lighting.

C. In the event any person discontinues the maintenance of any machine or device licensed under this section during a period for which the same has been licensed, the licensee may substitute another such machine or device in place thereof and may maintain the substituted machine or device without the payment of any additional license fee for the remainder of the license period. Updated information should be provided upon renewal of the license and Tag.

#### **5.16.050 Application Procedure for Arcade Establishment Tag**

A. Entertainment Business License Arcade Establishment Tag application requirements and procedures shall follow the same format as a license under section 5.04.050.

B. Applications for Arcade Establishment Tags shall include the following additional information:

1. The number of arcade devices to be placed at the establishment;
2. The name, address and telephone number of the distributor or supplier of the arcade devices;
3. A statement setting forth the manner and method of providing adult supervision at the establishment;
4. A statement setting forth the number of off-street parking spaces and storage facilities for automobiles, bicycles, skateboards and other modes of transportation;
5. A statement setting forth any arrests or convictions of the owners, partners or corporate officers of the establishment for crimes involving minors within the past ten (10) years. Arrests or convictions may be cause for denial or revocation of an application or license;

### **5.16.060 Additional Conditions and Operating Requirements for Arcade Establishments**

A. The locations where arcade devices are operated shall provide sufficient security measures to effectively regulate interior and exterior loitering, parking congestion, disturbing noise and light, loud conversations and criminal activities.

B. Arcade establishments and locations where arcade devices are operated shall provide personnel over seventeen (17) years to maintain supervision of the arcade devices and patrons thereof.

C. Arcade establishments should have reasonable lighting in all places open to the public.

D. The arcade establishments and locations where arcade devices are operated shall prohibit persons under the age of sixteen (16) years from using or playing any arcade device between the hours of eight a.m. (8:00 A.M.) through two p.m. (2:00 P.M.), Monday through Friday, and after ten p.m. (10:00 P.M.) daily, unless accompanied by a parent or guardian. The eight a.m. (8:00 A.M.) through two p.m. (2:00 P.M.) restriction shall not apply during school holidays and school vacation periods recognized by schools within the city.

### **5.16.070 Application Procedure for Billiard Room Tag**

A. Entertainment Business License Billiard Room Tag application requirements and procedures shall follow the same format as a license under section 5.04.050.

B. Applications for Billiard Room Tags shall include the following additional information:

1. A statement as to whether or not an application for a similar permit has been refused or canceled by this or any other municipality in the state and, if so, a full statement of the reasons therefor;
2. The number and type of proposed or existing billiard tables;
3. A rough layout of the billiard room demonstrating compliance with the construction and sanitary requirements of chapter 5.16.080(C).

### **5.16.080 Additional Conditions and Operating Requirements for Billiard Rooms**

A. No person shall operate a billiard room between the hours of two a.m. and six a.m., or permit or allow any persons to remain in any billiard room between the hours of two a.m. and six a.m. This section, however, shall not be construed to prevent regular employees from performing necessary work within the premises.

B. Restrictions on attendance of minors:

1. No person under the age of eighteen years shall be in, remain in, enter or visit any billiard room, unless accompanied by his or her parent or guardian.
2. No person having charge or control of any billiard room shall permit or allow any such person under the age of eighteen years to be in, remain in, enter or visit any such billiard room, unless such minor person is accompanied by his or her parent or guardian.

3. No person shall represent himself or herself to have reached the age of eighteen years in order to obtain admission to such billiard room or to be permitted to remain therein when such person in fact is under eighteen years of age.

C. A billiard room operating under the provisions of this chapter shall be so constructed and maintained that a clear and unobstructed view of the entire interior thereof may at all times be had from any entrance to such room and the room shall have reasonable lighting. No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted. This provision, however, shall not be construed to include the maintenance of washrooms, toilet rooms for proper purposes or the maintenance of closets for storing purposes exclusively. All billiard rooms shall be kept at all times in a clean, healthful and sanitary condition.

D. No owner, proprietor, manager or employee of any billiard room shall permit the use of a pea-ball or dice, or the playing of games of chance in such billiard room, or give any checks or tokens which can be redeemed for merchandise or cash.

#### **5.16.090 Application Procedure for Live Entertainment Tag**

A. Entertainment Business License Live Entertainment Tag application requirements and procedures shall follow the same format as a license under section 5.04.050.

B. Applications for Live Entertainment Tags shall include the following additional information:

1. The entertainment business license history of the applicant, whether previously granted a license or permit for live entertainment in this or another city or state, has had such license or permit revoked or suspended, the reason therefor, and business activities or occupation subsequent to such action or suspension or revocation;
2. All convictions and reasons therefor;
3. The specific type of entertainment to be provided.
4. If an Amplified Sound permit is required under Chapter 8.36 of this code, evidence of that permit shall be affixed to this application.

#### **5.16.100 Additional Conditions and Operating Requirements for Live Entertainment**

A. Failure to procure or abide by conditions of an Amplified Sound permit under Chapter 8.36 of this code shall be grounds for denial, suspension, or revocation of a Live Entertainment Tag.

B. No person licensed to provide live entertainment as provided in this chapter shall operate under any name or conduct his or her business under any designation not specified in his or her permit.

#### **5.16.110 Application Procedure for Public Dance Tag**

A. Entertainment Business License Public Dance Tag application requirements and procedures shall follow the same format as section 5.04.050.

B. Applications for Public Dance Tags shall include the following additional information:

1. The exact nature of the business;
2. The name, residence and business address and telephone number(s) of the manager(s) or person(s) in charge;
3. The address and the particular room or rooms for which the permit is required, the square foot area thereof to be used for dancing, the seating capacity, and a floor plan of seating areas and dance floor;
4. The hours of operation and, if different, the hours during which dancing will be coordinated, promoted, or allowed;
5. If not coordinating, promoting, or allowing dances regularly during open hours, the date or dates upon which the dances will be conducted, which shall be not less than fifteen days subsequent to the date upon which the application is filed;
6. If not coordinating, promoting, or allowing dances regularly during open hours, the approximate attendance expected.

#### **5.16.120 Additional Conditions and Operating Requirements for Public Dances**

A. No Public Dance Tag holder shall allow dancing by any intoxicated, boisterous or disorderly person, or the continued presence of any such person.

B. No employee of permittee shall solicit or accept drinks from any customer or dance with any customer while so employed.

C. No person shall conduct or assist in conducting any public dance between the hours of one-thirty a.m. and eight a.m.

D. All places where public dances are held must at all times when open for dancing therein be reasonably lighted throughout.

#### **5.16.130 Application Procedure for Trampoline Center Tag**

A. Entertainment Business License Trampoline Center Tag application requirements and procedures shall follow the same format as a license under section 5.04.050.

B. Applications for Trampoline Center Tags shall include the following additional information:

1. Proof of a policy of public liability insurance satisfactory to the risk manager;
2. A labeled map/plot plan/layout of the area containing any trampolines and accessory structures or devices, including but not limited to foam pits, basketball hoops, volleyball nets, climbing walls, ladders, slacklines, and jousting pedestals.

### **5.16.140 Additional Conditions and Operating Requirements under Trampoline Center Tag**

A. Failure to keep an approved public liability insurance policy in force may result in revocation of a Trampoline Center Tag.

B. The City Manager shall be authorized to make rules governing the operation of trampoline centers, and violation of any rules made pursuant to the authority granted in this chapter may result in revocation of a Trampoline Center Tag.

## **Chapter 5.20 SIDEWALK VENDOR LICENSE**

### **5.20.010 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that Chapter.

“City” means the city of Glendale.

“Exclusively residential” means the following zones: all single-family and multi-family zones, as described in Chapter 30.11, Residential Districts, of this code.

For purposes of this chapter, any area not within an exclusively residential zone shall be deemed commercial.

“Immediate vicinity” means within five hundred (500) feet. “Park” means a public park owned or operated by the city.

“Person” means any natural person, firm, association, organization, partnership, joint venture, business trust, corporation, or company.

“Receptacle” means equipment used by a sidewalk vendor for vending activities including, but not limited to, a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance.

“Sidewalk” means a public sidewalk or paved pedestrian path specifically designed for pedestrian travel. A sidewalk shall not include streets, alleys, plazas, or City-owned parking lots or structures.

“Sidewalk vendor” or “vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path. A sidewalk vendor may be either a:

1. “Roaming sidewalk vendor,” which means a sidewalk vendor who moves from place to place and stops only to complete a transaction; or
2. “Stationary sidewalk vendor,” which means a sidewalk vendor who vends from a fixed location.

“Special event permit” means a permit issued for the temporary use of, or encroachment on, a sidewalk or other public area, including, but not limited to, a special event permit issued pursuant to Chapter 5.88 of this code and a special event permit issued by the city’s community services and parks department for events at any city park.

“Vend” or “vending” means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food or merchandise, or to require someone to negotiate, establish or pay a fee before providing food or merchandise, even if characterized as a donation. Vend or vending does not include the offering of services.

#### **5.20.020 License Required**

No person shall engage in sidewalk vending, as defined in this chapter, without first obtaining a Sidewalk Vendor License. A separate license is required for each receptacle used by a sidewalk vendor.

#### **5.20.030 Application Procedure**

A. Any person wishing to obtain a Sidewalk Vendor License shall file an application according to requirements and procedures in section 5.04.050.

B. Applications for Sidewalk Vendor Licenses shall include the following additional information:

1. A copy of a valid California driver’s license or identification number, an individual taxpayer identification number, or an identification card issued by another municipality. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4);
2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
3. A description of the merchandise to be offered for sale and any vending equipment to be used (including the dimensions of the receptacle and a photograph thereof);
4. A copy of a valid California Department of Tax and Fee Administration sales tax number, as required;
5. If a vendor of food, proof of all required approvals from the Los Angeles County Department of Public Health;
6. The results of a fingerprinting background check using a form furnished by the city;

7. For stationary sidewalk vendors, a description, map, or drawing of the location(s) in which the applicant proposes to operate;
8. A statement of the days and hours of proposed vending operations, and whether the sidewalk vendor intends to operate as a stationary vendor or a roaming vendor;
9. An agreement by the applicant to indemnify and hold harmless the city, its officers and employees, for any damage or injury caused to the city as a result of the sidewalk vending conduct or activity;
10. The applicant's certification, that to his or her knowledge and belief, the information contained in the application is true;
11. Such other information as the director deems necessary for the administration or enforcement of this chapter as specified on the required application form.

#### **5.20.040 Additional Conditions of Sidewalk Vendor License**

A. An application for a Sidewalk Vendor License may be denied according to section 5.04.050, and a Sidewalk Vendor License may be suspended or revoked according to section 5.04.100.

B. Additionally, a Sidewalk Vendor License application may be denied, or a license suspended or revoked based on any of the following grounds:

1. The proposed vending location encroaches on a public sidewalk without maintaining an unobstructed pedestrian access route as specified in Section 5.35.070(D);
2. The proposed vending operation, including the equipment to be used by the vendor, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or of the city of Glendale;
3. The applicant is required to register under the provisions of California Penal Code Section 290 (or an equivalent section in any other state);
4. The applicant has been convicted of any felony offense involving the sale of a controlled substance specified in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058 within five (5) years of the date of the application, or is otherwise on probation or parole for any offenses set forth in this section.

#### **5.20.050 Term and Renewal**

A sidewalk vending license shall be valid from the date of issuance through December 31 of that year, unless suspended or revoked prior to that date in accordance with the provisions of this chapter.

#### **5.20.060 Exemptions**

A sidewalk vending license shall not be required for events conducted in accordance with a Commercial Special Event Permit, such as for a certified farmers' market, swap meet, street fair, or outdoor concert.

#### **5.20.070 Operating Requirements**

A. Sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

1. Conducting sidewalk vending activities shall be limited as follows:
  - a. On sidewalks or pathways within or directly adjacent to exclusively residential areas, between dawn and dusk daily;
  - b. In non-residential areas, vending activities are prohibited between 2:00 a.m. and 6:00 a.m.; and
  - c. In parks, during the times the parks are open to the public until one (1) hour before closing.
2. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space of the sidewalk vendor receptacle shall not exceed the size requirements provided in this section;
3. The sidewalk license shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their license on their person in a conspicuous manner;
4. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended;
5. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person;
6. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign;
7. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a sidewalk vendor;
8. No sidewalk vending receptacle shall contain or use explosive or hazardous materials with the exception of propane;
9. Sidewalk vendors that sell food shall display at all times they are conducting sidewalk vending activities, the health permit issued by the Los Angeles County Department of Public Health;
10. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into the public trash cans. Sidewalk vendors shall not leave any location without picking up, removing, and properly disposing of all trash or refuse from their operation. (Vendors must maintain their own trash containers for the proper disposal of trash, food, or liquids generated by their vending activities.);
11. Sidewalk vendors shall immediately clean any food, grease or other fluid or item related to sidewalk vending activities that falls on public property;
12. Sidewalk vendors shall not block an exit to a building, structure or facility;
13. Stationary sidewalk vendors shall not cause, allow, or maintain the placement of tables, chairs, shade structures, tents, umbrellas, other furniture, rugs, towels, fabric of any kind upon the sidewalk in conjunction with the vending operation;
14. Sidewalk vendors shall not store or leave unattended vending equipment or receptacles in public spaces or in any portion of the public right-of-way. (Equipment or objects left in public spaces or in the public right-of-way overnight, or outside the hours

of permitted vending operations will be considered discarded and may be seized or disposed of by the city.);

15. Sidewalk vending receptacles must not exceed the maximum dimensions of six (6) feet in length by four (4) feet in width;

16. Roaming vendors must maintain an unobstructed view over four (4) feet in height from the ground to the table top structure of the receptacle; and

17. Sidewalk vendors shall comply with the noise standards provided in Chapter 8.36 of this code.

B. Sidewalk vendors shall not:

1. Rent merchandise to customers;

2. Display or advertise merchandise or food that is not available for immediate sale;

3. Sell live animals, alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke or vape nicotine or cannabis;

4. Use an electrical outlet or power source that is owned by the city or another person other than the sidewalk vendor;

5. Continue to offer food or merchandise for sale, following, or accompanying any person who has been offered food or merchandise after the person has asked the sidewalk vendor to leave or after the person has declined the offer to purchase food or merchandise;

6. Knowingly make any false statements or misrepresentations during the course of offering food or merchandise for sale;

7. Block or impede the path of the person(s) being offered food or merchandise to purchase;

8. Make any statement, gesture, or other communication which a reasonable person in the situation of the persons(s) being offered food or merchandise to purchase would perceive to be a threat and which has a reasonable likelihood to produce in the person(s) a fear that the threat will be carried out;

9. Touch the person(s) being offered food or merchandise without that person(s)' consent; or

10. Place their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities;

11. Use any horns, music, lights, visual media, or sound amplifying device unless expressly approved in the license;

12. Physically alter or otherwise damage the sidewalk;

13. Fasten or affix any item, including, but not limited to, tape, strap, chain, tie, band, or rope, to any public property;

14. Provide or sell any service to any person; or

15. Place any type of fencing or other divider around the vending area.

C. All sidewalk vending activities shall comply with the Americans with Disabilities Act, as well as with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, as the same may be amended from time to time.

D. The minimum width of the public sidewalk to be occupied shall not be less than ten (10) feet in commercial or other non-residential zones, and the vending occupancies or activities within these zones must permit at least five (5) feet of unobstructed area of public walkway. Roaming vendors operating in exclusively residential zones must permit at least four (4) feet of unobstructed public walkway while engaged in vending activities.

E. No vending activities shall occur in the following locations:

1. Any public property, including, without limitation, streets, alleys, median strip, or dividing section, and city owned parking structures, except on a public sidewalk or a city park;
2. Glendale City Hall, unless pursuant to an agreement with the city;
3. Glendale civic auditorium;
4. Any Glendale city library, unless pursuant to an agreement with the city;
5. Within or in the immediate vicinity of:
  - a. A certified farmers' market or during the hours of its operation; or
  - b. An area designated for a special event permit for the limited duration of the permitted event;
  - c. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable.
6. Within two hundred (200) feet of:
  - a. a police station; a fire station; or a hospital; or
  - b. any public or private school grounds between the hours of 8:00 a.m. and 5:00 p.m., on days that school is open to students;
7. Within one hundred (100) feet of another vendor;
8. Within twenty-five (25) feet of any on-street valet parking zone or loading/unloading zone, or any taxicab zone or stand;
9. Within twenty (20) feet of a:
  - a. Fire hydrant;
  - b. Curb which has been painted white, yellow, green, blue or red;
  - c. Automated teller machine; or
  - d. Trash receptacle, bike rack; public restroom, or similar public use items.
10. Within fifteen (15) feet of:
  - a. Any bus-stop, bus bench or bus shelter;
  - b. Any street corner or marked pedestrian crosswalk;
  - c. The outer edge of any entrance to any business, including, but not limited to, doors, vestibules, and driveways, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises;
  - d. The outer edge of any area permitted for sidewalk or outdoor dining including, but not limited to, sidewalk or outdoor dining entries and exits during the hours the business is open to the public; or
  - e. Any driveway or alley approach.
11. Within five (5) feet of any traffic signal controller, traffic signal pole, or other emergency facility; power pole, street light pole, general utility pole, above ground

cabinet, general utility facility, manhole, parking meter, regulatory and directional signs, street furniture, or street art sculptures;

12. Within three (3) feet of:

- a. Any area improved with lawn, flowers, shrubs or trees; or
- b. Any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.

13. Within three hundred fifty (350) feet of any public or private school grounds between the hours of 8:00 a.m. and 5:00 p.m., on days that school is open to students.

F. Stationary sidewalk vendors are prohibited on sidewalks within areas that are zoned exclusively residential. This prohibition does not extend to roaming sidewalk vendors.

G. The City's Art and Entertainment District, Alex Theatre District, and portions of the Downtown area have been created to encourage the concentration of arts, cultural and entertainment venues, as well residential, commercial, shopping, dining, and retail uses. Due to the high volume of the pedestrian and vehicular traffic in these areas, sidewalk vending is prohibited on:

- 1. The east and west sidewalks of Artsakh Avenue between Wilson Avenue and Harvard Street;
- 2. The alley west of the Downtown Central Library from Harvard Street to Colorado Street;
- 3. The north side of Colorado Street from the alley west of the Downtown Central Library to Brand Boulevard;
- 4. The east and west side of Brand Boulevard from Colorado Street to Lexington Drive;
- 5. The north and south sides of Wilson Avenue from Brand Boulevard to Artsakh Avenue on the south and Maryland Avenue on the north; and
- 6. The east and west sides of Central Avenue from Colorado Street to underneath the location of the pedestrian bridge that crosses above Central Avenue.

H. The following areas have unique and historic characteristics, and offer the community retail and dining opportunities. Due to the high volume of the pedestrian and vehicular traffic in these areas, sidewalk vending is prohibited in the following locations:

- 1. The Montrose Shopping Park area on Honolulu Avenue between Sunset Avenue on the north side of the street and the western edge of 2462 Honolulu Avenue on the south side of the street to Verdugo Road/Montrose Avenue;
- 2. The Kenneth Village area on Kenneth Road between Sonora and Grandview Avenues, including all commercial properties surrounding the intersections.
- 3. The commercial Adams Square area along East Chevy Chase Drive between 1015/1020 East Chevy Chase Drive (west of South Adams Street) and East Acacia Avenue, and along South Adams between East Chevy Chase Drive and East Palmer Avenue, including all commercial corner properties at said intersections.

I. Use, occupation and obstruction of the public sidewalk which is permitted under this chapter may be temporarily suspended or revoked, without prior notice,

when, in the discretion of the director, the Police Chief, or the Fire Chief, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the public.

**J. Vending in Parks.**

1. Vendors shall cease vending operations in any park one hour prior to park closure.
2. Stationary sidewalk vendors are prohibited from vending in any city park that is subject to an exclusive concessionaire agreement to provide food or merchandise.
3. Vendors shall remain on sidewalks or pedestrian pathways while vending in parks.
4. Sidewalk vendors shall not vend in the following locations within a park:
  - a. Within fifty (50) feet of any field or court that is primarily designed for use in a sporting activity (including, but not limited to, baseball field, softball field, basketball court, tennis court, soccer field, volleyball court, and handball court), while said area is in use;
  - b. Within fifty (50) feet of any playground, pool, or exercise area while said area is in use.

K. The city manager or designee may adopt administrative regulations imposing additional requirements consistent with this chapter and all other applicable laws in order to regulate the time, place, and manner of vending.

**5.20.080 Appeals**

A. Any applicant or license holder aggrieved by a decision denying an application or revoking or suspending a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

B. An aggrieved person may obtain judicial review within the time and in the manner provided for in California Code of Civil Procedure Section 1094.6, or any successor legislation.

C. Appeal of Administrative Citation. Sections 1.24.260 through 1.24.290 of this code apply to the appeal of an administrative citation.

**5.20.090 Penalties**

A. A violation of this chapter is not punishable as an infraction or misdemeanor, and no person will be subject to arrest for sidewalk vending unless the person has violated a law for which a person may be arrested.

B. A violation of this chapter is punishable only by an administrative fine according to a fee schedule adopted by resolution of the city council.

C. Notwithstanding any other provision of this code, failure to pay an administrative fine assessed under this section is not punishable as an infraction or

misdemeanor, and additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed.

### **5.20.100 Ability-to-Pay Determinations**

A. When assessing an administrative fine under this chapter, the city will take into consideration a person's ability to pay the fine.

1. Any fine issued under this section will be accompanied by a notice of and instruction regarding a person's right to request an ability-to-pay determination.
2. A person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a collection program.

B. If a person is receiving public benefits under Government Code Section 68632 (a), or has a monthly income which is one hundred twenty-five (125) percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the person's administrative fine is limited to twenty (20) percent of the amount assessed. The city may also take the following actions:

1. Allow the person to complete community service in lieu of paying the total administrative fine; or
2. Waive the administrative fine; or
3. Offer an alternative disposition.

## **Chapter 5.24 SPECIAL DISTRICT LICENSE**

### **5.24.010 Intent and Legislative Purpose.**

This chapter's purpose is to:

A. Provide for the regulation of the Maryland Art and Entertainment District, Alex Theatre District, and Broadway Center District of the downtown specific plan zone, by establishing operating standards for entertainment establishments which promote or conduct on-site sale, service, or consumption of alcoholic beverages in the establishment;

B. Encourage an exciting, vibrant, diverse, user-friendly downtown area that is safe and free of criminal activity;

C. Enhance the community's quality of life in the downtown area;

D. Create an active, spirited neighborhood and cultural destination for the city, its residents, and visitors; and

E. Protect the public's health, safety, welfare, and peace.

## 5.24.020 Definitions

For the purpose of this chapter, the following words and phrases have the meanings ascribed to them, unless otherwise noted:

“Conviction” or “convicted” means:

1. A plea of guilty;
2. A verdict of guilty by a judge or jury; or
3. A plea of nolo contendere.

“Disqualifying conduct” means a person who:

1. Is under the age of eighteen (18) years;
2. Must register under one or more of the following statutes, or any successor legislation:
  - a. California Penal Code Section 290 [Sex offender]; or
  - b. California Health and Safety Code Section 11590 [Drug offender];
3. Is subject to a permanent injunction against maintaining or operating a nuisance under California Penal Code Sections 11225 to 11235, or any successor legislation;
4. When submitting an application to renew a license, would be ineligible to receive an initial license for the first time under this chapter; or
5. Within five (5) years before the date of the application for an initial license or renewal license under this chapter, or within five (5) years before the date of the city’s notice of intent to suspend, revoke, restrict, or impose new or additional conditions on a license issued under this chapter:
  - a. Had a permit or license—for operating or promoting an entertainment establishment—denied, suspended, restricted, or revoked by a city, county, state, or government agency;
  - b. Was convicted in a court of competent jurisdiction of:
    - i. Any one or more of the following offenses, as proscribed in the corresponding statute, or any successor legislation:
      - (A) California Penal Code Section:
        1. 118 [Perjury]
        - 266(h) [Pimping];
        2. 266(i) [Pandering];
        3. 314 [Indecent exposure];
        4. 315 [Keeping or residing in a house of ill-fame];
        5. 316 [Keeping a disorderly house or a house for prostitution];
        6. 318 [Prevailing upon a person to visit a place of illegal gambling or prostitution];
        7. 647(a) [Engaging in lewd and dissolute conduct];
        8. 647(b) [Engaging in prostitution];
        9. 647(d) [Soliciting a lewd or unlawful act at a public restroom toilet]; or
      - (B) California Health and Safety Code:
        1. 11054 [Sale of controlled substances - Schedule I];
        2. 11055 [Sale of controlled substances - Schedule II];
        3. 11056 [Sale of controlled substances - Schedule III];

4. 11057 [Sale of controlled substances - Schedule IV];
5. 11058 [Sale of controlled substances - Schedule V];
- ii. An offense committed in another state which, if it were committed or attempted in California, would have been punishable as one or more of the offenses set forth in subsection 5(b)(i) above;
- iii. A misdemeanor or felony offense that:
  - (A) Involves:
    1. Theft, fraud, dishonesty, or receiving or possessing stolen property;
    2. Use of force or violence upon another person; or
    3. Sexual battery, or sexual misconduct with a child.

“Employee” means a person—other than a manager—whom a license holder employs, hires, or uses to perform any service at an entertainment establishment on a full-time, part-time, paid, unpaid, or contract basis, regardless of whether the person is designated as an employee, independent contractor, or otherwise.

“Entertainment event”:

1. Means a single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business:
  - a. To which members of the public are invited or allowed to watch, listen, or participate, with or without an admission fee or charge; or
  - b. That is:
  - c. Conducted for the purpose of holding the attention of, gaining the attention of, or diverting or amusing one or more guests or patrons; or
- ii. Performed for the benefit of the public.
2. Includes, but is not limited to: Any act, play, review, pantomime, scene movie, song, comedy performance, dance, dance act, song and dance act, dancing for compensation, exhibition, poetry recitation, live entertainment, or live music (including recorded music provided by a disc jockey), or presentation by single or multiple performers.

“Entertainment establishment”

1. Means:
  - a. A full-service restaurant, tavern, theater, indoor recreation center, nightclub, or billiard establishment with the on-site, sale, service, and consumption of alcoholic beverages, within the Maryland Art and Entertainment District of the Downtown Specific Plan zone; and
  - b. A full-service restaurant, tavern, theater, nightclub, or billiard establishment with the on-site, sale, service, and consumption of alcoholic beverages, within the Alex Theatre and Broadway Center District of the Downtown Specific Plan zone.
2. Does not include a banquet hall, which is defined in section 30.70.020 of this code, or in any successor legislation.

“License holder” means the person to whom the city issues a Special District License under this chapter.

“Manager” means the individual or individuals whom the license holder designates as the license holder’s representative and agent to be on site at the entertainment establishment and to manage or oversee the entertainment establishment’s day-to-day operations, including, but not limited to, taking responsibility for one or more of the following obligations:

1. Hiring, disciplining, discharging, supervising, directing, or assigning work to employees; or
2. Ensuring that employees and the establishment complies with this chapter’s provisions and all laws.

“Owner” means the person who owns and operates an entertainment establishment.

“Patron” means the individual who visits an entertainment establishment.

“Person” means an individual, company, firm, organization, association, trust, estate, partnership, corporation, limited liability company, or entity however organized.

“Promoter” means a person—other than an owner—who uses an entertainment establishment to organize, oversee, or promote an entertainment event.

#### **5.24.030 License—Required; Violations**

A. An owner shall obtain a Special District License, or designate a manager who shall obtain a Special District License, for an entertainment establishment.

B. No person shall operate an entertainment establishment, unless the person first obtains a Special District License from the community development department as provided in this chapter.

C. No person shall organize, oversee, or promote an entertainment event that occurs or will occur at an entertainment establishment, unless the person first obtains a Special District License from the community development department as provided in this chapter.

D. No owner of an entertainment establishment shall rent, lease, sublet, or otherwise provide the facility for operating any activity governed by this chapter, except to a person duly licensed as a promoter.

E. An owner, whose Special District License has expired or has been revoked or suspended, shall not permit or allow a promoter to use, rent, lease, or sublet the owner’s entertainment establishment for an entertainment event.

F. A promoter, whether unlicensed or licensed under this chapter, shall not use, rent, lease, or sublet an entertainment establishment for an entertainment event when the owner does not have a current, valid, and active Special District License.

#### **5.24.040 Special District License—Application**

A. Any person wishing to obtain a Special District License shall file an application according to requirements and procedures in section 5.04.050.

B. An applicant for a Special District License shall submit additional information and items, or shall submit a copy of the official form or forms which the applicant had filed with the Secretary of State and which contain or disclose the following information and items:

1. Date of birth, and written proof that the applicant is over the age of eighteen (18) years;
2. Two (2) portrait photographs of the applicant, measuring at least two (2) inches by two (2) inches;
3. A current, full set of the applicant's fingerprints, upon an initial application and then afterwards every three (3) years;
4. The applicant's business, occupation, or employment for the last three (3) years before the date of the application;
5. The applicant's current and prior licenses, including permits, to operate a full service restaurant, tavern, theater, indoor recreation center, nightclub, or billiard establishment with the on-site sale, service, or consumption of alcoholic beverages, including:
  - a. The city, county, state, or government agency that issued the permit or license, and the issuance date;
  - b. If the permit or license was ever denied, suspended, restricted, or revoked, the date of, and the reason for, its denial, suspension, restriction, or revocation; and
  - c. The applicant's business, occupation, or employment after the permit's or license's denial, suspension, restriction, or revocation;
6. All of the applicant's felony and misdemeanor convictions and the reasons for them;
7. Authorization for the city, its officers, agents, employees, and representatives to:
  - a. Investigate and verify the information in the application and its accompanying documents;
  - b. Obtain a criminal history check through fingerprints and personal identification information; and
  - c. Additional information, including, but not limited to: moral character; other jurisdictions' licenses, permits, and discipline; financial background; and employment history;
8. The full name, present address (residential and business), telephone number (residential and business), and date of birth of the person who will serve as the entertainment establishment's manager; and
9. A list of all activities for which the license is sought.

C. The city may require, and the applicant shall furnish, other information or items that the city deems necessary or appropriate for its conducting a background investigation of the applicant; verifying the truthfulness, accuracy, or correctness of the information provided by the applicant; or determining whether the applicant is qualified under this chapter to receive a license.

D. The applicant and license holder:

1. Have a continuing duty to disclose to the city any change in the information supplied in the application; and
2. Shall give the community development department written notice within ten (10) days of that change.

#### **5.24.050 Additional Conditions of Special District License**

The community development director or a designee may consider any one or more of the following criteria, factors, or circumstances in denying an application for a license under this chapter; or in declining to renew, suspending, revoking, restricting, or imposing new or additional conditions on a Special District License issued under this chapter:

A. An application for a Special District License may be denied according to section 5.04.050, as well as suspended or revoked according to section 5.04.100.

B. An applicant or a license holder:

1. Is ineligible for a license because of disqualifying conduct;
2. Violates, or does not comply with, one or more:
  - a. Conditions of a license issued under this chapter, or conditions of a discretionary approval from the city for operating a similar establishment;
  - b. Provisions or conditions of Title 30 of this code;
  - c. Provisions of this chapter; or
  - d. Applicable (city, county, state, or federal) laws, rules, or regulations;
3. Is a corporation, partnership, limited partnership, limited liability company, or another business entity that:
  - a. Cannot lawfully transact business in California, or is not lawfully licensed or registered to do business in California; or
  - b. Has one or more officers or directors, partners or limited partners, or members or managers who are ineligible to receive a license: (1) Because of disqualifying conduct; or
- (2) For any reason that makes an individual applicant ineligible to operate an entertainment establishment under this chapter;
4. Procures a license under this chapter by fraud, misrepresentation, deception, or mistake; or
5. Transfers or assigns, or attempts to transfer or assign, a license issued under this chapter.

C. Operating an entertainment establishment at the proposed or existing location, or the conduct or activity of a manager, promoter, employee, or any combination of these individuals:

1. Violates, or does not comply with, one or more:
  - a. Provisions of this chapter;
  - b. Title 30 of this code; or
  - c. Applicable (city, county, state, or federal) laws, rules, or regulations;

2. Creates or constitutes a public nuisance; or
3. Is injurious to the public's health, safety, welfare, or peace.

### **5.24.060 License—Appeal**

Any person aggrieved by a decision denying or revoking a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

### **5.24.070 Operator and Promoter Requirements**

A. An owner shall comply with the following requirements:

1. Promoter Requirements. In addition to the requirement that an owner or owner's manager obtain a Special District License under section 5.24.030(A) of this code, a promoter proposing to use an entertainment establishment shall also obtain a Special District License under the provisions in this chapter and Title 30 of this code. A promoter's failure to obtain a license prior to an entertainment event at an entertainment establishment is a ground for the community development director's or a designee's revoking the operator's Special District License of the facility where the event took place.
2. Manager Required. An entertainment establishment must have a manager.
3. Other Requirements. The requirements set forth in this chapter and Title 30 of this code are operating requirements of the entertainment establishment and a promoter.
4. Complaints. An owner of an entertainment establishment must appoint a manager to address, during hours of operation, all complaints. The name and phone number of the manager must be posted adjacent to the business license and must be mailed or hand delivered to residences, if any, within a one-block radius. The owner shall make reasonable efforts to address each complaint. The owner shall keep a log of all complaints and follow-up, and shall make the information available to city staff upon request.
5. Control of Events. An owner shall maintain full control of all entertainment events or activities on the property, and shall ensure that any and all conditions of approval are adhered to. One (1) or more managers shall supervise and manage an entertainment event, even one organized by a promoter, including club operations, ticket sales, parking arrangements, advertising, security and promotion.
6. Security. An owner shall provide and employ security guards as necessary at on-site and off-site parking locations to address noise, traffic, and safety concerns. An owner may hire uniformed, on-duty police officers for traffic control purposes. No later than fourteen (14) calendar days before the date of the entertainment event, an owner shall submit a written request to the Glendale Chief of Police or a designee for approval of the security company whom the owner intends to hire. The security company shall submit to the Glendale Chief of Police or a designee evidence that the security company has all active and valid licenses mandated by the State of California for private security or guard companies, photographs of the company's guard uniform, and other information or documents that the chief of police or a designee may require. An owner shall not use, employ, or hire a security company, for noise, traffic, or safety control at

an on-site or off-site parking location, without first obtaining the chief of police's or a designee's written approval.

B. A promoter shall comply with the following requirements:

1. A promoter shall obtain, maintain, and renew a Special District License on an annual basis. The annual license allows a person to serve as an entertainment event promoter at any entertainment establishment during the license's term. A promoter's failure to obtain a license prior to an entertainment event at an entertainment establishment is a ground for the community development director's or a designee's revoking the operator's Special District License of the facility where the event took place and for denial of any future license renewals sought by the promoter.
2. In addition to using its own employees, a promoter shall use the owner's employees, including managers, to supervise the entertainment event. Additionally, the promoter must use the owner's existing parking arrangements, security, ticket sales, and is subject to the entertainment establishment's business operations.
3. Other requirements. The requirements set forth in this chapter and Title 30 of this code are requirements for an owner and promoter of an entertainment establishment.

#### **5.24.080 Liability**

A. An entertainment establishment's owner, license holder, manager, and promoter are jointly responsible for the conduct and acts of each other and the patrons at the entertainment establishment.

B. An act, omission, misconduct, criminal act, or violation of one (1) or more provisions of this chapter by a manager, or a promoter, or both, is attributable jointly to the entertainment establishment's owner and license holder.

C. The fact that the entertainment establishment's owner or license holder did not have actual knowledge of the act, omission, misconduct, criminal act, or violation of one (1) or more provisions of this chapter by the manager, or the promoter, or both, is neither a defense nor a mitigating factor in a permit suspension, restriction, revocation, or nonrenewal proceeding in regard to a Special District License.

#### **5.24.090 Records**

A. An entertainment establishment's owner, license holder, or manager shall:

1. Keep a record, for a period of two (2) years, of the number of events and promotions at the entertainment establishment.
2. Allow one (1) or more officials from the city to inspect, examine, audit, photograph, or copy the records that subsection 5.24.090(A)(1) of this chapter requires, to determine whether the entertainment establishment's owner, license holder, or manager is complying with the subsection's records and retention requirements.

B. Information furnished or obtained as a result of an inspection under section 5.24.090(A) of this chapter will remain confidential. Unauthorized disclosure or use of

that information by any officer or employee of the city is a misdemeanor, and that person will be subject to this code's penalty provisions, in addition to any other penalty provided by law.

#### **5.24.100 Applicability to Existing Businesses**

This chapter's provisions are applicable to all persons and businesses described in this chapter, whether the activities described in this chapter were established before or after the effective date of the ordinance codified in this chapter.

#### **5.24.110 Exemptions**

This chapter must not be construed or interpreted to permit or allow the following uses or activities which require a separate permit or license under the corresponding chapter of this code, listed below, or any successor legislation:

- A. Adult Businesses—Chapter 5.60
- B. Amusement or arcade machines—Chapter 5.16
- C. Arcade establishments—Chapter 5.16
- D. Billiard rooms—Chapter 5.16

### **Chapter 5.28 BINGO LICENSE**

#### **5.28.010 Purpose**

The purpose of this chapter is to provide standards to safeguard safety, property, morals and the public welfare by regulating and controlling the issuance of licenses for the operation and conduct of bingo games. It is the intent of the council to control and restrict the issuance of a bingo license to charitable and other organizations which are legitimately established as such, and to eliminate the possibility of criminal activity and illegitimate enterprises engaging in bingo games for profit or other improper motives.

#### **5.28.020 Definitions**

For the purposes of this chapter, the following terms are defined as follows:

"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.

"Mobilehome park association" means any group or organization of ten or more members who each own or lease a mobilehome as defined in section 18214 of

the Health and Safety Code of the state of California. Such a group or organization must have been in existence for at least six months pursuant to section 5.28.060F, and must be organized for some civic, recreational, charitable or other common purpose.

“Pull tab” means a card having numbers or symbols which are concealed and preprinted in a manner providing for the distribution of prizes.

“Pull-tab dispenser” means a device approved by the police chief which dispenses pull tabs.

“Security personnel” means persons employed for the exclusive purpose of protecting persons and property at bingo games.

“Senior citizens’ organization” means any group or organization of ten or more members, the age of each member being not less than sixty years. Such group or organization must have been in existence for at least six months pursuant to section 5.28.060F, and must be organized for some civil, recreational, charitable or other common purpose.

### **5.28.030 Authorization**

Bingo may be lawfully played in the city only when pursuant to the provisions of section 326.5 of the Penal Code of the state of California and the conditions set forth in this chapter. The police chief shall promulgate rules and regulations relating to the operation, conduct and enforcement of bingo games. Prior to becoming effective, such rules and regulations shall be approved by the city council.

### **5.28.040 License—Required—Qualifications**

A. A license to conduct bingo games shall be valid for a period of one year and shall be subject to the conditions contained in section 326.5 of the Penal Code of the state of California and the conditions of this chapter.

B. No organization or association shall conduct a bingo game in the city until such organization or association has obtained a license from the city.

C. No license issued or granted under this chapter shall be in any manner transferred or assigned, or authorize any person or organization other than is therein mentioned or named to conduct or operate a bingo game. Any change in location or name of person from that which is shown on the issued license shall require a new license to be obtained.

D. Only organizations exempted from the payment of the bank and corporation tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 23701(l) of the Revenue and Taxation Code, mobilehome park associations and senior citizens’

organizations located in the city may apply to the city for a license to operate a bingo game.

E. Pull tabs as defined in this chapter may be used at bingo games. The manager of any such bingo game shall place pull tabs in a locked secure area during the times that bingo games are not being played.

#### **5.28.050 License—Application**

A. Any person wishing to obtain a Bingo License shall file an application according to requirements and procedures in section 5.04.050.

B. Applications for a Bingo License shall include the following additional information:

1. The names, addresses and physical description of the persons who will be regularly engaged in conducting bingo games;
2. The date(s) and place where such bingo game will be held;
3. A statement setting forth the character and extent of the charitable work being done, or to be done, by such organization and where such work has been or will be done;
4. A statement setting forth the use to which the funds derived from such bingo game will be used;
5. Evidence that applicant organizations conducting bingo games are either exempted from the payment of the bank and corporation tax as described in section 5.28.040, or is a mobilehome park association or a senior citizen organization as described in section 5.28.020
6. A statement that the persons directly engaged in the conduct of the bingo game have read and are familiar with the provisions of this chapter and the rules and regulations for bingo games prior to holding such bingo game.

#### **5.28.060 License—Additional Conditions of Issuance**

Each license issued shall be subject to the following conditions:

A. Only the organization or association authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game. No other individual, corporation, partnership or other legal entity shall hold a financial interest in the conduct of such bingo game.

B. A bingo game shall be operated and staffed only by members of the authorized organization which organized it.

C. No person whatsoever, shall receive a profit, wage or salary from any bingo game with the exception of security personnel employed by the organization conducting the bingo game.

D. A violation of subsection C of this section shall be punishable pursuant to state law by a fine not to exceed ten thousand dollars, which fine shall be deposited in the general fund of the city. Any other violation of this chapter shall be a misdemeanor punishable pursuant to section 1.20.010A of this code.

E. An authorized organization or association shall conduct a 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 performance of the purpose 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 organizations.

F. Organizations that are otherwise qualified must have been conducting business in the city for a period of at least six months prior to the date of application for a license.

G. All bingo games shall be open to the public, not just to the members of the authorized organization or association. No person 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.

H. Bingo may be conducted by any authorized organization or association between the hours of twelve noon and twelve midnight, limited to not more than one six-hour period per day for a total of twelve hours within any seven-day period.

I. No bingo game shall be conducted on any property within the city for more than a period of twelve hours in any seven-day period.

J. No minors shall be allowed to operate or participate in any bingo game.

K. An authorized organization or association shall maintain accurate records containing the names, addresses and physical descriptions of all persons who staff or operate a bingo game.

L. 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. With respect to other organizations authorized to conduct bingo games pursuant to section 5.28.040, 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. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes for bingo games.
2. A portion of such proceeds not to exceed twenty percent before the deduction for prizes or two thousand dollars per month, whichever is less, may be used for the rental

of property and/or overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel. Thorough records shall be kept of all financial transactions involving profits derived from any bingo game and such records shall be open at all times during business hours to the inspection of any peace officer of the state of California or other city representative authorized by the city manager. The city manager, may at any time, require the organization to file with him or her, a copy of an audit of the special fund or account prepared by a certified public accountant showing the gross revenue received from all bingo games, the costs incurred in the operation of such games including the amounts paid out in connection there with, the amounts deposited in the special fund, and any expenditures made from the special fund.

M. The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars in cash or kind, or both, for each separate game which is held.

N. If, during the term of any license, there is a change in fact, policy, location, method or personnel that would alter the information given in the application, the applicant shall notify the police chief in writing within seventy-two hours after such change. The police chief will then conduct an investigation to determine if all of the conditions of this section are fulfilled.

O. Pull tabs shall be placed in a central pull-tab dispenser. The manager of the bingo game shall be responsible for putting the pull tabs in the dispenser in a random fashion. Once the pull tabs are in the dispenser, players may purchase them directly from the dispenser or from floor vendors who have obtained them from the dispenser. Only those persons who are playing bingo games may use pull tabs. The use of pull tabs during the playing of bingo games in any manner other than as described in this subsection is prohibited and shall result in the revocation of the bingo license.

P. No person shall be permitted to play any game of bingo on credit.

Q. All preprinted cards shall include the legend "for sale or use only in a bingo game authorized under California law and pursuant to City of Glendale ordinance."

#### **5.28.070 Cease and Desist Orders**

An authorized representative of the police chief or city clerk that observes the operation of the game and determines that bingo played under a license issued hereunder is not being played according to the laws of the state of California, the city bingo ordinance, or any rule or regulation promulgated thereunder, may issue an order to immediately cease and desist such violation in addition to any other remedy provided by law including, but not limited to, the issuance of a misdemeanor citation. If the representative of the chief of police or city clerk observes that during the operation of bingo, pull tabs are not being used in the manner required by this chapter, the representative may issue an order to immediately cease and desist such violation in

addition to any other remedies as provided by law. Said order shall be served in writing upon the manager of the bingo game at the time the violation is observed and shall set forth the nature of the violation. Failure of the manager of the bingo game to cease such violation upon receipt of the cease and desist order is a misdemeanor punishable pursuant to section 1.20.010(A) of this code.

## **Chapter 5.32 SALE FROM MOTOR VEHICLE LICENSE**

### **5.32.010 Sale from Motor Vehicle License Requirement**

Every person conducting, managing or carrying on the business of selling foods or drinks intended for human consumption, or goods, wares or merchandise, from any motor vehicle licensed for street use by the state of California, in or upon any public street, public place, doorway of any building, or any place open to the public, shall not operate in the City of Glendale without first obtaining a Sale from Motor Vehicle License. The license shall be in the vehicle at all times.

### **5.32.020 Application Procedure**

A. Any person wishing to obtain a Sale from Motor Vehicle License shall file an application according to requirements and procedures in section 5.04.050.

B. Applications for Sale from Motor Vehicle Licenses shall include the following additional information:

1. A copy of a valid California driver's license or identification number, an individual taxpayer identification number, or an identification card issued by another municipality. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c) (4);
2. If the Motor Vehicle owner is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
3. A description of Motor Vehicle with pictures of both the interior and exterior;
4. A copy of the vehicle's registration;
5. A copy of a valid California Department of Tax and Fee Administration sales tax number;
6. A copy of a current LA County health permit;
7. A copy of a current seller's permit from the California Department of Tax and Fee Administration;
8. The results of a fingerprinting background check using a form furnished by the city;
9. A statement of the days, hours, and locations of proposed operations;
10. An agreement by the applicant to indemnify and hold harmless the city, its officers and employees, for any damage or injury caused to the city as a result of the Motor Vehicle conduct or activity.

### **5.32.030 Sale within Motorized Vehicle**

All foods or drinks intended for human consumption, and all wares, goods and merchandise, shall be sold from within the vehicle only and may not be displayed outside of the vehicle.

#### **5.32.040 Prohibition of Sales on Private Property**

No person shall sell or offer for sale any food or drink intended for human consumption, or goods, wares or merchandise, from motorized vehicles on private property, to the general public and all sales shall solely be related to a delivery at the request of the resident in such zone. Notwithstanding Title 30, exemptions to the prohibitions of this section may be given by the Director upon good cause shown by the applicant.

### **Chapter 5.36 CHRISTMAS TREE OR PUMPKIN SALES LOT LICENSES**

#### **5.36.010 Definitions**

“Christmas tree lot” means and includes any of the following: any real property or portion thereof on which cut Christmas trees and other Christmas paraphernalia, as defined in this section, are offered for sale. Christmas paraphernalia shall include but not be limited to boughs, branches, wreaths and any other items composed and/or constructed of live vegetation.

“Pumpkin sales lot” means and includes any of the following: any real property or portion thereof where pumpkins and other Halloween or Thanksgiving paraphernalia, as defined in this section, are offered for sale. Halloween and Thanksgiving paraphernalia shall include but not be limited to pumpkins, hay, straw, cornstalks and Indian corn or any other item intended as decorations for use on or about the dates known as Halloween and Thanksgiving day.

#### **5.36.020 License Required**

No person shall conduct, operate and/or maintain a pumpkin sales lot or Christmas tree lot, as defined in this chapter, without first obtaining and having in effect a valid Christmas Tree or Pumpkin Sales Lot license.

#### **5.36.030 License—Application**

A. Any person desiring to obtain a license required by this chapter shall file an application according to requirements and procedures in section 5.04.050.

B. An application for a Christmas tree or Pumpkin Sales Lot License shall include the following additional information:

1. A plot plan showing all of the following, as applicable:

- a. Where pumpkins and other paraphernalia and Christmas trees and other paraphernalia will be located and their relationship to surrounding structures;
  - b. Where flocking and/or dipping operations, if any, will be located;
  - c. Details of any structures, including tents, canopies, fences, shade structures, cargo containers, storage units, trailers, and the like;
  - d. Details of electrical supply and lighting. A separate permit may be required for temporary electrical supply;
  - e. Details of water supply and garden hose to reach entire lot;
  - f. Details of parking for customers, and if any existing parking spaces are displaced, the quantity thereof;
  - g. All structures and buildings on the same lot;
  - h. All structures and buildings within 50 feet of the property line on adjoining lots; and
  - i. Locations, quantities, and types of fire extinguishers proposed.
2. Whether or not the lot will be operated at night and for what particular hours.
  3. Verification that all fabrics such as tent or canopy sidewalls or roofs, shade fabric, fence fabric, and the like are non-combustible or certified flame resistant with a California State Fire Marshal certification.
  4. Verification of California State Fire Marshal licensure for flocking or dipping operations.
  5. Any or all additional permits required by the Glendale Building and Safety Code and Title 30 of this code.

#### **5.36.040 Dates of Operation—Establishing and Dismantling Lots**

A. No pumpkin sales lot shall be maintained and/or operated in the city except between October 15th and November 1st of each year.

B. No pumpkin sales lot shall be assembled earlier than fifteen (15) days prior to October 31st and shall be dismantled and cleaned by November 1st, except where a joint license has been issued by the Director to operate a pumpkin sales lot and a Christmas tree lot consecutively on the same real property as permitted by ordinance.

C. No Christmas tree lot shall be assembled earlier than fifteen (15) days prior to November 1st, or dismantled and cleaned later than January 9th. Where no twenty-four (24) hour attendant is provided on the lot, it shall be cleaned no later than January 9th.

D. Upon the disassembling of a pumpkin sales lot and/or a Christmas tree lot, the property on which it is located shall be thoroughly cleaned and cleared of any and all pumpkins, straw, trees and tree remnants, trash and any other waste material.

#### **5.36.050 Suspension and Revocation**

A. An application for a Christmas Tree or Pumpkin Sales Lot license may be denied according to section 5.04.050, and a Christmas Tree or Pumpkin Sales Lot license may be suspended or revoked according to section 5.04.100.

B. Additionally, for a Christmas Tree or Pumpkin Sales Lot license, an application may be denied or such license suspended or revoked for any of the following acts or omissions:

1. If the licensee violates, causes or permits to be violated any of the provisions of this code, the Glendale Building and Safety Code, or Title 30 of the Glendale Municipal Code.

C. Any person aggrieved by a decision denying or revoking a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

## **Chapter 5.40 SMOKING PERMITTED AREA LICENSE**

### **5.40.010 License—Required**

No person shall designate, operate, or maintain a smoking permitted area under section 8.52.120, 8.52.130, 8.52.140, 8.52.160, 8.52.170, or 8.52.180 of this code, unless the person:

A. First obtains a smoking permitted area license under this chapter's provisions; and

B. Complies with the requirements in:

1. The applicable Code section listed above; and
2. This chapter.

### **5.40.020 License—Application**

A. Any person wishing to obtain a Smoking Permitted Area License shall file an application according to requirements and procedures in section 5.04.050.

B. Applications for Smoking Permitted Area Licenses shall include the following additional information:

1. A site plan, with dimensions and drawn to scale, that shows:
  - a. The layout of the premises; and
  - b. The location of:
    - i. A smoking permitted area;
    - ii. Areas on the premises where smoking is prohibited;
    - iii. Windows;
    - iv. Entrances/exits, as defined in section 8.52.030 of this code;
    - v. Air intake vents, as defined in section 8.52.030 of this code;
    - vi. Outdoor balconies or patios, as defined in section 8.52.030 of this code; and
    - vii. Physical barriers, as defined in section 8.52.030 of this code;
2. All other information or items that chapter 8.52 of this code requires.

C. An applicant and license holder under this chapter:

1. Have a continuing duty to disclose to the city any change in the information supplied in the smoking permitted area application; and
2. Shall give the community development department written notice within ten (10) days of that change.

D. The provisions in this chapter are in addition to those in chapter 8.52 of this code.

#### **5.40.030 License—Grounds for Issuance, Denial, Non-renewal, Suspension, Revocation or New Condition**

A. An application for a Smoking Permitted Area License may be denied according to section 5.04.050, and a Smoking Permitted Area License may be suspended or revoked according to section 5.04.100.

B. Additionally, a Smoking Permitted Area License application may be denied or a Smoking Permitted Area License suspended or revoked on any of the following grounds:

1. Violates, or does not comply with, one or more:
  - a. Provisions of this chapter, or chapter 8.52 of this code, or both;
  - b. Applicable (city, county state or federal) laws, rules, or regulations;
2. Creates or constitutes a public nuisance; or
3. Is injurious to the public's health, safety, welfare, or peace.

#### **5.40.040 License—Denial and other Authorized Actions—Notice, Hearing and Appeal**

Any person aggrieved by a decision denying or revoking a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

### **Chapter 5.44 TOBACCO RETAILER LICENSE AND REGULATIONS**

#### **5.44.010 Purpose and intent**

The purpose and intent of the amendment to this chapter is to encourage responsible tobacco retailing and discourage violations of tobacco-related laws, especially those that prohibit or discourage the sale or provision of tobacco and nicotine products to minors.

#### **5.44.020 Definitions**

For the purposes of this chapter, the following words shall have the meanings ascribed to them unless otherwise noted:

“Arm’s length transaction” means a sale in good faith and for valuable consideration that reflects the fair market value in the open market, between two (2) informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies, partners, corporate or other entities which have some or all of the same directors and/or principals, or any sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm’s length transaction.

“Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. Characterizing flavor includes flavor in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

“Cigarette” means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains: (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (b) tobacco in any form, that is functional in the product, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (c) any roll of tobacco wrapped in any substance containing tobacco, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in this section.

“Cigarette” also includes “roll-your-own” tobacco, meaning tobacco, which because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as tobacco for making, cigarettes. For purposes of this definition of “cigarette,” 0.09 ounces of “roll-your-own” tobacco shall constitute one (1) individual “cigarette.”

“Electronic smoking device” means any device that uses electricity to heat or deliver nicotine or other substances, whether natural or synthetic, to the person inhaling from the device, including but not limited to electronic cigarettes, electronic cigars, electronic pipes, electronic hookahs, or vaping devices, commonly known as “E-cigarettes”.

“Flavored tobacco product” means any tobacco product, as defined in this Chapter, which imparts a characterizing flavor.

“Premium Cigar” means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf, and has a wholesale price of no less than twelve dollars (\$12). A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

“Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10) percent or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have, or can or does share, ultimate control over the day-to-day operations of a business.

“Self-service display” means the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.

“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, including hookahs, holders of smoking materials of all types, cigarette rolling machines, electronic smoking devices, and any other item, component, part, or accessory, designed for the smoking or ingestion of tobacco or tobacco products, whether or not sold separately.

“Tobacco product” means (1) any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, chewing tobacco, pipe tobacco and snuff; or (2) any electronic smoking device, regardless of whether it contains any tobacco or tobacco byproducts. “Tobacco product” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

“Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, in public view, tobacco, tobacco products, or tobacco paraphernalia. Any person who distributes free or low cost samples of tobacco products or tobacco paraphernalia shall be deemed to be a tobacco retailer under this chapter.

“Use or consumption of tobacco products” means and includes the exercise of any right or power over cigarettes incident to the ownership thereof other than the sale of the cigarettes or the keeping or retention thereof for the purpose of sale.

“Youth decoy” means a person under the age of eighteen (18), but not younger than fifteen (15), who is used by the police department to conduct random onsite sting investigations to determine compliance with tobacco retailing laws.

#### **5.44.030 License Required**

A. No person shall engage in or operate as a tobacco retailer without first obtaining and maintaining a valid Tobacco Retailer License from the city. Obtaining a Tobacco Retailer License does not make the retailer a “retail or wholesale tobacco shop” for the purposes of California Labor Code section 6404.5. Nothing in this chapter shall be construed to grant any person obtaining and maintaining a Tobacco Retailer

License any status or right other than the right to act as a tobacco retailer at the permitted location in the city of Glendale. Nothing in this chapter is intended to be construed to render inapplicable, supersede, or affect any other provision of applicable law, including but not limited to, any provision of this code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code section 6404.5.

#### **5.44.040 License Application**

A. Any person wishing to obtain a Tobacco Retailer License shall file an application according to requirements and procedures in section 5.04.050.

B. An application for a Tobacco Retailer License shall include the following additional information:

1. Proof of registration with the California State Board of Equalization;
2. Whether any applicant has previously been issued a license pursuant to this chapter that is or was at any time suspended or revoked and, if so, the dates of the suspension period or the date of revocation.

#### **5.44.050 License Issuance and Denial**

A. Upon receipt of an application for a Tobacco Retailer License and the associated fee, the Director shall cause an investigation to be made in order to ascertain whether or not the proposed license will have a detrimental effect on the public peace, health, safety and general welfare of the city and its inhabitants, and whether or not the application conforms with standards for retail tobacco sales set forth in this chapter. The Director shall issue a license unless:

1. The application is denied according to section 5.04.050; or
2. The application seeks authorization for tobacco retailing by a proprietor for whom a suspension is in effect or by a proprietor who has had a license revoked, pursuant to city codes; or is not registered with the California State Board of Equalization; or
3. The application seeks authorization for tobacco retailing that is unlawful pursuant to this code, or that is unlawful pursuant to any local, state or federal law; or
4. The city has information that the proprietor or his or her agent or employee has violated any local, state or federal tobacco related law within the preceding thirty (30) day period.

B. A Tobacco Retailer License does not authorize any person to conduct any lawful business in an unlawful manner, nor to operate a tobacco retailing business without complying with all state and local applicable laws, including but not limited to those requiring a license or permit from any board, commission, department or office of this city or state.

C. A license that is issued in error or on the basis of false or misleading information supplied by a proprietor may be revoked.

#### **5.44.060 Requirements for Operation**

A. It is the responsibility of each tobacco retailer to be informed of the laws affecting the issuance of a Tobacco Retailer License.

B. The sale of tobacco products or paraphernalia from other than a fixed location, including but not limited to tobacco retailing by persons on foot or from vehicles is prohibited and no license shall be issued under this article to any such activity.

C. The display of any advertisement relating to tobacco products or paraphernalia that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location without first obtaining and maintaining a valid Tobacco Retailer License pursuant to this chapter for each location at which the advertisement is displayed is prohibited.

#### **5.44.070 Retail Sales to Persons under Eighteen Prohibited**

A. No tobacco retailer shall sell or offer to sell, give or offer to give, or transfer or offer to transfer to any person who is under the legal age of eighteen (18) years any tobacco, tobacco products, or tobacco paraphernalia. No tobacco retailer shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of twenty-seven (27) years, without first examining the valid photo identification of the recipient to confirm that the recipient is at least the minimum age under state law, to purchase and possess the tobacco product or tobacco paraphernalia. The retailer shall refuse sale of any tobacco product or tobacco paraphernalia to any person who appears to be under the age of twenty-seven (27) years, who fails to present valid, legal photo identification prior to the sale.

B. It shall be a violation of this chapter for the licensee or his or her agent or employee to sell individual tobacco products intended for package sale, including single cigarettes, but not including individually-wrapped cigars.

C. It shall be a violation of this chapter for the licensee or his or her agent or employee to violate any local, state, or federal tobacco-related law.

#### **5.44.080 Suspension or Revocation**

A. In addition to any other penalty authorized by law, a Tobacco Retailer License may be suspended or revoked if it is determined that the licensee or his or her agent or employee has violated the conditions of the license imposed pursuant to this chapter, section 5.04.100 of this code, or any other state or federal law pertaining to the sale of tobacco products or tobacco paraphernalia to underage minors.

#### **5.44.090 Suspension or Revocation—Appeal**

Any person aggrieved by a decision denying a license application or suspending or revoking a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

#### **5.44.100 Compliance Monitoring and Enforcement**

A. The provisions of this chapter shall be enforced by the Glendale police department, neighborhood services inspectors and code enforcement personnel, and permit investigators. Compliance checks shall determine, at a minimum, if the tobacco retailer is conducting business in a manner that complies with tobacco laws regulating youth access to tobacco and is complying with the ban on selling, offering for sale, or possession with the intent to sell flavored tobacco products. Enforcement powers are established in chapter 5.12 of this code.

B. Whenever evidence of a violation of this chapter is obtained, in part, through the participation of a youth decoy supervised by a peace officer, the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented. Upon learning of any violation of this chapter or upon learning of any threat to violate or to continue to violate this chapter, the city manager may, with the approval of the city council, direct that an action be brought in the name of the city to enjoin the violation or continued violation of this chapter.

C. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

#### **5.44.110 Sale of Flavored Tobacco Products Prohibited**

A. It shall be a violation of this chapter for any tobacco retailer or any of the tobacco retailer's agents or employees, to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or electronic smoking device. This paragraph shall not apply to hookah tobacco in a form that may only be used in a non-electronic hookah pipe or water pipe. This paragraph shall not apply to premium cigars.

B. There shall be a rebuttable presumption that a tobacco retailer in possession of four or more flavored tobacco products, including but not limited to any components, parts, or accessories intended to impart, or imparting, a characterizing flavor in any form to any tobacco product or electronic smoking device, possesses such flavored tobacco products with intent to sell or offer for sale. "Presumption", as used in this Chapter, means that the court must find the existence of the facts presumed unless and until its nonexistence is proven by a preponderance of the evidence.

C. There shall be a rebuttable presumption that a tobacco product is or contains a flavored tobacco product if a retailer, manufacturer, or any employee or agent of a retailer or manufacturer:

1. Makes or disseminates a public statement or claim to the effect that the tobacco product imparts a characterizing flavor; or
2. Uses text and/or images on the tobacco product's labeling or packaging that explicitly indicate that the tobacco product imparts a characterizing flavor.

## **Chapter 5.48 PAWNBROKER, SECONDHAND DEALER, AUTO WRECKER, AND JUNK DEALER LICENSES**

### **5.48.010 Definitions—Scope**

A. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Auto wrecker” means any person who buys, sells, exchanges, otherwise deals in or in any other manner comes into possession of any motor vehicle as defined in the statutes, for the purpose of dismantling or disassembling, or who dismantles or disassembles any such motor vehicle, whether for the purpose of selling, utilizing or otherwise disposing of the component parts of such vehicle, or for the purpose of selling, utilizing or otherwise disposing of the component materials of such vehicle either as junk or otherwise.

“Junk dealer” means any person having a fixed place of business in the city and engaging in, conducting, managing or carrying on the business, either wholesale or retail, of buying, selling or otherwise dealing in any old rags, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk.

“Pawnbroker” means any person engaging in, conducting, managing or carrying on a business of loaning money on the security of personal property pledged in his or her keeping, or of purchasing personal property, and agreeing at or before the time of purchase to resell the same to the vendor at a stipulated price.

“Pawnshop” means any room, store or place in which the business of a pawnbroker is conducted.

“Secondhand dealer” means any person engaging in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in used or secondhand goods, wares or merchandise.

B. The provisions of this chapter shall not be construed to apply to the receipt or sale of any secondhand goods, wares or merchandise by any person who received the same as part payment on new goods, wares or merchandise, if such person is the authorized representative or agent of the manufacturer, jobber or distributor of the new goods, wares or merchandise sold.

### **5.48.020 License Required—Application**

A. No person shall engage in, conduct, manage or carry on the business of pawnbroker, secondhand dealer, auto wrecker or junk dealer without having first obtained a license from the city to do so in the manner provided by this chapter.

B. Any person wishing to obtain a license required by this chapter shall file an application according to requirements and procedures in section 5.04.050.

C. An application for a pawnbroker, secondhand dealer, auto wrecker, or junk dealer license shall include the following additional information:

1. The kind of business for which such license is sought and the address at which such business is to be conducted;

2. A statement as to whether or not an application for a similar license has been refused, denied or canceled by this or any other municipality in the state, and if so, a full statement of the reasons therefor;

3. Applicants shall provide necessary fingerprints and photographs to enable the police division to conduct an investigation as required.

#### **5.48.030 License—Denial, Suspension, or Revocation—Appeal**

A. An application for any license required by this chapter may be denied according to section 5.04.050, and such a license may be suspended or revoked according to section 5.04.100.

B. Any person aggrieved by an action of the Director pursuant to the provision of this chapter may appeal following the procedures in section 5.04.110.

#### **5.48.040 Safety Requirements**

A. No person shall engage in the business of storing or collecting junk, parts of wrecked, disassembled or dismantled automobiles or other materials at a yard or place within the city, unless such yard or place is within a building constructed of the materials and in the manner that buildings are required or permitted to be constructed in the city, or within a solidly and entirely fenced enclosure enclosed by a fence not less than six feet in height constructed of a material such as is required or permitted to be used in the construction of the outside walls of buildings. If such fence, or any portion thereof, is within a distance of ten feet from a public way or any building or structure, such fence, or portion thereof, within such distance, shall be at least eight feet in height, and such junk, parts or other materials shall not be piled or stacked higher than two feet below the top thereof within a distance of ten feet therefrom; provided, that such junk, parts or other materials shall never be piled or stacked higher than the top of any fence provided for in this section.

B. A license, or the renewal of any license which has been, or may hereafter be granted to engage in, conduct, manage or carry on the business of junk dealer or auto wrecker shall be conditioned upon the storage of all junk, or parts of dismantled, disassembled or wrecked automobiles or other materials being had in the manner

provided for in subsection A of this section, and any person failing to comply with the provisions of subsection A of this section shall be deemed to be operating without a license.

#### **5.48.050 Records and Reports—Generally**

A. Every pawnbroker, secondhand dealer, junk dealer or auto wrecker shall keep a complete record of all goods, wares, merchandise or things pledged to or purchased or received by him or her, or sold or otherwise disposed of, which record shall contain all the matters required to be shown in the report referred to and described in subsection B of this section. Every such record and all goods, wares, merchandise and things pledged to or purchased or received by any such pawnbroker, secondhand dealer, junk dealer or auto wrecker shall be open at all times during business hours to the inspection of any police officer of the city.

B. Semiweekly Reports of Purchases, Pledges and Deposits—Posting Requirements. Every secondhand dealer, junk dealer or auto wrecker shall, on each Monday and Thursday before the hour of ten a.m., and each pawnbroker shall at times specified by state law, make out and deliver, or cause to be made out and delivered to the office of the police division of the city, on blank forms to be obtained from the office of the police division for that purpose, a full, true and complete report of all goods, wares, merchandise or things received on deposit, pledged or purchased during the period preceding the filing of such report. Such report shall show the hour of the day when each article was received on deposit, pledged or purchased, and the true name and address, as nearly as the same are known or can be ascertained, of the person by whom such article was left on deposit, pledged or sold, together with a description of such person. Such report shall show the number of the pawn ticket, amount loaned, amount of purchase and an accurate description of each article left on deposit, pledged or purchased. A copy of this section, to be furnished by the city clerk, shall be kept conspicuously posted in the place of business of every pawnbroker, secondhand dealer or auto wrecker.

C. Every report and record required by the terms of this chapter to be filed or kept shall be written or printed in the English language in a clear and legible manner. Each report form referred to in subsection B of this section shall be filled out completely, leaving no inquiry unanswered, and where no answer is given, a written explanation for the failure to do so must be made.

D. It is unlawful for any person to sign or give fictitious name or address upon the deposit, sale or pledge of any goods, wares, merchandise or a thing of value, or for use in the report form required to be made by the provisions of this chapter or for use in the register required to be kept by the provisions of section 21202 of the State Financial Code.

E. The chief of police shall cause to be filed in the office of the police division all reports received pursuant to the terms of this chapter and the same shall be open to

inspection only by members of the police division of the city. The chief of police will daily submit such reports to the Department of Justice.

F. No person engaged in, conducting, managing or carrying on the business of pawnbroker, secondhand dealer, junk dealer, auto wrecker or any agent or employee of any such person, shall fail, refuse or neglect to file any report in accordance with the provisions of this chapter, or shall fail, refuse or neglect to keep any record as required by this chapter or shall fail, refuse or neglect to exhibit to any police officer of the city immediately upon demand for the privilege of such inspection, any such record or any goods, wares, merchandise or things pledged to or purchased or received by such person.

#### **5.48.060 Disposition of Articles—Limitation**

No pawnbroker, secondhand dealer, junk dealer or auto wrecker shall sell or otherwise dispose of any article or thing within thirty days after such article or thing has been received or purchased by him or her as set forth in Business and Professions Code section 21636 and as thereafter amended.

#### **5.48.070 Disposition of Articles—Exception**

The provisions contained in subsections A, B and F of section 5.48.050 and section 5.48.060 shall not be deemed to apply to the purchase or the sale by junk dealers of rags, bottles, other than milk or cream bottles, secondhand sacks, other than cement sacks, barrels, cans, shoes, lamps, stoves or household furniture, with the exception of sewing machines and musical instruments, or the purchase or sale by secondhand dealers of household furniture, with the exception of sewing machines, all musical instruments and typewriters.

#### **5.48.080 Doing Business with Minors Prohibited**

No licensee engaging in managing, conducting or carrying on the business of junk dealer, junk collector, secondhand dealer or pawnbroker or the licensee's agent or employee shall receive, buy, trade, exchange, or otherwise acquire an interest in any goods or thing, from any person under the age of eighteen years. Any statement made to such licensee, employee or agent by a person under the age of eighteen years to the effect that he or she is over the age of eighteen years shall not excuse such licensee, employee or agent from any violation of this provision.

#### **5.48.090 True Name, Age and Address**

No person who sells or otherwise disposes of goods, wares or merchandise to a licensee conducting a business listed in this chapter, or to such licensee's agent or employee shall fail or refuse to give his or her true name, correct age and correct address.

## **Chapter 5.52 CART LICENSE**

### **5.52.010 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Cart” means a freestanding, portable and non-motorized light vending vehicle, carriage or portable stand which carries or conveys food and beverages, merchandise, or provides for shoe shining services.

### **5.52.020 Purpose**

The purpose of this regulation is to provide standards for permitting the use of freestanding, non-motorized, portable-type carts situated on private property as further described in Chapter 30.34 of this code.

### **5.52.030 License required**

A. No person shall conduct, maintain or assist in the conducting or maintaining of any sales or vending from a cart as defined in this chapter without having first obtained a Cart License. No person shall knowingly sell or vend from a cart without a license.

B. No license issued pursuant to this chapter shall be in any manner transferred or assigned, or authorize any person other than is therein mentioned or named to maintain or carry on any sales or vending from a specific cart. Any change in name of the person from that shown on the issued license shall require a new license to be obtained. Any change in the good(s) or service(s) sold from a cart shall require a new license to be obtained. Each cart shall require a separate license.

### **5.52.040 License—Application**

A. Any person willing to obtain a Cart License file an application according to requirements and procedures in section 5.04.050.

B. Applications for Cart Licenses shall include the following additional information:

1. A physical description of the cart by providing a color photograph or rendering of the cart. A new physical description of the cart shall be provided each time a cart is replaced with a new cart or when an existing cart is significantly modified, or when the primary good(s) or service(s) sold from the cart is changed; and
2. A detailed description of the goods or services to be sold or provided from the cart; and
3. The description by street address and/or cross street(s) at which the cart will be located; and

4. A list of days and hours of operation.

#### **5.52.050 License—Issuance or Denial**

An application for a Cart License may be denied according to section 5.04.050, and a Cart License may be suspended or revoked according to section 5.04.100.

#### **5.52.060 License—Display**

The license shall be displayed at all times in a “license holder” placed in plain view on the cart. Any other required state or county permits or licenses shall also be displayed in a “license holder” or “permit holder.”

### **Chapter 5.56 HOME-SHARING LICENSE AND PROHIBITION OF VACATION RENTALS**

#### **5.56.010 Purpose and Intent**

The purpose of this chapter is to establish regulations governing the rental of residential property for thirty (30) consecutive days or less within the city of Glendale. The intent of this chapter is to allow limited home-sharing and prohibit vacation rentals, as defined. The establishment of these regulations will help maintain adequate and affordable housing stock for residents in accordance with the city’s housing element of the general plan, and ensure that home-sharing does not become a nuisance or threaten the public health safety or welfare due to excessive noise, disorderly conduct, overcrowding, traffic congestion, illegal parking, the accumulation of refuse, and other impacts related to home-sharing and vacation rentals.

#### **5.56.020 Applicability**

A. Dwellings Eligible for home-sharing. Home-sharing is allowed in single-family dwellings, condominiums, and multiple residential dwellings, except where prohibited by law or agreement, including, but not limited to: affordable housing covenants; leases or rental agreements; or, covenants, conditions and restrictions. As set forth in Section 30.34.080, home-sharing is not allowed on any property with an accessory dwelling unit (in either the primary residential dwelling or the accessory dwelling unit).

B. Vacation Rentals Prohibited. Vacation rentals, as defined in this chapter, are a prohibited use in all zones throughout the city. Subject to amortization set forth in Section 30.60.030(O), no person shall operate a vacation rental in the city.

#### **5.56.030 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

“Dwelling” means the definition contained in Section 30.70.050.

“Guest” means a person who pays to occupy a dwelling for thirty (30) consecutive days or less, or an invitee of such person.

“Home-sharing” means an accessory use of a dwelling for the purpose of providing temporary lodging, for compensation, for periods of thirty (30) consecutive days or less, where at least one (1) host lives on site throughout the guest’s stay.

“Host” means a person who is a lawful occupier of a dwelling who has occupied the dwelling for at least sixty (60) consecutive days with intent to establish that dwelling as his or her residence. A host may be an owner or lessee.

“Hosting platform” means a marketplace in whatever form or format which facilitates home-sharing, through advertising, matching, or any other means, using any medium of facilitation, and from which the operator of the hosting platform derives revenues, including booking fees or advertising revenues, from providing or maintaining the marketplace.

“Lives on site” means being physically present in the dwelling where home-sharing is conducted and engaging in activities of daily living, which include, but are not limited to, sleeping overnight, preparing or eating meals, bathing, washing, and dressing.

“Person” means any individual, corporation, company, firm, association, partnership, co-partnership, joint venture, joint stock company, receiver, syndicate, club, estate, business trust, organization or any other legal entity or the authorized representative thereof.

“Vacation rental(s)” means an accessory use of a dwelling for the purpose of providing temporary lodging, for compensation, for periods of thirty (30) consecutive days or less, whereby no host lives on site throughout the guest’s stay.

#### **5.56.040 Home-sharing License Application**

A. Any person wishing to engage in home-sharing, as defined in this chapter, shall first obtain a Home-Sharing License from the city, pursuant to the provisions of this section, regardless of the number of dwelling units on a lot. Each dwelling unit on a property that contains more than one dwelling unit must file a separate Home-Sharing License application.

B. Any person wishing to obtain a Home-Sharing License shall file an application according to requirements and procedures in section 5.04.050.

C. An application for a Home-Sharing License shall include the following additional information:

1. Each host shall complete a transient occupancy registration certificate.

2. Each host shall provide proof of residency to the satisfaction of the community development director.
3. The host(s) shall designate a local responsible contact person or a property management company that will be available twenty-four (24) hours per day to respond to any emergencies, complaints, or violations of this chapter.
4. The host(s) shall sign an affidavit that the host has been provided with and agrees to abide by all regulations applicable to home-sharing.
5. If a dwelling is located within a common interest development subject to the rules/covenants, conditions and restrictions of a homeowners' association, the host(s) shall provide written documentation to the city that the homeowners' association approves of the home-sharing. Any home-sharing license issued by the city shall not be inferred to grant any permission that invalidates or supersedes provisions contained in any rules/covenants, conditions and restrictions of a homeowners' association, whether those provisions existed at the time the license was issued or adopted subsequently.
6. The owner of the subject real property and host(s), if different, shall sign an indemnification and hold harmless agreement in a form approved by the city attorney, agreeing to indemnify, save, protect, hold harmless, and defend the city of Glendale, the city council of the city of Glendale, individually and collectively, and the city of Glendale representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, or costs at any time received, incurred, or accrued as a result of, or arising out of owners' or hosts' actions or inactions in the operation, occupancy, use, and/or maintenance of the property.

D. An application for a home sharing license may be denied according to section 5.04.050, as well as suspended or revoked according to section 5.04.100. Additionally, the Director may consider any one (1) or more of the following criteria, factors, or circumstances in denying an application for a home sharing license, or in declining to renew, suspending, revoking, restricting, or imposing new or additional conditions on a home-sharing license:

1. An applicant or a license holder violates, or does not comply with, one (1) or more of the following:
  - a. One (1) or more conditions of a home-sharing license issued under this chapter;
  - b. Provisions or conditions of Titles 8 and 30 of this code;
  - c. Provisions of this chapter; or
  - d. Applicable (city, county, state, or federal) laws, rules, or regulations.
2. An applicant or a license holder is a corporation, partnership, limited partnership, limited liability company, or another business entity that cannot lawfully transact business in California, or is not lawfully licensed or registered to do business in California; or has one (1) or more officers or directors, partners or limited partners, or members or managers who are ineligible to receive a license for any reason that makes an individual applicant ineligible to operate home-sharing under this chapter.
3. A host(s) receives one or more violations.
4. The home-sharing use creates or constitutes a public nuisance, or is injurious to the public's health, safety, welfare, or peace.

E. Notice, Hearing and Appeal. Any applicant or license holder aggrieved by a decision denying an application or revoking or suspending a license pursuant to this chapter may appeal following the procedures in section 5.04.110.

### **5.56.050 Home-sharing Operating Prohibitions and Regulations**

A. Home-sharing shall not adversely generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's reasonable enjoyment of his or her dwelling.

B. Home-sharing shall be subject to the prohibitions against large or loud parties, as defined in Section 9.22.030 of the Glendale Municipal Code. All provisions, including fines and enforcement contained in Chapter 9.22, shall apply to home sharing.

C. No person engaged in home-sharing shall advertise, undertake, maintain, authorize, book, or facilitate any renting to guests in a manner that does not comply with this chapter.

D. No person engaged in home-sharing shall advertise any home-sharing without a license number depicted in a visible location on the advertisement, including any listing on a hosting platform.

E. No person engaged in home-sharing shall allow, permit, or carry on commercial events, commercial parties, or commercial group gatherings, including, but not limited to, weddings, banquets, and corporate events. The dwelling shall not be used for home-sharing for the purpose of accommodating such activities.

F. No person engaged in home-sharing shall post signs on the exterior of the dwelling advertising the presence of home-sharing.

G. No person engaged in home-sharing shall offer, allow, permit, or carry on in home-sharing on any part of the property not approved for residential use, including, but not limited to, a vehicle or recreational vehicle parked on the property, a storage shed, a camper, a trailer, a garage, or any temporary structure such as a tent.

H. All persons engaged in home-sharing shall jointly and severally be responsible for any nuisance violations arising at the dwelling.

I. The property owner or host engaged in home-sharing shall keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the city, including the number and length of each home-sharing stay, and the price paid for each stay. The finance department shall have the right to inspect these records at all reasonable times.

J. The property owner and host engaged in home-sharing shall comply with all of the requirements contained in Chapter 4.32 (Transient Occupancy Tax) and any successor sections.

K. Any dwelling used for home-sharing shall contain functional smoke detectors, carbon monoxide detectors, fire extinguishers and information related to emergency exit routes, and emergency contact information.

L. All persons engaged in home-sharing shall provide to the guests a code of conduct.

## **Chapter 5.60 ADULT BUSINESS LICENSE**

### **5.60.010 Purpose**

The purpose of this chapter is to provide criteria to safeguard property, safety, public welfare and the preservation of the peace of the community. It is the intent of the council that the operation of adult motion picture/video arcade, adult motion picture/video peep shows, and sexual encounter establishments as defined herein, should be regulated to minimize any detrimental effects upon adjacent land uses, including minimizing incidents of lewd conduct.

### **5.60.020 Definitions**

A. For purposes of this Title, “adult motion picture/video arcades,” “adult motion picture/video peep shows,” and “sexual encounter establishments” have the same meanings as defined in Title 30.

B. “Peep show” or “video arcade device” means any electronically, electrically or mechanically controlled still or motion picture machine, projector or video tape machine, or other image-producing device which is operated by coin, slug, token or payment of a fee for the privilege of operating same, and which shows still or motion pictures, or video tape pictures, to five (5) or fewer persons at any one (1) time. It does not include a video game or similar electronic device which displays a computer-created image on a screen or any similar game of skill or amusement as defined in Section 5.16.010.

C. “Adult Business,” for purposes of this chapter means the operation of any adult motion picture/video arcade, adult motion picture/video peep show, or sexual encounter establishment.

### **5.60.030 License Required—Application**

A. No person shall operate an Adult Business without first obtaining an Adult Business License from the city.

B. Any person wishing to obtain an Adult Business License shall file an application according to requirements and procedures in section 5.04.050.

#### **5.60.040 Additional Requirements for Adult Business License Application**

An application for an Adult Business License shall include the following additional information:

A. The business occupation or employment of the applicant(s) for the three years immediately preceding the date of application.

B. The business license or permit history of the applicant(s) which includes whether the applicants were previously granted or denied an Adult Business License in this or another city or state, has had such a license or permit revoked or suspended, and the reason therefor.

C. All convictions and reasons therefor of the applicant(s).

D. The specific type of business use to be provided.

E. Applicant(s) shall provide necessary fingerprints and photographs to enable the police division to conduct an investigation as required.

F. In the event that the applicant(s) are other than natural persons, each and every officer and board member of the organization shall provide the information specified in subsections A through F of this section.

#### **5.60.050 Permit—Denial, Suspension, or Revocation—Appeal**

A. An application for an Adult Business License may be denied according to section 5.04.050, and an Adult Business License may be suspended or revoked according to section 5.04.100.

B. Any person aggrieved by an action of the Director pursuant to the provision of this chapter may appeal following the procedures in section 5.04.110.

#### **5.60.060 Operating Conditions for Adult Motion Picture/Video Arcade or Adult Motion Picture/Video Peep Shows**

A. No person or corporation shall operate an adult motion picture/video arcade or adult motion picture/video peep show unless any wall or partition which is situated so as to create a room, enclosure or booth, in which any peep show or video arcade device is located, is constructed or maintained of not less than one-hour fire-resistive material in accordance with the Glendale building and safety code.

B. No person or corporation shall operate an adult motion picture/video arcade or adult motion picture/video peep show in which the width of the aisles in any room where a peep show or arcade device is located is less than forty-two inches.

C. No person or corporation shall operate an adult motion picture/video arcade or adult motion picture/video peep show unless there are no fewer than two doorways of a width not less than thirty-six inches and a height not less than six feet, eight inches which provide ingress or egress from any room in which a peep show or video arcade device is located. All such doorways shall be unlocked during business hours and shall be operable from the inside without the use of a key, special knowledge or effort.

D. No adult motion picture/video arcade or adult motion picture/video peep show shall be maintained or operated unless the complete interior of the location where the pictures are viewed is visible upon entrance to such adult motion picture/video arcade or adult motion picture/video peep show. No fully concealed booths shall be maintained.

E. No person shall operate an adult motion picture/video arcade or adult motion picture/video peep show unless a light level of no less than two footcandles at floor level is maintained in every portion of such establishment to which patrons, users or visitors to the establishment are admitted.

F. Any adult motion picture/video arcade or adult motion picture/video peep show lawfully in existence prior to the adoption of this section, shall conform to the provisions of this section within three months of the effective date of the ordinance codified in this chapter. This section shall be applicable to any adult motion picture/video arcade or adult motion picture/video peep show establishment for which a building permit to construct or maintain booths, is issued subsequent to the effective date of this section.

#### **5.60.070 Operating conditions for sexual encounter establishments**

Sexual Encounter Establishments shall do the following:

A. Provide patrons entering the premises with information regarding those activities which are prohibited on the premises and have them sign a form acknowledging that they have been informed of the restrictions.

B. Provide lighting throughout the facility at an intensity of at least one and one-half footcandle.

C. Maintain every room and booth located in an accessible area in such a way that the entire interior portion is visible from the exterior of the room or booth.

D. Prohibit any locked rooms or booths in areas which are accessible to those who have entered the establishment.

E. Prohibit the admission of persons or employment of persons under the age of eighteen.

#### **5.60.080 Name of Business**

No person permitted to operate an Adult Business shall operate under any name or conduct his or her business under any designation not specified in his or her permit.

### **Chapter 5.64 MESSAGE ESTABLISHMENTS**

#### **5.64.010 Intent and Legislative Purpose**

This chapter's purpose is to:

A. Enhance the professionalism of the massage service industry by:

1. Regulating the business of massage within the city,
2. Establishing minimum standards for operating a massage establishment,
3. Ensuring that individuals performing massage have the proper training, skill, and experience through California Massage Therapy Council certification, and
4. Disciplining massage therapists, massage practitioners and establishments that violate the law;

B. Deter criminal activity;

C. Preserve this community's quality of life; and

D. Protect the public's health, safety, welfare and peace.

#### **5.64.020 Findings**

The city council finds, determines, and declares that:

A. Under its general police power (Cal. Const. Art. XI, § 7), California Government Code Sections 37100 and 51030 to 51034, and California Business and Professions Code Sections 460, 16000, and 4620 to 4621, the city may regulate massage service providers and massage establishments. For many years, the city has regulated not only massage service providers and massage establishments by issuing them permits under Glendale Municipal Code Chapter 5.64, but also operational aspects of these individuals and businesses in order to protect the public health, safety, and welfare;

B. Massage is a viable professional field, offering the public valuable health and therapeutic services;

C. The State Legislature enacted California's "Massage Therapy Act," which is codified as Chapter 10.5 of Division 2 of the California Business and Professions Code (Sections 4600 to 4621). Among other things, the Massage Therapy Act:

1. Establishes a non-profit organization, known as the California Massage Therapy Council ("CAMTC"), which is authorized to issue certificates for massage service providers (referred to as "massage practitioners" and "massage therapists"),
2. Requires applicants, as a prerequisite to certification, to be at least eighteen (18) years of age, to meet certain educational and professional criteria, and to undergo a criminal history background check,
3. Enables a CAMTC certificate holder to practice massage anywhere within the state in a manner consistent with the CAMTC certificate and local regulations that do not conflict with the Massage Therapy Act,
4. Allows the CAMTC to take disciplinary action against a CAMTC certificate holder for, among other things, using sexually suggestive advertising for massage services, engaging in sexual activity while providing massage services; providing massage of the genitals; or being convicted of a felony, misdemeanor, infraction, or a municipal code violation substantially related to the qualifications, functions or duties of a massage service provider,
5. Prohibits a city from requiring CAMTC certificate holders to obtain a local permit or license, other than a business license, to practice massage therapy, and
6. Authorizes a city to adopt and enforce ordinances that govern zoning, business licensing, and reasonable health and safety requirements for massage establishments and CAMTC certified individuals;

D. Rather than maintaining a separate city permit scheme for massage service providers not certified by the CAMTC, the city will require all massage practitioners and massage therapists to obtain CAMTC certification. The CAMTC can better, and more efficiently, regulate massage practitioners and massage therapists for the community's protection. Requiring all individuals who give or perform a massage in the city to have CAMTC certification is in the public interest;

E. Although the Massage Therapy Act establishes minimum qualifications for entering the massage profession, a continued need for city regulation exists because:

1. Massage is a business that involves intimate contact between individuals, which creates opportunities for acts of prostitution and other unlawful sexual activity to occur. In fact, in this city, as in other cities, massage has been associated with unlawful or criminal activity, including prostitution, public indecency, and use of narcotics or illegal drugs, all of which pose a threat to the community's health, safety, welfare, and quality of life, and
2. A significant risk of injury can occur to massage patrons by improperly trained or insufficiently educated massage service providers. The city has a legitimate interest in providing reasonable safeguards against bodily injury and economic loss to massage patrons;

F. CAMTC's adoption of minimum standards for education, training, and experience to practice massage and the city's reasonable regulations for the conduct of massage service providers and for the operation of massage establishments, serve to reduce the potential for bodily injury and the risk of unlawful activity;

G. For these reasons, the city desires to amend Glendale Municipal Code Chapter 5.64, so that its provisions are consistent with the Massage Therapy Act;

H. The city's massage regulations are intended not only to protect the health, safety, and welfare of the public, but also to ensure that all massage service providers and massage establishments operate safely and legitimately; and

I. This chapter's provisions are not intended to be exclusive. Complying with Chapter 5.64's regulations will not excuse a person's non-compliance with federal, state, city, or other local laws or regulations, including zoning regulations, and building, fire, electrical, plumbing, health and safety codes, that uniformly apply to other individuals and businesses providing professional services.

#### **5.64.030 Definitions**

For the purpose of this chapter, the following words and phrases have the meanings ascribed to them, unless otherwise noted:

"Adult day care facility" means an establishment or facility that provides non-medical care and supervision to an individual who is eighteen (18) years of age or older, where the care is provided for periods of less than twenty-four (24) hours per day.

"Approved school" has the same meaning as that term is defined in California Business and Professions Code Section 4601(a), or any successor legislation.

"Beautician" means a barber, cosmetologist, manicurist, pedicurist, electrologist, or esthetician, licensed under California's Barbering and Cosmetology Act (Business and Professions Code, Chapter 10, Sections 7301 to 7426.5, or any successor legislation) who, while fully clothed, gives or performs a massage only on the scalp, face, neck, shoulder, arm, hand, leg (below the knee), ankle, or foot of a patron, who is fully clothed, for a cosmetic or beautifying purpose.

"Bona fide non-profit organization" means a fraternal, charitable, religious, benevolent, or other non-profit organization having a regular membership association whose:

1. Purpose is primarily for mutual social, intellectual, athletic, political, civic welfare, or a similar purpose;
2. Admission is limited to its members and guests;
3. Revenue, which accrues from its membership, is used exclusively for the benevolent purposes of the organization; and

4. Organization is exempt from taxation under the Internal Revenue laws of the United States as a fraternal, charitable, religious, benevolent, or non-profit organization.

“CAMTC” means the California Massage Therapy Council, the non-profit organization that:

1. The state legislature created by enacting California Business and Professions Code Sections 4600 to 4621, or any successor legislation; and
2. Regulates the practice of massage within the state.

“CAMTC certificate” means the certificate, under California Business and Professions Code Section 4604, 4604.1, or 4604.2, or any successor legislation, that the CAMTC issues to an individual who:

1. Meets or exceeds the organization’s minimum standards for education, training, and experience to practice massage; and
2. Passes fingerprinting and background checks.

“CAMTC identification card” means the identification card, issued by the CAMTC, that:

1. Identifies an individual as a CAMTC massage practitioner or a CAMTC massage therapist; and
2. Shows the individual’s photograph, name, city of residency, CAMTC certificate number, certificate expiration date, and other information that the CAMTC may now or later place on the card.

“CAMTC massage practitioner” means an individual who has a CAMTC certificate under California Business and Professions Code Section 4604.1, or 4604.2, or any successor legislation.

“CAMTC massage therapist” means an individual who has a CAMTC certificate under California Business and Professions Code Section 4604, or any successor legislation.

“CAMTC sole provider” means a CAMTC massage practitioner or a CAMTC massage therapist who:

1. Owns one hundred (100) percent of the massage establishment;
2. Is the only individual who gives or performs a massage; and
3. Does not have one (1) or more employees.

“CAMTC sole proprietor” means a CAMTC massage practitioner or a CAMTC massage therapist who:

1. Owns one hundred (100) percent of the massage establishment;
2. Is the only individual who gives or performs a massage; and
3. Has one (1) or more employees.

“Chair massage” means a massage by an individual, who is fully clothed, of the scalp, face, neck, shoulder, back area (above the waist), arm, or hand of another individual, who is fully clothed and who is seated in a chair, during which the massage:

1. Is equally available to, and is in full view of, other customers, patrons, clients, participants, members, or guests; and
2. Occurs while the establishment, facility, office, premises, area, location, place, or site is ordinarily open for business or admission.

“Compensation” has the same meaning as that term is defined in California Business and Professions Code Section 4601(c), or any successor legislation.

“Conviction” or “convicted” means:

1. A plea of guilty;
2. A verdict of guilty by a judge or jury; or
3. A plea of nolo contendere.

“Disqualifying conduct” means an individual who was convicted in a court of competent jurisdiction of:

1. Any one (1) or more of the following offenses, as proscribed in the corresponding statute, or any successor legislation:

a. California Penal Code Section:

- i. 266h [Pimping];
- ii. 266i [Pandering];
- iii. 314 [Indecent exposure];
- iv. 315 [Keeping or residing in a house of ill fame];
- v. 316 [Keeping a house for prostitution];
- vi. 318 [Prevailing upon a person to visit a place of illegal gambling or prostitution];
- vii. 647(a) [Engaging in lewd and dissolute conduct];
- viii. 647(b) [Engaging in prostitution]; or

b. California Health and Safety Code Section 11550, or any offense involving the unlawful sale, distribution, or possession of a controlled substance specified in the following California Health and Safety Code sections:

- i. 11054 [Controlled substances - Schedule I];
- ii. 11055 [Controlled substances - Schedule II];
- iii. 11056 [Controlled substances - Schedule III];
- iv. 11057 [Controlled substances - Schedule IV];
- v. 11058 [Controlled substances - Schedule V];

2. An offense committed in another state which, if it were committed or attempted in California, would have been punishable as one or more of the offenses set forth in subsection 1 above;

3. A misdemeanor or felony offense that:

a. Involves:

- i. Theft, fraud, dishonesty, or receiving or possessing stolen property;
- ii. Use of force or violence upon another person;
- iii. Sexual battery; or
- iv. Sexual misconduct with a child; or

b. Substantially relates to:

- i. The qualifications, functions, duties, or practice of a CAMTC massage practitioner or a CAMTC massage therapist; or
  - ii. The ownership, operation, or business of a massage establishment;
4. A felony, the commission of which occurred at a massage establishment; or
  5. An offense, the commission of which requires registration as a sex offender under California Penal Code Section 290, or any successor legislation.

“Employee” means a person, other than a CAMTC massage practitioner or a CAMTC massage therapist, or both, who performs any work or service at a massage establishment on a full-time, part-time, paid, unpaid, or contract basis, regardless of whether the person is designated as an employee, independent contractor, or otherwise.

“Employs or uses,” in the singular or plural verb form, means any one (1) or more of the following:

1. An individual to whom a massage establishment provides compensation for giving or performing a massage on a patron of the massage establishment; or
2. An individual whose association with a massage establishment is that of an independent contractor who receives compensation for giving or performing a massage on a patron of the massage establishment; or
3. An individual who:
  - a. Receives one (1) or more patron referrals from a massage establishment; and
  - b. At any time before or after the referral, arranges in any way for compensation to flow to the massage establishment, or any of its owners (regardless of whether the parties involved acknowledge that compensation is flowing in exchange for the referral, or the parties record the compensation in their financial records).

“Fitness facility” means a health club, athletic facility, personal fitness center, gymnasium, country club, weight loss clinic, or weight reducing salon.

“Fully clothed” means clothing or material which is opaque and which completely covers an individual from the base of the neck down to a point not to exceed four (4) inches above the center of the knee cap.

“Full nudity or semi nudity” means:

1. The showing or displaying of a specified anatomical area, or any portion of it; or
2. A state of undress in which a specified anatomical area, or any portion of it, is exposed with less than a full opaque covering.

“Health care facility” means a clinic or a health facility that is licensed, or is exempt from licensure, under California Health and Safety Code Sections 1204, 1206, and 1250, or any successor legislation.

“Immediate family member” means the following individuals who are related by blood, marriage, or adoption: parent, grandparent, spouse, child, grandchild, brother, or sister.

“Incidental” means:

1. The gross annual revenue derived from an establishment’s or a facility’s offering, giving, or allowing one (1) or more massages totals fifteen (15) percent or less, as reflected in a financial statement that:
  - a. An independent certified public accountant has certified as true and correct; and
  - b. The establishment or facility shall submit to the community development department for the director of finance’s or a designee’s approval; and
2. The floor space, location, or area used for offering, giving, or allowing one (1) or more massages measures the following amount, whichever is smaller:
  - a. Two hundred fifty (250) square feet or less; or
  - b. Fifteen (15) percent or less of the establishment’s or facility’s total floor space, location, or area.

“Main entry door” means a door from the outside of the massage establishment leading into the reception area.

“Massage” means any method of treating the human body’s external parts for relaxation, restoring or enhancing an individual’s well-being, or another remedial or hygienic purpose that is offered, provided, given, or performed:

1. By rubbing, stroking, kneading, pounding, tapping, vibrating, stimulating, or using pressure on or friction against, the body’s exterior;
2. With or without the aid of any one or more of the following:
  - a. Another individual’s hand, foot, elbow, or body part;
  - b. An instrument, tool, appliance, or device that mimics or enhances the action of the hand;
  - c. Water, rubbing alcohol, liniment, antiseptic, oil, lubricant, salt scrub, powder, cream, lotion, ointment, or another topical preparation; or
  - d. Heat or cold, including a bath, shower, steam or vapor room, dry heat room, heat lamp, tanning lamp, fomentation, or similar treatment; and
3. For compensation, hire, gratuity, reward, or any form of consideration.

“Massage establishment”:

1. Means all or any part of a building, facility, premises, vehicle, area, location, place, or site where:
  - a. A person engages in, conducts, or carries on a business of giving a massage; or
  - b. A person, other than a patron receiving a massage, allows or permits another person to engage in, conduct, or carry on a business of giving a massage.
2. Does not include:
  - a. A health care facility.
  - b. A bona fide non-profit organization.
  - c. An approved school.
  - d. An establishment, facility, premises, area, location, place, or site where:

i. A medical practitioner, registered nurse, beautician, coach or trainer, who meets the three (3) conditions under Section 5.64.220(A) of this chapter, gives or performs a massage.

ii. An individual gives or performs a chair massage.

iii. An individual gives or performs a special event massage.

e. An establishment, facility, premises, area, location, place, or site listed in subsections (2)(e)(iii)(A) to (C) below, when it meets all three (3) of the following conditions:

i. A CAMTC massage practitioner, or a CAMTC therapist, or both, give or perform a massage on-site;

ii. A massage is incidental to its business, function, operation, or service; and

iii. It does not hold itself out to the public as a massage establishment:

(A) A fitness facility.

(B) A sleep disorder center.

(C) An adult day care facility.

“Massage establishment owner certificate” means the certificate that:

1. The director of community development or a designee issues to a massage establishment owner or operator;

2. Signifies that the person named on it has fulfilled the application or renewal application requirement under Section 5.64.080 of this chapter;

3. Is not a permit or license; and

4. Does not authorize the person to:

a. Conduct a lawful business in an unlawful manner; or

b. Operate the business without complying with all applicable federal, state, local, and city laws and regulations.

“Massage establishment owner certificate holder” means the person to whom the city issues a massage establishment owner certificate under this chapter.

“Massage establishment owner or operator”:

1. Means one (1) or more persons who:

a. Own or operate a massage establishment; or

b. Directly or beneficially have an ownership or controlling interest, percentage, or share in the massage establishment.

2. Includes, but is not limited to, an individual who has a current, active, and valid CAMTC certificate:

a. A CAMTC massage practitioner.

b. A CAMTC massage therapist.

c. A CAMTC sole provider.

d. A CAMTC sole proprietor.

“Medical practitioner” means a physician, surgeon, chiropractor, podiatrist, osteopath, acupuncturist, physical therapist, or another person licensed under California’s Medical Practice Act (Business and Professions Code, Chapter 5, Sections

2000 to 2521, or any successor legislation), and an individual working directly under the medical practitioner's control and supervision.

"Operations manager" means the individual or individuals whom a massage establishment owner or operator designates as the representative and agent to manage that massage establishment's day-to-day operations, including, but not limited to, taking responsibility for one (1) or more of the following obligations:

1. Hiring, disciplining, discharging, supervising, directing, or assigning work to a CAMTC massage practitioner, CAMTC massage therapist, or employee; or
2. Ensuring that a CAMTC massage practitioner, CAMTC massage therapist, employee, and that massage establishment comply with this chapter's provisions and all laws.

"Patron" means the individual who receives a massage.

"Person" means an individual, company, firm, organization, association, trust, estate, partnership, corporation, limited liability company, or entity however organized.

"Reception area" means an area, immediately inside the massage establishment's main entry door, that is:

1. Designed or used for the reception and waiting of patrons and visitors; and
2. Not a room, cubicle, or booth where a CAMTC massage practitioner or a CAMTC massage therapist gives or performs a massage.

"Registered nurse" means a nurse licensed under California's Nursing Practice Act (Business and Professions Code, Chapter 6, Sections 2700 to 2838.4, or any successor legislation).

"Sexual conduct" has the same meaning as that term is defined in California Penal Code Section 311.3(b), or any successor legislation.

"Sleep disorder center" means a medical facility, clinic, or laboratory, under the supervision, direction, or control of a California licensed physician, for diagnosing, evaluating, or treating sleep related disorders.

"Special event massage" means a massage by an individual, who is fully clothed, of the scalp, face, neck, shoulder, back area (above the waist), arm, hand, knee, leg (below the knee), ankle, or foot of another individual, who is fully clothed, and which meets all four (4) conditions below:

1. The massage is equally available to, and is in full view of, other participants, players, spectators, guests, residents, or members of the public who are at an athletic, recreational, community, civic, or special event, that is open to the public, including:
  - a. An athletic competition,
  - b. A bicycle or runner's marathon,
  - c. A health fair, or
  - d. A festival;
2. The event occurs two (2) or less times per calendar year;

3. The massage occurs while the event is ordinarily open for business or admission; and
4. The person giving or providing a massage:
  - a. Is not a sponsor of the event, and
  - b. Has received written approval from the event's sponsor or sponsors to offer massages at the event.

"Specified anatomical area" means:

1. A man's or woman's genitals, anus, or perineum; or
2. A woman's breasts, including the areola and nipple.

"Vehicle" has the same meaning as that term is defined in California Vehicle Code Section 670, or any successor legislation.

"Visitor":

1. Means an individual:
  - a. Whom a massage establishment owner or operator or an operations manager does not employ or use; and
  - b. Who is not receiving or waiting to receive a massage.
2. Does not include one (1) or more representatives from the city, or from the Los Angeles County Department of Health Services, or from both, who enforce this chapter's provisions.

#### **5.64.040 CAMTC Certificate—Required**

A. An individual who gives or performs a massage shall obtain and maintain:

1. One (1) of the following two (2) CAMTC certifications:
  - a. CAMTC massage practitioner; or
  - b. CAMTC massage therapist.
2. A current, active, and valid CAMTC certificate.

B. A massage establishment shall employ or use one (1) or more, or in combination, CAMTC massage practitioners or CAMTC massage therapists to give or perform a massage.

#### **5.64.050 Performing Massage or Employing an Individual to Give Massage Without a CAMTC Certificate—Violation**

A. No individual, other than a CAMTC massage practitioner or a CAMTC massage therapist, shall give or perform a massage, unless the individual is exempt from this chapter's provisions under Section 5.64.220 of this chapter.

B. No CAMTC massage practitioner or CAMTC massage therapist shall give or perform a massage, unless the individual has a current, active, and valid CAMTC certificate.

C. No massage establishment shall employ or use an individual to give or perform a massage, unless the individual has a current, active, and valid CAMTC certificate.

#### **5.64.060 Massage Establishment Owner Certificate—Required**

A. A massage establishment owner or operator shall obtain and maintain a current, active, and valid massage establishment owner certificate.

B. Regardless of whether a massage establishment owner or operator obtains a massage establishment owner certificate as subsection A of this section requires:

1. Sections 5.64.030 through 5.64.050, 5.64.070 through 5.64.090, and 5.64.150 through 5.64.210 of this chapter apply to the massage establishment; and
2. The city may:
  - a. Order the massage establishment without a massage establishment owner certificate to cease operations immediately; and
  - b. Enforce this chapter's provisions by exercising one (1) or more remedies under Section 5.64.200 of this chapter, Chapter 8.30 of this code, or any other law.

#### **5.64.070 Massage Establishment Owner or Operator—Certificate—Violation**

A massage establishment owner or operator shall not own, operate, conduct, maintain, or carry on a massage establishment under this chapter's provisions, unless the person:

- A. First obtains a massage establishment owner certificate under this chapter; and
- B. Complies with this chapter's requirements.

#### **5.64.080 Massage Establishment Owner or Operator—Certificate— Application**

A. A massage establishment owner or operator shall:

1. Apply for a massage establishment owner certificate from the community development department;
2. Reapply for a massage establishment owner certificate, upon the certificate's expiration, if that massage establishment owner or operator continues to own, operate, conduct, maintain, or carry on a massage establishment; and
3. Comply with the requirements of subsection B of this section.

B. The director of community development or a designee shall not accept an application or a renewal application for a massage establishment owner certificate under this chapter, until the applicant has met all of the following conditions:

1. The applicant completes and files with the community development department the following documents:
  - a. A massage establishment owner certificate application;

- b. A personal affidavit in support of application; and
- c. An application for a business registration certificate under Chapter 5.100 of this code or any successor legislation, unless an application or a certificate is on file with the community development department;

2. The applicant furnishes:

- a. A detailed floor plan, drawn to scale and with dimensions, that depicts and describes the massage establishment's:
  - i. Entrances and exits;
  - ii. Windows and interior doors; and
  - iii. Rooms and areas, identifying them as enclosed or unenclosed, including, but not limited to:
    - (A) Massage rooms, with the location of tables and chairs;
    - (B) Restrooms, showers, baths, steam rooms;
    - (C) Changing rooms;
    - (D) Waiting areas;
    - (E) Reception areas;
    - (F) Offices;
    - (G) Employee break rooms; and
    - (H) Closets, storerooms, storage areas; and
- b. For copying and verification:
  - i. One (1) of the following government-issued identification cards, which must be current, valid, and contain a photograph of the applicant:
    - (A) A driver's license or identification card issued by a department of motor vehicles in the United States;
    - (B) A United States passport;
    - (C) A United States permanent resident card;
    - (D) A United States military identification card;
    - (E) A United States Department of Homeland Security "Trusted Traveler" card (Global Entry, NEXUS, SENTRI, FAST); or
    - (F) An identification card bearing a bona fide seal by a foreign government; and
  - ii. The CAMTC certificate and the CAMTC identification card that CAMTC issued to:
    - (A) The applicant, when the applicant is a CAMTC massage practitioner or CAMTC massage therapist; and
    - (B) Each CAMTC massage practitioner and CAMTC massage therapist whom the massage establishment does, or will, employ or use;
- c. A true, correct copy of the applicant's lease or rental agreement, if the applicant is not the property's legal owner, and a notarized statement from the property's owner, acknowledging that a massage establishment will be located on the owner's property; and
- d. A current, full set of the applicant's fingerprints, but only when:
  - i. The applicant is neither a CAMTC massage practitioner nor a CAMTC massage therapist; or
  - ii. One (1) or more persons who are listed on the application as the massage establishment owner or operator are neither a CAMTC massage practitioner nor a CAMTC massage therapist;

3. The applicant certifies on the forms, under penalty of perjury, that all facts, information, and statements are true, accurate, and correct. If the applicant is:
  - a. An individual, the same individual shall sign the application;
  - b. A corporation, an officer shall sign the application;
  - c. A partnership or limited partnership, a partner shall sign the application; or
  - d. A limited liability company or other business organization, a member, manager, or chief executive officer shall sign the application;
4. The applicant pays a nonrefundable application-investigation fee to the community development department; and
5. The applicant pays any other fee, and furnishes any other information, item, or document, that this chapter requires.

C. In the application form, the director of community development or a designee shall require the following information, authorization, and declaration from the applicant:

1. The applicant's full name, present address (residential and business), and telephone number (residential and business);
2. The applicant's last two (2) addresses (residential and business) before the applicant's present address;
3. The address to which the city will give the applicant, and the massage establishment owner certificate holder, all notices and communications that this chapter requires or permits;
4. Whether the applicant is an individual, corporation, partnership, limited partnership, limited liability company, or another form of business organization:
  - a. If the applicant is a corporation:
    - i. The corporation's:
      - (A) Full name, as shown in its charter or in its articles or certificate of incorporation, and any fictitious names under which it operates or exists;
      - (B) State of incorporation; and
      - (C) Date of incorporation;
    - ii. The full name, present address (residential and business), telephone number (residential and business), and date of birth of each:
      - (A) Officer;
      - (B) Director; and
      - (C) Shareholder who owns more than ten (10) percent of the stock in that corporation, and the corresponding amount of stock owned;
    - iii. The corporation's current legal status or authorization, with the state of incorporation, to transact business (including, but not limited to: in good standing, suspended, restricted, or revoked); and
    - iv. The applicant shall attach a true, correct copy of the corporation's charter, or articles or certificate of incorporation, showing the file stamp or seal of the state of incorporation;
  - b. If the applicant is a partnership or limited partnership:
    - i. The partnership's or limited partnership's:
      - (A) Full name, and any fictitious names under which it operates or exists;
      - (B) State of filing or registration; and
      - (C) Date of creation;

- ii. The full name, present address (residential and business), telephone number (residential and business), and date of birth of each partner and limited partner;
- iii. The amount of each person's corresponding partnership or limited partnership interest, percentage, or share in the partnership or the limited partnership;
- iv. The partnership's or limited partnership's legal status or authorization, with the state of filing or registration, to transact business (including, but not limited to: in good standing, suspended, restricted, or revoked); and
- v. The applicant shall attach a true, correct copy of the partnership or limited partnership agreement, showing the file stamp or seal of the state of filing or registration; or
- c. If the applicant is a limited liability company or another form of business organization:
  - i. The limited liability company's or the business organization's full name, and any fictitious names under which it operates or exists;
  - ii. The full name, present address (residential and business), telephone number (residential and business), and date of birth of each member, manager, or chief executive officer;
  - iii. The amount of each person's corresponding ownership or controlling interest, percentage, or share in the limited liability company or the business organization;
  - iv. The limited liability company's or the business organization's legal status or authorization, with the state of organization or registration, to transact business (including, but not limited to: in good standing, suspended, restricted, or revoked); and
  - v. The applicant shall attach a true, correct copy of the limited liability company's or the business organization's articles of organization or registration, showing the file stamp or seal of the state of organization or registration;
- d. If one (1) or more of the partners, limited partners, or members or managers of a limited liability company are a corporation, the applicant shall provide the same information about the corporation, as required in subsection (C)(4)(a) of this section;
- 5. The full and true name of the business under which the applicant will operate;
- 6. The applicant's date of birth;
- 7. The applicant's height, weight, color of eyes and hair;
- 8. The applicant's business, occupation, or employment for the last ten (10) years before the date of the application;
- 9. The applicant's current and prior permits, including licenses, to operate or maintain a massage establishment, or to give or perform a massage, or to do both, including:
  - a. The city, county, state, or government agency that issued the permit or license, and the issuance date;
  - b. If the permit or license was ever denied, suspended, restricted, revoked, non-renewed, or surrendered, the date of, and the reason for, its denial, suspension, restriction, revocation, non-renewal, or surrender; and
  - c. The applicant's business, occupation, or employment after the permit's or license's denial, suspension, restriction, revocation, non-renewal, or surrender;
- 10. All of the applicant's felony and misdemeanor convictions, including:
  - a. The date of conviction;
  - b. A description of the offense committed;
  - c. The name and address of the court where the conviction occurred; and
  - d. The court's case number for the conviction;

11. The applicant's education, training, experience, or expertise in operating or maintaining a massage establishment;
12. The full name, present address (residential and business), telephone number (residential and business), and date of birth of the person who will serve as the massage establishment's operations manager;
13. The full name, present address (residential and business), telephone number (residential and business), CAMTC certificate number, and the CAMTC certificate's expiration date of each CAMTC massage practitioner, or CAMTC massage therapist, or both, whom the applicant does, or will, employ or use at the massage establishment on a full-time, part-time, paid, unpaid, or contract basis, regardless of whether the person is designated as an employee, independent contractor, or otherwise;
14. The full name, present address (residential and business), telephone number (residential and business) of each person, other than a CAMTC massage practitioner or a CAMTC massage therapist, who does, or will, perform any work or service at the massage establishment on a full-time, part-time, paid, unpaid, or contract basis, regardless of whether the person is designated as an employee, independent contractor, or otherwise;
15. The full name, present address, and telephone number of the owner and lessor of the real property upon which the massage establishment will operate;
16. The applicant's authorization for the city, its officers, agents, employees, and representatives to:
  - a. Investigate and verify the information in the application and accompanying documents;
  - b. Obtain criminal history information, when required under subsection (B)(2)(d) of this section, through the set of fingerprints that the applicant provides; and
  - c. Seek additional information and documents, including, but not limited to:
    - i. Other jurisdictions' permits, licenses, and disciplinary action;
    - ii. Financial background; and
    - iii. Employment history; and
17. A declaration stating that:
  - a. The massage establishment will employ or use only individuals who have a current, active, and valid CAMTC certificate to give or perform a massage;
  - b. The applicant will disclose to the city any change in the information supplied in the application within ten (10) days of that change;
  - c. After the city has reviewed and approved the floor plan submitted with the application, the applicant or the massage establishment owner certificate holder will not make changes to the floor plan without the city's written approval; and
  - d. The massage establishment owner or operator and the operations manager will be jointly responsible for the conduct and acts of one (1) or more CAMTC massage practitioners, CAMTC massage therapists, employees, and individuals who are under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision, while those individuals are on duty at the premises or while the massage establishment is open for business.

D. The director of community development or a designee may require, and the applicant or massage establishment owner certificate holder shall furnish, other

information, items, or documents that the city deems necessary or appropriate for the city's:

1. Conducting a background investigation of the applicant;
2. Verifying the truthfulness, accuracy, or correctness of the information provided by the applicant; or
3. Determining whether the applicant is qualified under this chapter to receive a massage establishment owner certificate.

E. The applicant or massage establishment owner certificate holder under this section:

1. Has a continuing duty to disclose to the city any change in the information supplied in the application, including a change in the following personnel at the massage establishment:
  - a. An operations manager, providing the information required under subsection (C)(12) of this section;
  - b. A CAMTC massage practitioner or a CAMTC massage therapist, furnishing:
    - i. The CAMTC certificate and CAMTC identification card required under subsection (B)(2)(b)(ii) of this section; and
    - ii. The information required under subsection (C)(13) of this section; and
  - c. An employee or a person performing any work or service at the massage establishment, providing the information required under subsection (C)(14) of this section.
2. Shall file with the community development department an amended application form, without having to pay the application investigation fee specified in subsection (B)(4) of this section, within ten (10) days of that change.

#### **5.64.090 Massage Establishment Owner or Operator—Certificate—Application—Investigation**

A. For review of the completed massage establishment owner certificate application, investigation of the applicant's background, and inspection of the proposed massage establishment, the director of community development or a designee may refer the application to one (1) or more city departments, or governmental agencies, or both.

B. A representative from a city department, another governmental agency, or both, shall:

1. Inspect the massage establishment; and
2. Report whether that establishment complies with applicable laws, codes, and regulations.

C. Within thirty (30) days after the community development department receives the completed application, the city department reviewing the application shall recommend to the director of community development or a designee whether to:

1. Approve the application;

2. Approve the application and add one (1) or more conditions or restrictions on the massage establishment owner certificate; or
3. Deny the application.

D. During the period in which a completed application for a massage establishment owner certificate is under investigation and review, if the applicant also seeks from the city, or one (1) of its boards or commissions, discretionary approval for the massage establishment (including, but not limited to, a conditional use permit, a variance, or design review board approval):

1. The time that it may take the city, or one (1) of its boards or commissions, to review, process, or decide on the application for discretionary approval will not count toward the sixty (60) day period provided in Section 5.64.100 of this chapter; and
2. The director of community development or a designee will toll the sixty (60) day period during which the application for discretionary approval is pending.

#### **5.64.100 Massage Establishment Owner or Operator—Certificate—Issuance, denial, and other Authorized Actions**

A. Within sixty (60) days after the director of community development or a designee receives the completed application for a massage establishment owner certificate, the criminal history information (if applicable), and the recommendations from the city departments, the director of community development or a designee shall:

1. Consider the recommendations of city and other officials investigating the application, along with any other relevant information; and
2. Based on any one (1) or more of the grounds specified in Section 5.64.110 of this chapter:
  - a. Approve the application;
  - b. Approve the application and add one (1) or more conditions or restrictions on the massage establishment owner certificate; or
  - c. Deny the application.

B. If the director of community development or a designee, for any reason, fails to take any action on the application, as described under subsection (A)(2)(a), (b), or (c) of this section, the application is neither automatically approved nor deemed approved.

C. After the director of community development or a designee issues a massage establishment owner certificate, the director of community development or a designee may take the following action, based on any one (1) or more of the grounds specified in Section 5.64.110 of this chapter:

1. Suspend the certificate;
2. Revoke the certificate;
3. Impose new or additional conditions or restrictions on the certificate; or
4. Non-renew the certificate.

#### **5.64.110 Massage Establishment Owner or Operator—Certificate—Grounds for Issuance, Denial, Suspension, Revocation, Non-renewal, or New Condition**

The director of community development or a designee may consider any one (1) or more of the following criteria, factors, or circumstances, which the city finds, determines, and deems are relevant to owing or operating a massage establishment, to decide on the application's approval or denial, as described in Section 5.64.100(A)(2) of this chapter, or to take corrective or remedial action on the massage establishment owner certificate, as described in Section 5.64.100(C) of this chapter:

A. A submitted application:

1. Contains false, misleading, or fraudulent information;
2. Is incomplete; or
3. Omits required information, a required document, or a required item.

B. An applicant or massage establishment owner certificate holder:

1. Is ineligible for a certificate because of disqualifying conduct;
2. Operates a massage establishment under a false or assumed name;
3. Violates, or does not comply with, one (1) or more:
  - a. Conditions or restrictions of a massage establishment owner certificate,
  - b. Conditions or restrictions of a permit, certificate, authorization, or discretionary approval from the city for operating the massage establishment,
  - c. Provisions of this chapter, or
  - d. Applicable (city, county, state or federal) laws, rules, or regulations;
4. Is a corporation, partnership, limited partnership, limited liability company, or another business entity that:
  - a. Cannot lawfully transact business in California, or is not lawfully licensed or registered to do business in California, or
  - b. Has one (1) or more officers or directors, partners or limited partners, or members or managers who are ineligible to receive a massage establishment owner certificate:
    - i. Because of disqualifying conduct, or
    - ii. For any reason that makes an individual applicant ineligible to receive a massage establishment owner certificate under this chapter;
5. Procures a massage establishment owner certificate under this chapter by fraud, misrepresentation, deception, or mistake;
6. Allows or permits an individual, who does not have a current, active, and valid CAMTC certificate, to give or perform a massage;
7. Engages in an act of solicitation or prostitution;
8. Allows or permits any one (1) or more of the following individuals to engage in, an act of solicitation or prostitution:
  - a. A CAMTC massage practitioner,
  - b. A CAMTC massage therapist,
  - c. An operations manager,
  - d. An employee, or
  - e. An individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision;
9. Transfers or assigns, or attempts to transfer or assign, a massage establishment owner certificate issued under this chapter; or

10. Operates a massage establishment after the city denied, suspended, or revoked:
  - a. A massage establishment owner certificate issued under this chapter, or
  - b. A permit, certificate, authorization, or discretionary approval issued by the city.

C. Operating a massage establishment at the proposed or existing location, or the conduct or activity of the applicant, massage establishment owner certificate holder, a CAMTC massage practitioner, a CAMTC massage therapist, an operations manager, an employee, or an individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision:

1. Violates, or does not comply with, one (1) or more:
  - a. Provisions of this chapter, or this code, or both,
  - b. Applicable (city, county, state or federal) laws, rules, or regulations;
2. Creates or constitutes a public nuisance; or
3. Is injurious to the public's health, safety, welfare, or peace.

#### **5.64.120 Massage Establishment Owner or Operator—Certificate—Denial and other Authorized Actions—Notice, Hearing, and Appeal**

A. This section's hearing and appeal procedures apply to:

1. An applicant whose application for a massage establishment owner certificate the director of community development or a designee:
  - a. Denies; or
  - b. Approves with one or more conditions or restrictions.
2. A massage establishment owner certificate holder whose massage establishment owner certificate the director of community development or a designee:
  - a. Suspends, revokes, or non-renews; or
  - b. Imposes one or more new or additional conditions or restrictions.

B. When the director of community development or a designee determines upon a preponderance of the evidence that one or more of the grounds specified in Section 5.64.110 of this chapter exist for taking the action described in Section 5.64.100(A)(2)(b) or (c), or Section 5.64.100(C), of this chapter, the director of community development or a designee shall:

1. Notify the applicant or the massage establishment owner certificate holder in writing of the proposed action, described in Section 5.64.100(A)(2)(b) or (c), or Section 5.64.100(C), of this chapter, that the director of community development or a designee is taking;
2. State in the notice:
  - a. The notice's issuance date,
  - b. The reason or reasons for the proposed action,
  - c. The date on which the proposed action will go into effect, and
  - d. The applicant's or massage establishment owner certificate holder's right, within fifteen (15) days after the notice's issuance date, to request a hearing with the city manager or a person whom the city manager designates; and
3. Give the applicant or the massage establishment owner certificate holder the written notice by certified mail, postage prepaid, or by personal delivery.

C. Within fifteen (15) days after the issuance date listed in the written notice of the proposed action, the applicant or the massage establishment owner certificate holder may appeal the proposed action by submitting to the community development department a written request for a hearing. The request for a hearing must:

1. Specify the ground or grounds for the appeal;
2. State facts that support each ground for the appeal; and
3. Identify documents or items, and attach a copy of them, that substantiate each ground for the appeal.

D. The city manager or designee shall set the hearing on a date not earlier than fourteen (14) days, and not later than thirty (30) days, after the date that the community development received the request for a hearing.

E. The director of community development's or a designee's proposed action will go into effect and will become final action, and the applicant or massage establishment owner certificate holder will waive any appeal to the city manager, if the applicant or massage establishment owner certificate holder fails to do one or more of the following:

1. Request a hearing within fifteen (15) days after the issuance date listed in the community development department's written notice to the applicant or massage establishment owner certificate holder of the proposed action; or
2. Attend the hearing with the city manager or the person whom the city manager designates.

F. Within fifteen (15) days after the hearing date, the city manager or a designee shall:

1. Decide, upon a preponderance of the evidence, whether to uphold, reverse, or modify the proposed action; and
2. Give the applicant or massage establishment owner certificate holder written notice of the city manager's or a designee's final decision by certified mail, postage prepaid, or by personal delivery.

G. In addition to the action that the director of community development or a designee may take under described in Sections 5.64.100(A)(2)(b) or (c) and 5.64.100(C) of this chapter, the director of community development or a designee— at any time and without giving advance notice, without complying with subsection B of this section, and without holding a hearing— may suspend a massage establishment owner certificate for a period not exceeding thirty (30) days, when necessary or appropriate to immediately protect the public's health, safety, welfare, or peace. After suspending the certificate, the director of community development or a designee shall give the massage establishment owner certificate holder written notice of the certificate's suspension in the manner described in subsection (B)(2) and (3) of this section.

H. If the director of community development, or the city manager, or either one's designee suspends, revokes, or non-renews a massage establishment owner certificate

under this section, the massage establishment owner certificate holder— within three (3) days after the issuance date listed in that city official's written notice of the suspension, revocation, or non-renewal— shall:

1. Cease operating, conducting, carrying on, managing, or maintaining the massage establishment; and
2. Return that certificate to the community development department.

I. The city manager's or a designee's decision is final and conclusive. An applicant or a massage establishment owner certificate holder aggrieved by the city manager's or a designee's final decision under this section's hearing and appeal procedures may obtain judicial review within the time and in the manner provided in California Code of Civil Procedure Section 1094.6, or any successor legislation.

#### **5.64.130 Massage Establishment Owner or Operator—Certificate—Term; Renewal**

A. If the director of community development or a designee grants the application, with or without conditions or restrictions, the massage establishment owner certificate:

1. Is valid for one (1) year;
2. Must be renewed annually; and
3. Is in addition to any other license, permit, certificate, authorization, or discretionary approval that this code, a law, or a regulation requires.

B. This chapter's provisions govern the certificate's renewal. At least thirty (30) days before the certificate's expiration date, a massage establishment owner certificate holder shall:

1. Submit a renewal application;
2. Pay the nonrefundable application-investigation fee specified in Section 5.64.080(B)(4) of this chapter; and
3. Comply with all other requirements and procedures for submitting an initial massage establishment owner certificate application for the first time under Section 5.64.080 of this chapter.

#### **5.64.140 Massage Establishment Owner or Operator—Certificate—Transferability; Change of Location or Name of Business**

A. No massage establishment owner certificate holder shall sell, transfer, or assign, or allow a person to sell, transfer, or assign, a massage establishment owner certificate issued under this chapter. Upon the sale, transfer, or assignment of a massage establishment owner certificate issued under this chapter:

1. The certificate is null and void; and
2. The person to whom the massage establishment owner certificate holder sold or transferred the certificate shall apply for a massage establishment owner certificate in the same manner that Section 5.64.080 of this chapter provides.

B. Unless a massage establishment owner certificate holder obtains a new massage establishment owner certificate under Section 5.64.080 of this chapter, a massage establishment owner certificate holder shall not:

1. Operate under a name, or conduct business under a designation, not specified in the massage establishment owner certificate.
2. Change the location of the massage establishment from that which is shown on a massage establishment owner certificate.

#### **5.64.150 CAMTC Certificate—Massage Establishment Owner Certificate—Display; Inspection**

A. While giving or performing a massage, or while on duty, a CAMTC massage practitioner or a CAMTC massage therapist shall:

1. Wear the CAMTC identification card on the outer most garment so that it is visible to a patron; and
2. Have in possession and make available for viewing the CAMTC certificate or a legible copy of it.

B. A massage establishment owner or operator shall display in a conspicuous place within the massage establishment the following certificates, so that patrons entering the premises can readily see the documents:

1. The CAMTC certificate, or a legible copy of it, of each CAMTC massage practitioner and CAMTC massage therapist whom the massage establishment employs or uses; and
2. The massage establishment owner certificate, or a legible copy of it.

C. A CAMTC massage practitioner, CAMTC massage therapist, massage establishment owner or operator, or operations manager:

1. Shall allow a city official or representative, at any time, to examine and copy any one (1) or more of the items or documents described in subsections (A)(1) and (2) and (B)(1) and (2) of this section; and
2. Shall not refuse to show the item or document when requested to do so by a city official or representative.

#### **5.64.160 Massage Establishment—Facility and Operating Requirements**

A. Facility Requirements.

1. A massage establishment owner or operator shall:
  - a. Place a sign, which complies with the city's sign laws and regulations, at the main entry door, identifying the premises as a massage establishment.
  - b. Give, perform, offer, or provide a massage only between the hours of 7:00 a.m. and 10:00 p.m. on any day, unless the massage establishment's conditional use permit sets different hours of operation and those hours will govern.
  - c. Not install, operate, or maintain a buzzer alarm or an intercom system at the massage establishment.
  - d. Provide:

- i. A main entry door:
  - (A) From which all patrons and visitors must enter and exit; and
  - (B) Which must remain unlocked during regular business hours, unless the massage establishment owner or operator is a CAMTC sole provider or a CAMTC sole proprietor who has only one employee.
- ii. A reception area that must face directly toward, and must be seen through, the required minimum exterior or interior glazed area described in subsection (A)(2) of this section.
- iii. In accordance with the city's Building and Safety Code:
  - (A) Minimum ventilation and lighting for the massage establishment, including each enclosed room, cubicle, or booth where a patron receives a massage; and
  - (B) One or more water closets, urinals, lavatories, and drinking fountains within the premises.
- iv. At least one (1) unobstructed artificial light, white in color, the bulb of which is not less than sixty (60) watts or nine hundred (900) lumens, operating without a dimmer, and illuminating (without a strobing or flashing effect) inside each room, cubicle, or booth where a patron receives a massage.
  - v. For a patron who receives a massage:
    - (A) An opaque towel, opaque clothing, or opaque material which:
      - (1) Is clean and sanitary, and
      - (2) Completely covers the patron's specified anatomical areas;
    - (B) A stationary or portable massage table or chair that is covered with a durable, washable plastic or waterproof material. Use of a foam pad measuring more than three (3) feet in width, three (3) feet in length, and four (4) inches in thickness, or a bed, a mattress, or a waterbed is prohibited; and
    - (C) Clean and sanitary towels, sheets, linens, and coverings for the head rest of each table. Common use of a towel, sheet, or linen is prohibited, unless it is laundered first.
  - vi. Enclosed cabinets, containers, or receptacles for separately storing clean towels and linens, and separately depositing soiled towels and linens.
- e. Maintain all massage rooms, cubicles, walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and other physical facilities in a clean, neat, sanitary, and safe condition, and in good repair.
- f. Clean and disinfect:
  - i. An instrument, tool, appliance, or device used in performing a massage;
  - ii. A wet and dry heat room, steam or vapor room, steam or vapor cabinet, shower compartment, toilet, and restroom each day the massage establishment is open for business; and
  - iii. A bathtub after each patron's use.
- 2. A massage establishment must have:
  - a. An exterior glazed area that fronts a public street, highway, sidewalk, common walkway, or parking area; or
  - b. An interior glazed area that fronts a common interior hallway.
- 3. The glazed area required in paragraphs (A)(2)(a) and (b) of this section must have:
  - a. The following minimum measurements—calculated as the net glazed area, exclusive of frames, handles, hardware, address numbers, or other visual obstructions:

- i. Ten (10) square feet in area. Any existing exterior or interior glazed area that exceeds ten (10) square feet must remain, and must not be reduced in area, or covered or obstructed, and
- ii. Seven (7) feet in height, as measured from the adjacent ground or floor surface. Any existing exterior or interior glazed area that exceeds seven (7) feet in height must remain, and must not be reduced in area, or covered or obstructed;
- b. A clear, undistorted, and unobstructed view of the massage establishment's interior space or reception area, when viewed at a distance of ten (10) feet or less from the glazing's exterior surface; and
- c. A minimum visible transmittance (VT) of seventy (70) percent—including any tint, treatment, or application on existing or new glazing— in accordance with standards established by the National Fenestration Rating Council.

#### B. Operational Requirements.

1. A massage establishment owner or operator shall have an operations manager on duty during regular business hours:
  - a. Who, while the massage establishment is open for business, must wear a badge that states the operations manager's name and the word "manager"; and
  - b. Whose name and a photograph, measuring not less than four (4) inches by six (6) inches, must be posted conspicuously in the massage establishment's reception area while the massage establishment is open for business.
2. A CAMTC massage establishment owner or operator or an operations manager shall:
  - a. Not allow or permit:
    - i. A CAMTC massage practitioner, or a CAMTC massage therapist, or both, to give or perform a massage:
      - (A) Before 7:00 a.m. or after 10:00 p.m. on any day; or
      - (B) Before the opening hour or after the closing hour set in the massage establishment's conditional use permit which will govern the hours of operation.
    - ii. A patron, or a visitor, or both, to enter or remain in the massage establishment before or after the massage establishment's regular business hours.
    - iii. A patron to receive a massage unless at least one (1) CAMTC massage practitioner or CAMTC massage therapist is present at the premises.
    - iv. A patron, or a visitor, or both, in an employee break room, closet, storeroom, or storage area.
    - v. One (1) or more visitors in a room, cubicle, or booth where a patron receives a massage, except when:
      - (A) A patron is under the age of eighteen (18) years and the patron's parent or legal guardian is present during the massage;
      - (B) A patron has a child, who requires supervision and who is present during the massage; or
      - (C) A patron is elderly or disabled and needs assistance from the patron's aid, caretaker, or court appointed conservator, who is present during the massage.
  - b. Accept and process payment for a massage, including a gratuity or tip, only at a reception area or designated payment area, other than a room where a patron receives a massage.

c. Post inside each enclosed room, cubicle, or booth where a patron receives a massage, and in a reception area or designated payment area, easily visible to the patron:

i. A sign printed with letters that contrast against the background material and measure not less than one-half inch in height, stating:

“THIS MESSAGE ESTABLISHMENT AND THE MESSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE.”

ii. A schedule of services, printed in a minimum of twelve (12) point type, listing the massage services offered, the corresponding price, and the minimum length of time for the service.

#### **5.64.170 Employees**

A. When a massage establishment owner or operator or an operations manager employs or uses a CAMTC massage practitioner, or a CAMTC massage therapist, or both:

1. The massage establishment owner or operator or the operations manager shall verify and ensure that a CAMTC massage practitioner, or a CAMTC massage therapist, or both, while giving or performing a massage, or while on duty at the premises, have a current, active, and valid CAMTC certificate.

2. The massage establishment owner or operator and the operations manager are jointly responsible for the act, omission, misconduct, or criminal act of any one (1) or more of the following individuals, while those individuals are on duty at the premises or while the massage establishment is open for business:

a. A CAMTC massage practitioner;

b. A CAMTC massage therapist;

c. An employee; or

d. An individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision.

3. An act, omission, misconduct, criminal act, or violation of one (1) or more provisions of this chapter by an individual identified in subsection (A)(2) of this section is attributable to not only the individual, but also the massage establishment owner or operator and the operations manager.

4. The fact that the massage establishment owner or operator, or the operations manager, or both, did not have actual knowledge of an act, omission, misconduct, criminal act, or violation of one or more provisions of this chapter by an individual identified in subsection (A)(2) of this section is neither a defense nor a mitigating factor in a civil, criminal, or administrative action or proceeding.

B. While giving or performing a massage, or while on duty, a CAMTC massage practitioner, or a CAMTC massage therapist, or both:

1. Shall dress in professional attire based on the custom and practice of the massage profession in California, complying with the restrictions of California Business and Professions Code Section 4609(a)(10)(A) through (E), or any successor legislation; and

2. Shall be neat and clean in appearance, and courteous and professional.

### **5.64.180 Inspection**

A. At any time, one (1) or more representatives from the city, or from the Los Angeles County Department of Health Services, or from both, may inspect a massage establishment to determine whether that massage establishment is complying with this chapter's provisions.

B. A CAMTC massage practitioner, CAMTC massage therapist, CAMTC sole provider, CAMTC sole proprietor, massage establishment owner or operator, operations manager, employee, or an individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision shall allow an official who enforces this chapter's provisions to enter, inspect, examine, photograph, videotape, or audiotape all or any part of that premises.

### **5.64.190 Unlawful Acts**

It is unlawful for:

A. A CAMTC massage practitioner, a CAMTC massage therapist, a CAMTC sole provider, a CAMTC sole proprietor, a massage establishment owner or operator, an operations manager, an employee, an individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision, a patron, a visitor, or any other individual— while the individual is on duty at the premises or while the massage establishment is open for business— to:

1. Expose or fail to conceal a specified anatomical area.
2. Appear in a state of full nudity or semi-nudity.
3. Touch, rub, or fondle a specified anatomical area.
4. Give or perform a massage on a specified anatomical area, except that a CAMTC massage practitioner or a CAMTC massage therapist may give or perform a massage on a female patron's breasts with the patron's written consent and a referral from a licensed California health care provider, as specified in California Business and Professions Code Section 4609(a)(1)(F), or any successor legislation.
5. Engage in sexual conduct.
6. Sell, offer, provide, possess, use, or keep any one or more of the following items:
  - a. A contraceptive device, including a condom, spermicide, or other prophylactic;or
  - b. A sexually-oriented implement, paraphernalia, or device which is designed or marketed for, or the primary purpose of which is, stimulating human genital organs or sadomasochistic activity.
7. Sell, serve, offer, provide, possess, consume, use, or keep an alcoholic beverage, narcotic, or controlled substance.
8. Offer or suggest to a patron, or give or perform on a patron, a service that is not listed or identified on the posted schedule of services described under Section 5.64.160(B)(2)(c)(ii) of this chapter.

9. Charge a patron a fee, sum, or amount that is not listed or identified on the posted schedule of services described under Section 5.64.160(B)(2)(c)(ii) of this chapter.
10. Fail or refuse to allow, cause a delay of, or interfere with a lawful inspection, under Section 5.64.180 of this chapter, of the premises.
11. Install, place, use, or maintain a material, object, structure, or device inside or outside the massage establishment, any one of which or any combination of which blocks, obscures, blurs, darkens, impairs, or interferes with the view into the massage establishment's interior space or reception area. A material, object, structure, or device includes, but is not limited to:
  - a. A curtain, blind, or bead;
  - b. A tint, treatment, or application to a windowpane or glazing, except as Section 5.64.160(A)(3)(c) of this chapter requires;
  - c. A screen;
  - d. One or more signs that cover more than twenty-five (25) percent of a windowpane or glazed surface; or
  - e. A shrub, tree, or plant.

B. A CAMTC massage practitioner, or a CAMTC massage therapist, or both, to give or perform a massage:

1. On an individual under the age of eighteen (18) years, unless a parent or a legal guardian is present during the massage.
2. After having been convicted of one (1) or more offenses listed under disqualifying conduct.
3. While subject to a permanent injunction against maintaining or operating a nuisance under California Penal Code Sections 11225 to 11235, or any successor legislation.
4. Under a false or assumed name, or a name not specified in a CAMTC certificate, massage establishment owner certificate, business registration certificate under Chapter 5.100 of this code or any successor legislation, conditional use permit, or discretionary approval for the massage establishment.
5. After 10:00 p.m. or before 7:00 a.m. on any day, or before the opening hour or after the closing hour set in the massage establishment's conditional use permit which will govern the hours of operation.

C. A CAMTC massage practitioner, CAMTC massage therapist, CAMTC sole provider, CAMTC sole proprietor, massage establishment owner or operator, or operations manager to:

1. Operate under a name, or conduct business under a designation, not specified in a massage establishment owner certificate, business registration certificate under Chapter 5.100 of this code or any successor legislation, conditional use permit, or discretionary approval for the massage establishment.
2. Change the location of the massage establishment from that which is shown on a massage establishment owner certificate, business registration certificate under Chapter 5.100 of this code or any successor legislation, conditional use permit, or discretionary approval for the massage establishment.
3. Procure a massage establishment owner certificate by fraud, misrepresentation, deception, or mistake.

4. Transfer or assign, or attempt to transfer or assign, the massage establishment owner certificate.

D. A massage establishment owner or operator, or an operations manager, or both, to permit or allow any one or more of the following individuals—while on duty at the premises or while the massage establishment is open for business—to violate a provision of this chapter:

1. A CAMTC massage practitioner;
2. A CAMTC massage therapist;
3. An operations manager;
4. An employee;
5. An individual who is under the massage establishment owner's or operator's or the operations manager's direction, control, or supervision;
6. A patron; or
7. A visitor.

E. A massage establishment owner or operator, or a person, to establish, operate, conduct, carry on, manage, or maintain a massage establishment:

1. While subject to a permanent injunction against maintaining or operating a nuisance under California Penal Code Sections 11225 to 11235, or any successor legislation.
2. After the director of community development, or the city manager, or either one's designee has:
  - a. Denied an application or renewal application for a massage establishment owner certificate, unless all of the following conditions are met:
    - i. One (1) year has passed following the date of the application's or renewal application's denial;
    - ii. The massage establishment owner or operator has applied for a massage establishment owner certificate in the same manner that Section 5.64.080 of this chapter provides;
    - iii. The application affirmatively shows, and the director of community development or a designee confirms, that one or more grounds upon which the initial or renewal application was denied no longer exist; and
    - iv. The director of community development, or the city manager, or either one's designee has approved the application and has issued a new massage establishment owner certificate.
  - b. Suspended the massage establishment owner's or operator's massage establishment owner certificate, while the suspension is in effect.
  - c. Revoked the massage establishment owner's or operator's massage establishment owner certificate, for a period of:
    - i. Five (5) years following the date of conviction of a misdemeanor offense listed under disqualifying conduct; or
    - ii. Ten (10) years following the date of conviction of a felony offense listed under disqualifying conduct.

F. A person to establish, operate, conduct, carry on, manage, or maintain a massage establishment at, within, or upon a building, facility, premises, vehicle, area,

location, place, or site where—within the last ten (10) years—an individual was convicted of engaging in an act of prostitution under California Penal Code Section 647(b), or any successor legislation.

#### **5.64.200 Enforcement—Public Nuisance— Abatement—Cumulative Remedies and Penalties**

A. Any one (1) or more of the following city representatives has all necessary powers and authority to enforce this chapter:

1. The city manager or a designee;
2. The director of community development or a designee; or
3. A Glendale police department officer.

B. A massage establishment that is established, operated, conducted, carried on, managed, or maintained contrary to this chapter is unlawful and is a public nuisance, and the city declares that such conduct is unlawful and is a public nuisance.

C. A violation of this chapter is punishable under Section 1.20.010(A) of this code, or any successor legislation.

D. The administrative code enforcement remedies and procedures in Chapter 1.24 of this code, or any successor legislation, apply to this chapter.

E. In addition to, or in place of, prosecuting a criminal action under this chapter, the city attorney may take any one (1) or more lawful steps, including, but not limited to, commencing one (1) or more civil actions, or administrative proceedings, or both, in the manner provided by law, to:

1. Enforce this chapter's provisions;
2. Abate, remove, or enjoin the public nuisance; and
3. Enjoin a person or persons from:
  - a. Giving or performing a massage contrary to this chapter's provisions; and
  - b. Establishing, operating, conducting, carrying on, managing, or maintaining a massage establishment contrary to this chapter's provisions.

F. The prevailing party may recover attorney's fees and costs in any judicial action for the city's exercising one (1) or more remedies under this section.

G. The remedies, penalties, or procedures that this chapter provides are cumulative to each other and to the remedies, penalties, or procedures available under this code and all other laws.

H. The director of community development or a designee may prepare, adopt, amend, repeal, and enforce rules, regulations, or procedures to implement and administer this chapter.

#### **5.64.210 Applicability to Existing Businesses; Other Laws**

A. This chapter's provisions are applicable to all persons and businesses described in this chapter, whether the activities described in this chapter were established before or after the effective date of the ordinance codified in this chapter.

B. This chapter is in addition to any other federal, state, or local law regulating massage. The city council intends this chapter to supplement, and not to duplicate or contradict, other applicable law.

### **5.64.220 Exemptions**

This chapter's provisions do not apply to:

A. The following persons, when they meet all three (3) conditions below:

- 1.They have a current, active, and valid license, permit, or certificate to practice or perform their respective profession or occupation;
- 2.They give or perform a massage only in connection with, and while in the course of, their profession or occupation; and
- 3.They do not hold themselves out to the public as a CAMTC massage practitioner or a CAMTC massage therapist:
  - a. Medical practitioners.
  - b. Registered nurses.
  - c. Beauticians.
  - d. Coaches or trainers of an athlete or athletic team.

B. Students enrolled in an approved school, when they practice or perform a massage:

1. On one another, or on a person who pays a nominal fee for the massage or receives it for free;
2. While either on the approved school's premises or at an off-campus activity, event, or function that the approved school organizes, arranges, or sponsors; and
3. Under the supervision, direction, or control of an instructor who is present on the premises during the massage.

C. A bona fide non-profit organization.

D. A person who gives or performs a massage at home on an immediate family member.

## **Chapter 5.68 TAXICABS AND OTHER VEHICLES FOR HIRE**

### **5.68.010 Definitions**

For the purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them unless otherwise noted:

“Automobile for hire” means and includes every motor vehicle of private appearance not equipped with a taximeter and which is operated and hired from a public or a private garage only, and the destination and route of which are under the control of the passengers being carried therein, for a compensation which is fixed in accordance with the distance traveled, waiting time or both. No automobile for hire shall be painted a distinctive color for the purpose of identification.

“Commission” means the transportation and parking commission.

“Dial-a-ride vehicle” means and includes every motor vehicle which has a distinct color or commercial appearance used in the business of carrying passengers to various destinations; and which is hired from a public or private garage by one or more persons; to varying destinations and routes which are under the joint control of the driver and the passengers being carried therein; for a compensation which is fixed in accordance with the distance traveled by zone.

“Director of Public Works” means the director of public works or his/her designee.

“Driver” means and includes every person who drives or is in actual physical control of any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle, or taxicab.

“Jitney” means and includes every motor vehicle of a distinct color or commercial appearance used in the business of carrying passengers; and which is hired from any fixed stand or location, or is hailed; and which travels along a fixed route; for a compensation which is fixed in accordance with the distance traveled.

“Motor vehicle” means every self-propelled vehicle used for transportation of persons over the public highways otherwise than upon fixed rails or tracks.

“Nonemergency medical vehicle” means every vehicle, operated or hired from a public or private garage for a fixed compensation and used for the transportation of the sick, injured, invalid, convalescent, infirm or otherwise incapacitated persons whose medical conditions require medical transportation services but do not require emergency services or equipment during transport.

“Owner” means and includes every person owning or directing the general operation of any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle, or taxicab for hire.

“Public convenience and necessity” means fitting or suited to the public need; there is both a present and future apparent reasonable need for use of the service, and the public highways and public welfare are not unduly burdened by such service. A case of “public convenience and necessity” exists where a transportation business is ready, able and willing to serve the public generally without discrimination, with reasonable efficiency, at a reasonable price, and which includes the criteria set forth under Sections 5.68.090(B) (14) and 5.68.103 of this chapter.

“Substantially located” shall have the same meaning as defined in Government Code Section 53075.5, or any successor legislation.

“Taxicab” means and includes every motor vehicle of a distinct color or commercial appearance used in the business of carrying passengers in vehicles designed for carrying not more than eight (8) persons; and which is rented from a public or private garage or any fixed stand or location, or is hailed, the destination and route of which are under the exclusive control of the passengers being carried therein.

“Taxicab stand” means and includes a public place alongside the curb of a street or elsewhere in the city which has been designated by the Director of Public Works as reserved exclusively for the use of taxicabs.

“Taximeter” means and includes a mechanical or electronic instrument or device by which the charge for hire of a passenger-carrying vehicle is mechanically or electronically calculated and registered, either for distance traveled, or for waiting time or both, and upon which such charge is indicated by means of figures.

#### **5.68.020 License/Permit Required**

Every owner and driver who is substantially located within the city shall obtain a permit as required by this chapter. In addition, a separate license shall be obtained for every motor vehicle operated pursuant to this chapter.

#### **5.68.030 Owner’s Permit, Driver’s Permit and City-Issued Vehicle Licenses Required—Separate Violations for Noncompliance**

No person shall operate or cause to be operated at any point in the city any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle, or taxicab, for a taxicab company substantially located within the city, without having first procured a valid owner’s permit, a valid driver’s permit to the driver thereof, and a valid city-issued vehicle license for each vehicle, as provided in this chapter.

#### **5.68.035 Civil Penalty Provision**

Any owner or driver requiring a license or permit pursuant to this chapter who does not obtain such license or permit shall be subject to a civil penalty equal to one and one-half times the applicable license or permit fee, or one hundred dollars, whichever is greater. The civil penalty shall be in addition to, and not in lieu of any other penalties provided by this code. This section shall not be construed so as to require the issuance of any permit or license under this chapter.

#### **5.68.040 Permit—Exceptions**

No owner's permit, driver's permit, or vehicle license shall be required of the following:

- A. Any taxicab company which is not substantially located within the city;
- B. Any operations for which a certificate of convenience and necessity has been granted by the California Public Utilities Commission, California Highway Patrol, or other state agency;
- C. Any vehicle which only transports a passenger or passengers from a point outside of the city to a destination within the city;
- D. Any vehicle which only transports a passenger or passengers through the city while en route to a destination outside of the city; or
- E. Ambulances as defined in Title 13, California Code of Regulations Section 1100.2(a) or as that section may be subsequently amended.

#### **5.68.050 Permits for Additional Vehicles**

A. An owner desiring to operate additional vehicles over and above the number currently approved shall submit an application therefor to the Community Development Department setting forth all of the information required by this chapter in an original owner's permit application. Applications for additional vehicles must be made during the application acceptance period as described in subsection 5.68.070(A). All applications may be granted or denied in whole or in part, and conditions may be imposed pursuant to the procedure and conditions set forth in this chapter.

B. Applications for any additional vehicles for non-emergency medical vehicles shall be considered by the Director of Public Works. All applications for any additional automobiles for hire, dial-a-ride vehicles, jitneys or taxicabs shall be considered by the commission which shall hold a public hearing thereon. The commission's determination of applications for additional taxicab vehicle licenses shall be pursuant to Section 5.68.060.

#### **5.68.060 Maximum Number of Taxicab Vehicle Licenses Available for Issuance.**

A. There shall be a maximum number of taxicab vehicle licenses which may be issued by the city. The commission may on an annual basis review and adjust said maximum number of taxicab vehicle licenses permitted in the city based upon all of the following considerations:

1. The number of taxicabs already in operation as of July 1 of the current year;
2. Whether existing taxicab transportation is adequate to meet public convenience and necessity, as defined in Section 5.68.010.
3. The probable effect of increased service on local traffic conditions; and
4. The character, experience and responsibility of the applicant as determined through the application and background investigation.

B. The commission may determine the maximum number of taxicab vehicle licenses available to owner's permit applicants or applicants for additional vehicles for existing taxicab owners pursuant to section 5.68.050, by using the following methodology:

1. In the event the city receives no more than one (1) application for a taxicab owner's permit pursuant to Section 5.68.070 or for additional taxicab vehicle licenses pursuant to Section 5.68.050, the commission may award to said applicant any number of taxicab vehicle licenses up to and including ten (10) percent of the existing taxicab vehicle licenses currently issued and in use in the city as of July 1 of the year said application is under consideration but in no event shall the total number of taxicab vehicle licenses exceed the maximum amount established by the commission pursuant to this Section 5.68.060.
2. In the event the city receives two (2) or more applications for new taxicab owner's permits pursuant to Section 5.68.070 or for additional taxicab vehicle licenses pursuant to Section 5.68.050, the commission may allocate among said applicants a total number of vehicle licenses up to and including ten (10) percent of the existing vehicle licenses currently issued and in use in the city as of July 1 of the year said applications are under consideration but in no event shall the total number of taxicab vehicle licenses exceed the maximum amount established by the commission pursuant to this Section 5.68.060.
3. Any unallocated vehicle licenses may be available for allocation the following year and each successive year until all vehicles up to the maximum amount pursuant to this Section 5.68.060 are allocated.

#### **5.68.070 Owner's Permit—Application**

A. Application Acceptance Period. Except for applications for special taxicab owner's permits pursuant to Section 5.68.100, all applications for owner's permits shall be submitted to the Community Development Department during the application acceptance period which shall commence from the first day of July through and including the first day of August of each calendar year. Applications shall not be accepted after the expiration of said acceptance period unless the applicant demonstrates, to the Director of Public Works for non-emergency medical vehicles or to the commission for automobiles for hire, dial-a-ride vehicles, jitneys, or taxicabs, by a preponderance of the evidence, that there is a current or immediate future anticipated

need for new or additional service or that existing operators have failed to provide an adequate level of service. Upon a finding of good cause, the Director of Public Works or the commission may accept such application outside the application acceptance period.

B. Additional Application Requirements. Applications for an owner's permit shall include the following information:

1. Business Address. Provide business address of location from which business will be conducted, where dispatch will be conducted and each location at which the business's vehicles will be garaged;
2. Vehicle Description. A description of each motor vehicle the applicant proposes to use, including, but not limited to: the number, make, model, model year and type of vehicle(s); the vehicle license number(s); and the vehicle identification number(s) if available. If such information is not available at the time that the application for an owner's permit is submitted to the Community Development Department, the applicant shall submit such information to the Community Development Department for certification prior to issuance of an owner's permit;
3. Color Scheme. A permanently applied color scheme, name, monogram or insignia which is not in conflict with, and does not imitate any color scheme, name, monogram or insignia in current use by another entity. Applicants must submit a mockup or photo of the color scheme and logo on a proposed vehicle;
4. Vehicle Storage. Show written proof of the street number and exact location of the public or private garage from which each vehicle shall be garaged. No more than one (1) vehicle may be stored at each residential address and only off-street on private property at said residential address. Permittee shall not operate from a residence in the city without a valid home occupancy permit issued pursuant to chapter 30.45 of this code.
5. Fare Schedule. A schedule of the rates of fares to be charged for carrying passengers. In the case of dial-a-ride vehicles, a map of fare zones shall also be filed, and in the case of jitneys, a map of the routes to be established shall be filed;
6. A resume showing the past experience of the applicant relating to the operation of the activity being requested and the name, address, telephone number and past experience of the person to be in charge of the premises or business;
7. Submit at least one (1) professional reference;
8. A statement as to any and all existing owner's permits in other jurisdictions, copies of said owner's permits in each jurisdiction and the name, address, and telephone number of a representative of such jurisdictions where said owner's permits are held;
9. A statement as to any previous permit suspensions, denials, terminations, cancellations or revocations in any jurisdiction and an explanation of the circumstances regarding same;
10. The applicant's agreement to submit to a background investigation which shall be conducted by agencies deemed appropriate by the city;
11. Operating Plan. Except for non-emergency medical vehicle applicants, submit a detailed explanation of how business will be conducted containing at least the following information:
  - a. Staffing plan;
  - b. How vehicle dispatching will take place;

- c. Where and how vehicles will be garaged and maintained; and
- d. Names of any and all contractors, subcontractors, consultants and sub consultants and a detailed description of the services same will provide;
- 12. Applications for taxicab owners shall also contain a statement that each of the applicant's taxicabs shall be equipped with a taximeter which shall comply with Sections 5.68.200 through 5.68.230 of this chapter;
- 13. Statement of Public Convenience and Necessity. Except for non-emergency medical vehicles, submit at least one (1) statement of public convenience and necessity as defined in Section 5.68.103 from a prospective customer who resides or does business within the city. Applicants may also submit any market research, business plan, or other information that demonstrates a need for their services;
- 14. Safety and Training Information. Submit a copy of any safety or training information provided to employees including drivers;
- 15. State whether the applicant has in force a controlled substance and alcohol testing program, and if so, submit a copy of same;
- 16. Applicant's agreement to make a diligent effort to provide a child passenger restraint system in compliance with Section 5.68.375.

#### **5.68.080 Owner's Permit—Application—Hearing—Findings—Issuance**

##### **A. Director of Public Works or Commission Determination.**

- 1. Upon the Director of Public Works' determination that an owner's permit application meets the requirements of this chapter, the Director of Public Works shall promptly set a date for a public hearing to be held by the commission. Public notice of such hearing shall be given by publishing a notice thereof once in the city's official newspaper at least ten (10) days before the time of such hearing. Notice of such hearing shall also be given to all persons who currently possess valid owner's permits.
- 2. An application for a non-emergency medical vehicle owner's permit shall be investigated by the Director of Public Works. Upon the Director of Public Works' determination that such application meets the requirements of this chapter, the Director of Public Works shall grant or deny such application in whole, in part, or conditionally including but not limited to reducing the number of requested vehicles, reducing the term of the applicant's permit, or both.

**B. Findings.** The commission may grant an owner's permit for automobiles for hire, dial-a-ride vehicles, jitneys, or taxicabs in whole, in part, or conditionally including but not limited to reducing the number of requested vehicles, reducing the term of the applicant's permit, or both only if it finds all of the following:

- 1. That the application complies with all the terms and conditions of this chapter;
- 2. That the applicant has proven by a preponderance of the evidence that public convenience and necessity, as defined in Section 5.68.010, requires the operation of the vehicle(s) listed in the permit application. The commission may consider such factors as set forth in Section 5.68.090. The commission shall have the power to deny the granting of an owner's permit if public convenience and necessity does not require the same or for any reasonable cause which, in the commission's sound discretion, is contrary to the public welfare;

3. That in the case of a taxicab or automobile for hire or nonemergency medical vehicle owner's permit application, the vehicle(s) proposed for use by the applicant shall not exceed the vehicle age requirements set forth in Section 5.68.363 of this chapter.

C. Effective Date of Owner's Permits. For all vehicles, owner's permits shall become effective upon approval and findings of fact by the commission or the Director of Public Works, the issuance of one or more driver's permits, and the certification by the Director of Public Works that the vehicle(s) listed under the application comply with the requirements of Section 5.68.370.

D. Upon being granted an owner's permit; the applicant shall have ninety (90) days from the date of commission or Director of Public Works approval to install all the necessary equipment required by this chapter on the vehicle(s) listed under the application. Said 90-day time period is solely for the purpose of permitting the applicant time to expend the funds necessary to properly outfit said vehicle(s) and does not grant any right to operate said vehicle(s) prior to the Director of Public Works' certification.

E. In the event a person possessing an owner's permit does not obtain all the vehicle licenses as allocated to said person by the commission or Director of Public Works, within ninety (90) days from the date of said commission or Director of Public Works approval, said person is precluded from obtaining additional vehicles until the following application acceptance period. At such time, said person may apply for additional vehicles over the number in use by said person pursuant to the procedure set forth in Section 5.68.370.

F. If, upon inspection, the vehicle(s) described in the application are found to comply with the requirements of this chapter, the Director of Public Works shall certify said vehicle(s), issue an owner's permit certificate pursuant to requirements and procedures in 5.04.050, but for a period of time not to exceed five (5) years, and issue an annual vehicle license for each vehicle pursuant to Section 5.68.370.

G. All persons possessing owner's permits must apply for renewal permits within the application acceptance period pursuant to Section 5.68.070 within sufficient time so as to prevent such owner's permits from expiring.

H. If for any reason the Director of Public Works denies certification of any vehicle(s) described in the applicant's owner's permit application, said owner's permit shall be deemed denied pursuant to Section 5.68.110.

I. All permittees shall provide written notice to the Director of Public Works within thirty (30) days of any change in the following:

- a. Corporate status;
- b. Business address;
- c. Vehicle description;
- d. Color scheme;
- e. Vehicle storage location;

- f. Fare schedule;
- g. Insurance policies;
- h. Corporate officers; and
- i. Permit suspensions, denials, terminations, cancellations or revocations in any jurisdiction and an explanation of the circumstances regarding same.

#### **5.68.090 Public Convenience and Necessity—Findings**

A. For automobiles for hire, dial-a-ride vehicles, jitneys, or taxicabs, the commission, when considering findings for public convenience and necessity as set forth in Section 5.68.080, may consider, but is not limited to, the following factors:

- 1. Applicant meets all the requirements set forth in this chapter;
- 2. Applicant has provided sufficient proof of all of the following:
  - a. Experience in the business for which he or she is applying;
  - b. Meets the insurance requirements of this chapter;
  - c. Has a dispatch system sufficient to perform the services outlined in the application;
  - d. Has an effective safety training program for drivers;
  - e. Has the financial ability to acquire the vehicles necessary to comply with requirements set out in this chapter; and
  - f. Has proper storage facilities for such vehicles;
- 3. Evidence of having an owner's permit in good standing in other jurisdictions where applicant is currently permitted or has previously been permitted;
- 4. The scope of service to be provided by the applicant;
- 5. The reliability of the applicant's equipment;
- 6. Complaints on file with the Community Development Department, Public Works Department, or city clerk registered against the current operator(s);
- 7. Innovative proposals of service to the public presented by the applicant including, but not limited to, guaranteed ride home programs, special services for the elderly and non-ambulatory persons and/or the use of vehicles utilizing clean fuel technology; and
- 8. Applicant has provided sufficient evidence demonstrating the need for additional service.

#### **5.68.100 Taxicabs—Special Permits Issued When**

A. Notwithstanding any provision of this chapter or any other ordinance of the city, this Section shall apply to a taxicab owner who desires a taxicab owner's permit to operate before, during or after a special event or in the wake of a local or state declared disaster.

B. In the event of a local or state declared disaster or special event as described herein, a person may apply for a taxicab owner's permit pursuant to the procedure set forth under this chapter, except that such person applying for a special permit hereunder need only comply with the following Sections of this code: Sections 5.68.020, 5.68.030, 5.64.035, 5.68.070B, 5.68.170 through 5.68.240, 5.68.290, 5.68.310, 5.68.360 and 5.68.380.

C. Any person desiring an owner's permit under this section shall submit an application therefor pursuant to Section 5.84.090(B), to the Community Development Department. Upon receipt of the application, a copy shall be forwarded to the Director of Public Works and the Director of Public Works shall then place the application on the next available agenda for city council consideration. In the case of a local or state declared disaster, the application may be considered for immediate action by the city council at an emergency meeting pursuant to California Government Code, Section 54956.5. Same shall be acted upon by the city council without the necessity of a public hearing. It shall be left to the discretion of the city council to grant or deny any such permit and to limit the length of time any such permit shall be deemed valid. However, in no event shall any such permit be valid for a period in excess of sixty days. Nothing contained herein shall preclude an applicant from reapplying for a permit in the event of a local or state declared disaster or special event here under, for additional periods of time for the same event or during or after the same local or state declared disaster.

For the purposes of this section, the determination of what constitutes a special event shall be left to the discretion of the council. However, in order to guide prospective applicants and the council, special events include, but are not limited to, regional or local events calculated to draw a large number of people to either the city or the region, such as the Rose Bowl, World Cup Soccer tournament, or other local or regional events deemed to be of sufficient magnitude to warrant, in the council's sole discretion, the temporary need for additional taxicabs.

D. Upon approval of a permit hereunder, the Director of Public Works shall cause such vehicle to be inspected to determine if same is safe to operate as a taxicab in Glendale. A fee for such inspection shall be imposed as established by resolution of the council. Upon passing inspection, the Community Development Department shall issue a license for each vehicle.

#### **5.68.110 Owner's permit—Denial—Revocation—Suspension**

A. The Director of Public Works, in the case of non-emergency medical vehicles, or the commission in the case of automobiles for hire, dial-a-ride vehicles, jitneys or taxicabs, may deny an application for an owner's permit according to section 5.04.050 or revoke or suspend an owner's permit according to section 5.04.100 or if, based on substantial evidence, the Director of Public Works or the commission finds any one of the following:

1. That a permittee or applicant for an owner's permit fails to comply with all the terms and conditions of this chapter; or
2. Any motor vehicle proposed to be operated is inadequate or unsafe, or fails to pass the Director of Public Works' certification pursuant to Section 5.68.080; or
3. That the applicant has been convicted of a felony, violation of any narcotic law, or any penal law involving moral turpitude.

B. The Director of Public Works or commission shall have the power to deny, revoke, or suspend any owner's permit if it finds based on substantial evidence, that the public convenience and necessity does not require the same or for any reasonable

cause which, in its sound discretion, is contrary to the public welfare including, but not limited to, the dispatching of an unlicensed or unpermitted driver or vehicle.

C. Conviction of any offense set forth in Section 5.68.150(A) and 5.68.380 shall constitute grounds for summary denial of an application for an owner's permit by the chief of police, city manager or Director of Public Works, or any designee thereof. Except as otherwise provided, the exercise of such power shall be subject to the affected applicant or permittee having been given adequate notice and opportunity to be heard pursuant to subsection 5.68.150(B).

D. Incomplete, incorrect or false information on an owner's permit application or renewal, whether or not the applicant intended to submit the application in such a manner. Such applicant shall not be entitled to reapply for an owner's permit for a period of one (1) year from the date of denial or revocation.

#### **5.68.115 Appeal—Owner's Permit**

Any person aggrieved by the denial, revocation, or suspension of an owner's permit, a permit for operating additional vehicles pursuant to Section 5.68.050, or from the denial of an application filed outside the acceptance period pursuant to subsection 5.68.070(A), may appeal the decision pursuant to this chapter. Appeals of a decision of the Director of Public Works regarding any non-emergency medical vehicle permits or applications shall be made to the commission, and there shall be no right of appeal thereafter. Appeals of a decision of the commission regarding any automobile for hire, dial-a-ride vehicle, jitney or taxi permits or applications shall be made to the city council. All appeals shall be made within the time and the manner provided in chapter 2.88 of this code.

#### **5.68.120 Driver's Permit—Application—Controlled Substance and Alcohol Testing—Late fee—Renewal**

A. Any driver desiring to obtain a driver's permit required by Section 5.68.030 shall make application therefor to the Community Development Department according to application requirements and procedures in section 5.04.050. Nonemergency medical vehicle drivers shall meet the requirements of this chapter in addition to any other requirements or regulations pursuant to state law.

B. Applications for a driver's permit shall include the following additional information:

1. Three (3) recent photographs (2" x 2" head and shoulders) of applicant taken within one (1) year immediately preceding the filing of the application;
2. The applicant's name, age, business and residence addresses and telephone numbers;
3. The applicant's past experience in operating automobiles;
4. The names and addresses of the applicant's current employer and previous employers during the preceding three (3) years;

5. A copy of the applicant's valid California driver's license;
6. For nonemergency medical vehicle drivers, a verified copy of the applicant's valid adult CPR and emergency first-aid certificates;
7. A statement as to whether a driver's license has ever been issued to the applicant by any other state or governmental agency and whether any driver's license issued to the applicant has ever been suspended or revoked;
8. Convictions, if any, in any court of law;
9. A signed agreement to submit to a background investigation and a local warrant check;
10. A set of fingerprints reviewed and approved by the Community Development Department;
11. The name and address of the owner of the vehicle;
12. The endorsement of the applicant's employer if the applicant is not self-employed;
13. A copy of the applicant's driver's record from the California Department of Motor Vehicles;
14. Such additional information as may be required.

C. Prior to operation of a taxicab and as a condition for application approval and annual permit renewal, driver's permit applicants shall comply with the following mandatory controlled substances and alcohol testing certification program.

1. Applicants shall annually test negative for alcohol and for each of the controlled substances as specified in Government Code Section 53075.5(b)(3)(A). Except as set forth in subsection (C)(2) of this section, testing shall be completed within thirty (30) days prior to the date of application at a certified drug testing laboratory acceptable to the Community Development Department. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.
2. Any negative test result from another jurisdiction shall be accepted for one (1) year from the date of the administration of the test as meeting the requirement for yearly permit renewal testing if the applicant has not tested positive subsequent to a negative result. However, a negative test result from another jurisdiction shall only be accepted from renewal applicants and not from new applicants.
3. In the case of a self-employed independent applicant, copies of the original test results shall be reported directly to the Community Development Department, who shall notify the taxicab owner or leasing company of record, if any, of the test results. In all other cases, the results shall be reported directly to the employing taxicab owner, who shall be required to notify the city in writing of all results.

D. A driver's permit shall be effective for one (1) year from the date of issuance. Applications for renewal shall be made with the Community Development Department not later than thirty (30) days prior to the expiration date. Fingerprinting shall be required upon initial application and every three (3) years thereafter.

E. In addition to any other remedy or penalty provided in this code, any person or corporation which fails to submit an application for renewal of a driver's permit within the time limit prescribed in this section shall be charged a late renewal fee, which fee

shall be established by resolution of the city council pursuant to subsection 5.68.020(B). This fee shall be in addition to any other remedy or penalty provided for elsewhere in this code.

F. The driver's permit shall become void upon termination of employment. The employer shall notify the city upon termination of employment. The driver shall return the permit to the city upon termination of employment.

#### **5.68.130 Temporary Driver's Permit—Issuance**

Any person who has applied for a driver's permit pursuant to Section 5.68.120 and has tested negative on a controlled substance and alcohol test pursuant to Section 5.68.120(C), shall, upon request therefore, be permitted to temporarily operate a motor vehicle under this chapter for a period not to exceed one hundred twenty days. The temporary privilege shall be issued after a review of California Department of Motor Vehicles records, local police records and, when applicable, out-of-state motor vehicle operator records, to determine whether the applicant is properly licensed and a competent person to temporarily operate an automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab. Temporary permission to operate a motor vehicle pursuant to this chapter shall be evidenced by a person's application receipt marked by the Director of Public Works as temporary. Any temporary driver's approval shall, for all purposes, have the same force and be subject to the same conditions as any driver's permit issued under this chapter.

#### **5.68.140 Driver's Permit—Issuance—Display**

Every driver's permit issued by the Director of Public Works shall set forth the name of the driver, the driver's photograph and the name of the owner of the vehicle which the driver shall use. Such permit shall be valid only so long as the driver continues in the employ of or other business relationship as driver for such owner. Driver permits shall not be transferrable from one employer to another. Each driver's permit shall be displayed conspicuously in the rear passenger compartment of the vehicle used by the driver. Upon the termination of such employment or business relationship, the driver shall forthwith surrender his or her driver's permit to the Director of Public Works.

#### **5.68.150 Driver's Permit—Denial—Suspension—Revocation—Administrative Hearing**

A. Grounds for Denial, Suspension or Revocation. In addition to violations of any provision in this chapter, the following offenses shall constitute grounds for denial, suspension or revocation of any temporary or permanent driver's permit issued pursuant to this chapter. Where convictions are required, a plea of nolo contendere or a plea of guilty for the purposes of this chapter shall be deemed the same as a conviction. Nothing in this section shall prevent the chief of police, city manager, Director of Public Works, or any designee thereof, from suspending, denying or revoking a driver's permit

for reasons other than those listed within this section if, in his or her sound discretion, the exercise of such permit constitutes a substantial risk to the safety or welfare of the public.

1. The following offenses shall constitute grounds for immediate suspension as set forth in subsection (B)(2) of this section. There shall be no right of appeal:

i. Status as a registered sex offender pursuant to Penal Code Section 290;

ii. Conviction of possession of any controlled substance or narcotic within the last ten (10) years;

iii. Conviction of the following offenses within the last seven (7) years: Vehicle Code Sections 14601.3, 14601.4, 14601.5, 20001, 20003, 20004, 23104, 23153, Penal Code Sections 118, 192, 529.5 and any felony listed in the Penal Code including those charged as misdemeanors pursuant to Penal Code Section 17(b)(4);

iv. Conviction of the following offenses within the last three (3) years: Vehicle Code Sections 31, 12500, 14601, 14601.1, 14601.2, 20002, 23103, 23152 and 23220;

v. Conviction of any violation of this chapter within the last three (3) years and no more than one (1) such violation within twelve (12) months prior to the date of application;

2. Conviction of any crime involving moral turpitude;

3. A driving history indicating convictions of three (3) or more moving violations within the last three (3) years with two (2) or more of such convictions occurring within the last twelve (12) months from the date of the application. There shall be no right of appeal;

4. Two (2) or more accidents where the applicant was found to be at fault as indicated by records of the California Department of Motor Vehicles, and at least one (1) such finding occurring within twelve (12) months prior to the date of application. There shall be no right of appeal;

5. Physical or mental incapacity to safely operate any vehicle governed by this chapter. Such incapacity may include but shall not be limited to the driver's previous history of controlled substance or alcohol abuse, or both. The determination of physical or mental incapacity may be reconsidered upon a showing of sufficient proof, such as a written statement from a duly licensed physician or mental health professional, that the applicant or permittee is capable of operating the vehicle safely and performing such other duties as are required by this chapter;

6. Incomplete, incorrect or false information on a driver's permit application or renewal, whether or not the applicant intended to submit the application in such a manner. Such applicant shall not be entitled to reapply for a driver permit for a period of one (1) year from the date of denial or revocation;

7. Substantial evidence of facts of either physical or moral deficiencies of the applicant which in the sound discretion of the chief of police, city manager, the Director of Public Works, or a designee thereof, would render such applicant not a competent person to operate an automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab;

8. The failure of owner or driver to store vehicles at a private or public garage; or the storage of more than one (1) vehicle on private property at a residence address.

#### B. Procedure for Denial, Suspension or Revocation of Drivers' Permits.

1. The city manager, chief of police, Director of Public Works, or any designee thereof, shall have the power to deny, suspend or revoke a driver's permit upon any of the

grounds set forth in this chapter. Except as otherwise provided, the exercise of such power shall be subject to the affected applicant or permittee having been given adequate notice, pursuant to subsection (B)(3) of this section, of a hearing, the proposed action, the reasons therefor, and a copy of the charges upon which the action is based.

2. Immediate Suspension. The city manager, chief of police, Director of Public Works or any designee thereof, may immediately suspend a driver's permit when it is determined that an emergency involving public health or safety requires such suspension. Immediate suspension shall remain in effect until such time as a disposition of the charge is reached.

3. Notice. The Director of Public Works shall serve notification of the denial, suspension or revocation by United States mail to the last known address of the applicant or permittee. Such notice shall state the date of the denial, suspension or revocation, the reason therefor, and a statement that, in order to receive a hearing with regard to the denial, suspension or revocation, the applicant or permittee shall submit a request for such hearing in writing within fifteen (15) days of the date appearing on the notice. Failure of applicant or permittee to respond to the notice of hearing is a waiver of the right to the hearing and appeal, and action may be taken without permittee being present.

4. Hearing. Any requested hearing shall be conducted within five (5) days of receipt of the request for such hearing, excluding days when city hall is closed, weekends and holidays, by the Director of Public Works who shall designate a hearing officer. At the close of the hearing, the hearing officer shall determine whether clear and convincing evidence was shown for such denial, suspension or revocation. If such evidence is shown, the denial, suspension or revocation shall be affirmed for the period of time indicated in this Section 5.68.150.

5. Regulations During Suspension or Revocation Period. Unless otherwise provided herein, from the time of the denial, suspension or revocation of any permit, no person whose permit is denied, suspended or revoked shall drive, operate or be in charge of any vehicle regulated herein for a period of one (1) year from the date of denial, suspension or revocation. The city manager, chief of police, Director of Public Works, or any designee thereof may invoke a longer denial period when a review of the facts warrants more than one (1) year. In the event of such denial, revocation or suspension of a driver's permit, such certificate as may be issued in connection therewith shall be, by the holder thereof, forthwith surrendered to the Director of Public Works.

C. The provisions of this chapter are nonexclusive and supplementary to existing rights and remedies of the city. Nothing in this chapter shall prevent the city from commencing any appropriate action with respect to enforcement of this chapter. This chapter shall supplement and be in addition to other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, state or any other legal entity or agency having jurisdiction.

#### **5.68.160 Appeal—Driver's Permit**

Unless an appeal is prohibited by this code, any person aggrieved by a decision regarding the denial, suspension or revocation of a driver's permit may appeal said decision to the commission. All such appeals shall be made within the time and manner provided in chapter 2.88 of this code. The decision of the commission is final.

#### **5.68.170 Operations Generally**

A. No person shall drive or operate any dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab for a taxicab company substantially located within the city other than one bearing the color scheme, name, monogram or insignia set forth in the application for the permit as provided in Section 5.68.070. No person shall change the color scheme, name, monogram or insignia without first having filed a written petition with the director of public works requesting such change. The petition shall include the reason for the proposed change, an outline of the specific change(s) and a vehicle illustration. The new color scheme, name, monogram or insignia shall not conflict with or imitate any color scheme, name, monogram or insignia used by another person in such manner as would mislead, deceive or defraud the public.

B. No person shall drive or operate any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab, for a taxicab company substantially located within the city, other than one bearing the vehicle identification number set forth in the application for the permit or license as provided in this chapter. No substitute vehicles shall be allowed.

C. All persons or corporations having an owner's permit pursuant to this chapter shall submit to the Director of Public Works, upon request of the Community Development Department, a statement signed under penalty of perjury showing the make, model, year, vehicle license number and vehicle identification number of each vehicle which is to be available for hire commencing July 1st of that year.

#### **5.68.180 Schedule of Fares**

The owner of every automobile for hire, dial-a-ride vehicle, jitney or taxicab operating under this chapter in the city shall file with his or her application for an owner's permit a true and correct schedule of fares to be charged for the transportation of passengers in any and all vehicles operated by such owner, and such owner shall not change or amend the fares in any manner without first filing such changed or amended fares with the Director of Public Works thirty days prior to the effective date of such change or amendment. No person shall charge, collect or receive any other or different compensation for the use of such automobile for hire, dial-a-ride vehicle, jitney or taxicab than that specified in the schedule of fares on file with the Director of Public Works and at the time in effect. and at the time in effect.

#### **5.68.190 Certain Items to be Displayed**

A. Every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle and taxicab operating under this chapter shall have displayed in plain view in the rear passenger compartment thereof at all times a sign stating in clearly legible characters the rates of fare charged for carrying passengers therein, the owner's name or the fictitious name under which the owner operates, the business address and telephone number of such owner, and the license number furnished by the Community Development Department.

B. In addition to the sign required under subsection A of this section, every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle and taxicab operating under this chapter shall have displayed in plain view in the rear passenger compartment thereof a permanently affixed printed sign not less than eight (8) by five (5) inches in size with lettering not less than three-sixteenths (3/16) of an inch in height (or eighteen (18) point Helvetica regular), which sign shall contain the minimum following language:

#### NOTICE TO PASSENGERS

This vehicle is regulated for your health, safety, and convenience. The regulations require:

1. This vehicle to be kept neat, clean and sanitary.
2. The driver shall be courteous and neat and clean in appearance.
3. Smoking by the driver or passengers is prohibited.

If you have any reason to believe that this vehicle has not been operated in compliance with these requirements or that the service provided has been unsatisfactory, please call the city of Glendale at (818) 548-2140 between 8:00 a.m. and 5:00 p.m. GMC Sec. 5.68.360.

The exact location of the signs required by this section shall be approved by the Director who shall be guided solely by the criteria set forth above.

### **5.68.200 Taximeters Generally**

No owner or driver of any taxicab operated in the city pursuant to the terms of this chapter, shall have any such vehicle not equipped with a taximeter of such type and design as may be approved by the city manager or Director of Public Works. The owner of such taxicab shall keep such meter accurate at all times. Such meter shall be subject to inspection from time to time. The city manager, Director of Public Works or a designee thereof or any police officer of the city is authorized at his or her instance or upon the complaint of any person, to investigate such taximeter and upon discovery of any inaccuracy of such taximeter to remove or cause to be removed from service any such vehicle equipped with such taximeter until such taximeter shall have been repaired and accurately adjusted.

### **5.68.210 Taximeters—Display**

The charge for any service to all patrons of a taxicab operating under this chapter shall be calculated and indicated by a taximeter, which shall be placed in each

vehicle so operated so that the reading dial showing the amount to be charged shall be well lighted and readily discernible by the passenger riding in any such taxicab.

#### **5.68.220 Taximeters—In-Use Flag Display—Exception**

No driver of any taxicab operating under this chapter shall display the “flag” attached to the taximeter in the “in use” position until the passenger has entered the taxicab, except in the case of a request for a taxicab at a specified time and location in which case the “flag” may be placed in the “in-use” position at the time and location requested by the customer, or at any time thereafter, after the driver has personally contacted such customer. No driver, while carrying passengers, shall display the “flag” in such position as to denote that such vehicle is not employed, or to fail to place the “flag” in the “home” or “for hire” position at the termination of each and every service.

#### **5.68.230 Taximeters—Fare Receipt**

No driver of any taxicab operating under this chapter, upon receiving full payment for a fare as indicated by the taximeter, shall refuse to give a receipt upon the request of any passenger making such payment. Such receipt shall indicate the amount of the fare, the date, the initial location and destination of the trip, the taxicab number, and the name of the driver.

#### **5.68.240 Taxicab—Hiring Procedure**

A. The services of a taxicab operating pursuant to any permit granted under this chapter shall be available only upon telephone call, engagement of the taxicab when parked at a taxicab stand or when hailed, but not otherwise. No taxicab driver, owner, or his or her agent shall solicit passengers from or about the vehicle.

B. No owner or driver of any taxicab shall park or stand the same upon any public highway in the city for any period of time longer than is necessary to discharge or receive passengers.

#### **5.68.250 Taxicab—Service**

All persons engaged in the taxicab business in the city operating under this chapter shall render an overall service to the public desiring to use taxicabs and shall keep open twenty-four hours a day for the purpose of receiving orders and dispatching vehicles. They shall answer and dispatch all calls received as soon as possible, and if service cannot be rendered within a reasonable time, they shall so notify the prospective passenger the approximate time that service can be rendered and give the reason therefor. The holder of any owner’s permit who refuses to accept a call anywhere within the corporate limits of the city at any time when such owner has available vehicles or who fails or refuses to give service without reasonable cause relating to the health, safety or welfare of the driver, shall be deemed to be in violation of this chapter and his or her owner’s permit shall be subject to revocation procedures.

#### **5.68.260 Automobiles for Hire—Hiring Procedure**

The services of an automobile for hire operating pursuant to any permit granted under this chapter shall be available only upon telephone call or upon engagement at the public or private garage from which such vehicle is operated. No person shall cruise or cause or permit to be cruised any automobile for hire. An automobile for hire shall be deemed to be cruising when it solicits or takes on any passenger other than in response to an order given at its garage, or in response to a telephone call requesting transportation.

#### **5.68.270 Dial-A-Ride Vehicles—Hiring Procedure**

The services of a dial-a-ride vehicle operating pursuant to any permit granted under the provisions of this chapter shall be available only upon telephone call. No dial-a-ride vehicle driver, owner, or his or her agent shall solicit passengers from or about the vehicle.

#### **5.68.280 Jitneys—Hiring Procedure**

The services of a jitney operating pursuant to any permit granted under this chapter shall be available only upon engagement of the jitney at locations along its fixed route, but not otherwise. No jitney driver, owner or his or her agent shall solicit passengers from or about the vehicle.

#### **5.68.290 Taxicabs and Automobiles for Hire—Passenger Compartment Exclusive**

When a taxicab or automobile for hire operating under this chapter is engaged, the occupants shall have the exclusive right to the full and complete use of the passenger compartment, and no owner or driver of such taxicab shall solicit or carry additional passengers therein.

#### **5.68.300 Passenger Obligated to Pay Legal Fare**

No person shall refuse to pay the legal fare of any of the vehicles mentioned in this chapter, after having hired the same, and any person who shall hire any such vehicle with the intent to defraud the person from whom it is hired shall be punishable as provided in chapter 1.20.

#### **5.68.310 Direct Route Taken—Exception**

Any driver operating under this chapter employed to carry passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to the passenger's destination; except that in the case of dial-a-ride vehicles the driver shall proceed as expeditiously as possible in the general direction of all of the passengers, taking into consideration requests from additional

customers, leaving such passengers at their prescribed destinations; and in the case of jitneys the driver shall travel a fixed route.

#### **5.68.320 Taxicab Stand—Location—Dimensions—Fees**

A. No private ownership of stands in any public street or alley shall be permitted. The Director of Public Works shall establish taxicab stands and determine the dimensions and locations thereof on any public street or alley. No taxicab stand shall be of a size or at a location other than that approved by the director of public works. The commission shall make any regulations which it deems necessary for the designation and use of taxicab stands upon public property. Nothing in this chapter shall prevent the private ownership of taxicab stands on private property.

B. All taxi drivers holding permits from a city or county in Los Angeles County may park any permitted taxicab in any taxicab stand, while awaiting employment. A driver may not use any taxicab stand where a vehicle from the same operator is already parked. Only the driver who is located in the first space of the taxicab stand may receive passengers. A driver shall occupy a taxicab stand only when available for immediate hire.

C. Any driver who fails to comply with this section shall be guilty of an infraction as set forth in Chapter 1.20 of this code. In addition to the fines imposed therein, upon the third conviction for a violation of this section, the driver's permit shall be revoked for a period of one (1) year from the date of conviction pursuant to the procedure set forth in Section 5.68.150(B).

D. All holders of validly-issued taxicab owner's permits shall pay a taxicab stand fee. Said fee shall be established by resolution of the city council. If the director of public works changes the location or dimensions of a taxicab stand, the city council may modify said fee accordingly.

#### **5.68.330 Taxicab Stand—Change in Location**

The Director of Public Works shall have the power to change or propose a new location for an existing taxicab stand.

#### **5.68.360 Vehicle and Driver Appearance and Other Requirements**

A. Every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab operating under this chapter shall be maintained in a safe, neat, clean and sanitary condition.

B. Every automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab operating under this chapter shall be equipped with an air conditioning unit. These air conditioning units are to be in good working condition at all times.

C. The driver of all such vehicles shall be courteous and clean of body and wearing apparel.

D. Smoking by drivers or passengers in any such vehicle while same is available for, or actually hired for use, shall be prohibited.

E. All vehicle for hire operations operating under this chapter shall have disabled accessible vehicles as required by federal law as it now exists or may hereafter be amended.

#### **5.68.363 Automobile for Hire, Taxicab and Nonemergency Medical Vehicle Age Requirements**

No automobiles for hire or taxicabs operating under this chapter, exceeding eight (8) years of age from January 1st of the year of manufacture shall be allowed to operate within the city. No nonemergency medical vehicle exceeding fifteen (15) years of age from January 1st of the year manufacture shall be allowed to operate within the city.

#### **5.68.367 Vehicle Identification—Decals**

A. No vehicle shall be permitted to operate pursuant to this chapter without identification decals, issued by the Community Development Department, signifying authority to operate in the city. Automobiles for hire, dial-a-ride vehicles, jitneys, and nonemergency medical vehicles shall be identified by one decal permanently affixed to the left rear bumper of said vehicle. Taxicabs shall be identified by two annual vehicle license decals placed in the center of the taxicab identification decals permanently affixed to the upper front portion of the right and left front doors, respectively.

B. Decals shall be issued by the Community Development Department upon payment of a vehicle identification decal fee, as established by resolution of the city council pursuant to Section 5.68.020(B).

C. Vehicle identification decal(s) shall remain affixed to the vehicle(s) until such a time as the age of the vehicle(s) exceed the vehicle age limit pursuant to Section 5.68.363, in the event of revocation or suspension of the owner's permit under which the vehicle operates pursuant to Section 5.68.110, or in the event of accident in which the vehicle cannot be repaired. In the event of any of the aforementioned situations, all identification decals shall be removed completely from the vehicle, placed on backing paper, and returned to the Community Development Department. The fee for the decals shall not be refunded upon return of the decal.

#### **5.68.370 Vehicles—Licenses—Fees—Inspections—Maintenance**

A. 1. Issuance of Vehicle Licenses. No owner or driver substantially located within the city shall operate, or cause to be operated, any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab until after the owner or driver completes the following actions to the satisfaction of the Director of Public Works: (a) payment of a vehicle license fee and all other fees as may be required under this code; and (b) issuance of an annual vehicle license and identification decal, and (c) attachment of an annual identification decal to the licensed vehicle pursuant to Section 5.68.367.

2. Annual Inspections.

a. Annual vehicle licenses and identification decals shall be issued by the Community Development Department only upon the successful completion of an annual safety and compliance inspection.

b. For vehicle license renewals, such inspections shall be conducted at least sixty (60) days prior to the expiration of said vehicle license.

c. For taxicabs under five (5) years of age the Community Development Department shall conduct an annual safety and compliance inspection and certification. All taxicabs regardless of age shall pass an additional six (6) month inspection by an outside city-approved mechanic, at the applicant's sole expense no later than six (6) months after the annual inspection and certification by the Community Development Department.

d. Taxicabs exceeding five (5) years of age and all nonemergency medical vehicles shall pass an annual mechanical inspection by an outside city-approved mechanic, at the applicant's sole expense.

e. For any outside mechanical inspection, proof of the inspection and the results thereof shall be submitted to the Community Development Department not more than two (2) weeks from the date of said inspection. Failure to complete and submit said inspection information shall disqualify the owner from operating said vehicle(s).

B. No owner or driver substantially located within the city shall operate or cause to be operated any automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab while the same or any of the equipment used thereon or therewith shall be in a defective, unsafe or unsanitary condition. The owner or driver shall keep a maintenance log on each vehicle. Each vehicle and the maintenance log shall be available for inspection by the city at all times.

C. By issuance of an owner's permit, said permittee grants permission to the Community Development Department, Public Works Department, or any police officer of the city, to investigate and inspect every such vehicle at any time.

D. Automobile for hire and taxicab permittees shall retain their trip records for a period of not less than six (6) months. During such time, said records shall be available for inspection by the city upon request.

E. Every person or corporation substantially located within the city operating an automobile for hire, dial-a-ride vehicle, jitney, nonemergency medical vehicle or taxicab shall pay a vehicle license fee for the full twelve (12) month period from July 1st of each

year to June 30th of the following year. Any person applying for a vehicle license for less than the full twelve (12) month period shall pay a prorated vehicle license fee.

F. 1. A vehicle inspection fee established by resolution of the city council pursuant to subsection 5.84.020(B) shall be charged for each vehicle inspection or re-inspection as may be required to certify the vehicle. Vehicle inspection fees shall be in addition to any other fee, remedy or penalty provided for elsewhere in this code.

2. Fees shall not be imposed for spot inspections initiated by city employees.

3. Failure to appear at any scheduled inspection shall result in forfeiture of inspection fee.

### **5.68.375 Vehicles—Child Passenger Restraint Systems**

Upon request of a passenger, an owner of any automobile for hire, dial-a-ride vehicle, nonemergency medical vehicle or taxicab operating under this chapter shall make a diligent effort to provide one or more child passenger restraint systems meeting applicable federal motor vehicle safety standards.

### **5.68.380 Insurance Requirements**

A. No owner or driver substantially located within the city shall drive or operate any automobile for hire, dial-a-ride vehicle, jitney, non-emergency medical vehicle or taxicab, or cause the same to be driven or operated, unless there is on file with the Director of Public Works and in full force and effect at all times while such vehicle is being operated, a policy of insurance. The city manager, chief of police, Director of Public Works or any designee thereof may summarily suspend an owner's permit or driver's permit, or both, when it is determined that a violation of the insurance requirements of this section requires such suspension. Except as otherwise provided, the exercise of such power shall be subject to the provision of adequate notice to the affected applicant.

B. Insurance policies for all vehicles as defined in this chapter shall be evidenced by a certificate from an insurer licensed by the state of California to sell commercial automobile liability insurance or a foreign insurance carrier domiciled within the United States but outside California, with a minimum AM. Best Rating (or any other successor entity) of B+. Said policy shall insure and indemnify the owner and passengers riding in owner or driver's vehicle against liability for financial loss resulting from damage to property, or injury occurring to persons or passengers from the operation of such vehicles, in an amount not less than one hundred thousand dollars (\$100,000.00) for bodily injury to any person, three hundred thousand dollars (\$300,000.00) for any one (1) accident and fifty thousand dollars (\$50,000.00) for property damage.

C. Notwithstanding the insurance requirements under subsection B of this section, an owner of an automobile for hire, dial-a-ride vehicle, jitney, nonemergency vehicle or taxicab may, in lieu of a policy of automobile liability insurance with a

deductible limit, provide a policy of automobile liability insurance in the same limits as set forth in subsection B of this section with a self-insured retention not to exceed fifty thousand dollars (\$50,000.00). Said policy shall include an endorsement which generally provides that such insurance provides full coverage and that the insurance carrier is obligated to pay in full, all valid liability claims notwithstanding any self-insured retention.

D. Any policy of insurance pursuant to subsections B or C of this section and certificate evidencing same shall contain a statement of obligation on the part of the insurance carrier to notify the city of any cancellation, termination or reduction in coverage at least thirty (30) days in advance of the effective date of any such cancellation, termination or reduction in coverage. Said policy shall include and identify any deductible limit, which limit shall be subject to approval by the risk manager or city attorney. Said policy shall provide that the insurer shall pay and satisfy any and all judgments imposed upon the insured or the operators of any of its vehicles, by operation of law for injuries to or death of persons other than employees of the insured or damages to property arising out of the operation of the motor vehicle of any kind or description for which a permit is required under this chapter. The policy of insurance and certificate evidencing same shall be subject to approval as to form by the risk manager or city attorney.

If at any time any policy of insurance pursuant to subsections B or C of this section shall be terminated, canceled, reduced in coverage, not renewed by the insurer issuing same, or the owner fails to comply with the provisions of this section, the owner shall replace such policy with another policy in full compliance with this section and show evidence of same to the Director of Public Works no later than thirty (30) days prior to such termination, cancellation, reduction in coverage, nonrenewal or failure to comply with the provisions of this chapter. In default thereof, the Director of Public Works shall revoke the owner's permit and license to operate according to the procedure set forth in Section 5.68.110.

E. The requirements of this section shall not apply to any bus service, dial-a-ride or other transportation service which is under direct contract with the city to provide public transportation services. Any insurance requirements for such direct contract transportation services shall be set forth in the contract and shall be subject to approval by the risk manager or city attorney.

### **5.68.390 Enforcement**

It shall be the duty of the chief of police and Director of Public Works of the city to enforce this chapter.

## **Chapter 5.72 PRIVATE PATROL SERVICES REGISTRATION**

### **5.72.010 Definitions**

Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

“Private patrol operator” or “operator of a private patrol service” means a person, other than an armored contract carrier, who, for any consideration whatsoever, agrees to furnish or furnishes, a sentry, guard, patrol officer or other person to protect persons or property, or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind; or performs the service of such sentry, guard, patrol officer or other person, for any of these purposes.

“Security guard” or “security officer” means an employee in a private patrol operator who performs the functions described in the above definition, on or about the premises owned or controlled by the customer of the private patrol operator or in the company of persons being protected.

“Street patrol officer” means a security guard or security officer employed by a private patrol operator who performs the functions described in this section, by street patrol service utilizing foot patrol, motor patrol or other means of transportation in public areas, streets or public thoroughfares in order to serve multiple customers. Street patrol officer does not include management or supervisory employees of the private patrol operator moving from one customer location to another, to inspect personnel or security guards or security officers.

#### **5.72.020 Permit—Private Patrol Service**

No person shall maintain, conduct, manage, carry on or solicit business for any private patrol service unless such person registers in accordance with this chapter.

#### **5.72.030 Registration—Private Patrol Service**

Every person who engages in the business of private patrol service or who is a private patrol service operator shall register with the chief of police by doing all of the following:

A. File a true and correct copy of his/her state license, under California Business and Professions Code § 7582, with the chief of police;

B. Submit his/her name, date of birth and valid California driver’s license number on a form prescribed by the chief of police.

C. Provide a list of the names, dates of birth and valid California driver’s license numbers for each employee who is to be employed at job locations within the city. The operator shall amend such list whenever it is necessary to add to, delete or otherwise correct the information contained therein.

#### **5.72.040 Registration—Time for Completion**

The registration required by this chapter shall be completed at least seventy-two hours prior to the performance of any duties as an operator of a private patrol service.

#### **5.72.050 Registration—Denial or Suspension—Appeal**

A. Any person found by the chief of police to be a person of bad moral character may be denied registration by the chief of police. Any determination of bad moral character shall be based upon reliable information including, but not limited to, corroborated complaints, criminal records, evidence of misconduct involving moral turpitude or other trustworthy sources of information.

B. Any person who has completed his/her registration as required by sections 5.76.030 and 5.76.040, shall have his/her registration suspended upon subsequent written notification of a determination by the chief of police that such person has been found to be a person of bad moral character.

C. Any denial or suspension of any registration pursuant to this code shall be appealable in the manner set forth in chapter 2.88.

#### **5.72.060 Official Badge and Uniform—Requirements**

##### **A. Badge.**

1. No security guard, security officer or street patrol officer, while performing the duties related thereto, shall wear or use any badge, except as prescribed by state law and this code and then only at such times, as shall be permitted by state law and this code.
2. Any badge worn by a security guard, security officer or street patrol officer, shall be constructed and designed in such a way so as to differ from, and not be confused with, a regular police officer's badge.

##### **B. Uniform.**

1. The official uniform of security guards, security officers and street patrol officers, shall consist of such articles of wearing apparel and insignia and be of such type, style, design and color as may be prescribed by the chief of police with the approval of the city manager.
2. No security guard, security officer or street patrol officer, while performing the duties related thereto, shall wear or use any uniform, except as prescribed by state and/or local law, and then only at such times as shall be permitted by state and/or local law.
3. Any uniform worn by a security guard, security officer or street patrol officer, shall be constructed and designed in such a way so as to differ from, and not be confused with, a regular police officer's uniform.
4. No person, other than a security guard, security officer or street patrol officer, shall wear any uniform of a pattern, design or appearance likely to cause others to believe that the wearer is a security guard, security officer or street patrol officer.

### **5.72.070 Carrying and Showing of Identification**

No security guard, security officer, street patrol officer or operator of a private patrol service shall refuse to show his/her state identification card when requested to do so by any regular police officer. Such card shall be carried on the person at all times while such person is on duty.

### **5.72.080 Supervision—Enforcement**

A. All private patrol services shall be operated and conducted under the supervision of the chief of police.

B. It shall be the duty of the chief of police to enforce the provisions of this chapter.

### **5.72.090 Violation**

It is unlawful for any person to engage in the business of private patrol service after having his/her registration denied or suspended.

## **Chapter 5.76 BOXING, WRESTLING AND OTHER CONTACT SPORTS**

### **5.76.010 Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings ascribed to them, unless otherwise noted:

“Applicant” means the person or promoter who desires to use the city’s Civic Auditorium for a professional boxing event.

“Boxing” means the act, activity, or sport in which two (2) or more contestants, in a bona fide athletic contest:

1. Forcibly punch each other’s head and upper torso, using only their fists and padded gloves; and
2. Score points, in one (1) or more rounds, from a judge or judges.

“Event” means a bout, competition, contest, match, meet, session, exhibition, show, program, or tournament that is:

1. Held or conducted within the city; and
2. Open or accessible to the general public—regardless of any admission fee or age requirement—or closed to the public for a private function.

“Kickboxing” has the same meaning as that term is defined in California Business and Professions Code Section 18627(b), or any successor legislation.

“Mixed martial arts”:

1. Means—regardless of what it is formally called, whether cagefighting, vale tudo, no holds barred, sport karate, pankration, or otherwise—the act, activity, or sport:
  - a. In which:
    - i. Two (2) or more contestants—using a combination of two (2) or more combat sports (including, but not limited to, boxing, kickboxing, taekwondo, karate, wrestling, judo or jujitsu)—strike, kick, hit, punch, grapple with, jump on, throw, unbalance, immobilize, or subdue each other; and
    - ii. One (1) or more of the following circumstances exist:
      - (A) Contestants compete for valuable consideration, including, but not limited to, a purse, money, or prize;
      - (B) Contestants participate in a bona fide athletic contest or competition;
      - (C) Contestants use their best efforts to win; or
      - (D) Contestants score points, in one (1) or more matches, from a judge or judges; and
  - b. That is subject to regulation under California Business and Professions Code, Division 8, Chapter 2, Sections 18600 to 18887, or any successor legislation.
2. Does not include professional boxing.

“Professional boxing”:

1. Means boxing that is:
  - a. Subject to regulation under California Business and Professions Code, Division 8, Chapter 2, Sections 18600 to 18887, or any successor legislation; and
  - b. Performed for valuable consideration, including, but not limited to, a purse, money or prize.
2. Does not include an act, activity, or sport in which each contestant—using one (1) or more parts or appendages of the body, or using any combination of them—strikes, kicks, hits, punches, grapples with, jumps on, throws, unbalances, immobilizes, or subdues the other contestant, such as any one (1) or more of the following contact sports or activities:
  - a. Kickboxing;
  - b. Mixed martial arts;
  - c. Wrestling; or
  - d. Professional wrestling.

“Professional wrestling” means an act, activity, or sport in which:

1. Two (2) or more contestants—using one (1) or more parts or appendages of the body, or using any combination of them—strike, kick, hit, punch, grapple with, jump on, throw, unbalance, immobilize, or subdue each other; and
2. One (1) or more of the following circumstances exist:
  - a. Contestants compete for valuable consideration, including, but not limited to, a purse, money, or prize;
  - b. Contestants provide staged entertainment for spectators rather than participate in a bona fide athletic contest or competition;
  - c. Contestants may not use their best efforts to win; or

d. The winner may have been selected before the contestants perform in front of spectators.

“Promoter” means a person who organizes, promotes, produces, conducts, or carries on a professional boxing event.

“Purse”:

1. Means the financial guarantee or other remuneration for which contestants are participating in an event.
2. Includes a contestant’s share of any payment that the contestant receives for radio broadcasting, television (whether over-the-air, cable, pay-per-view, or closed-circuit), motion picture rights, or event admission (gate) receipts.

“School, college, or university” means a secondary school, the University of California, a California State University, public community college, or any other private, postsecondary educational institution that is:

1. Established, operated, and governed by the federal government or by this section, or its political subdivisions; or
2. Licensed, approved, registered, certified, accredited, or recognized by:
  - a. This state or its political subdivisions;
  - b. The United States Department of Education or other federal agency; or
  - c. An accrediting agency or association included in a list that the United States Secretary of Education publishes under the requirements of the Higher Education Act of 1965, as amended (20 U.S.C. Section 1001(c), or any successor legislation).

“Sparring” means a practice round or training exercise in boxing, in which two (2) or more contestants partake in the motions or semblance of boxing—such as jabbing or feinting movements—with or without landing a punch on the other person.

“Wrestling” means the act, activity, or sport in which two (2) or more contestant, in a bona fide athletic contest:

1. Struggle against each other to unbalance, immobilize, or subdue the other person, using grappling techniques or maneuvers (including, for example, clinching, throws, takedowns, joint locks, pins, holds, escapes, turnovers, or reversals); and
2. Score points, in one (1) or more matches, from judge or judges.

#### **5.76.020 Prohibited.**

Except as Section 5.76.030 or 5.76.040 of this chapter provides, no person shall conduct, operate, hold, produce, carry on, or participate in:

- A. A boxing event.
- B. A sparring event.
- C. A kickboxing event.
- D. A professional boxing event.
- E. A wrestling event.
- F. A professional wrestling event.

G. A mixed martial arts event.

**5.76.030 Exception—School, college, or university.**

The prohibition of Section 5.76.020 does not apply to a boxing event, sparring event, wrestling event, or mixed martial arts event, when:

A. A school, college, or university—or an association or organization composed exclusively of schools, colleges, or universities—sponsors, hosts, organizes, conducts, or operates the event; and

B. Each contestant in the event is a bona fide student who is regularly enrolled for not less than one-half ( $\frac{1}{2}$ ) time in a school, college, or university.

**5.76.040 Exception—Professional boxing at the Glendale Civic Auditorium; reservations request; conditions for holding event.**

A. The prohibition of Section 5.76.020 does not apply to a professional boxing event that takes place at the city's Civic Auditorium, when the director of community services and parks or a designee approves the facility's use for the event.

B. An applicant shall complete a Civic Auditorium reservation request form and submit it to the director of community services and parks or a designee.

C. The director of community services and parks or a designee:

1. Shall evaluate, on a case-by-case basis, each request to hold a professional boxing event at the Civic Auditorium;
2. May refer the completed reservation request to city departments or sections—including, but not limited to, police, fire, building and safety, and traffic engineering—for any one (1) or more of the following purposes:
  - a. A review of the completed reservation request;
  - b. An investigation of the applicant's background; or
  - c. A recommendation of conditions or requirements for the facility's use for the professional boxing event;
3. May require the applicant to provide additional information, or documents, or both;
4. Shall approve the reservation request, approve the reservation request with conditions, or disapprove the reservation request; and
5. May prepare, adopt, amend, repeal, and enforce rules, regulations, or procedures for:
  - a. Using the Civic Auditorium for a professional boxing event;
  - b. Limiting the maximum number of professional boxing events occurring at the Civic Auditorium in a calendar month, or calendar year, or both; and
  - c. Implementing and administering this section.

D. An applicant shall:

1. Pay to the city:
  - a. All fees and deposits for renting or using the Civic Auditorium, and

b. All fees, costs, and expenses that the city incurs for the professional boxing event, including, but not limited to:

- i. Administrative costs;
  - ii. Inspection and investigatory fees; and
  - iii. Expenses in providing city personnel for security or another purpose;
2. Furnish all additional information and documents that the city deems necessary or appropriate for its review of the completed reservation request; and
  3. Comply with all conditions and requirements that the city deems necessary or appropriate for using the Civic Auditorium for the professional boxing event.

E. An applicant may appeal to the council within the time and in the manner provided in Chapter 2.88, or any successor legislation, when the director of community services and parks or a designee:

1. Disapproves the applicant's Civic Auditorium reservation request to use the facility for a professional boxing event; or
2. Imposes one (1) or more conditions as part of the reservation request's approval.

F. When an applicant fails, neglects, or refuses to pay one (1) or more fees, costs, deposits, or expenses, or when an applicant otherwise pays the fee, cost, deposit, or expense but later cancels or stops payment on it—and in either situation the fee's, cost's, deposit's or expense's payment is lawfully due or owing—the unpaid amount constitutes a debt owed to the city by that applicant, from whom the city may recover in a civil action.

## **Chapter 5.80 STATE VIDEO SERVICE FRANCHISES**

### **5.80.005 Purpose and Intention**

A. It is the purpose and intention of this chapter to exercise the city's rights and responsibilities to the fullest extent possible pursuant to DIVCA with respect to state video franchise holders. The provisions of this chapter are to be construed in a manner that is consistent with the California Public Utilities Code and the applicable rules of the Public Utilities Commission promulgated thereunder.

B. The city reserves the right to construct, operate, maintain and repair its own cable system or video service provider network.

### **5.80.010 Definitions**

For the purposes of this chapter, the following words shall have the meanings as set forth herein. Words not defined in this chapter shall have the same meaning as established in (1) the California Public Utilities Code, and, if not defined therein, (2) the commission rules and regulations implementing the California Public Utilities Code, and, if not defined therein (3) Title VI of Title 47 of the United States Code, and, if not defined therein, (4) their common and ordinary meaning.

A. "CPUC" means the California Public Utilities Commission.

B. "DIVCA" means The Digital Infrastructure and Video Competition Act of 2006, Assembly Bill 2987 (Ch. 700, Stats. 2006), codified at Public Utilities Code sections 5800, et seq., and the rules and regulations of the California Public Utilities Commission promulgated thereto, as amended.

C. "Gross revenue" means the definition as set forth in California Public Utilities Code section 5860(d), as amended.

D. "Material breach" means any substantial and repeated failure of a video service provider to comply with service quality and other standards as specified in this chapter.

E. "PEG" means public, educational and governmental access channels.

F. "PEG access fee" means a fee designated for the support of PEG facilities.

G. "State video franchise" means a video franchise that is issued pursuant to DIVCA.

H. "State video franchise holders" means any cable operator or video service provider that, pursuant to the California Public Utilities Code, has been granted by the CPUC a state video franchise to provide cable or video service by means of communications service equipment or facilities and whose video service area includes all or any part of the incorporated limits of the city.

#### **5.80.020 State Franchise Holder—Duty to Comply with All Laws**

A. Except as otherwise provided by law, a state video franchise shall not relieve a state video franchise holder of its duty to comply with all laws, including the ordinances, resolutions, rules, regulations, and other laws of the city, and every state video franchise holder shall comply with the same.

#### **5.80.030 Administration and Regulations**

A. The city manager is hereby authorized to administer this chapter and to provide or cause to be provided any notices (including noncompliance notices) and to take any action on behalf of the city that may be required under this chapter, the California Public Utilities Code, or under applicable law.

B. The failure of the city, upon one (1) or more occasions, to exercise a right or to require compliance or performance under this chapter or any other applicable law shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance, unless such right has been specifically waived in writing or its exercise by the city is not permitted by the California Public Utilities Code.

C. The city may designate one (1) or more entities, including itself, to control and manage the use of PEG access channels, and any PEG facilities and equipment (in addition to any other communications service equipment or facilities) owned, controlled or used by the city or the designated entity or entities.

#### **5.80.040 Franchise and PEG Access Fees**

A. Every state video franchise holder operating within the jurisdictional boundaries of the city shall calculate and remit to the city the following fees:

1. A franchise fee equal to five (5) percent of that state franchise holder's gross revenues;
2. A PEG access fee equal to two (2) percent of the gross revenues of that state video franchise holder which fee shall be used by the city for PEG purposes.

B. Franchise fees and PEG access fees shall be remitted to the city on a quarterly basis within forty-five (45) days after the end of each calendar quarter. Each payment shall be accompanied by a detailed summary explaining the basis for the calculation of the fees. A late payment charge equal to the highest prime lending rate during the period of delinquency plus one (1) percent will be applied to any payment due by a state video franchise holder when said fees are not received or underpaid.

#### **5.80.050 Enforcement of Customer Service and Protection Standards**

A. State video franchise holders shall comply with all applicable state and federal customer service and consumer protection standards pertaining to the provision of video services, including any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply.

B. The city manager shall monitor the compliance of state video franchise holders with respect to state and federal customer service and protection standards. The city manager shall also provide state video franchise holders with written notice of any material breaches of applicable customer service standards, and shall allow said state video franchise holders at least thirty (30) days from the receipt of said written notice to remedy the specified material breach. Material breaches not remedied within said thirty (30) day time period shall be subject to the following penalties imposed by the city manager irrespective of the number of customers or subscribers affected.

1. For a first material breach, a fine of five hundred dollars (\$500.00) shall be imposed for each day the violation remains in effect, not to exceed one thousand five hundred dollars (\$1,500.00) for each violation.
2. For a second material breach of the same nature occurring within twelve (12) months, and the city has provided notice and a fine or penalty has been assessed, a fine of one thousand dollars (\$1,000.00) shall be imposed for each day the material breach remains in effect, not to exceed three thousand dollars (\$3,000.00) for each material breach.
3. For a third or further material breach of the same nature occurring within those same twelve (12) months, and the city has provided notice and a fine or penalty has been assessed, the penalties may be increased to a maximum of two thousand five hundred

dollars (\$2,500.00) for each day of each material breach not to exceed seven thousand five hundred dollars (\$7,500.00) for each material breach.

C. Any interested person may appeal a penalty assessed by the city manager to the council according to the uniform appeal procedure set forth in Chapter 2.88 of this code. The council shall hear all evidence and relevant testimony and may uphold, modify or vacate the penalty. The council's decision on the imposition of a penalty shall be final.

#### **5.80.060 Audit Authority**

Not more than once annually, the appropriate city department may examine the business records of a state video franchise holder to ensure compliance with all applicable statutes and regulations related to the computation and payment of franchise fees and PEG access fees.

#### **5.80.070 State Video Franchise Applications or Amendments**

A. Applicants for state video franchises for operations within the boundaries of the city must concurrently provide complete copies to the city of any application or amendments to state video franchises filed with the CPUC. One (1) complete copy must be provided to both the city clerk and the city manager.

B. The city manager shall provide any appropriate comments to the CPUC regarding an application or an amendment to a state franchise.

### **Chapter 5.84 TEMPORARY PLACE OF AMUSEMENT PERMIT**

#### **5.84.010 Definitions**

For the purposes of this chapter, the following words shall have the meanings ascribed to them unless otherwise noted:

“City Manager” means the City Manager or a designee.

“Place of amusement” means a circus, menagerie, wild animal show, trained animal show, rodeo, Ferris wheel, merry-go-round, traveling show, fair, museum, exhibition, carnival, haunted house, or similar, temporary site or venue for purposes of entertainment, leisure, or education that is open to the public either for a cost or for free.

“Temporary” means 45 days or fewer, but does not exclude similar places of amusement for which explicit, written permission has been granted by the City Manager for a longer term.

#### **5.84.020 Permit—Required**

No person shall establish, set up, maintain, exhibit, conduct or carry on in the city any temporary place of amusement, unless a permit to do so has first been issued as provided in this chapter and is in full force and effect.

#### **5.84.030 Permit—Duration**

A temporary place of amusement permit shall be established, set up, maintained, exhibited, conducted, or carried on only during the dates for which the permit was issued. All setup and teardown must be accomplished within the dates for which the permit was issued. No temporary place of amusement permit shall be issued for a period of greater than 45 days without explicit, written permission from the City Manager.

#### **5.84.040 Permit—Application**

A. Any person desiring a permit required by section 5.84.020 shall make application therefor to the City Manager's office. The application shall be verified and shall set forth:

1. The name, address and valid telephone number of the applicant;
2. If the applicant is a corporation, the names, telephone numbers and addresses of the corporate officers;
3. The name, address and telephone number of the proprietor and the person to be in immediate charge of the temporary place of amusement;
4. The location at which it is proposed to conduct the temporary place of amusement;
5. The dates during which it is proposed to conduct the temporary place of amusement, as well as dates required for setup and teardown; and
6. A description of the temporary place of amusement proposed to be conducted and the method of operation.

B. The application shall be reviewed by the City Manager prior to approval or disapproval.

#### **5.84.050 Permit—Issuance or Denial**

The City Manager shall cause such investigation to be made as the City Manager deems necessary and shall thereafter approve and issue the proposed permit required by section 5.84.020, if the City Manager finds that the proposed temporary place of amusement is not of such a character to disturb the public peace or be injurious to public health, and that the conducting thereof in the proposed location will not disturb the peace and quiet of any considerable number of persons residing in the vicinity thereof; otherwise the City Manager shall disapprove the application.

#### **5.84.060 Permit—Suspension and Revocation**

Any permit issued under the terms of this chapter may be suspended or revoked by the City Manager when it shall appear to the City Manager that the business or occupation, or the doing or performance of the act for which the permit was granted, is conducted, maintained, done or performed contrary to the application described in this chapter, or in violation of any law of the state or ordinance of the city, or is conducted, maintained, performed or done so as to constitute a nuisance or disturb the peace of persons in the vicinity or in any manner deleterious to the public peace, health or welfare; provided, however, that no such permit shall be revoked or suspended by virtue of this section until a hearing shall have been held by the City Manager. Written notice of the time and place of such hearing shall be served upon the person to whom the permit was granted at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the person to be notified, or by depositing it in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the address appearing in the application. In addition to the power to suspend a permit after hearing, a permit issued for a limited period of time may be suspended, without notice, but in the event of such a suspension the hearing must be held within five (5) days after the order of suspension unless continued or postponed at the request of the permittee. In the event an application is denied or a permit is revoked under this chapter, the holder thereof may not reapply for a permit required by Section 5.84.010 for a period of six (6) months.

#### **5.84.070 Appeal**

Any person aggrieved by the action of the City Manager in approving or disapproving the issuance of a permit, or in revoking or suspending or refusing to revoke or suspend any permit may appeal to the council within the time and in the manner provided in Chapter 2.88.

### **Chapter 5.88 COMMERCIAL SPECIAL EVENT PERMIT**

#### **5.88.010 Purpose and Findings**

In adding this Chapter, the city council found that established business and community benefit districts as well as recognized merchants associations have a significant stake in assuring the viability of individual businesses within the geographic areas of the city for which these districts and merchants associations have been established.

The maintenance of businesses within the jurisdiction of these districts and merchants associations becomes particularly critical in times of economic downturns. Districts are a form of self-assessment to raise funds to promote and strengthen local businesses. Recognized merchants associations are provided funding by the city or other agencies to accomplish similar promotional goals. Commercial special events which utilize public property may run counter to the goal of supporting businesses within

districts and merchants associations. It is therefore important to assess whether a commercial special event will, in any way, detract or negatively impact the healthy, vibrant business climate within a district or merchants association.

Toward that end, the council found and determined that a commercial special event could have a deleterious effect on businesses in a business and community benefit district or within the jurisdiction of a merchants association and therefore requires that regulations be adopted which assess the potential impacts and permit the districts and merchants associations to provide input on the potential impacts, if any, to the businesses within their jurisdiction.

Additionally, in amending this Chapter, the city council finds that similar interests and impacts may occur outside of an established business and community benefit district, specifically in regard to City streets and traffic. Therefore the city council requires that these regulations and permit requirements be expanded to include any commercial special event that have an effect on City streets and/or traffic.

### **5.88.020 Definitions**

For purposes of this chapter, the words and phrases below have the meanings designated:

“Business and community benefit district” means Montrose Shopping Park Association Business Improvement District and the Greater Downtown Glendale Community Benefit District.

“Commercial” means a transaction for financial compensation, whether the compensation is paid immediately or offered as part of the transaction, or the exchange, production, purchase or sale of goods or services of any kind or nature.

“Commercial special event” means a program, activity or event which is put on or sponsored by a person or entity for the purposes of promoting or engaging in a commercial transaction. Examples include, but are not limited to, farmers markets, swap meets, street fairs, art and/or craft shows, outdoor concerts, festivals, or carnivals.

“Merchants associations” means the following: Downtown Glendale Merchants Association; Kenneth Village Merchants Association; Sparr Heights Merchants Association and Brand Boulevard of Cars.

### **5.88.030 Permit Required**

No person shall use or occupy public property including, but not limited to, sidewalks, streets, public parking facilities, parkways or alleys in the city of Glendale for a commercial special event, or hold or cause to be held a commercial special event that has an effect on such public property, without first obtaining from the city manager a written permit therefor. All requirements for obtaining a permit pursuant to this chapter are in addition to any other applicable local, state or federal law and regulation.

A. A person or entity desiring a permit under this chapter shall submit to the City Manager's office a complete written application on a form provided by the City Manager. The application shall contain true and correct information including, but not limited to, the following:

1. Name and residence or business address of the person(s) or entity making such application, a detailed statement of the location and area of the proposed commercial special event, the date(s) of the proposed commercial special event, and a detailed statement of the proposed event including, but not limited to, whether the event contemplates sales, displays, the nature of any goods or services to be displayed, sold, purchased, exchanged or produced, and any other information determined necessary by the city manager.

B. Each application submitted shall include a fee as determined by resolution of the council.

#### **5.88.040 Application—Processing**

Upon submission of an application to the City Manager's office, the City Manager, or a designee, shall circulate the application amongst city departments for review and comment. Such comments should focus on impacts of the proposed commercial special event including, but not limited to, city liability, parking, traffic, air quality, noise, and other potentially adverse physical impacts, and whether any conditions are required to ameliorate any identified impacts. In addition, the City Manager, or a designee, shall submit the application to all business and community benefit districts and merchants associations. The districts and merchants associations shall have the opportunity to comment and submit recommendations on the permit application. The comments and recommendations, if any, shall be submitted to the City Manager's office within ten (10) days from the date of mailing by the City Manager, or a designee.

A. After circulation and receipt of comments by city departments and comments by districts and merchants associations, or the expiration of thirty-five (35) days from the date of receipt of the application, whichever shall first occur, the City Manager, or a designee, shall, after review, either approve, approve with conditions, or deny the application for a commercial special events permit.

B. The applicant, business and community benefit districts and merchants associations as defined herein, may appeal to the council the approval, approval with conditions or denial of any application for a commercial special events permit pursuant to the provisions of Glendale Municipal Code Chapter 2.88.

### **Chapter 5.92 MOTION PICTURE AND TELEVISION PRODUCTION PERMIT**

#### **5.92.010 Motion Picture and Television Production**

A. No person shall engage in the business or the activity of filming, taking or producing motion pictures for educational, entertainment or other commercial purposes, other than for news purposes, at any time and at any place other than at or in an established motion picture or television studio in the city and no person shall engage in such business or activity for such purposes, other than for news purposes, anywhere at any time if the services of city employees, or if the rental or other use of city-owned personal property and/or utilities, other than utilities paid for by private service users serviced by the city, is or are involved, unless a permit for such business or activity during such period of time has first been granted by the City Manager or a designee.

B. In no event shall such activities be performed or conducted in excess of the time period for which the permit provided for in subsection A of this section is issued.

#### **5.92.020 Motion Picture and Television Production—Permit—Application—Form and Fees**

A. No permit required by section 5.92.010 shall be issued until after: (1) the applicant has first completed, signed and dated an application for the permit on forms provided by the City Manager or a designee; (2) the applicant has deposited with the City Manager or a designee a permit application and investigation fee; (3) the applicant has deposited with the City Manager or a designee all other sums of money and/or completed documents as may be required under this code.

B. The amount or rate of any permit, license, charge or other fee under this chapter shall be established and/or modified by resolution of the city council. The schedule for the fees shall remain on file and be available in the office of the city clerk. The City Manager or a designee shall review the fees charged at least once annually and shall recommend changes to the council when appropriate.

#### **5.92.030 Motion Picture and Television Production-Permit-Application Requirements**

A. The City Manager or a designee shall prepare and supply a form for application for the permit required by section 5.92.010. The form shall require the following information and shall be signed and dated by the applicant:

1. Full legal name of applicant;
2. Business name of applicant (if different);
3. Business address of applicant;
4. Business telephone of applicant;
5. Location of proposed filming or taping;
6. Dates and times of proposed filming or taping;
7. List of all motor vehicles (by make, type and license number) of applicant, applicant's agents or employees to be parked on city streets or parking lots during filming or taping;
8. Services of city employees desired or required on location during filming or taping;
9. Description of scene to be filmed or taped;
10. Name of person in charge on location;

11. Detailed site map indicating locations of major equipment and functional areas (filming, staging, base camp, generators, etc.); and
12. Any other information as the city manager may deem necessary or desirable.

B. An original application submitted for processing and review may be amended or revised before the effective date of the permit. No such original application shall be amended or revised more than twice. Thereafter, a new application shall be filed and another original application fee shall be paid.

#### **5.92.040 Motion Picture and Television Production—Permit—Charges for Use of City Property and Employees**

A. A charge is imposed for the use or occupation of city-owned or controlled real property, including public streets, when the proposed use or occupation may be exclusive or otherwise disruptive of the free public use by either motor vehicles or pedestrians, or both, for the purposes designated in section 5.92.010.

B. A charge is imposed for the services of each city officer or employee, including public safety personnel, used for any purpose arising out of or connected with the issuance of a permit under section 5.92.010.

C. A charge is imposed for each inspection by fire division personnel of the location of the proposed filming or taping.

D. A charge is imposed for costs of overhead and administration incurred by the city.

E. A charge is imposed for each item of city-owned or controlled personal property and/or utilities, other than utilities paid for by private service users serviced by the city, used for any purpose arising out of or connected with the issuance of a permit under section 5.92.010. The amount of the charge, if not provided elsewhere in this code, shall be in accordance with a rate schedule to be approved by the City Manager.

F. Any charges imposed in this code are in addition to the permit application and investigation fee required by section 5.92.020(A). Before the City Manager or a designee issues the permit, the applicant shall make a minimum deposit. The minimum deposit shall be the amount of the permit application and investigation fee, together with a sum equal to the estimated total of all charges due or payable under this code for each calendar day for which the permit is in effect. For deposit purposes, each portion of a calendar day shall be counted as a full calendar day or as eight hours, whichever is applicable. Any unearned portion of the deposit shall be returned to the permittee after completion of the authorized activities for which the permit was issued. Any amount due the city in excess of the deposit shall be payable within ten days after receipt of an itemized statement of charges, less the amount of the deposit. The permit application and investigation fee shall be paid and collected at the time the application for the

permit is filed. The minimum deposit need not be made until immediately before the permit is issued.

#### **5.92.050 Motion Picture and Television Production—Permit—Conditions of Approval**

A. It shall be a condition of the issuance and continued validity of any permit granted under section 5.92.010 that the permittee first take out, pay for and maintain a policy of general liability insurance. The policy shall insure the city, its agents, officers and employees against any liability, or claims of liability, brought or made by or on behalf of any person for property damage or personal injury, including accidental death, occurring during the period and as a result of the activities for which the permit was issued. The policy shall cover damages, injuries or losses caused by or arising out of: (1) any negligent act or omission of the permittee, the permittee's agents, officers or employees, or of any agent, officer or employee of the city; and (2) the condition of any city-owned or controlled property, whether real or personal. The amount of coverage shall be not less than five hundred thousand dollars as a combined single limit; provided, however, that the city manager shall have authority to require higher limits if, in the city manager's opinion and discretion, the type of activity permitted is of a nature that warrants greater risk protection. In addition, the policy shall contain a severability of interest clause and provide that the coverage shall be primary for losses arising out of the permittee's activities. Neither the city nor any of its insurers shall be required to contribute to any loss.

B. The permittee shall furnish a certificate of insurance countersigned by the insurance carrier on a form of the carrier setting forth the general provisions of the insurance coverage. This countersigned certificate, along with an additional insured endorsement, shall verify that the city, its agents, officers and employees are named as additional insureds under the policy, and further, that this insurance is primary to the coverage of the city. The certificate of insurance shall contain a statement of obligation on the part of the carrier to notify the city of any material change, cancellation or termination of the coverage at least thirty days in advance of the effective date of the change, cancellation or termination.

C. It shall be a condition of the issuance of any permit granted under section 5.92.010 that the permittee shall agree to defend and to hold the city, its agents, officers and employees harmless from any and all liability, claims and actions of any kind whatsoever resulting from or arising out of the city's issuing the permit.

D. It may be a condition of the issuance of any permit granted under section 5.92.010, if in the City Manager's opinion and discretion such condition is necessary or desirable in the city's best interest, that the permittee be required to take out, apply for and maintain policies of insurance, such as auto or fire coverage, and/or faithful performance bonds, in coverage limits and/or penal sums as the City Manager may deem appropriate under the circumstances surrounding the activities permitted.

E. All documents required by section 5.92.030 and this subsection shall be completed by or on behalf of the permittee. All documents shall be reviewed and approved by the City Attorney before the permit is executed by the city manager.

#### **5.92.060 Motion Picture and Television Production—Permit—Issuance or Denial**

The City Manager or a designee shall issue a permit as required by section 5.92.010 unless the city manager finds that any information or statement contained on the permit application form is untrue or that the public health, safety or welfare will be, or has been, adversely affected to a significant degree by any one or more of the following:

- A. Anticipated or actual:
  - 1. Land use contemplated,
  - 2. Disruption or obstruction of traffic, parking or business,
  - 3. Length of time required to conduct specified activity;
- B. Attitude of neighborhood;
- C. Number of permits granted previously for specified location;
- D. Past performance of permittee in adhering to conditions.

#### **5.92.070 Motion Picture and Television Production—Permit—Exceptions—Fees**

A. The application and investigation fee set forth in Section 5.92.020(A) and the per day charge set forth in Section 5.92.040(A) shall not be applicable to a public affairs program (as defined by the Federal Communications Commission) under the following circumstances:

- 1. When the proposed use or occupation is of a public street, provided that the use is not exclusive or otherwise disruptive of the free public use by motor vehicles, pedestrians or both;
- 2. When the proposed use is of city-owned or controlled real property other than public streets.

B. For nonprofit corporations, organizations or associations (as defined by Revenue and Taxation Code Sections 23701d and 23701(1)) and for students who are enrolled in a school, college or university (as defined by Business and Professions Code Section 18629) and who are filming or videotaping as part of a class project, the application and investigation fee set forth in Section 5.92.020(A) shall be established by resolution.

**SECTION 6. CEQA.**

The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) on the grounds that it can be seen with certainty that this Ordinance will not have a significant effect on the environment, as all changes and edits were intended to streamline and clarify existing procedures or delete obsolete procedures entirely.

**SECTION 7. Severability.**

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of the Ordinance without the invalid or unconstitutional provision.

**SECTION 8. Effective Date.**

This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Adopted by the Council of the City of Glendale on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    )       SS.  
CITY OF GLENDALE            )

I, Aram Adjemian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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City Clerk