

15-20: REGULATIONS:

A. Card Tables:

1. Conformance With State Law: It is the stated purpose of this subsection to regulate card rooms, licenses and permits in the city of Porterville concurrently with the state of California, and to impose local controls and conditions upon establishments operating card rooms and card tables as permitted in the "gambling control act" as codified in division 8, chapter 5 of the California Business and Professions Code.

2. Licenses: Each card table shall be assigned a separate license with such license designating the number of the table and the location of the table, and the exact place of business where such card table is to be maintained. The operator shall attach to each licensed table a metal identification number, which shall be plainly visible at all times; and no license or identification number shall be transferable; provided, however, that it may be moved to a new location with the approval of the city council.

3. Hours Of Operation: Playing at all card tables shall absolutely cease and terminate at two o'clock (2:00) A.M. of each day; and it is hereby declared to be unlawful for any person to deal, participate in, play, carry on or bet at, against, rent, open up, carry on, conduct or have charge of or to control any card table in the city between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. of each day.

4. Patron Security And Safety: All licensees shall have in effect a security plan to address the safety and security of patrons in and around the card room. The plan, and any amendments thereto, must be filed with and approved by the chief of police. The licensee shall be liable for the security and safety of its patrons to the extent required by law. Any information about security measures that is provided to the city by an establishment operating a card table shall be confidential and not open to public inspection.

The physical arrangements of the gambling area and parking lots of the establishment operating card tables shall meet the requirements and specifications determined necessary by the chief of police for the security and safety of citizens, patrons, and police officers. During all hours of operation, the outside doors to the establishments wherein card tables are operated and the main doors to rooms wherein the tables are located must be unlocked and accessible to the general public. Any part and all of the establishment where a card table is operated shall be open to police inspection during all hours of operation.

5. Wagering Limits: Unless otherwise authorized by the chief of police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten (10) hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any establishment or room shall not exceed the occupant load as otherwise prescribed by law. There shall be posted in a conspicuous place on the establishment premises the minimum buy-in and wagering limits. Not later than July 1 of each calendar year, the licensee shall execute under penalty of perjury and file with the chief of police a declaration stating the following: a) the minimum buy-in, table and wagering limits and any and all charges or other fees assessed of all players at a table; and b) a set of the then current posted detailed house rules applicable to the games played. There is no wagering limit imposed by this subsection. However, all wagering limits fixed by the licensee shall be posted as required in this subsection, and shall comply with all state laws and all ordinances of the city.

6. Number Of Gambling Tables: Not more than three (3) card tables shall be located at each establishment. Not more than nine (9) tables total shall be located in the city of Porterville, and not more than three (3) establishments operating such tables shall be located in the city of Porterville.

7. Location: No license shall be issued except for a location deemed suitable by the city council.

8. Permit Required For Dealers And Employees: All card room dealers and employees shall be required to obtain a permit from the chief of police. In addition, all card room dealers and employees are required to submit to a fingerprint based criminal history background check by the department of justice. Permit applicants are responsible for all fees charged for applying for and obtaining the permit and submitting to the background check. The chief of police shall deny said permit for any of the following reasons, as set forth in California Business and Professions Code section 19850A(a):

a. Failure of the applicant to clearly establish eligibility and qualification in accordance with California Business and Professions Code, division 8, chapter 5;

b. Failure of the applicant to provide any information, documentation, and assurances required by said chapter of the Business and Professions Code or requested by the director of the division of gambling control, department of justice, or failure of the applicant to reveal any fact material to qualification, or the supplying of information that is untrue or misleading as to a material fact pertaining to the qualification criteria;

c. Conviction of the applicant for any crime punishable as a felony;

d. Conviction of the applicant for any misdemeanor involving dishonesty or moral turpitude within the ten (10) year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to sections 1203.4, 1203.4a and 1203.45 of the California Penal Code;

e. Association of the applicant with criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code;

f. Wilful and obstinate defiance by the applicant of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by section 186.2 of the Penal Code; or

g. The applicant is less than twenty one (21) years of age.

The department of justice's division of gambling control may object to the issuance of a work permit by the city for any cause deemed reasonable by the division.

9. Revocation And Appeal:

a. By The Chief Of Police: The chief of police may refuse to issue or may revoke the permit of a card room dealer or employee at any time if, in his judgment, such action is necessary. A person whose application for a permit is denied or a person whose permit is revoked, if the decision to deny or revoke was made solely by the chief of police, may appeal the action of the chief of

police to the city council in accordance with the procedure set forth in subsection [15-13B](#) of this article.

b. By The Division Of **Gambling** Control: If the division objects to the issuance of a work permit, the permit shall be denied. Any person whose application for a work permit has been denied because of an objection by the division may apply to the California **gambling** commission for an evidentiary hearing in accordance with regulations. In addition, the California **gambling** control commission may notify the chief of police to revoke a work permit, if the commission makes the necessary findings after a hearing, pursuant to California Business and Professions Code section 19912A.

B. Coin Operated Machines:

1. Contents Of Applications: At the time a license is applied for, the applicant shall give the serial number, and kind or character of such machine.

2. Display Of License Or Stamp: No person shall maintain any vending, weighing, entertainment or amusement machine within the city without having posted thereon in a conspicuous place a stamp or label, which shall be issued and supplied by the collector, which stamp or label shall indicate the number of the license, together with the date of expiration thereof; and in the event any duly qualified officer of the city finds any such machine being maintained in the city without such stamp or label being maintained thereon in a conspicuous place, or without such stamp or label indicating that there is a valid and unexpired license issued covering such machine, it shall be his duty to seize and hold such machine for the payment of the license tax, which machine shall be disposed of upon the nonpayment of such tax as provided by the laws relative thereto.

3. Transfer Of License: In the event any person discontinues maintaining any vending, weighing, entertainment or amusement machine duly licensed pursuant to this chapter during a period when such license remains unexpired, the licensee may substitute another similar machine in place of the machine, the use of which is so discontinued, and may maintain such substituted machine without the payment of an additional license tax for the unexpired period of the license carried on such discontinued machine; provided, however, that such person surrender the unexpired license of such discontinued machine to the collector and obtain from the collector a new license for such unexpired period for the replacing machine.

4. Location Of Machines: No license as provided in this chapter shall be issued for the maintaining of any vending, weighing, entertainment or amusement machine upon any public street, sidewalk, alleyway or court within the city.

C. Junk Dealers And/Or Collectors:

1. Permit Required: Before any person shall engage in the city in the business of buying or selling old rope, brass, copper, tin, lead, rags, slush, empty bottles, paper, bagging, or other junk whether at a fixed place of business or as an itinerant peddler, he shall make application to the city council for a permit to engage in such business. Such application shall be referred to the chief of police, who shall make an investigation concerning the character of the applicant, and within seven (7) days shall report thereon to the city council. Upon receiving such report, the city council shall grant or deny the applicant a permit to engage in such business, and such permit shall be granted unless it shall appear from such report of the chief of police that the applicant is not a person of good moral character, or has not a good character in respect to honesty and integrity; provided, however, that no such permit shall be granted unless the city council find that

such applicant, or if the applicant be a corporation, the manager thereof, has been a resident of the city for not less than ninety (90) days prior to such application.

2. Registration Of Purchases: Every person maintaining or operating a junk shop or junkyard shall keep at his place of business a substantial well bound book, and shall promptly enter therein an exact description of all personal property purchased by him or it, the date of purchase, name and residence or place of business of the person from whom purchased, and all particular or prominent marks of identification that may be found on such property. Such book shall be kept neat and clean, and all entries made therein shall be neatly and legibly written in ink. Such book shall at all times during the ordinary hours of business be open to the inspection of the chief of police, or any other city officer.

3. Required Holding Period: All junk purchased by owners or keepers of junk shops or junkyards shall be held for a period of at least nine (9) days before the same shall be sold.

4. Pawning And Pledging Prohibited: No owner or keeper of a junk shop or junkyard shall receive any personal property by way of pledge or pawn, nor shall any owner or keeper of a junk shop or junkyard engage in the business of pawnbroking on the same premises wherein a junk shop or junkyard is located.

5. Hours Of Business: No junk peddler shall purchase or collect any junk in the city between the hours of six o'clock (6:00) P.M. and six o'clock (6:00) A.M.

6. Revocation Of Permit: The city council may revoke the junk dealer permit granted to any person upon failure of such person to conduct and carry on such business in accordance with the provisions of this subsection; and such permit may likewise be revoked, if in the conduct of such business, any law of the state, county or city be violated.

7. Places Of Business: It shall be unlawful for any owner, tenant or lessee of any premises in the city, or the owner, tenant or lessee of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle to keep, place or maintain thereon, or to permit the keeping, placing or maintaining thereon, of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle which is used or which is to be used for a dental or chemical laboratory or for the display or selling of merchandise therein, or to use or permit the use of any trailer house, trailer, truck, automobile, motor vehicle or other vehicle on any premises in the city for business, religious, educational, retail, commissary, shop, storage, office purposes or for other type of commercial retail purpose.

D. Bingo Games:

1. Bingo Games Allowed Only By Eligible Organizations With Proper City Permit: Bingo games within the city are illegal except those organizations exempted from the payment of the bank incorporation tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i of the California Revenue and Taxation Code and by mobile home park associations and senior citizens' organizations; provided, that the proceeds of such games are used only for charitable purposes; and provided, that these eligible organizations have applied for and received the proper city bingo license and conformed to section 326.5 of the California Penal Code and the provisions of this chapter.

2. Application And Fee For License: Eligible organizations desiring to obtain such license to conduct bingo games in the city shall file an application, in writing, to the office of the finance director on a form provided by the city. The issuing authority shall be the finance director, after

approval of the chief of police. The license shall be for a term of one year from the date of issuance. The license fee, whether for the initial license or renewal, will be fifty dollars (\$50.00) annually. If an application for a license is denied, one-half (1/2) of the license fee paid shall be refunded to the organization.

3. Contents Of Application: Said application for a bingo license shall obtain the following information:

- a. The name, address, date, place of birth, physical description and driver's license number of every officer of the charitable organization.
- b. The name, address, date, place of birth, physical description and driver's license number of not more than twenty (20) members who will be authorized to operate the licensed bingo games on behalf of the organization.
- c. The particular property within the city including the street number owned or leased by the applicant, and used by such applicant for an office or for the performance of the purposes for which the applicant is organized, on which property bingo games will be conducted together with the occupancy capacity of such place.
- d. The proposed days of week and hours of day for conduct of bingo games.
- e. That the applicant agrees to conduct the bingo games in strict accordance with section 326.5 of the California Penal Code and this chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the chief of police when there is a violation of this chapter or other applicable laws.
- f. The application shall be signed by said applicant under penalty of perjury.
- g. The annual license fee shall accompany the application.
- h. The applicant shall also submit, with its application, a certificate or determination of exemption under section 23701d of the California Revenue and Taxation Code, or a letter of good standing from the exemption division of the franchise tax board in Sacramento, showing exemption under said section 23701d.

4. Investigation Of Applicant: Upon receipt of the completed application and the fee, the finance director shall refer the application to the appropriate departments of the city for investigation, as to whether or not all the statements in the application are true, and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property in which bingo games may lawfully be conducted, as to fire, occupancy and other applicable restrictions.

5. Contents Of License: Upon being satisfied that the applicant is fully qualified under the law to conduct bingo games within the city, and the police department has investigated the application, the finance director 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 days of the week and times during which games may be conducted.
- e. The date of the expiration of such license.
- f. Such other information as may be necessary or desirable for the enforcement of this subsection.

6. Consent: The application for or acceptance of a license constitutes:

- a. Consent to the entry of any peace officer to investigate the location identified in the application before the issuance of a license, as well as during any game thereafter.
- b. Consent to the chief of police or his agents to review or audit the charitable organization's records relating to the conduct of bingo games into the special account required by California Penal Code section 326.5(j) for the purposes of verifying compliance with the financial interest and special fund requirements of Penal Code section 326.5 and with this chapter and with all other applicable laws and regulations.

7. Violation A Misdemeanor: Any person who conducts a bingo game without the proper license as required by this chapter, or who operates a bingo game in violation of any of the requirements of this chapter, or who operates any bingo game after the suspension or revocation of a bingo license is guilty of a misdemeanor.

8. Summary Suspension Or Revocation: The chief of police may suspend or revoke a license for any violation of the provisions of this subsection or of any applicable law or regulation, or for any false, misleading or fraudulent statement of a material fact in the application for the license, or in the promotion, supervision, operation, conduct or staffing of any bingo game.

9. Notice Of Suspension Or Revocation: When it appears that there is probable cause for a suspension or revocation, the chief of police shall prepare a written statement showing the cause and the specific action to be taken. This written notice shall be served on an officer or member of the organization listed on the license application.

10. Appeal Process:

- a. After receiving the written notice of suspension or revocation, the affected licensee may file a written request for an appeal hearing with the city manager. The decision of the city manager will be final. The written request for an appeal hearing must be filed with the city manager's office no later than seven (7) calendar days after receiving the written notice of suspension from the chief of police.
- b. This appeal hearing must be held within thirty (30) days of the request being filed with the city manager. Upon the conclusion of the appeal hearing, the city manager shall issue his written decision within ten (10) days.
- c. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one year from the date of such revocation; provided, however, if the ground for revocation is the cancellation of the exemption granted under section

23701d of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of said exemption.

11. Definition Of Bingo: As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols designated on a card which conform to numbers or symbols selected at random.

12. Maximum Amount Of Prize: The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

13. Profits To Be Kept In Separate Fund Or Account: All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and licensee shall fully cooperate with the city by making such records available.

14. Financial Interest In Licensee Only: No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game.

15. Exclusive Operation By Licensee: A bingo game shall be operated and staffed only by members of the licensee organization. Such members shall not receive a profit, wage or salary from bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any phase of such game.

16. Bingo Games Open To Public: All bingo games shall be open to the public, not just to the members of the licensee organization.

17. Attendance Limited To Occupancy Capacity: Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department and building department of the city in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person.

18. Bingo Games Conducted Only On Licensee's Property: A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. Nothing in this subsection should be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization.

19. Bingo Cards: Only preprinted cards that bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinances" are to be used in any bingo game.

20. Minors Not To Participate: No person under the age of eighteen (18) years of age shall be allowed to participate in a bingo game.

21. Intoxicated Persons Not To Participate: No person who is obviously intoxicated shall be allowed to participate in a bingo game.

22. Hours Of Operation: No licensee shall conduct any bingo game more than ten (10) hours out of any twenty four (24) hour period. No bingo game shall be conducted before ten o'clock (10:00) A.M. nor after twelve o'clock (12:00) midnight of any day.

23. Participant Must Be Present: No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

24. Receipt Of Profit By A Person A Misdemeanor Under State Law: It is a misdemeanor under section 326.5(b) of the Penal Code of the state of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city.

25. City May Enjoin Violation: The city may bring an action in a court of competent jurisdiction to enjoin a violation of section 326.5 of the California Penal Code or of this subsection.

26. Severability: If any portion of this subsection 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 portion of this subsection. The city council hereby declares that it would have adopted this subsection and each portion thereof, irrespective of the fact that any one or more sections, subsections or portion be declared invalid or unconstitutional.

E. Community Civic Events:

1. City Council Findings: The city council finds and declares that it has historically closed city streets in portions of the downtown area, for the purpose of assisting certain community and regional events benefitting the city, the community at large, and nonprofit organizations operating in the city. Control over the operation of these community civic events has traditionally been turned over to the entity sponsoring the event. The city council finds and declares that there is a need to provide written guidelines and regulations on how these community civic events shall operate.

2. Purpose: The purpose of this subsection is to establish a legal framework for the operation of community civic events, to set forth minimal requirements for sponsors of these events, to meet the need for order and control during these events, and to ensure that the theme or character of the event is maintained, and that use of public property is compatible with the event.

3. Definition: "Community civic event" (hereafter referred to as "CCE") shall mean the sponsoring and conducting by a nonprofit organization of a civic, artistic, cultural, charitable, educational, veteran or benevolent activity of community interest. The council shall require reasonable proof of the nonprofit status of the sponsoring organization.

4. Participation: Participation in a CCE and use of public right of way shall be limited to those members of the sponsoring organization, in good standing with the organization, and those persons and vendors as may be approved by the sponsoring organization.

5. Permit Required: The CCE sponsor shall obtain a CCE permit from the city not less than thirty (30) nor more than one hundred eighty (180) days before the commencement date of the proposed permit activities; provided, that the council may waive these time requirements if it determines such a waiver to be in the public interest. Upon receipt of an application, the business license clerk shall circulate the application to the following departments for comments and approval: police department, fire department, finance department, department of community development, public works department, parks and recreation department, and risk management department. These departments may impose terms and conditions upon the CCE permit and issuance and approval of the permit is conditioned upon compliance with the required conditions. At a minimum, the permit shall include conditions for holding the city harmless, maintaining minimum limits of liability insurance in accordance with city standards, providing security and traffic control, providing adequate restroom and sanitation facilities, and paying for the cost of city services. The nonprofit sponsor of the CCE shall be exempt from a license fee. Said permit shall be valid for a maximum of four (4) consecutive days. If an event runs for four (4) consecutive days, one of those days must include a Saturday, Sunday or national holiday. No person or sponsoring organization shall fail to keep the permit, at all times, at the place where the activities are being conducted, nor fail upon demand therefor to exhibit such permit to any public officer. The permit may be revoked for noncompliance with the conditions of the permit and the provisions of this subsection. Revocation may be made by the council, city manager, chief of police, or their designees. If the grounds for revocation occur during the CCE, the council, city manager, chief of police or their designee shall first advise the CCE sponsor of the grounds for revocation and provide an opportunity to correct the same. The permit may also be revoked during the CCE if fire or another emergency requires the CCE to be terminated to protect the public safety. When the permit is revoked for this reason, all CCE participants must immediately comply with instructions from any city police officer or fire department personnel.

6. Application: The application for the CCE permit shall contain:

- a. The name of the applicant, the sponsoring organization, the CCE chairperson, and the addresses and telephone numbers of each.
- b. The location and outside perimeter of the CCE area, indicated upon a map of the area.
- c. The date and times at which the CCE activities are to take place.
- d. A description of the CCE activities which will be conducted.

A preliminary list of persons who will be engaging in the CCE, and a preliminary list of persons engaging in temporary selling activities at any time during the dates and times for which a temporary selling permit has been granted shall be furnished to the city no later than one week before the CCE is to take place. An amended list of all participants is required to be submitted in conjunction with the payment of business license fees per subsection E16 of this section.

The council shall cause such application to be investigated and shall grant the permit if it determines that the proposed CCE activities will not disrupt to an unreasonable extent the movement of vehicular or pedestrian traffic or create a hazard to the public; that the proposed CCE activities are not of a size or nature that requires the diversion of so great a number of police personnel to regulate such CCE activities that it prevents reasonable police protection for

the city; that the concentration of persons, equipment and materials is not so great in the CCE areas that it would prevent proper fire, police and ambulance protection; and that the CCE permit applicant agrees to be responsible for cleanup necessitated by the proposed activities. The council may, in its discretion, require a cleanup deposit to guarantee that cleanup takes place. The council shall condition the granting of permits upon compliance with the provisions of this subsection and also with such other conditions as the council may deem necessary to impose for the proper protection of persons and property.

7. Responsible Party: The sponsoring organization shall be responsible for the CCE and for all necessary planning, physical facilities, equipment, fire lanes, and removal, cleanup, and staffing. The sponsoring organization shall be responsible for any necessary permits and code requirements for the conduct of such CCE as may be required by county and state agencies and coordination with appropriate city departments, such as police and fire. All necessary certificates and approvals by any health or other governmental organization shall be in possession of the person representing the sponsoring entity in such CCE.

8. Management: Subject to the minimum requirements imposed by this subsection, the CCE sponsor shall:

a. Promulgate rules and regulations for the CCE, including rules and regulations to maintain the theme or character of the CCE. A copy of the rules and regulations shall be submitted to the business license clerk prior to the CCE.

b. Have control over the terms and conditions under which persons chosen to provide vending services will operate at a CCE including, but not limited to, products sold, hours of sale, fees, vendor locations and issuance of seller permits.

c. Take any other actions which are necessary for the efficient management and operation of the CCE.

9. Minimum Requirements: The CCE sponsor shall abide by the following minimum requirements. These minimum requirements shall be deemed a part of the permit conditions and may be supplemented by resolution of the city council.

a. Maintain openings between vendor booths or sizes, and at locations and distances, required by the city. The required openings shall be identified on the CCE sponsor's street plan.

b. Not use any permanent or semipermanent paint or other markers to delineate or mark the location or other direction on any public street, sidewalk, alley or parking lot.

c. Not discriminate in the selection of any vendor on the basis of race, color, religion, sex, national origin, or familial status, or violate any law with respect to the selection of any vendor.

d. Require that all vendors obtain and display all appropriate permits, licenses, and certificates, and comply with all applicable federal, state and local laws, ordinances, and regulations.

e. Require that all vendors maintain their spaces in a clean and sanitary condition, including the removal of containers, waste and trimmings before leaving the area.

f. Require that vendors take sufficient measures to keep the city storm drain system free from contamination, and require that food vendors take special precaution to keep grease and other waste products off all public streets, sidewalks, alleys and parking lots.

g. Provide on site personnel who can be contacted by appropriate city officials for immediate corrective action either for noncompliance with this subsection or the permit conditions, for emergencies, or for actions deemed necessary by the city official. Such personnel shall be equipped with appropriate means of communication to be made known to the city by the CCE sponsor prior to the CCE.

h. Distribute the rules and regulations to each person participating in the CCE.

10. Cost Of CCE: The CCE sponsor will be responsible for the costs associated with the CCE, including, but not limited to, the cost of city services related to the CCE, and the cost of repair of any damage caused to any public property and rights of way, including landscaping. The CCE sponsor may apply to the city council for cooperation in presenting a CCE and request financial assistance for some or all of the costs of city services related to the CCE.

11. Permit To Sell: No person shall sell or offer to sell any item at the CCE except under the authority of a valid permit approved by the CCE sponsor. The CCE sponsor shall designate a person or persons responsible for issuing permits to sell. A seller's permit shall not be required for existing businesses selling merchandise from their stores. Whenever the CCE sponsor in good faith believes that a vendor has violated the conditions of the seller's permit, the CCE sponsor may immediately suspend the seller's permit. Vendors shall have an opportunity to appeal the denial or suspension of a seller's permit as set forth in subsection E20 of this section. Permits to sell shall give a seller (including vendors, peddlers and other sellers) the privilege of selling at the CCE only if the following conditions are met:

a. The seller properly files an application for a permit to sell at the CCE with the CCE sponsor.

b. The seller complies with all federal, state and local laws and regulations relating to the CCE, including the rules and regulations of the CCE sponsor.

c. The seller obtains all required permits, licenses and certificates.

d. The seller pays all required fees to the appropriate authorities, including any fees due the sponsor.

e. The seller grants permission to the CCE sponsor, or an authorized representative, to enter the seller's premises for the reasonable inspection of land, facilities, and records, in order to determine whether the seller is in compliance with the permit conditions, the rules and regulations of the CCE sponsor, and the terms of this subsection.

12. Peddlers And Itinerant Vendors: All peddler and itinerant vendor permits and licenses issued by the city shall be deemed suspended for the duration of any CCE. All permit and license holders shall be notified of this provision. No person holding a peddler or itinerant vendor permit or license shall sell merchandise within the designated CCE area for the duration of any declared CCE unless the holder of the peddler or itinerant vendor permit or license has a written agreement with the CCE sponsor to participate in the CCE, or otherwise has a seller's permit from the CCE sponsor. The CCE sponsor shall allow peddler and itinerant vendor permit and license holders with suspended city permits and licenses under this subsection the same opportunity to participate in a declared CCE as the CCE sponsor offers to other vendors.

13. Sidewalks: The city shall not approve vendor or sidewalk sales or other activities within the closure area for a CCE. The sponsoring entity may allow such sales or events, however selling activity during a parade must take place in conformity with subsection G of this section.

14. Parades: Any person or organization desiring to have a parade as a CCE or in connection with a CCE, and all vendors, peddlers, solicitors, or merchants not located inside a commercial location, shall comply with subsection G of this section in addition to the provisions of this subsection.

15. Interference: It shall be unlawful for any person to interfere with, disrupt or impede a permitted CCE. It shall also be unlawful for a person to put up any booth, table, chair, stool, structure, vehicle or piece of equipment in any public area located within a designated CCE area for which a CCE sponsor has been issued a permit without consent of the CCE sponsor. This subsection E15 shall not apply to persons acting under the direction or control of the city.

16. Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

17. Charges And Exhibit Fees: The sponsoring entity may impose a reasonable charge or exhibit fee on each participating seller or exhibitor and shall be responsible for enforcing all requirements of this subsection and regulations imposed by the sponsoring entity. Any net profit received by the sponsoring organization shall be utilized for the civic, artistic, cultural, charitable, educational, veteran or benevolent activities of the organization within the city of Porterville.

18. Insurance: The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit.

19. Violations: Any person who violates the provisions of this subsection E shall be deemed guilty of either a misdemeanor or an infraction, in accordance with section [15-21](#) of this article. In addition, civil penalties of one hundred dollars (\$100.00) for a first violation and up to one thousand dollars (\$1,000.00) for subsequent violations may be imposed. Every day that any such violation continues shall constitute a separate offense. In addition, the CCE sponsor is authorized to take civil action to enforce the requirements of this subsection, and the rules and regulations established by the CCE sponsor. The remedies provided herein shall not be exclusive, and the

violation of any provision of this subsection E shall be subject to other remedies as may be provided by law.

20. Appeal Of The Denial Or Suspension Of A Seller Permit: After the denial or suspension of a seller's permit, the CCE sponsor shall allow the vendor an opportunity for an appeal hearing before the CCE sponsor's governing board, or if no governing board, the person with the highest decision making authority, to determine if the permit shall be issued, further suspended, reinstated, or revoked for repeated violations. The hearing shall be held within a reasonable time, depending on the date and duration of the CCE, no later than thirty five (35) days. The CCE sponsor shall establish procedures for the conduct of the hearing.

21. Other Rules And Regulations; Applicability: The CCE sponsor shall comply with all other applicable city ordinances, resolutions, policies, rules and regulations.

22. Compatibility With State And Federal Laws And Constitutions: It is the intention of the city council and the people of the city of Porterville that these subsections shall be interpreted in a manner compatible with the state of California constitution and the United States constitution and the laws of the state of California and the United States.

23. Severability: If any paragraph, sentence, clause or phrase of this subsection are for any reason held to be unconstitutional or invalid, that holding shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed these subsections, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases might be declared unconstitutional or invalid.

F. Fortune Telling:

1. Purposes And Findings:

a. The practice of "fortune telling", as defined in this subsection, has historically been subject to abuse by certain unscrupulous practitioners using the practice to commit fraud and larceny upon clients.

b. It is the purpose of this subsection to regulate the practice of fortune telling in such a manner as to reduce the risk of fraud and larceny to clients while allowing fortune tellers to provide their services to clients with only minimal restrictions.

c. The provisions of this subsection requiring a permit, posting of fees, providing receipts and allowing client recordation of the consultation, will make it more difficult for an unscrupulous fortune teller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortune teller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortune teller and will not, therefore, impose any undue burden on their practices.

d. "Fortune telling" for entertainment purposes, as defined in this subsection, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

e. For these and other reasons, the provisions of this subsection are necessary to protect the health, safety and welfare of the community.

2. Permit Required: No person shall conduct, engage in, carry on, participate in, or practice fortune telling or cause the same to be done for pay without having first obtained a permit therefor.

3. Definitions: As used in this subsection:

FOR PAY: For a fee, reward, donation, loan or receipt of anything of value.

FORTUNE TELLING: Shall mean and include telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, divination, soothsaying, mantic, necromancy, mind reading, telepathy, or other craft, art, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature.

4. Permit Application: Every natural person who, for pay, conducts, engages in, carries on, or practices fortune telling shall file a separate verified application or a permit with the business license officer. The application shall contain:

- a. The name, home and business address, and home and business telephone number of the applicant.
- b. The record of conviction for violations of the law, excluding minor traffic violations.
- c. The fingerprints of the applicant on a form provided by the police department.
- d. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.
- e. A nonrefundable application fee in an amount of one hundred dollars (\$100.00) to cover cost incurred by the city in staff time, and other expenses involved in investigation and processing of permit.

5. Investigation: Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the business license officer within twenty one (21) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth therein.

6. Hearing And Decision By Business License Officer: The business license officer shall consider the application and the police department report and recommendation at a hearing held not less than seven (7) nor more than fourteen (14) days following receipt of the police department report described in subsection F5 of this section. Notice of the time and place of the hearing and a copy of the police department report shall be given to the applicant personally or by certified mail by the business license officer at least five (5) days prior to the hearing. Any interested parties shall be heard at the hearing. City shall have the burden of proof to show the permit should be denied. The decision of the business license officer to approve, deny or conditionally approve the permit shall be in writing, and if adverse to the applicant, shall contain findings of

fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the business license officer shall make his or her decision approving, denying, or conditionally approving the permit within twenty four (24) hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail.

7. Approval Of Permit: The business license officer shall approve or conditionally approve the permit if he or she makes all of the following findings:

- a. All the information contained in the application and supporting data is true;
- b. The applicant has not, within one year from the date of the application, been convicted of any violation of this subsection or crimes involving prediction of future events by the occult arts, larceny, perjury, bribery, extortion, fraud, or crimes involving moral turpitude;
- c. The applicant has paid the required business license fee; and
- d. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws.

8. Term Of Permit: The term of the permit and the term of the business license shall be for one year from the date of issuance. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application.

9. Posting Of Fees:

a. Each person required to obtain a permit pursuant to this subsection shall post on his or her business premises a sign containing the following information:

- (1) The true name of the fortune telling practitioner;
- (2) Each service provided by the fortune telling practitioner;
- (3) The fees charged for each service provided by the fortune telling practitioner;
- (4) The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates".

b. The sign required by this subsection F9 shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune teller. The sign lettering shall be of uniform size with each letter at least one-half inch (1/2") in height.

c. If the fortune telling service is provided at a location other than the fortune teller's permanent place of business, the fortune teller shall provide the information required by this subsection on eight and one-half by eleven inch (8 1/2 x 11") paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortune telling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune telling services.

d. No person shall charge any fee, payment, remuneration, or item of value for fortune telling services in excess of the fees set forth on the sign or paper required by this subsection F9.

10. Receipts: Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, which is in addition to the fee, the fortune teller shall issue a written receipt to the client, clearly showing:

a. Date;

b. Name of client;

c. Amount of money received or specific description of item of value received; and

d. Purpose for which the money or item of value was received.

11. Client's Record Of Consultation: No person engaging in fortune telling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortune teller.

12. Exception Entertainment: The provisions of this subsection shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of fortune telling at public places and in the presence of and within the hearing of all other persons in attendance, and at which no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers.

13. Exception; Religious Practice: The provisions of this subsection shall not be applicable to any person conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer, clairvoyant, or similar position (hereinafter collectively referred to as "minister") from any bona fide church or religious association having a creed or set of religious principles that is recognized by all churches of like faith which provides for fortune telling; provided, that:

a. Except as provided in subsection F13c of this section, the minister's fees, gratuities, emoluments, and profits shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection.

b. The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection, shall file with the business license officer a certified copy of the minister's certificate of ordination and the minister's name, age, street address, and telephone number in this city where the activity set forth in this subsection is to be conducted.

c. Such bona fide church or religious association, as defined in this subsection, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church or religious association and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

G. Parades:

1. Application And Approval: Parades will only be allowed in conjunction with a community civic event referenced in subsection E of this section.

2. Selling Activity During A Parade: In order to maintain public safety and promote the good order of a parade, no vendor, peddler, solicitor, or merchant shall be permitted in the parade route once the parade begins. No vendor, peddler, solicitor, or merchant shall be permitted to conduct business on sidewalks or walkways or other areas that may impede pedestrian traffic. Any vendor, peddler, solicitor, or merchant not located inside a commercial location shall be limited to side streets once the parade begins. No vendor, peddler, solicitor, or merchant shall impede the view of any spectator during the event. All vendors, peddlers, solicitors, and merchants shall be prohibited from selling products at or near the event that are deemed to be a nuisance or contrary to the good order of the parade. These items include, but are not limited to:

a. Silly string;

b. Snap caps;

c. Party poppers;

d. Any projectile and/or launcher.

3. Movement Of Public Safety Equipment: The conduct of such parade shall not interfere with the movement of firefighting or police equipment. (Ord. 1324, 12-18-1984; Ord. 1326, 5-7-1985; Ord. 1346, 3-18-1986; Ord. 1384 ? 2, 8-4-1987; Ord. 1584, 10-19-1999; Ord. 1586, 5-16-2000; Ord. 1612, 8-20-2002; Ord. 1613 ?? 1, 2, 3, 9-17-2002; Ord. 1625, 11-19-2002; Ord. 1718 ? 1, 3-20-2007)

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