

ORDINANCE NO. 111

AN ORDINANCE OF THE CITY OF RIDGECREST
LICENSING THE TRANSACTION AND CARRYING
ON OF CERTAIN BUSINESSES, TRADES, PRO-
FESSIONS, CALLINGS AND OCCUPATIONS FOR
THE PURPOSE OF RAISING REVENUE FOR
MUNICIPAL SERVICES

The City Council of the City of Ridgecrest, California,
does ordain as follows:

Section 1. DEFINITIONS.

(a) Average Number of Employees. As used in this ordinance, "average number of employees" shall mean the average number of persons employed daily in a business for one year and shall be determined by ascertaining the total number of hours of service performed by all the applicant's employees in the City during the previous year, and dividing the total number of hours of service thus obtained by the number of hours of service constituting a year's work of one full-time employee according to the custom or laws governing such employment. In computing the average number of persons employed fractions of numbers shall be excluded.

(b) Business. As used in this ordinance, "business" shall include professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

(c) Cafes, Restaurants. As used in this ordinance, "cafes and restaurants" shall include drive-in cafes, night clubs, taverns, or any similar place of business preparing and serving food, beverages, or refreshments for consumption on the premises.

(d) City. As used in this ordinance, "City" shall mean the City of Ridgecrest, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or re-incorporated form.

(e) Concession. As used in this ordinance, "concession" shall mean any one separate show, attraction, exhibition, riding device, apparatus or arrangement for test of strength or skill, game of skill or chance, and also any cafe or restaurant provided that all soft drinks and food product services may be grouped together as one restaurant concession at any one carnival, animal show, or exhibition.

(f) Contractor. As used in this ordinance, "contractor" shall mean any person who is required to be licensed as a contractor by the State of California, or any person who undertakes to or offers to undertake to, or purports to have the capacity

to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes specialty contractor, and further includes any person who contracts to hire out trucks, tractors, excavating, or other equipment in connection with a construction project, whether at rates by the hour or day or for a contract amount.

(g) Employee. As used in this ordinance, "employee" shall include any person engaged or participating in the operation or conduct of any business, whether as owner, relative of the owner, partner, agent, manager, solicitor, salesman, or in any other capacity.

(h) Established Place of Business. As used in this ordinance, "established place of business" shall mean a permanent store, office, market or other place of business within the corporate limits of the City of Ridgecrest where business is regularly transacted from month to month in such manner as a business of like nature is generally conducted, and where the circumstances indicate a bona-fide intention to become an established, fixed, and continuous part of the regular and legitimate business life of the City and not temporarily conducting business on the public streets or highways or in any hotel, motel, or other residential accommodation or from a vacant lot, parking lot, or portion of a building already occupied by another established business with no intent to move to more permanent quarters within the City.

(i) Itinerant Merchant. As used in this ordinance, "itinerant merchant" shall mean and include any person, whether first person or agent, who shall engage in a temporary and transient business in the City selling goods, wares, merchandise, and who, for the purpose of carrying on such business, shall sell door-to-door from a vehicle or on foot or shall lease or use a vacant lot, parking lot, or space in a structure already occupied by another established business for the exhibition or sale of such goods, wares, merchandise; provided, however, that this shall not apply to commercial travelers or selling agents who sell their goods to merchants, dealers, or traders where same is to become a part of said merchant, dealer, or trader's stock in trade in his established place of business in the City.

(j) Junk Dealer. As used in this ordinance, "junk dealer" shall mean any person who engages in the business of buying, selling, or otherwise dealing in or acquiring, old bottles, scraps, pieces of metal, rags, old rope, or any old or used article not to be used in its former state or condition.

(k) Outdoor Advertising Structure. As used in this ordinance, "outdoor advertising structure" shall mean the same as billboards and shall include any sign, whether painted on a building or free-standing, which is advertising merchandise or services of a business not located on the same site as the sign. Church directional signs, service club identification and meeting place signs, temporary signs advertising the sale or rental of properties (not exceeding six square feet in area), temporary contractor's identification signs on the site of a construction project, or other non-profit organization community service signs shall not be considered outdoor advertising structures for the purpose of this ordinance.

(l) Person. As used in this ordinance, "person" shall include all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common law trusts, societies, and individuals transacting and carrying on any business in the City.

(m) Regularly Engaged in the Business of Renting. As used in this ordinance, "regularly engaged in the business of renting" shall mean any person who owns and holds out for lease or rent property or accommodations including any commercial parcels or structures, or four or more residential accommodations, including single-family dwellings, trailer court spaces, mobilehomes, house trailers, hotels, inns, tourist homes or houses, motels, studio hotels, bachelor hotels, lodging houses, rooming houses, apartment houses, including duplexes, triplexes, courts, etc., dormitories, public or private clubs.

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

(o) Solicitor. As used in this ordinance, "solicitor" means any person asking for orders for the sale of merchandise or services directly to a potential consumer, by sample or otherwise, for himself or another person, and includes telephone solicitors.

(p) Sworn Statement. As used in this ordinance, "sworn statement" shall mean an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

(q) Transient Photographer. As used in this ordinance, "transient photographer" means any person engaged in picture taking or portrait photography for sale of pictures or portraits and not having an established place of business in the City.

Section 2. REVENUE MEASURE. This ordinance is enacted solely to raise revenue for municipal purposes, and is not intended for regulation.

Section 3. EFFECT ON OTHER ORDINANCES. Persons required to pay a license tax for transacting and carrying on any business under this ordinance shall not be relieved from the payment of any other applicable fee required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances.

Section 4. LICENSE AND TAX PAYMENT REQUIRED. There are hereby imposed upon the businesses, trades, professions, callings, and occupations specified in this ordinance license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling, or occupation in the City without first having procured a license from said City to do so and paying the license tax hereinafter prescribed or without complying with any and all applicable provisions of this ordinance.

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

(b) The provisions of this ordinance shall not be deemed or construed to require the payment of a license tax to conduct, manage, or carry on any business, occupation, or activity from any organization or institution which is conducted, managed, or carried on wholly for the benefit of charitable purposes; nor shall any license tax 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, school, or to any religious or benevolent purpose; nor shall any license tax be required for the conducting of any entertainment, dance, concert, exhibition, or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual.

Section 5. SEPARATE BUSINESSES, BRANCH ESTABLISHMENTS. A separate license must be obtained for each separate type of business carried on at the same location and for each branch establishment or location of the business transacted and carried on, and each license shall authorize the licensee to transact and carry on 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 ordinance shall not be deemed to be separate places of business or branch establishments; and provided further that any person conducting two or more types of business at the same location and under the same management, which businesses are all classified such that the license tax is determined by average number of employees, may, at his option, include all said businesses on one license and pay a license tax based on the average number of employees rate applicable to the principle business at that location.

Section 6. EVIDENCE OF DOING BUSINESS. When any person shall by use of signs, circulars, cards, telephone book, or newspapers, advertise, hold out, or represent that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, and such person fails to state by a sworn statement given to

the City Clerk that he is not conducting a business in the City after being requested to do so by the City Clerk, then these facts shall be considered prima facie evidence that he is conducting a business in the City.

Section 7. CONSTITUTIONAL APPORTIONMENT. None of the business taxes provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitution of the United States and the State of California.

In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the City Clerk for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax.

The applicant shall, by sworn statement and supporting testimony, show the method of business, average number of employees, gross volume, or estimated gross volume of business, and such other information as the City Clerk may deem necessary in order to determine the extent, if any, of such undue burden or violation.

The City Clerk shall then conduct an investigation, and, after having first obtained the written approval of the City Attorney, shall fix as the license tax for the applicant, an amount that is reasonable and non-discriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed.

In fixing the license tax to be charged, the City Clerk shall have the power to base the license tax upon a percentage of average number of employees or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this ordinance.

Section 8. EXEMPTIONS, EXEMPT LICENSE PROCESSING FEE. Nothing in this ordinance shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such taxes as are herein prescribed.

Any person claiming an exemption pursuant to this section shall file a sworn statement with the City Clerk stating the facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this ordinance.

The City Clerk shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without requiring payment to the City of the license tax required by this ordinance, but shall require the payment of a \$7.50 license processing fee. Any such exemption shall be approved by the City Attorney after the filing of the sworn statement and payment of the processing fee.

The City Clerk, after giving one day notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information from the City Attorney that the licensee is not entitled to the exemption as provided herein.

Nothing in this section shall be deemed or construed to apply to or to impose a business license tax upon any holder of any franchise from the City where the holder of the franchise pays fees to the City under an obligation imposed by the franchise.

Section 9. CONTENTS OF LICENSE. Every person required to have a license under the provisions of this ordinance shall make application as hereinafter prescribed for the same to the City Clerk of the City, and upon the payment of the prescribed license tax the City Clerk shall issue to such person a license which shall contain the following information:

- (a) The name of the person to whom the license is issued;
- (b) The business licensed;
- (c) The place where such business is to be transacted and carried on;
- (d) The business mailing address;
- (e) The date of expiration of such license; and
- (f) Such other information as may be necessary for the enforcement of the provisions of this ordinance.

Whenever the tax imposed under the provisions of this ordinance is measured by the number of vehicles, devices, machines, or other pieces of equipment used, or whenever the license tax is measured by the average number of employees involved in the operation of such items, the City Clerk shall issue only one license for each such business, provided that he may issue for each tax period for which the license has been paid one identification sticker, tag, plate, or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the average number of employees involved in the operation of such items.

Section 10. UNLAWFUL BUSINESS NOT AUTHORIZED. No business license issued under the provisions of this ordinance or the payment of any tax required under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner,

or to conduct within the City the business for which a business license has been issued without complying with all the provisions of the ordinances of City and state and federal laws including but not limited to those requiring a permit from any commission, department, or office of the City or the County of Kern.

Section 11. APPROVALS BY OTHER DEPARTMENTS. The City Clerk shall not issue any business license, other than a renewal business license, to any established place of business within the City until such time as it is shown that the business has met the requirements of the Zoning, Building, Fire and Health Codes of the City and the State of California. For the purpose of providing the requisite evidence of such compliance, the City Clerk will provide the forms for signature of the appropriate departments. Failure of the applicant to comply with the aforesaid codes shall constitute grounds for refusal to issue, suspension or revocation of a business license.

Section 12. APPLICATION - FIRST LICENSE. Upon a person making application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the City Clerk a sworn statement upon a form provided by the City Clerk setting forth the following information:

(a) The exact nature or kind of business for which a license is requested;

(b) The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;

(c) In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning said business;

(d) In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;

(e) In all cases where the amount of license tax to be paid is measured by average number of employees, the applicant shall estimate the average number of persons to be employed for the calendar year to be covered by the license to be issued. Such estimate shall be calculated as provided in the definition of "average number of employees" in Section 1 of this ordinance; and, if accepted by the City Clerk as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only and the amount of license tax for the period covered by the first license shall be finally ascer-

tained and paid in the manner provided by this ordinance for ascertaining and paying renewal business licenses taxes;

(f) In all cases where the amount of license tax to be paid is measured by the number of vehicles, devices, machines, rental units, or other tax measures, applicant shall provide such information as the City Clerk may require to enable him to ascertain the correct business license tax to be paid.

Section 13. RENEWAL LICENSE. In all cases, the applicant for the renewal of a business license shall submit to the City Clerk, within thirty (30) days after the expiration of the period for which the preview business license was issued, for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a sworn statement upon a form provided by the City Clerk, setting forth such information concerning the applicant's business during the preceding year as may be required by the City Clerk to enable him to ascertain the amount of license tax to be paid by said applicant pursuant to the provisions of this ordinance.

In all cases for renewal of a first license where the amount of license tax to be paid is measured by average number of employees the applicant's sworn statement shall indicate the actual average number of employees during the period of the first license. The City Clerk shall subtract from the payment found to be due based on the actual average number of employees such payment as was made the previous year for the first license based on the estimated average number of employees, and the applicant shall pay the difference at the time of renewal.

The City Clerk shall then determine the amount due for the renewal license based on the actual average number of employees indicated on the applicant's sworn statement and such payment shall also be due at the time of renewal.

The City Clerk shall not issue to any person a renewal license or another license for the same or any other business until such person shall have furnished to him the sworn statement and paid the license tax as herein required.

order to permit it to be fully advised as to the facts when a taxpayer files a claim for a refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for license taxes, or when acting upon any other matter;

(g) The disclosure of general statistics regarding taxes collected or business done in the City.

Section 15. FAILURE TO FILE STATEMENT OR CORRECTED STATEMENT. If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City Clerk he fails to file a corrected statement, or if any person subject to the tax imposed by this ordinance fails to apply for a license, the City Clerk may determine the amount of license tax due from such person by means of such information as he may be able to obtain.

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

If determination is made the City Clerk shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Ridgecrest, California, postage prepaid, addressed to the person so assessed at his last known address.

Such person may, within fifteen (15) days after the mailing or serving of such notice, make application in writing to the City Clerk for a hearing on the amount of the license tax. If such application is made, the City Clerk shall cause the matter to be set for hearing within twenty (20) days before the City Council. The City Clerk shall give at least ten (10) days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment.

The City Council shall consider all evidence produced and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed above for serving of notices of assessment.

Section 16. APPEAL. Any person aggrieved by any decision of the City Clerk with respect to the issuance or refusal to issue such license may appeal to the City Council by filing a notice of appeal with the City Clerk. The Council shall thereupon fix a time and place for hearing such appeal. The City Clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Ridgecrest, California, postage prepaid, addressed

to such person at his last known address. The Council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this ordinance.

Section 17. EXTENSION OF FILING TIME. In addition to the authority conferred upon the City Clerk by other provisions of this ordinance, he shall have the power, for good cause shown, to extend the time for filing any required sworn statement or application for a period of not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued. Negligence of the applicant shall not be sufficient cause.

Section 18. LICENSE NONTRANSFERABLE; CHANGED LOCATION AND OWNERSHIP. No license issued pursuant to this ordinance shall be transferable; provided that where a license is issued authorizing a person to transact and carry on a business at a particular place, such license may upon application therefor and paying a fee of \$1.00 have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved. Provided further that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this section. For the purpose of this section stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity.

Section 19. DUPLICATE LICENSE. A duplicate license may be issued by the City Clerk to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact and at the time of filing such statement paying to the City Clerk a duplicate license fee of \$2.00

Section 20. POSTING AND KEEPING OF LICENSES.

(a) Any licensee transacting and carrying on business at an established place of business in the City shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

(b) Any licensee transacting and carrying on business but not operating at an established place of business in the City shall keep the license upon his person at all times while transacting and carrying on the business for which it is issued.

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

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

Section 21. LICENSE TAX - HOW AND WHEN PAYABLE. Unless otherwise specifically provided, all annual license taxes, under the provisions of this ordinance, shall be due and payable to the City Clerk in City Hall in advance on the first day of January of each year; provided that license taxes covering new operations, commenced after the first day of January, shall be due and payable before the first day of operation of the new business.

Except as otherwise herein provided, license taxes, other than annual, required hereunder shall be due and payable as follows:

(a) Semi-annual license taxes on the first day of January and the first day of July of each year;

(b) Quarterly license taxes on the first day of January, April, July, and October of each year; the City Clerk shall not credit payment on a quarterly license toward payment for an annual license in a succeeding quarter;

(c) Daily license taxes each day in advance.

Section 22. DELINQUENT TAXES; PENALTIES; INSTALLMENT PAYMENT. For failure to pay a license tax when due, the City Clerk shall add a penalty of ten (10) percent of said license tax on the first day of the month following the due date month and shall add a penalty of ninety (90) percent of said license tax on the first day of the second month following the due date month. The total penalties added shall in no event exceed 100 percent of the amount of the license tax due.

No license shall be issued, nor one which has been suspended or revoked be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the City for any delinquent

license taxes, unless such person, with the consent of the City Clerk, enters into a written agreement with the City, through the City Clerk, to pay such delinquent taxes, plus ten (10) percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one (1) year.

In any agreement so entered into, such person shall acknowledge the obligation owed to the City and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the City Clerk upon thirty (30) days' notice. In the event legal action is brought by the City to enforce collection of any amount included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including a reasonable attorney's fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided hereinabove, but no penalties shall accrue to account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such time as such person shall not be in breach of the agreement.

Section 23. REFUNDS OF OVERPAYMENTS. No refund of an overpayment of taxes imposed by this ordinance shall be allowed in whole or in part unless a claim for refund is filed with the City Clerk within a period of one (1) year from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment must be filed with the City Clerk on forms furnished by him and in the manner prescribed by him. Upon the filing of such a claim and when he determines that an overpayment has been made, the City Clerk may refund the amount overpaid.

Section 24. LICENSE TAX RATES AND CLASSIFICATIONS. Every person who engages in business in the City shall pay a license tax based on the license tax rate specified in the classification into which his business is placed by this ordinance or by the City Clerk in interpreting this ordinance.

RATES

Classification "A"	Average Number of Employees: \$20 per year for the first five employees plus \$2 per year for each additional employee.
Classification "B"	Average Number of Employees: \$20 per year for each professional practicing as an individual, partner, or member of an association plus \$2 per year for each employee.
Classification "C"	Average Number of Employees: \$32 per year for the first five employees plus \$2 per year for each of the next 50 employees plus \$1 per year for each employee more than 55.
Classification "D"	Average Number of Employees: \$20 per year for the first employee plus \$20 per year for each additional employee.
Classification "E"	\$20 per year for the first vehicle plus \$5 per year for each additional vehicle.
Classification "F"	\$20 per year per vehicle.
Classification "G"	\$60 per year.
Classification "H"	\$1.25 per residential accommodation per year; minimum annual license fee \$10.
Classification "I"	Fifty cents (\$0.50) per mobilehome park space per year; minimum annual license fee \$10.
Classification "J"	\$20 per year for the first commercial parcel or structure plus \$5 per year for each additional parcel or structure.
Classification "K"	\$30 per year for the first table, alley, board, or device plus \$2 per year for each additional table, alley, board, or device.
Classification "L"	\$150 semi-annually for the first table plus \$12.50 semi-annually for each additional table.

RATES (Continued)

Classification "M"	Two cents per square foot of advertising surface, per year; minimum annual license fee, \$20.
Classification "N"	\$150 per day plus \$5 per day for each concession as defined in Section 1.
Classification "O"	\$25 per day.

CLASSIFICATIONS

Classification "A" shall consist of:

(1) Retailing of goods, wares, or merchandise including, but not limited to, the following businesses selling tangible personal property at retail or conducting a business of a retail nature:

Air conditioning or cooler supplies
Appliance sales and service
Automobiles - new or used
Automobile tires, batteries, parts, and accessories
Automobile service station
Awning sales and installation

Bakery
Bicycle sales and service
Book shop
Brush and toiletries

(Classification "A" continued on Page 16)

(1) Retailing CLASSIFICATIONS (continued)

Catalogue and mail order sales
Carpet sales and installation
Clothing store
Cosmetics and toiletries

Dairy products delivery to customer service routes from an established place of business in the City, (otherwise see Classification "E")

Department store
Drug store
Dry goods store

Electric supplies and appliances

Feed

Fence sales (not installation, see Classification "G")

Fish and poultry (not from vehicle, see Classification "G")

Fire extinguisher sales and service

Five and ten - variety store

Florist

Fruit and vegetable sales (not from vehicle, see Classification "G")

Furniture and home furnishings

Gasoline and gasoline tank sales

Gift and novelty shop

Glass and paint shop

Groceries and meats

Hardware, paint, and appliances

Health foods

Ice

Ice cream parlors

Ice cream sales from vehicles operated from an established place of business in the City, (otherwise see Class. "E")

Jewelry store

Lapidary shop

Lumber and building materials

Motorcycle sales and service

Mobilehome sales and repairs (not towing, see Class. "E")

Newspaper publishing (not distributors, see Classification "E")

Nursery

CLASSIFICATIONS (continued)

Classification "A" (continued)

(1) Retailing (continued)

Paint sales
Pet shop, pet food, pet supplies
Pharmacy
Photographer (not transient photographer, see Class. "G")
Photo shop
Plumbing supplies and appliances

Sewing machine sales and service
Shoe sales
Sporting goods
Stationery, office equipment, office supplies
Stamp redemption center

Wig sales

(2) Services including, but not limited to, the following businesses which are considered of a service nature:

Air conditioner and cooler maintenance (not refrigeration, see Classification "G")
Advertising and advertising agency (not billboards, see Classification "M")
Artist
Automobile or truck repairs (all types)
Automobile parking lot
Automobile or recreation vehicle or trailer rentals
Automobile wash
Animal Kennels
Barber shop
Beauty shop
Bookkeeper (not public accountant, see Classification "B")
Bus depot

Cafe, restaurant, night club, tavern, without live entertainment or public dancing (with live entertainment or public dancing add \$20 per year)
Carpet cleaning
Cemetery
Cesspool cleaning
Collection agency
Credit checking agency

Dancing school
Dressmaking and tailoring
Dry cleaning and laundry (not out-of-City, see Class. "E"; not coin-operated, see Class. "D")
Finance company or loan company
Financial counselor

CLASSIFICATIONS (continued)

Classification "A" (continued)

(2) Services (continued)

Gardener, yard cleaning (not landscaping, see Class. "G")
Gunsmith
Gymnasium, health studio

Income tax service
Insurance broker or adjustor
Interior decorator

Janitorial service
Laundry (not coin-operated, see Classification "D")
Locksmith

Machine shop making repairs only (for fabricating machine shops,
see Classification "C")
Musical instructor or school
Mutual fund broker
Moving and storage services

Nursery school

Printing, dry copying, mimeographing, multigraphing, duplicating

Radio or television station
Real estate agent or broker
Repair services (all types except those under "contractor"
in Classification "G")

Savings and loan institution
Saw sharpening
Sewer rodding
Shoe shining
Sign painting
Steam cleaning
Stocks and bonds broker or agent
Sweeping service
Swimming pool, commercial operation

Telephone answering service
Travel Services
Upholstering

Classification "B" shall consist of:

Professions including, but not limited to, the following:

Accountant
Architect
Appraiser
Attorney
Bacteriologist
Certified Public Accountant
Chemist
Chiropodist
Chiropractor
Consultant
Dental or Medical Laboratory
Dentist
Detective
Engineer (all types)
Embalmer
Funeral Director
Geologist
Mortician
Oculist
Optician
Optometrist
Osteopath

Physician
Psychiatrist
Psychologist
Public Stenographer
Radiologist
Surgeon
Surveyor
Veterinarian

Classification "C" shall consist of:

(1) Manufacturing, fabricating or processing businesses including data processing businesses, data analysis services and manufacturers' customer service representatives working in the City.

(2) Hospitals of all types.

(3) Telephone and other utility companies and communication companies not specifically classified in this ordinance or franchised by the City.

(4) Automobile dismantling yards including sale of used vehicle parts removed from dismantled vehicles.

CLASSIFICATIONS (continued)

Classification "D" shall consist of:

(1) Coin-operated laundrettes, laundromats, dry cleaning establishments, wet wash businesses including persons conducting businesses in which the public is permitted to enter to wash, dry, or dry clean clothes or other materials in individual machines and the public uses coins in coin-operated machines.

(2) Persons distributing and maintaining vending and self-service machines including but not limited to:

Merchandise dispensing machines
Music dispensing machines
Amusement machines
Beverage dispensing machines
Food dispensing machines
Automobile car wash machines
Copying machines

Classification "E" shall consist of:

(1) Wholesaling including any person primarily selling goods, wares, or merchandise directly to retailers, and including, but not limited to:

Automobile parts distributors (TBA)
Bakery products distributors
Dairy products distributors
Grocery products distributors
Gasoline and oil distributors
Produce distributors

(2) Laundry, dry cleaning, and other services conducted over customer routes from locations outside the corporate limits of the City of Ridgecrest.

(3) Retail sales conducted from vehicles over customer routes from locations outside the corporate limits of the City of Ridgecrest (but not itinerant merchants as defined in Section 1).

CLASSIFICATIONS (continued)

Classification "E" (continued)

(4) Pick-up and delivery services including, but not limited to:

Parcel and freight delivery (when delivery in the City is more than occasional and incidental to business conducted elsewhere)

Newspaper delivery (but not newspaper boys)

Mobilehome transport service

Automobile towing service

(5) Ice cream vending from vehicles.

(6) Bottled water distributors.

(7) Propane or other gas or fuel distributors.

(8) Pest exterminator services.

Classification "F" shall consist of:

Food catering service when conducted primarily from a vehicle (otherwise see Classification "A").

Classification "G" shall consist of:

(1) Contractors as defined in Section 1 of this ordinance and as currently listed by the State Contractors License Board, whether or not applicant is currently licensed by the State.

(2) Theater (motion picture or playhouse).

(3) Skating rink.

(4) Public dance hall (but not night club or restaurant with dancing, see Classification "A").

(5) Itinerant merchant as defined in Section 1 of this ordinance.

(6) Solicitor as defined in Section 1 of this ordinance.

(7) Transient photographer as defined in Section 1 of this ordinance.

(8) Junk dealer as defined in Section 1 of this ordinance.

CLASSIFICATIONS (continued)

Classification "H" shall consist of:

Persons regularly engaged in the business of renting residential property or accommodations including all those types of residential accommodations listed in Section 1 of this ordinance but not including mobilehome park spaces and not including a residential accommodation usually rented which is being occupied by its owner.

Classification "I" shall consist of:

Persons regularly engaged in the business of renting mobile-home park spaces. Persons owning mobilehome park spaces who rent out or lease out mobilehomes on those spaces shall also obtain a license under Classification "H" for the number of mobilehome units so rented or leased.

Classification "J" shall consist of:

Persons regularly engaged in the business of renting commercial property or accommodations including offices, stores, shops, or other commercial structures and parcels of land occupied by any business use. Several parcels used together as part of the same local business (leasee) shall be considered one parcel for the purposes of applying the tax rate in this Classification.

CLASSIFICATION "K" shall consist of:

Persons engaged in the business of providing recreation involving the following games:

Pool, billiards, or bagatelle
Bowling
Shuffleboard
Skeeball

A table, alley, board, or device licensed under this Classification shall not be licensed under any other classification.

A person licensed under this Classification shall not be required to obtain an additional license under Classification "A" for the serving of food or beverages on the same premises.

Classification "L" shall consist of:

Persons operating card rooms approved by the Chief of Police as prescribed by City ordinance.

Classification "M" shall consist of:

Persons erecting and maintaining outdoor advertising structures as defined in Section 1 of this ordinance.

CLASSIFICATIONS (continued)

Classification "N" shall consist of:

Persons operating carnivals, circuses, animal shows, and exhibitions not sponsored by a local charitable organization.

Classification "O" shall consist of:

(1) Persons operating carnivals, circuses, animal shows, and exhibitions sponsored by a local church, school, PTA, club, veteran's organization or other recognized local charitable organization, which organization must testify to its sponsorship of said in writing to the City Clerk.

(2) Fortune teller, clairvoyant, palm reader, spiritualist, medium, or other prognosticator.

(3) Masseur or masseuse.

SECTION 25. RECLASSIFICATION. 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 section because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he may apply to the City Clerk for reclassification.

Such application shall contain such information as the City Clerk may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The City Clerk 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 proper classification is that classification which, in the opinion of the City Clerk most nearly fits the applicant's individual business. The reclassification shall not be retroactive, but shall apply at the time of the next regularly ensuing calculation of the applicant's tax. No business shall be classified more than once in one (1) year.

The City Clerk 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 United States Post Office at Ridgecrest, California, postage prepaid, addressed to the applicant at his last-known address.

Such applicant may, within fifteen (15) days after the mailing or serving of such notice, make written request to the City Clerk for a hearing on his application for reclassification. If such request is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the City Council within twenty (20) days. The City Clerk shall give the applicant at least ten (10) days' notice of the time and place of the hearing in the manner prescribed above for serving notice of the action taken on the application for reclassification.

The Council shall consider all evidence adduced and its findings thereon shall be final. Written notice of such findings shall be served upon the applicant in the manner prescribed above for service of notice of the action taken on the application for reclassification.

Section 26. ENFORCEMENT. It shall be the duty of the City Clerk, and he is hereby directed to enforce each and all of the provisions of this ordinance, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the City Clerk or the City Council.

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

The City Clerk and each and all of his assistants and any police officers shall have the power and authority, upon obtaining an inspection warrant therefor, if necessary, to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license.

Any person having such license theretofore issued, in his possession or under his control, who willfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this ordinance. It shall be the duty of the City Clerk 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 of this ordinance.

Section 27. LICENSE TAX A DEBT. The amount of any license tax and penalty imposed by the provisions of this ordinance shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

Section 28. EFFECT OF ORDINANCE ON PAST ACTIONS. Neither the adoption of this ordinance nor its superseding any portion of any other ordinance of the City 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 any such violation.

Section 29. PENALTY FOR VIOLATION. Any person violating any of the provisions of this ordinance or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500 or by imprisonment in the county jail of the County of Kern for a period of not more than six (6) months, or by both such fine and imprisonment.

Section 30. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council of the City of Ridgecrest hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 31. EFFECTIVE DATE. This ordinance, inasmuch as it provides for a tax levy for the usual and current expenses of the City, shall take effect immediately, and the City Clerk is instructed to publish it in the manner required by law.

APPROVED AND ADOPTED this 5th day of February, 1970, by the following vote:

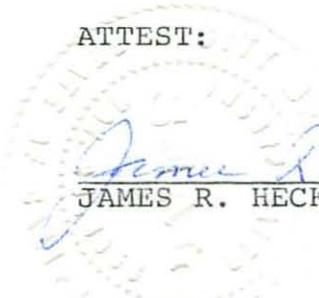
AYES: Mayor Smith, Councilmen Edwards, Fox, Kessler and Shacklett

NOES: None

ABSENT: None

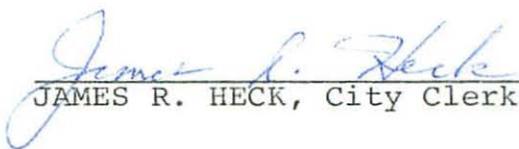

KENNETH M. SMITH, Mayor

ATTEST:



JAMES R. HECK, City Clerk

I certify that the foregoing ordinance was approved and adopted by the City Council of the City of Ridgecrest at a regular meeting thereof held on the 5th day of February, 1970.


JAMES R. HECK, City Clerk