

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING SECTIONS OF DUARTE MUNICIPAL CODE CHAPTERS 5.04, 5.08, 5.12, 5.16, 5.24, and 5.60 REGARDING LICENSE AND PERMIT FEES

WHEREAS, the City of Duarte currently includes business license fees within Title 5, Business Licenses and Regulations, of the Duarte Municipal Code; and

WHEREAS, pursuant to Section 5.04.215 of the Duarte Municipal Code, the license fees contained in Chapter 5.08 of Title 5 of the Duarte Municipal Code are subject to an annual cost of living adjustment; and

WHEREAS, based on the application of the annual cost of living adjustment, the license fee amounts specified within the Duarte Municipal Code are outdated and cause confusion for members of the Duarte business community; and

WHEREAS, for convenience of the public, it is desirable to remove the specific license fee amounts from the Duarte Municipal Code and include the license fee amounts in an annual resolution of the City Council, which will confirm the license fee amounts for each year; and

WHEREAS, confirming the license fee amounts in an annual resolution of the City Council does not change the license fee amounts that would be calculated and applicable if the specific license fee amounts were to remain in the Duarte Municipal Code; and

WHEREAS, the license fees amount shall be removed from the Duarte Municipal Code and placed into a resolution.

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

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Certain sections of Duarte Municipal Code Chapters 5.04, 5.08, 5.12, 5.16, 5.24, and 5.60 are amended as demonstrated in Exhibit A. Sections not referenced in Exhibit A remain unchanged.

SECTION 3. The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment. In addition, the repeal is exempt under CEQA Guidelines section 15321, relating to the enforcement of a law.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by a vote of no less than a majority of City Council at a regular meeting of the City Council of the City of Duarte held on the 12th day of November 2024.

Vinh Truong
Mayor

APPROVED AS TO FORM:

Thai Viet Phan
City Attorney

ATTEST:

Annette Juarez
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 926 was introduced for first reading on October 8, 2024 and was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 12th day of November 2024, by the following vote:

AYES:
NOES:
ABSENT:

Annette Juarez
City Clerk

Chapter 5.04 - LICENSES AND PERMITS GENERALLY

5.04.010 - Definitions.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the words and phrases used herein shall have the following meaning:

- (a) LICENSE OR LICENSEE. "License" or "licensee" as used generally herein means and includes respectively, the words "permit," or "permittee" or the holder for any use or period of time of any similar privilege wherever relevant to any provision of this title or other ordinance.
- (b) PREMISES. "Premises" means and includes all lands, structures, places and the equipment and appurtenances connected or used therewith in any business, and also, any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

5.04.020 - License required.

No person shall engage in any business which is subject to a license fee under this title without having procured a proper license as prescribed in this title and without complying with all regulations of such business contained in this title and other ordinances.

5.04.030 - Permits as prerequisite.

No license shall be issued to engage in any business when the provisions of this title, or other ordinance of this city, require a permit to be obtained as a prerequisite to engaging in such business, until such permit is first obtained. Any license issued in violation of this section shall be void.

5.04.040 - Issuance of license—Contents.

All licenses shall be prepared and issued by the director of finance appointed by the city council or by a person duly appointed to do so by the director of finance. Each license shall state upon its face at least the following:

- (a) The person to whom issued;
- (b) The kind of business licensed thereby;
- (c) The location of such business;
- (d) The effective date of such license;

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- (e) The expiration date of such license;
- (f) Such other information as shall be deemed necessary by the director of finance.

5.04.050 - Duration of license.

The duration of any license issued under the provisions of this title shall be limited as follows:

- (a) Except as otherwise provided in this title, if the license fee is any annual license fee, the license shall expire on the last day of the eleventh month following the issuance of the license. For example, a license issued during the month of November shall expire on October 31st of the following year.
- (b) Nine (9) month licenses shall be in effect from the day on which the license is issued to and through nine (9) months and shall expire exactly nine (9) months after the day the license is issued. Six (6) month licenses shall be in effect from the day on which the license is issued to and through six (6) months and shall expire exactly six (6) months after the day the license is issued. Three (3) month licenses shall be in effect from the day on which the license is issued to and through three (3) months and shall expire exactly three (3) months after the day the license is issued. For example, a three month license issued on November 15th would expire on February 15th.
- (c) If the license fee is a daily license fee, the license shall expire twenty-four hours from the time it becomes effective.
- (d) All license fees which apply to business categories not falling within the scope of the above subsection shall be governed by the specific expiration dates set forth in the applicable sections.

5.04.060 - Applicant in debt to city.

No license for any ensuing, current or unexpired license period shall knowingly be issued to any person who, at the time of making application for any license, is indebted to the city for any unpaid license fee required to be paid under the provisions of this title.

5.04.070 - Licenses nontransferable—Exceptions.

No license issued under this title shall be transferable; provided, however, that where a license is issued authorizing a person to conduct a business at a particular place, such licensee may, upon application to the director of finance, have the license previously issued

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amended so as to authorize the conduct of such business at another location by the same licensee.

5.04.080 - Posting and keeping of licenses.

All licenses must be kept and posted in the following manner:

- (a) Any licensee transacting business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is located.
- (b) Any licensee transacting business, but not operating in a fixed place of business in the city, shall keep the license upon his person at all times while transacting such business within the city.
- (c) Every vehicle for which a license is required shall display such license in a conspicuous place on the right side of the operator's compartment, so that it is clearly visible from outside the compartment.

5.04.090 - Duplicate license.

A duplicate license may be issued by the director of finance to replace any license previously issued under the provisions of this title which has been lost or destroyed upon the licensee filing an affidavit to such fact, and at the time of filing such affidavit paying to the director of finance a fee established by resolution of the city council.

5.04.100 - Exemption for interstate commerce.

Every person claiming to be entitled to exemption from the payment of any license provided for in this title upon the ground that such license casts a burden upon his right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, shall file a verified statement with the director of finance disclosing the interstate or other character of his business entitling such exemption. Such statement shall state the name and location of the company or firm for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his address, the kind of goods to be delivered, the name under which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the state of California, the method of delivery, the name and location of the residence of the applicant and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the director of finance.

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If it appears to the director of finance that the applicant is entitled to such exemption, the director of finance shall forthwith issue a free license. In case of dispute the decision of the city attorney shall be final.

5.04.110 - Exemption under provisions of state law.

Every person claiming to be entitled to an exemption from payment of any license fee provided for in this title under state law shall file a verified statement with the director of finance disclosing the character of the business entitling such exemption. Said statement shall state the name and location of the company or firm claiming the exemption, the statutes relied upon, if any, the type of business conducted and facts establishing that the person, organization or firm is exempt under state law. Additional information shall be supplied to the director of finance upon request in order to ascertain whether or not the claimant is exempt under state law. In case of dispute, the decision of the city attorney shall be final.

5.04.120 - Exemption for disabled war veterans.

A disabled war veteran shall not be charged a license fee under the terms of this title for engaging in the business of peddler or solicitor, provided such disabled war veteran first furnish to the director of finance satisfactory evidence of honorable discharge from the United States Armed Forces, and furnishes like satisfactory evidence that he or she is unable to obtain a livelihood by manual labor and is a resident of the State of California. However, nothing contained herein shall relieve a disabled war veteran of the necessity for obtaining a license, even though such license may be obtained without fee.

5.04.130 - Public utility and franchise holders exemption.

All public utilities or privately owned public utilities serving customers within the city of Duarte shall be exempt from the provisions of this title.

5.04.140 - Exemption for secondhand dealers.

When any person is engaged in any business licensed under the provisions of this title and as an incident to this business accepts secondhand goods as part payment on any new merchandise, such person shall not be required to obtain a license as a secondhand dealer, and the doing of such acts shall not be considered as dealing in secondhand merchandise.

5.04.150 - Endorsement required for exemptions.

Whenever the director of finance shall issue any license granting any exemption provided for in this title, the person to whom such license is issued shall endorse thereon his signature in ink in the presence of the director of finance, city clerk or deputy city clerk, and no such license shall be transferable.

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Any such exempt license shall be issued by the director of finance only for the minimum license period of any such business, and may be renewed for the same period under the same conditions and in the same manner as originally obtained.

5.04.160 - Exemption for minors.

Minors under the age of eighteen years shall be entitled to a free license for engaging in part-time activities coming within the definition and license requirements of this title, but they shall be subject to all permit and registration procedures.

5.04.170 - Exemption for noncommercial uses.

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 business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived either directly or indirectly, by any individual; nor shall any license fee be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects within the city whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church, nonprofit school, hospital or to any religious or benevolent purpose; nor shall any license fee be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, nonprofit educational, military, nonprofit service club, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly by any individual; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this title requiring a permit to conduct, manage or carry on any profession, trade, calling or occupation.

5.04.180 - Claim of exemption.

Any person claiming an exemption pursuant to Sections 5.04.100 to 5.04.170 shall file a verified statement with the director of finance stating the facts upon which exemption is claimed.

5.04.190 - License fee waived for exempt licenses.

The director of finance shall, upon a proper showing contained in the verified statement, issue a license to such person claiming exemption under Sections 5.04.100 to 5.04.170 without payment to the city of the license fee required by this title.

5.04.200 - Revocation of exempt licenses.

The director of finance, after giving notice and a reasonable opportunity for a hearing to a licensee, may revoke any license granted pursuant to the provision of Sections 5.04.100 to 5.04.170 upon information that the licensee is not entitled to the exemption as provided.

5.04.210 - Remedies for violation cumulative.

The conviction and punishment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license fee due and unpaid at the time of such conviction, nor shall the payment of any license fee prevent a criminal prosecution for the violation of any of the provisions of this title. All remedies prescribed hereunder shall be 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.

5.04.215 - Annual cost-of-living adjustment.

If approved by resolution of the City Council, all license fee amounts shall be adjusted annually in accordance with the formula set forth in this section. On April 30th of each year, commencing in 1976, the city clerk shall determine the level on that date of the cost-of-living standard ("the index") of the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles-Long Beach standard metropolitan area. On April 30, 1976, such level shall be compared with the level as it was on May 31, 1975. On April 30th of each succeeding year, such level shall be compared with the level as it was on the date one year preceding. The percentage increase or decrease in the level shall be applied to all of the applicable license fees specified in this title, as they may previously have been adjusted by application of this section or otherwise. Such rates shall be adjusted in accordance with the percentage increase or decrease so determined and the result shall be rounded off to the nearest dollar. The rates so determined shall be the rates in effect for the following fiscal year.

5.04.220 - License fee a debt.

The amount of any license fee and penalty imposed by the provisions of this title shall be deemed a debt to the city of Duarte. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license fee and penalties.

5.04.230 - Misrepresentation prohibited.

No person shall knowingly or intentionally misrepresent to any officer or employee of the city any material fact in procuring the licenses or permits provided for in this title.

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5.04.240 - Grounds for revocation or suspension.

- (a) Any license or permit granted or issued under the provisions of this title may be revoked or suspended by the finance director if the finance director or his or her designee determines, after a hearing pursuant to Section 5.04.250 of this code, that:
 - (1) The holder of the license or permit has obtained the license or permit by misrepresentation;
 - (2) The holder of the license or permit has failed to comply with one or more of the specific provisions of this code or any other resolution or ordinance of this city;
 - (3) The license or permit is being used in contravention of any state or federal law or regulation;
 - (4) The holder of the license or permit has not obtained or does not currently hold each and every one of the additional governmental approvals or entitlements required in order to lawfully operate the business, or alternatively, that the holder of the license or permit did not identify, on the application, certain required government approvals or entitlements that the licensee does not have;
 - (5) The premises wherein any business described in this title is conducted are not in good and sanitary condition, or have become dangerous to or adversely affect the public health, safety, welfare, morals or peace;
 - (6) The business of the person to whom such license or permit was issued has been conducted in a manner that is dangerous to or adversely affects the public health, safety, welfare, morals or peace; or
 - (7) The license or permit is being used for a purpose different from that for which it was issued.
- (b) **SALE OF SYNTHETIC DRUGS PROHIBITED.** No person owning or operating a business in the city, and no business holding a business license may sell or offer to sell "synthetic drugs" as that term is defined under Section 6.21.020(1) of this code or engage in any other conduct that is prohibited under Sections 6.21.030, 6.21.040, or 6.21.050 of this code.
- (c) **REVOCATION OF BUSINESS LICENSE FOR SYNTHETIC DRUG SALES.** In addition to any other penalty authorized by law or this code, the penalty for selling, or offering to sell "synthetic drugs" as that term is defined under section 6.21.020(1) of this code or engaging in any other conduct that is prohibited under sections 6.21.030, 6.21.040, or 6.21.050 of this code shall be as follows:

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- (1) FIRST VIOLATION. When a person or business is found to violate this section, that person or business shall be issued a formal, written warning from a city code enforcement officer to cease the prohibited activity.
- (2) SECOND VIOLATION. When a person or business is found to violate this section after being issued a formal, written warning for a previous violation, that person or relevant agent for the business shall be given a written notice of violation directing that a management level representative must attend an education course of not less than one hour, on the topic of (and taught by a person reasonably knowledgeable in) the identification and consequences of using synthetic drugs, along with information on how to register for such a course. Formal documentation of the completion of this course shall be provided to the city's code enforcement officer within four weeks of a second violation, and failure to provide such documentation shall result in the code enforcement officer moving forward with summary revocation of the relevant business license as set forth in the following subsection (c)(3).
- (3) THIRD VIOLATION. When a person or business is found to violate this section or Chapter 6.2I of this code for a third time, or if a person or business that has violated this section twice fails to timely complete the required education course pursuant to subsection (c)(2) above, that person or business shall be given written notice by the code enforcement officer that its business license for the premises in question is immediately and summarily revoked, and that continued operation of the business in question thereafter shall be deemed a violation of the city's municipal code. A copy of such notice shall be posted at a prominent location upon the property in question. An action to revoke a business license under this section may be appealed within ten days of the date of the written notice of the summary revocation, pursuant to the procedure set forth in Section 5.04.260 of this code. Notwithstanding any provision of the municipal code to the contrary, and because the city council has declared that a business operating in violation of this section poses an immediate threat to public health, safety and welfare, the filing of an appeal in connection with the immediate, summary revocation of a business license under this section shall not stay the effectiveness of the revocation during the pendency of an appeal.

5.04.250 - Procedure for revocation or suspension.

- A. AUTHORITY OF FINANCE DIRECTOR. The director of finance upon hearing, after giving the licensee five days' notice of the grounds for revocation or suspension,

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and the time and place of hearing, and requiring him to show cause why his license or licenses should not be revoked, may revoke or suspend any one or more of the licenses held by such licensee. Within three days after the decision, the director of finance shall notify the licensee thereof.

- B. APPEAL. Any person aggrieved by the decision of the director of finance may appeal therefrom to the city council in the manner provided in Section 5.04.260.
- C. FAILURE TO APPEAL. In the event no appeal is taken by the licensee, the decision of the director of finance revoking or suspending such license shall become final and conclusive on expiration of the time herein fixed for appeal.

5.04.260 - Appeal procedure.

Unless a different appeal procedure for specific grievances is provided elsewhere in this title, the following procedures shall apply:

- (a) Any person aggrieved by any decision of the director of finance or of any other officer of the city made pursuant to the provisions of this title may appeal therefrom to the city council within fifteen days after notice thereof, by filing with the city clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the city clerk shall cause the matter to be set for hearing before the city council to be held within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days' notice in writing of the time and place of hearing. The findings and determination of the city council at such hearing shall be final and conclusive, and within five days after such findings and determination are made, the city clerk shall give notice thereof to the appellant.
- (b) In the event no appeal is taken by the permittee, the decision of the director of finance or other city officer shall become final and conclusive on expiration of the time herein affixed for appeal.

5.04.270 - License not permissive.

The payment of a license fee required by the provisions of this title, and its acceptance by the city and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all of the requirements of this title and the city zoning ordinance and all other applicable laws and ordinances, nor to carry on any business in any building or on any premises designated in such license in the event such building or premises are situated in a zone, or locality in which the conduct of such business is in violation of any law.

5.04.280 - Inspection of premises.

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No business license for a new business at any location or an old business at a new location, or a transfer of ownership or management at the same location shall be issued until the building inspector has inspected such premises and given his written statement to the director of finance that the building or buildings are in compliance with the building regulations of the city of Duarte.

5.04.290 - Inspection and enforcement.

It shall be the duty of the director of finance, and he is directed to enforce each and all of the provisions of this title, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the director of finance and the city council or either of them.

The director of finance or his deputies in the exercise of the duties imposed upon him hereunder, shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this title have been fully complied with.

The director of finance and all of his deputies or any police officer shall have the power and authority to enter, free of charge at any reasonable time, any place of business required to be licensed herein, and demand the exhibit of the license certificate. Any person having such license certificate theretofore issued in his possession or under his control, who willfully fails to exhibit the same is guilty of a misdemeanor and subject to the penalties provided for by the provisions of this title. It shall be the duty of the director of finance and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions.

5.04.300 - Extension of filing period.

In addition to all other power conferred upon him, the director of finance shall have the power for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the council, to compromise any claim as to amount of license fee due. Negligence of the applicant above shall not be sufficient cause.

5.04.310 - Penalty for violation.

Any person violating any of the provisions of this title is guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Section 1.04.100 of this code.

(Ord. 72 § 104, 1960)

5.04.320 - Illegal or unlawful businesses.

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- (a) Notwithstanding any other provision of this code to the contrary, no license under this title shall be issued for, or if issued shall not be interpreted or construed as authorizing or permitting the conduct of or continuance of, any illegal or unlawful business or practice, including but not limited to, the furnishing, sale, or provisioning of any service, good, or product that is illegal or unlawful under this code or under any state or federal law or regulation.
- (b) Should any license under this title be issued for any illegal or unlawful business or practice, such license shall be null and void ab initio, no refund shall be issued for any license fee paid, and the provisions of Section 5.04.250 shall not apply thereto.
- (c) Nothing in this section shall limit the authority of the city to enforce any other provision of this code.

Chapter 5.08 - LICENSE AND PERMIT FEES*

5.08.010 - Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

RENTAL UNIT. The term "rental unit" shall mean a building or portion of a building which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of a person or persons living independently of each other.

AVERAGE NUMBER OF PERSONS EMPLOYED. The average number of persons employed in the applicant's business for one year, shall mean that determined by adding the number of hours worked by all employees during the preceding calendar year and dividing by 2080. In computing the average number of persons employed fractions of numbers shall be excluded.

BUSINESS. The term "business" shall mean all professions, trades, and occupations and all and every kind of calling, carried on for profit or livelihood.

EMPLOYEE. The term "employee" shall mean all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in or for said business.

QUARTER. As used in this chapter, the term "quarter" shall mean and apply to the portion of a year as follows:

- First quarter: July 1 to September 30 inclusive;
- Second quarter: October 1 to December 31 inclusive;
- Third quarter: January 1 to March 31 inclusive;
- Fourth quarter: April 1 to June 30 inclusive.

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Whenever in this chapter a license fee is declared to be payable "quarterly" or "per quarter" this shall refer to the computation of the amount of the fee, and not to the time of payment. All fees are payable in advance for the remainder of the fiscal year and this section shall not be construed to permit the issuance of a license for less than the remainder of a fiscal year.

HOTEL OR ROOMING HOUSE. The terms "hotel or rooming house" shall mean any lodging house, hotel, rooming house, dormitories or public or private club containing three or more guest rooms, and which is occupied or is intended or designed for occupancy by four or more guests, whether rent is paid in money, goods, labor or otherwise and which is maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public whether with or without meals.

PERSON. The term "person" shall mean all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business, or common law trusts, societies, and individuals transacting and carrying on any business in the city other than as an employee.

PUBLIC UTILITY. The term "public utility" shall mean any person furnishing the public with communication, water, light, gas, heat, power, or other public utility or service subject to regulation by the public utilities commission of the state of California.

5.08.020 - Fee payment required.

Every person who engages in business within the city of Duarte shall pay a license fee in the amount hereinafter prescribed.

5.08.030 - General effect of chapter.

This chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation. All other ordinances and articles shall remain in full force and effect so far as their regulatory provisions are concerned.

5.08.040 - No substitute for other regulations.

Persons required to pay a license fee for transacting any business or profession under this chapter shall not be relieved from the payment of any license fee or permit fee for the privilege of doing such business legally required under any provisions of this code or any other ordinance except as specifically exempted in this title.

5.08.050 - Effect on prior enactments.

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Neither the adoption of this title, nor its superseding of any portion of any other ordinances shall in any manner be construed to affect prosecution for violation of any other ordinance committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance or other law to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

5.08.060 - License required—Exception.

- A. IMPOSED. There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license fees in the amounts hereinafter prescribed. No person shall transact or carry on any business, trade, profession, calling or occupation in the city of Duarte without first having procured a license from the city so to do or without complying with any and all applicable provisions of this title.
- B. CONFLICT WITH STATUTES. This chapter shall not be construed to require any person to pay a license fee prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state of California.
- C. PERSONS NOT LIABLE. Persons not required to pay a license fee prior to doing business within the city because of conflict with applicable statutes or constitutional provisions of the United States or of the state of California shall not be liable for payment of the fee imposed by this chapter.
- D. COMPLIANCE. No license shall be issued hereunder until all applicable regulations under other portions of this title or under other ordinances have been complied with.

5.08.070 - Branch establishments—Separate types of business.

A separate license must be obtained for each branch establishment or location of the business transacted and for each separate type of business at the same location, and each license shall authorize the licensee to transact only the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; provided, further that any individual conducting several businesses at one location may obtain a license for the principal business and include all others therein in which event the license fee will be based on the classification and schedule applicable to the principal business. For purposes of this section, "principal business" means that business calling for the highest license fee hereunder.

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5.08.080 - Newly established business.

Upon a person making application for a license to be issued hereunder for a newly established business, such person shall furnish to the director of finance for his guidance in ascertaining the amount of license fee to be paid by the applicant, a signed written statement, upon a form provided by the director of finance, setting forth such information as may be therein required and as may be necessary to determine the amount of the license fee to be paid by the applicant.

The director of finance shall not issue to any such person a license for the same or any other business, until such person shall have furnished to him a written statement and paid the license fee as herein required.

5.08.090 - Affidavit for renewal.

In all cases the applicant for the renewal of a license shall submit to the director of finance for his guidance in ascertaining the amount of the license fee to be paid by the applicant, a written statement, upon a form to be provided by the director of finance, written under penalty, or sworn before a person authorized to administer oaths.

5.08.100 - Fees payable in advance—Determination.

All license fees shall be paid in advance to the director of finance. The amount to be paid shall be determined in the discretion of the director of finance and in accordance with terms and provisions of this chapter.

5.08.110 - Determination of classification—Reclassification.

The determination of which business or businesses a licensee or applicant for a license is engaged in, or about to engage in, or the determination of the "average number of persons employed" for computation of the fee to be paid by businesses or persons in classification A as shown in Section 5.08.130 shall be an administrative function of the director of finance. In any case where a licensee or an applicant for a license believes that his individual business is not assigned to the proper classification under this chapter because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he may apply to the director of finance for reclassification. Such application shall contain such information as the director of finance may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The director of finance shall then conduct an investigation following which he shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation.

The director of finance shall notify the applicant of the action taken on the application for reclassification. Such notice shall be given by serving it personally or by depositing it in the

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United States Post Office at Duarte, California, postage prepaid, addressed to the applicant at his last known address. Such applicant may within fifteen days after mailing or serving of such notice appeal such action to the city council in the manner provided in Section 5.04.260.

5.08.120 - Authority for extension and compromise.

In addition to all other powers conferred upon him, the director of finance shall have the power for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the city council to compromise any claim as to amount of license fee due. Negligence of the applicant shall not be sufficient cause.

5.08.130 - Rates based on classifications.

Every person who engages in business whether or not at a fixed place of business within the city shall pay an annual license fee based upon the rates in the classifications listed herein.

5.08.140 - Classification A, manufacturing and wholesaling.

Any person, firm or corporation engaging in the business of manufacturing, processing, or wholesaling shall be considered as being in classification A, and shall pay an annual business license fee based upon the average number of persons employed in such business as established by City Council resolution.

5.08.150 - Classification B, professional services.

Every person described in the following classifications who engages in a business at a fixed place of business within the city shall be considered as being in classification B:

Abstractor of titles

Accountant

Advertising counsel

Agricultural advisor or counselor

Aircraft landing facilities

Appraiser

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Architect

Assayer

Attorney at law

Auditor

Bail bond broker

Barbershop

Beauty shop

Business management consultant

Car wash

Certified public accountant

Chemical engineer

Chemist

Child nurseries (six children or more)

Chiropodist

Chiropractor

Civil engineer

Claim adjuster

Cleaners

Construction engineer

Consulting engineer

Cosmetologist

Dancing academy

Dealers in stocks, bonds and other securities

EXHIBIT A

Dental laboratory

Dentist

Designer

Detective

Detective agency

Disposal, noncombustible

Draftsman

Drugless practitioner

Electrical engineer

Electrologist

Employment agency or bureau

Equipment rentals

Escrow companies

Finance companies

Fine arts or music school

Food lockers

Gardener

Geologist

Gyms, health studios

Herbalist

Hospitals

Industrial relations consultant

Insurance adjuster

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Insurance broker or agent

Interior decorator

Investment counselor

Janitorial service

Labor relations consultant

Landscape architect

Laboratories of all types

Lapidary

Laundries

Loan companies

Locksmith

Mechanical engineer

Mortician

Naturopath

Oculist

Optician

Optometrist

Oral surgeon

Orchard care

Osteopath physician

Pest control

Physician

Physician and surgeon

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Private home for the aged (four persons or more)

Private patrol

Public utilities

Real estate broker

Real estate office

Real estate salesman

Repair services

Sanitation engineer

Savings and loan associations

Sign painter

Stocks and bonds broker

Surgeon

Surveyor

Taxidermist

Trade or business school

Travel bureau

Tree removing

Tree surgery

Tree trimming

Veterinarian

Watch repairing,

and any other business of a professional nature where the principal business activity is the furnishing of services and where such business is not specifically listed in some other

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classification or section of this title shall pay a license fee based upon the number of employees of such business, as established by City Council resolution.

5.08.160 - Classification C, retail business.

The following businesses or persons and other businesses or persons not listed below, maintaining an established business in the city and who sell tangible personal property at retail or conduct a business of a retail nature, shall be considered as being in classification C:

Antique shops (not secondhand stores)

Appliance stores, gas or electric

Automobile accessories

Automobiles, new or used

Automobile service stations and garages

Bakeries

Clothing stores

Coffee, tea and extracts

Department stores

Drugstores

Dry goods

Electric supplies and appliances

Feed and Fuel

Fish and poultry

Five and ten, variety stores

Florists and nurseries

Fruit and vegetable stands

Furnishings

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Furniture

General merchandise

Gift and novelty shops

Groceries and meats

Hardware, paint and appliances

Jewelry stores and repairs

Lumber and building materials

Motion picture theaters, except drive-in theaters

Musical instruments

Newspapers

Paint stores

Pet shops, pet food, pet supplies

Photographers

Plumbing supplies and appliances

Printing

Public dance halls

Restaurants, cafes

Shoe stores

Skating rinks

Sporting goods

Stationery and office supplies and equipment

Trailer and mobile home sales

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All persons, firms or corporations in classification C shall pay an annual business license fee as established by City Council resolution.

5.08.170 - Classification D, building trades—License required.

Every person, firm or corporation conducting, carrying on or engaging in any trade, calling, profession, avocation, or occupation herein enumerated shall be considered as being in classification D and shall pay to the city a business license fee as below prescribed.

Any person, firm or corporation engaging in any of the arts, trades or occupations of the building trades in the city who or which is the holder of a state contractor's license so to do shall carry a city business license in full force and effect at all times. The license issued to any such person, firm or corporation can be an annual, nine (9) month, six (6) month or three (3) month license.

For classification and identification and work permitted under each license, the classification of the state contractor's license board shall be used for clarification purposes only.

A	General engineering contractor
B-1	General building contractor
C-4	Boilers, hot water heating, steam fitting
C-6	Cabinet and mill work
C-8	Cement and concrete
C-45	Electrical signs
C-10	Electrical (general)
C-11	Elevator installation
C-12	Excavating, grading, trenching, paving, surfacing
C-16	Fire protection engineering
C-15	Flooring (wood)
C-17	Glazing

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C-21	House and building moving, wrecking
C-2	Insulation
C-27	Landscaping
C-26	Lathing
C-29	Masonry
C-23	Ornamental metals
C-33	Painting and decorating
C-34	Pipeline
C-35	Plastering
C-36	Plumbing
C-38	Refrigeration
C-39	Roofing
C-42	Sewer, sewage disposal, drain, cement, pipe laying
C-43	Sheet metal
C-50	Steel, reinforcing
C-51	Steel, structural
C-53	Swimming pools
C-54	Tile (ceramic and mosaic)
C-20	Warm-air heating, ventilating, air-conditioning
C-60	Welding
C-57	Well drilling

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C-61	Classified specialists
G-1	Gas fitters
S-1	Sandblasting
V-1	Vocational license

State licensed contractors shall be required to obtain business licenses to perform work within the scope of their primary state contractors classifications, namely:

A	General engineering contractor
B	General building contractor
C, G, S and V	Special contractor

The amount of each license shall be established by City Council resolution.

However, specialty contractors holding currently valid subclassifications directly related by trade practice to their primary license shall not be required to obtain additional licenses to perform work in a closely related field. Contractors will be required to obtain separate business licenses for each unrelated trade or occupation performed within the city.

5.08.171 - Reserved.

5.08.180 - Poolhalls.

Every person engaged in the business of operating any public billiard room or public poolhall shall pay an annual license fee as established by City Council resolution; provided, however, that where both a public billiard room or public poolhall are operated by the same person at the same location or establishment, the fee for the license shall be based on the principal business only.

5.08.190 - Bowling alleys.

Every person engaged in the business of operating any bowling alley shall pay a license fee as established by City Council resolution.

5.08.200 - Skating rinks and shooting galleries.

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Every person engaged in the business of operating any shooting gallery or skating rink, either ice or roller, shall pay a license fee as established by City Council resolution.

5.08.210 - Circuses, tent shows and carnivals.

- A. PERMIT REQUIRED. It is unlawful for any person, firm or corporation to engage in, conduct, manage, or carry on any circus, tent show, or any other kind of exhibition or performance, without first securing a permit from the director of finance and paying the license fee so to do as herein prescribed.
- B. CIRCUSES AND SIDESHOWS. Every person exhibiting a circus or trained animal show not exhibited as a part of the circus, shall pay a license fee as established by City Council resolution.
- C. CARNIVALS AND OTHER PERFORMANCES. Every person carrying on any traveling theatrical performance under, or surrounded or partially enclosed by canvas, such as comedy, spoken drama, opera or concert or any carnival or other similar exhibition, or any merry-go-round, circular swing, roller coaster or a ferris wheel or other similar device, shall pay a license fee as established by City Council resolution.

The finance director may, in his discretion, waive the license fee for any carnival, circus or ride whenever the receipts therefrom will be appropriated to any religious, benevolent or civic purpose within the city.

5.08.211 - Swap meets.

Every person advertising, conducting, maintaining, promoting or carrying on a swap meet shall pay a license fee as established by City Council resolution.

A "swap meet" includes and is defined as any meeting or assembly where persons are permitted or invited to offer new or used merchandise, articles or things of value for sale or exchange on premises other than their own which are made available at certain times for such sales and/or exchanges.

5.08.212 – Reserved.

5.08.213 – Reserved.

5.08.214 – Reserved.

5.08.215 – Reserved.

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5.08.220 - Coin-operated machines.

- A. GENERAL. Pursuant to the provisions of Section 16002.5 of the Business and Professions Code of the state of California, every person engaged in the business of renting, leasing or operating vending machines shall pay an annual business license fee for such business based upon the entire gross receipts which are directly attributable to the business activities conducted within the city. Such fee shall be as established by City Council resolution.

Every person subject to the fee imposed by this section shall report to the city the gross receipts from such machines, in order to enable the city to establish the proper amount of the fee. The city may demand an audit of any such person and require such person to submit a copy of the state sales and use tax returns filed relative to such machines.

- B. AMUSEMENT MACHINES OR DEVICES. Amusement machines or devices shall be charged a license fee as established by City Council resolution per machine or device.
- C. ARCADE. Whenever ten or more coin-operated machines are contained within a single building, and operated by the same owner, such business shall be considered an "arcade." In lieu of the fees provided above in this section, the business license for an arcade shall be as established by City Council resolution.

Notwithstanding anything contained else-where in this title, the arcade license shall be paid whether or not another business license for a different business is required or is in effect at the same location.

- D. DISPENSING A SERVICE. For every person who lets or permits, upon the premises over which he has control, the use of any coin-operated machine dispensing a service to the general public, which results from the insertion of a coin, slug, debit or credit card or other token of value, shall pay an annual business license fee as established by City Council resolution.

5.08.230 - Rentals.

Every person, firm or corporation engaged in the business of conducting or operating a hotel, rooming house, rest home, boardinghouse, lodging house, bungalow court, auto court, trailer court, or mobile home court, apartment house or any other accommodations for dwelling, sleeping or lodging in any such place shall pay for each such place of business, whether occupied or not, a business license as established by City Council resolution.

5.08.240 - Utilizing delivery vehicles.

Every person, who, in conjunction with the business in which such person is engaged, runs, drives or operates, and every person engaged in the business of running, driving or operating, for hire or otherwise, any wheeled vehicle for the purpose of hauling, peddling, distributing, selling, receiving or delivering and who actually hauls, peddles, distributes, sells, receives or delivers within the city of Duarte, for purposes other than resale, except as otherwise herein provided, shall pay a license fee as established by City Council resolution for each such wheeled vehicle so run, driven or operated; provided, that the provisions of this section, unless otherwise provided in this title, shall not apply to any person having a fixed place of business within the city which has been licensed under this title, and in the usual course of business, uses a wheeled vehicle or vehicles for the delivery of personal property which has been sold from the place of business.

5.08.250 – Reserved.

5.08.260 – Reserved.

5.08.270 – Reserved.

5.08.280 - Mobile sale of commodities.

Every person, including persons having a fixed place of business in the city, engaged in the business of selling at retail, ice, vegetables, fish, food products or other commodities not otherwise herein expressly provided for from a wheeled vehicle over a fixed route, from door to door, or otherwise upon the streets, shall pay a license fee as established by City Council resolution.

5.08.290 – Reserved.

5.08.300 – Reserved.

5.08.310 - Salvage and garbage trucks.

A license fee as established by City Council resolution shall be imposed for each vehicle used for junk, garbage, salvage and rubbish collection.

5.08.320 - Taxis.

A license fee as established by City Council resolution shall be imposed for each vehicle used as a taxi.

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5.08.330 - Outdoor advertising.

Every person engaged in the business of constructing, erecting, installing, maintaining or operating outdoor advertising, advertising structures, billboards, advertising signs, painted signs on structures, signboards or similar devices, whether as a primary or incidental activity, and whether or not such person is otherwise licensed under this title, shall pay a license fee as established by City Council resolution for each square foot of display space contained in the billboards, advertising signs, signboards or sign devices so constructed, erected, installed, maintained or operated within the city; provided, however, that the provisions of this section shall not be deemed to apply to signs affixed to the building or on the land or which a licensed business is being operated, which signs refer only to such business, nor to "for sale" or "for rent" or like signs on real estate which signs refer only to such real estate.

5.08.335 - Waste disposal facilities.

- A. FEE DETERMINATION. A person engaging in the business of operating a cut and cover waste disposal facility and/or borrow pit shall pay a license fee consisting of the sum of:
 - (1) Three percent of the gross receipts of the business, as hereinafter defined;
 - (2) All inspection and administrative costs incurred by the city relating to inspection in accordance with a schedule of rates to be established from time to time by the city administrator. Such scheduled rates shall include a reasonable allowance for administrative overhead.
- B. GROSS RECEIPTS DEFINED. As used in this section, "gross receipts" means and includes the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in gross receipts shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the costs of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser.
- C. MONTHLY STATEMENT. The licensee shall submit to the city administrator, on a monthly basis, a written statement, under penalty of perjury or sworn to before a person authorized to administer oaths, setting forth such information concerning the licensee's business during the preceding calendar month as may be required by the city administrator to enable him to ascertain the gross

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receipts of the licensee during such month and the amount of the license fee to be paid by the licensee.

The statement, accompanied by the licensee's payment of three percent of the amount of the gross receipts shown therein, shall be furnished within twenty days from the end of the preceding calendar month.

- D. INSPECTION AND VERIFICATION. No statement of gross receipts shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable by the licensee. Such statement and each of the several items therein contained shall be subject to audit and verification by the city administrator, his deputies, or authorized employees or agents of the city, who are authorized to examine, audit and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee due.

All licensees, applicants for licenses and persons engaged in such business in the city are required to permit an examination of such books and records for the purposes aforesaid.

- E. BILLING AND PAYMENT. Administrative and inspection costs shall be billed by the city to the licensee on a quarterly basis, and such billings shall be paid by licensee within twenty days from licensee's receipt of billing.

5.08.340 - Penalties for failure to pay fee.

For failure to pay an annual, semiannual or quarterly license fee when due, the director of finance shall add a penalty of ten percent of the license fee on the tenth day of each month after the due date thereof; and for failure to pay a monthly, weekly or daily license fee when due, the director of finance shall add a penalty of ten percent of the license fee on the day following the due date thereof; providing that the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the license fee originally due.

5.08.350 - Revocation.

Any license issued under the provisions of this chapter may be revoked by the director of finance upon the failure on the part of the licensee to pay the charges imposed by this chapter or to file reports as required by this chapter within sixty days after such charges or reports become due.

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5.12.020 Auction house license fee.

Every person conducting, managing or carrying on an auction sale in an auction house or place of business where goods, wares, merchandise or personal property of any kind are regularly sold or disposed of for value by public auction shall pay in advance a license fee as established by City Council resolution. Each separate location shall have a separate license.

5.16.080 - Fees—Exceptions—Identification.

Except for sidewalk vendors, every person, conducting or carrying on the business of a peddler or solicitor shall pay a license fee as established by City Council resolution; provided, however, that no permit shall be required for the sale of goods, wares or merchandise at wholesale or for soliciting orders at wholesale; and provided further, that each such permit shall authorize not to exceed ten salesmen or solicitors, each of whom shall furnish full identification to the director of public safety or designee. Such identification shall include fingerprints, photograph or photographs, and such other data and information as the director of public safety or designee may deem necessary or advisable in order to furnish complete and satisfactory identification. All nonprofit organizations qualified to receive tax deductible contributions under IRC 501(c)(3) shall be exempt from the payment of the license fee.

5.24.030 Conditions for issuance of permits and licenses.

No permit to engage in, conduct, manage or carry on any business defined in Section 5.24.010 shall be approved by the director of public safety, if the person for whom such permit is sought has failed, refused, or neglected to comply with any law or ordinance relating to or regulating the business for which such permit is sought. The director of finance shall not issue any permit or license to any person to engage in, conduct, manage, or carry on the business of pawnbroker, secondhand dealer, junk dealer, or junk collector, until the director of public safety shall have approved the issuance of such permit. No permit shall be issued to any junk collector for the purpose of collecting junk outside of the retail business district zones in the city of Duarte except for charitable purposes. No person shall collect or cause to be collected any junk from within the city and outside the retail business district zone in the city except for charitable purposes after approval by the director of public safety the director of finance.

5.24.040 - License fees—Exception.

Every person conducting or carrying on the business of a pawnbroker, junk dealer, junk collector, or secondhand dealer or dealing in secondhand merchandise, either as a separate business or in connection with any other business, shall pay an annual license fee as established by City Council resolution for each place of business.

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5.24.050 Reports.

- A. DUE DATES. Every pawnbroker, secondhand dealer, junk dealer and junk collector shall, on the first of the month, make out and deliver to the public safety department, on a blank form to be obtained from the public safety department, by such pawnbroker, secondhand dealer, junk dealer and junk collector, for such purpose, a full, true, and complete report of all goods, or things received on deposit, pledged or purchased during the period preceding the filing of such report.
- B. CONTENTS. Such report shall be in English and shall contain the name and place of business of the person making the same and the date and hour of the day when prepared. 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 is known or can be ascertained by such pawnbroker, secondhand dealer, junk dealer or junk collector, of the person who left such article on deposit, or pledged or sold the same, together with a description of such person, and a statement as to whether such person is under the age of eighteen years. Such report shall also show the number of the pawn ticket, amount loaned, amount purchased, and a complete description of each article left on deposit, pledged or purchased. If any article so left on deposit, pledged or purchased has engraved thereon any number, word or initial, or contains any settings of any kind, such report shall contain such number, word, or initial, and shall show the kind of settings and the number of each kind.
- C. CONFIDENTIAL. The director of public safety shall cause all reports received pursuant to the terms of this section to be filed in a secure place, and the same shall be open to inspection only by members of the public safety department, or upon order of a court of competent jurisdiction.

5.24.060 Segregation of daily junk purchases.

Every junk dealer, or anyone engaged in the business of purchasing scrap metals for the purpose of reselling for the purposes of smelting or refining same, shall retain and keep on their premises, in a separate place designated for that purpose, all metals such as copper, brass or other metals, purchased by the individuals or dealers, in the following manner: the entire purchase of each day shall be put and kept in such designated separate place, and the day's purchase shall be kept in its original condition, for a period of thirty days after purchase or receipt of such copper, brass or other metals, and shall be at all times open to the inspection of the public safety department.

5.24.070 Records required.

Every pawnbroker, secondhand dealer, junk dealer, and junk collector shall keep a complete record in the English language, of all goods, wares, merchandise or other things pledged to or purchased or received by him, which record shall contain all of the matters required to be shown in the reports referred to and described in Section 5.24.050. Every such

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record and all goods, wares, merchandise and things pledged to or purchased or received by any such pawnbroker, secondhand dealer, junk dealer or junk collector, shall be open, at all times, during business hours, to the inspection of the director of public safety or any public safety officer of the city of Duarte.

5.24.090 Compliance required.

No person engaged in conducting, managing or carrying on the business of pawnbroker, secondhand dealer or junk dealer or junk collector or any agent or employee of any such person shall fail, refuse or neglect to file any report or keep any record in the form, in the manner, at the time and in all respects in accordance with the requirements of this chapter, or fail, refuse or neglect to exhibit to the director of public safety or any public safety officer of the city of Duarte immediately upon demand for the privilege of such inspection any such record or any goods, wares or merchandise or things pledged to or purchased or received by such person.

5.24.130 Prohibited hours.

No person engaged in conducting, managing or carrying on the business of pawnbroker, secondhand dealer, junk dealer or junk collector, or any agent or employee of any such person shall accept any pledge of or loan any money upon personal property, or purchase or receive any goods, wares or merchandise or any article or thing, or in any manner whatsoever engage in or conduct any such business between the hour of seven in the afternoon of any day and the hour of seven in the morning of the following day.

5.24.140 Property received from outside state.

Notwithstanding any other provisions of this chapter every auction house manager, pawnbroker, secondhand dealer, and any merchant dealing in or offering for sale any item or items of secondhand jewelry or objects of art or similar merchandise which is identifiable by number, letter, phrase, mark, or other means of identification commonly recognized in trade, shall file with the public safety department the report required by Section 5.24.050 concerning any such item received from outside the state or received from any person, who, within thirty days prior thereto, received it from outside the state or brought it into the state. Records of such articles shall be kept as required by Section 5.24.070. Any such articles shall be kept for the time required by Section 5.24.100 before being sold.

5.24.170 Agents and secondary dealers.

Whenever any section of this chapter shall require a report to the public safety department, or shall require a record of any secondhand article, or shall require the holding of such article for any stated period of time by any secondhand dealer, junk dealer, pawnbroker, or anyone engaging in any business in this chapter specifically referred to, it shall also include

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any merchant who receives for sale, attempts to sell, or displays for sale any such secondhand article for another person in expectation of receiving a commission, or fee, or gratuity, or regard therefor, or as an agent or broker, and each and every provision of this chapter shall thereupon be applicable to such person as though he were in the specific business mentioned herein.

5.60.020 - License fees.

The license fee for a used car business shall be established by City Council resolution.