

ORDINANCE NO. 92-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIDGECREST AMENDING THE RIDGECREST
MUNICIPAL CODE AS IT RELATES TO THE OFFICER
RESPONSIBLE FOR ENFORCEMENT OF BUSINESS
LICENSE LAWS

BE IT ORDAINED by the City Council of the City of Ridgecrest
as follows:

Section 1. Purpose

This ordinance amends the Ridgecrest Municipal Code by making the Director of Finance rather than City Clerk responsible for implementation of the business license provisions of the Municipal Code.

Section 2. Amendment: Evidence of Doing Business

Section 6-6 of the Ridgecrest Municipal Code is hereby amended and reenact to read as follows:

"6-6 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 Director of Finance that he is not conducting a business in the City after being requested to do so by the Director of Finance, then these facts shall be considered prima facie evidence that he is conducting a business in the City."

Section 3. Amendment: Constitutional Apportionment

Section 6-7 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-7 Constitutional Apportionment

None of the business taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the 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 Director of Finance 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 Director of Finance may deem necessary in order to determine the extent, if any, of such undue burden or violation.

The Director of Finance 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 nondiscriminatory, 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 Director of Finance 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 chapter."

Section 4. Exemptions

Section 6-8 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-8 Exemptions

a. The following persons are exempt from the requirements of this chapter:

1. Persons 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 for payment of business taxes.

2. The owner of any franchise from the City who pays franchise fees to the City under an obligation imposed by the franchise.

3. Licensed auctioneers other than auctioneers whose permanent place of business is within the City.

b. Any person claiming an exemption under this section shall file a sworn statement with the Director of Finance stating the facts upon which the exemption is claimed. Upon a proper showing, the Director of Finance shall issue an exemption certificate upon one day prior notice to the certificate holder that the certificate holder shall be given the opportunity to have the exemption request reconsidered. The Council shall from time-to-time by resolution establish fees for the issuance of the exemption certificate equal to the administrative cost of processing the exemption application."

Section 5. Amendment: Contents of License

Section 6-9 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-9 Contents of License

Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same to the Director of Finance of the City, and upon the payment of the prescribed license tax the Director of Finance 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 chapter.

Whenever the tax imposed under the provisions of this chapter is measured by the number of vehicles, devices, machines, or other pieces of equipment used, or whenever the license tax is measured by the average number of employees involved in the operation of such items, the Director of Finance 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 6. Amendment: Approvals by Other Departments

Section 6-11 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-11 Approvals by Other Departments

The Director of Finance 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 Director of Finance 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 7. Amendment: Application; First License

Section 6-12 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-12 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 Director of Finance a sworn statement upon a form provided by the Director of Finance 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 chapter; and, if accepted by the Director of Finance 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 ascertained and paid in the manner provided by this chapter 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 Director of Finance may require to enable him to ascertain the correct business license tax to be paid."

Section 8. Amendment: Renewal License

Section 6-13 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-13 Renewal License

In all cases, the applicant for the renewal of a business license shall submit to the Director of Finance, within 30 days after the expiration of the period for which the previous 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 Director of Finance, setting forth such information concerning the applicant's business during the preceding year as may be required by the Director of Finance to enable him to ascertain the amount of license tax to be paid by said applicant pursuant to the provisions of this chapter.

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 Director of Finance 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 Director of Finance 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 Director of Finance 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."

Section 9. Amendment: Information Confidential

Section 6-14 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-14 Information Confidential

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

a. The disclosure to, or the examination of records and equipment by another City official, employee, or agent of the City for the sole purpose of administering or enforcing any provisions of this chapter or collecting taxes imposed hereunder;

b. The disclosure of information to, or the examination of records by, Federal or State officials, or the tax officials of another city or county, if a reciprocal

arrangement exists, or to a grand jury or court of law, upon subpoena;

c. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any license tax liability of the particular taxpayers to the City;

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

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

f. The disclosure by way of public meeting or otherwise of such information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for 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 10. Amendment: Failure to File Statement or Corrected Statement

Section 6-15 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-15 Failure to File Statement or Corrected Statement

If any person files to file any required statement within the time prescribed, or if after demand therefor made by the Director of Finance he fails to file a corrected statement, or if any person subject to the tax imposed by this chapter fails to apply for a license, the Director of Finance 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 Director of Finance 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 Director of Finance 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 15 days after the mailing or serving of such notice, make application in writing to the Director of Finance for a hearing on the amount of the license tax. If such application is made, the Director of Finance shall cause the matter to be set for hearing within 20 days before the City Council. The Director of Finance shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving of 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 11. Amendment: Appeal

Section 6-16 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-16 Appeal

Any person aggrieved by any decision of the Director of Finance 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 Director of Finance. The Council shall thereupon fix a time and place for hearing such appeal. The Director of Finance 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 chapter."

Section 12. Amendment: Extension of Filing Time

Section 6-17 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-17 Extension of Filing Time

In addition to the authority conferred upon the Director of Finance by other provisions of this chapter, 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 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 13. Amendment: Duplicate License

Section 6-19 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-19 Duplicate License

A duplicate license may be issued by the Director of Finance 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 Director of Finance a duplicate license fee of two (\$2.00) dollars."

Section 14. Amendment: Posting and Keeping of Licenses

Section 6-20 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-20 Posting and Keeping of Licenses

a. Any license 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 Director of Finance. 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 Director of Finance, 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 15. Amendment: License Tax - How and When Payable

Section 6-21 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-21 License Tax - How and When Payable

Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable to the Director of Finance 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 Director of Finance shall not credit payment on a quarterly license toward payment for any annual license in a succeeding quarter;

c. Daily license taxes each day in advance."

Section 16. Amendment: Delinquent Taxes; Penalties; Installment Payment

Section 6-22 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-22 Delinquent Taxes; Penalties; Installment Payment

For failure to pay a license tax when due, the Director of Finance shall add a penalty of ten percent of said license tax on the first day of the month following the due date month and shall add a penalty of 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 Director of Finance, enters into a written agreement with the City, through the Director of Finance, to pay such delinquent taxes, plus ten percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one 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 Director of Finance upon 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 person shall not be in breach of the agreement."

Section 17. Amendment: Refunds of Overpayments

Section 6-23 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-23 Refunds of Overpayments

No refund of an overpayment of taxes imposed by this chapter shall be allowed in whole or in part unless a claim for refund is filed with the Director of Finance within a period of one 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 shall be filed with the Director of Finance on forms furnished by him and in the manner prescribed by him. Upon filing of such a claim and when he determines that an overpayment has been made, the Director of Finance may refund the amount overpaid."

Section 18. Amendment: License Tax Rates and Classifications

Section 6-24.1 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-24 License Tax Rates and Classifications

6-24.1 *Fees Designated; Increase or Decrease by Cost of Living Index.* 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 chapter or by the Director of Finance in interpreting this chapter:

Beginning with the calendar year 1980, and each year thereafter, the license tax fees as hereinafter set forth for Classifications "A" through "T" shall be raised or lowered by the percentage of the cost of living index as determined by the Federal Government. The increase or decrease shall be to the nearest dollar according to the U.S. Department of Labor's adjusted, compound annual rate of the Consumer Price Index for all Urban consumers (CPI-U) for all items, to be determined in October of each year."

Section 19. Amendment: Reclassification

Section 6-25 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-25 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 business 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 proper classification is that classification which, in the opinion of the Director of Finance 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 year.

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

Such applicant may, within 15 days after the mailing or serving of such notice, make written request to the Director of Finance for a hearing on his application for reclassification. If such request is made within the time prescribed, the Director of Finance shall cause the matter to be set for hearing before the City Council within 20 days. The Director of Finance shall give the applicant at least ten 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 20. Amendment: Enforcement

Section 6-26 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-26 Enforcement

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

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

The Director of Finance 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 chapter. 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 of this section."

Section 21. Amendment: License Required

Section 6-30.3 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-30.3 License Required

No person shall own, operate, conduct or maintain any "adult entertainment" business without first obtaining from the Director of Finance a license for such "adult entertainment" business. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided."

Section 22. Amendment: Issuance of License; Site Plan Approval Required

Section 6-30.5 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-30.5 Issuance of License; Site Plan Approval Required

Upon payment of the applicable fee to the Director of Finance by the applicant, the Director of Finance shall grant and issue an appropriate license under this section when the Director of Finance receives from the Ridgecrest Planning Commission a written approval of a Site Plan for the operation of an adult use as defined by Chapter 20."

Section 23. Amendment: License Information

Section 6-30.6 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-30.6 License Information

"An applicant for a license under this section shall file a verification and written application with the Director of Finance, on forms to be provided by the Director of Finance, which application shall state the name of the business, its address or proposed location, the names, addresses, ages and Social Security numbers of all persons interested in the ownership thereof, if privately owned, or the names, addresses, ages and Social Security numbers of all officers and directors, if owned by a corporation, the type, nature, and size of the business to be conducted by the applicant, the name, address, age, and Social Security number of a designated person upon whom notices may be served, a copy of a partnership agreement, if any, a copy of the articles of incorporation, if any, a copy of its bylaws, and such other and pertinent information as the Council may require. An investigation fee of fifty dollars (\$50.00) shall be paid to the Director of Finance at the time such application is filed and such fee shall not be returnable to the applicant."

Section 24. Amendment: Change in Ownership

Section 6-30.7 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-30.7 Change in Ownership

The owner of and or the holder of an operator's license shall, at all times, notify the Director of Finance of any change of ownership of the said 'adult entertainment' business. Failure to so notify the Director of Finance shall be grounds for suspension or revocation and canceling by the Director of Finance of any licenses issued under this section.

a. No person under the age of 18 years shall be allowed or permitted on the licensed premises.

b. No license shall be transferable to another person or to another business location.

c. Each licensed premises shall have posted, and continually kept posted, a copy of this section in a conspicuous place on the licensed premises. Also, the operator's business licenses shall be similarly displayed nearby."

Section 25. Amendment: Parking Limitations

Section 6-31.7 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-31.7 Parking Limitations

Itinerant produce vendors shall not permit any vehicle to remain in one location for the purpose of displaying or selling food or produce for more than 30 minutes during any 24 hour period. No vehicle shall be parked on private property without the prior written approval of the Planning Department, Health Department, and Director of Finance. No vehicle shall be parked on any public street, highway or right-of-way without written approval of the public agency having jurisdiction thereof."

Section 26. Amendment: General Requirements

Section 6-31.9 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-31.9 General Requirements

In addition to the requirements set forth hereinabove, every itinerant produce vendor shall:

a. Obtain a City business license prior to commencement of any activities;

b. Maintain all signs on the vehicle, tables or stands, and not on adjoining premises;

c. Use a vehicle of a commercial type, with truck bed in clean and good condition, and with a current valid California registration;

d. Not display or store any food or produce on the ground, but only from the vehicle or on tables or stands at least 30 inches above the ground level;

e. Provide suitable containers for disposal of culls, trash, debris and litter, such containers to be sanitary and in good condition with tight-fitting lids;

f. Report to Health Officer and Director of Finance any change in equipment for inspection and approval prior to use;

g. Have the vehicle and any equipment inspected each time the City business license is renewed or changed;

h. Leave all sales sites in a clean condition, with all vehicles, tables, stands, food, produce, culls, trash, debris and litter removed;

i. Vendors in a fixed location shall remove all vehicles, tables, and stands within 24 hours after termination of offering food and produce for sale."

Section 27. Amendment: Permit Required

Section 6-32.2 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-32.2 Permit Required

It shall be unlawful for any person to conduct, carry on, open or cause to be opened or conducted either as owner, lessee, agent or employee or otherwise any game as defined herein, at or in any public place as defined herein in the City without first applying for and receiving from the Director of Finance a permit to do so."

Section 28. Amendment: Application for Permit

Section 6-32.3 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-32.3 Application for Permit

Application for such a permit must be made on forms to be furnished by the Director of Finance of the said City, and which contains the following:

a. The particular place including the street number of said establishment, place or room where such game is to be conducted or carried on.

b. The name of the owner or owners, or lessee or lessees where the game is to be carried on at said location; and if any person other than the persons above named have charge of, conduct or manage said games, the name of said person who shall conduct or manage same, and the extent of his authority.

c. Said application must further state that if a permit be granted thereon that said establishment, place, room or premises, shall be open for inspection at all times by the Chief of Police or any regularly appointed police officer of said City at any time, and that all laws of the State of California and ordinances of the City relating thereto shall be complied with."

Section 29. Amendment: Investigation by Chief of Police; Notice of Denial

Section 6-32.4 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-32.4 Investigation by Chief of Police; Notice of Denial

Upon receiving such application by the Director of Finance shall refer the same to the Chief of Police for investigation as to the moral character of the applicant and whether the proposed location is a suitable and proper place for conducting the said game, who shall report thereon, within such time as is practicable. In the event the application is denied, the Director of Finance shall so inform applicant by letter, setting forth the basis of the denial. Such letter may be sent

by regular mail to applicant's mailing address shown upon his application. Within ten days after the date of mailing of this letter by the Director of Finance, applicant may file a written appeal with the Director of Finance of such denial. If such a written appeal is filed, the matter shall be set for hearing before the City Council within 30 days of the date of filing of the appeal. The City Council shall, at such hearing, receive testimony from the applicant and may receive such other testimony or evidence which it deems advisable. The City Council shall then determine whether to sustain the decision of the Director of Finance or not. The decision of the City Council shall be final. Applicant shall be mailed a notice of the time and place of the hearing before the City Council of his appeal."

Section 30. Amendment: Expiration of Permits

Section 6-32.7 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-32.7 Expiration of Permits

All permits granted hereunder shall expire on the 1st day of January next succeeding the date of issue, unless it is revoked or surrendered prior to said date; the same shall not be assignable, but upon the sale or transfer of said business the Director of Finance, may upon application therefor, issue a new permit to the purchaser of said business upon the same terms and conditions that the original permit was issued."

Section 31. Amendment: Bingo Game License Required

Section 6-34.2 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-34.2 Bingo Game License Required

No person, firm, corporation, organization or association shall engage in, carry on, maintain, conduct, or cause to be engaged, carried on, maintained or conducted a bingo game in the City without first having secured a license from the Director of Finance in accordance with the requirements of this section nor without complying with the regulations contained herein pertaining to the operation of bingo games."

Section 32. Amendment: Applications for Licenses

Section 6-34.4 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-34.4 Applications for Licenses

Applications for a license to conduct bingo games pursuant to this section shall be executed under penalty of perjury and submitted to the Director of Finance on forms to be obtained from the Director of Finance's office upon payment of the license fee prescribed in subsection 6-34.6f. The license issued shall be for a term of one year from the date of issue, subject to renewal for annual fee."

Section 33. Amendment: Contents of License

Section 6-34.8 of the Ridgecrest Code is hereby amended and reenacted to read as follows:

"6-34.8 Contents of License

Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games in the City, the Director of Finance shall issue a license to said applicant, which shall contain the following information:

- a. The name and nature of the organization to whom the license is issued.
- b. The address where bingo games are authorized to be conducted.
- c. The occupancy capacity of the room in which bingo games are to be conducted.
- d. The date of the expiration of such license.
- e. Such other information as may be necessary or desirable for the enforcement of the provisions of this section."

Section 34. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED THIS 5th day of February 1992, by the following vote:

Ayes: Mayor Condos, Council Members Auld, Corlett, Lilly, and Mower.

Noes: None.

Abstain: None.

Absent: None.

Florence S. Condos
Florence S. Condos, Mayor

ATTEST:

Joyce M. Taft
Joyce M. Taft, City Clerk