ORDINANCE NO. 2685

AN ORDINANCE AMENDING CHAPTER 6 OF THE STOCKTON MUNICIPAL CODE TO REPEAL PART I BUSINESS LICENSES, CONSISTING OF SECTION 6-001 THROUGH SECTION 6-083; AND TO ADD THERETO A NEW PART TO BE DESIGNATED PART I BUSINESS LICENSES, CONSISTING OF SECTION 6-001 THROUGH SECTION 6-048, TO PROVIDE FOR LICENSING OF CERTAIN PROFESSIONS, BUSINESSES, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF STOCKTON, AND FIXING RATES OF LICENSE TAX THEREON; PROVIDING FOR THE COLLECTION AND PAYMENT OF SAID LICENSE TAXES.

Be it ordained by the Council of the City of Stockton, as follows:

SECTION 1. AMENDMENT OF CODE.

Chapter 6 of the Stockton Municipal Code is hereby amended to repeal PART I BUSINESS LICENSES, consisting of Section 6-001 through Section 6-083.

SECTION 2. AMENDMENT OF CODE.

Chapter 6 of the Stockton Municipal Code is hereby amended to add a new PART I thereto, consisting of Section 6-001 through Section 6-048, to read as follows:
PART I
BUSINESS LICENSES
Division 1
GENERAL

SECTION 6-001. DEFINITIONS:

For the purpose of this Part unless it is plainly evident from the context that a different meaning is intended, the words and phrases used herein shall have meanings as set forth in this Section.

1. PERSON. "Person" includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common law trusts, societies, and individuals transacting and carrying on any business in the City of Stockton, other than as an employee.

2. BUSINESS. "Business" includes professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

3. FIXED PLACE OF BUSINESS. "Fixed place of business" means the premises occupied in the City of Stockton for the particular purpose of conducting a business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business. Where a location requires a sales and use tax permit by the State Board of Equalization, a license applicant shall produce a valid State of California sales and use tax permit in order to be adjudged by the Director of Finance as having a fixed place of business within the City of Stockton.
4. NEWLY ESTABLISHED BUSINESS. "Newly established business" means a business in existence and operation for less than 3 months.

5. GROSS RECEIPTS. Except as otherwise specifically provided, "Gross receipts" shall include the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Included in "gross receipts" shall be all receipts, cash, credits, redemption stamps, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" shall be the following:

(a) Cash discounts allowed and taken on sales;

(b) Any tax which is measured by the sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, included in or added to the purchase price and collected from the consumer or purchases;

(c) Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;

(d) Amounts collected for others where the business is acting as an agent or trustee
to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the Director of Finance with the names and addresses of the others and the amounts paid to them. Stock and bond brokers need not furnish the Director of Finance with the names and addresses of stock and bond owners;

(e) Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

(f) As to real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;

(g) As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuel equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions of Part 2 of Division 2 of the Revenue and Taxation Code of the State of California;

(h) As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser;

(i) That portion of the receipts of a general contractor which represent payments to subcontractors, provided that such subcontractors
are licensed under this Part and provided the general contractor furnishes the Director of Finance with the names and addresses of the subcontractors and the amounts paid each subcontractor.

(j) Credit allowed on property accepted as part of the purchase price and collected from the consumer or purchaser.

(k) The difference between the balance owed and paid on a defaulted purchase or finance contract upon repossession by seller and the amount received from resale of the repossessed article by the repossessing seller.

(l) Cash value of sales, trades or transactions between departments or units of the same business.

(m) Sales for convenience where sales of new goods, wares, or merchandise are made by a person engaged in selling such articles to another person engaged in selling like or similar articles:

(1) Where the primary purpose of the particular transaction of sale is to accommodate the purchaser rather than to make a sale in the ordinary course of business;

(2) Where, in the particular kind of business involved, a similar manner of dealing is frequent or customary in the circumstances under which the particular sale is made; and

(3) Where goods, wares or merchandise of like
or similar kind and of substantially equivalent value to that which was sold is received in consideration.

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

7. VEHICLE. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

8. MILL. "Mill" means U.S. money of account, equal to one thousandth of a dollar or one tenth of a cent.

9. MANUFACTURER. "Manufacturer" means every person who, directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his own materials or ingredients any articles, substances or commodities.

10. SALE AT RETAIL - RETAIL SALE. "Sale at retail" and "retail sale" mean every sale of tangible personal property (including articles produced, fabricated or imprinted) other than sale to one who (1) purchases for the purpose of resale as tangible personal property in the regular course of business, or (2) purchases for the purpose of

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consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component, or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale.

11. SALES AT WHOLESALE - WHOLESALE SALE. "Sale at wholesale" and "wholesale sale" mean any sale of tangible personal property which is not a "sale at retail" and mean any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a "retail sale" set forth above, when rendered to or for consumers.
Sales otherwise classified as "retail sales" under Section 6-001 (10), may, nevertheless be classified as "wholesale sales" under this section, if the vendor can establish to the satisfaction of the Director of Finance that the sale was made to a governmental agency, public utility, manufacturer, processor or contractor who consumed the articles in the course of his own operations and did not offer the articles for resale to the general public except as an integral part of manufacturing, construction or service.

12. MANUFACTURE OR PROCESS. "Manufacture or process" embraces all the activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful article of tangible personal property or substance of trade or commerce is produced and shall include the
production or fabrication of specially made or custom made articles.

13. UTILITY - PUBLIC UTILITY. "Utility" and "public utility" mean any person furnishing the public with communication, water, light, heat or power, subject to regulation by the Public Utilities Commission of the State of California.

SECTION 6-002. GENDER:

Whenever the masculine is used in this Part it shall also include the feminine and neuter.

SECTION 6-003. SINGULAR AND PLURAL:

Whenever the singular is used in this Part it shall also include the plural.
Division 2

LICENSES

SECTION 6-004. LICENSE REQUIRED:

There is hereby imposed upon the professions, trades, callings, occupations and businesses specified in this Part license taxes in the amounts hereinafter prescribed.

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself, or for any other person, or for any body corporate, or as an officer of any corporation, or otherwise to commence or carry on any profession, trade, calling, occupation or business, or to cause or direct any person to commence or carry on any profession, trade, calling, occupation or business herein specified, in the City of Stockton, without first having procured a license from said City so to do or without complying with any and all regulations of such profession, trade, calling, occupation or business contained herein or in other ordinances of the City of Stockton; and the carrying on of any profession, trade, calling, occupation or business mentioned herein without first having procured a license from said City so to do, or without complying with any and all regulations of such profession, trade, calling, occupation or business contained herein or in other ordinances of the City of Stockton, shall constitute a separate violation hereof for each and every day that such profession, trade, calling, occupation or business is so carried on. Persons described herein who engage in such profession, trade, calling, occupation or business in the City of Stockton without the required license shall, in addition to the penalties provided herein, sustain a penalty of 25% of the license fee due.
This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with the Constitutions or applicable statutes of the U.S. or the State of California.

SECTION 6-005. CONTENTS OF LICENSE:

All licenses shall be prepared and issued by the Director of Finance of the City of Stockton, upon payment of the sum to be paid therefor, and each license so issued shall state upon the face thereof the following:

1. The name of the person to whom the license is issued.
2. The kind or kinds of business licensed thereby.
3. The location of such business.
4. The date of the expiration of such license.
5. Such other information as the Director of Finance shall determine.

SECTION 6-006. LICENSE TAX, HOW PAYABLE:

All license taxes due hereunder shall be paid in advance, in lawful money of the U.S., at the office of the Director of Finance.

SECTION 6-007. TERMS OF LICENSES; DELINQUENCY:

All license taxes due hereunder shall be due and payable, and delinquent as follows:

1. **Daily License.** Due on its effective date and delinquent at 5 P.M. on due date.
2. **Monthly License.** Due on the first day of each month for which license is sought and delinquent at 5 P.M. on the tenth day of the month.
3. **Quarterly License.** Due on the first day of January, April, July, and October. Delinquent at 5 P.M. on the last day of the first month in which the quarterly license is due.

4. **Semi-annual License.** Due on the first day of January and July. Delinquent at 5 P.M. on the last day of the first month in which the semi-annual license is due.

5. **Annual License.** Due on the first day of January. Delinquent at 5 P.M. on January 31st.

   To all delinquent licenses there shall be added a penalty of 15% of the amount of the tax due for the period, and an additional 15% for each month delinquent thereafter, providing that the amount of such penalty to be added shall in no event exceed 60% of the amount of the license tax due.

   The Director of Finance for good cause may extend for not more than thirty (30) days the time for paying any sum required to be paid hereunder provided a written request therefor is filed with the Director of Finance prior to the delinquency date.

**SECTION 6-008. PRORATION:**

Proration of any license tax due hereunder shall be made for any portion of the period for which a license tax is payable, except in the case of a first annual license tax based upon a method other than gross receipts, the tax may be prorated as follows: a) If application is made during the quarter beginning January first,
100% of such fee shall be paid; b) if application is made during the quarter beginning April first, 75% of such fee shall be paid; c) if application is made during the quarter beginning July first, 50% of such fee shall be paid; d) if application is made during the quarter beginning October first, 25% of such fee shall be paid.

SECTION 6-009. DURATION OF LICENSE:

No license shall be issued for a period of more than 12 months. No license shall be issued for any period extending beyond the 31st day of December.

SECTION 6-010. LIMITATIONS:

No greater or lesser amount of money shall be charged or received for any license tax than provided for in this Part, and no license shall be sold or issued for any period of time other than provided for in this Part, provided, that this section shall not refer to such penalties as are herein provided for.

SECTION 6-011. BRANCH ESTABLISHMENTS:

Separate licenses must be obtained for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license; provided that warehouses, distributing plants and other locations which generate no additional gross receipts but are used in connection with and incidental to a business licensed under the provisions of this Part shall not be deemed to be separate places of business or branch establishments.
SECTION 6-012. DUPLICATE LICENSES:

Duplicate licenses may be issued by the Director of Finance to replace any license previously issued which has been lost or destroyed, upon the licensee filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the Director of Finance the sum of Two Dollars ($2.00).

SECTION 6-013. TRANSFER OF LICENSE:

No license issued pursuant to this Part shall be transferred, except that when a licensee transfers his business from one location to another in the City of Stockton the license previously issued may be amended to authorize the conduct of the business at the new location. The license transfers and amendments herein authorized may be obtained upon application therefor to the Director of Finance and the payment of the sum of Two Dollars ($2.00).

SECTION 6-014. RETENTION OF LICENSE:

All licenses must be retained in the following manner:

1. Any licensee transacting and carrying on business at a fixed place of business in the City of Stockton shall show evidence of such license upon demand.

2. Any licensee transacting and carrying on business but not operating at a fixed place of business in the City of Stockton shall keep the license upon his person at all times while transacting and carrying on such business.

SECTION 6-015. REFUNDS:

License fees, penalties and costs collected or received by the City may be refunded as specified by resolution of the City Council.

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Division 3
PROCEDURE FOR ISSUANCE

SECTION 6-020. APPLICATION FOR ISSUANCE OF LICENSE:

Every person required to have a license under the provisions of this Part shall make application for the same to the Director of Finance of the City of Stockton. Such application shall be a written statement upon a form provided by such Director of Finance and shall be written by the applicant under penalty of perjury, or sworn to by the applicant before a person authorized to administer oaths. The application shall set forth such information as may be necessary properly to determine the amount of the license tax to be paid by the applicant.

If the amount of the license tax to be paid by the applicant is based upon gross receipts, such application shall set forth the gross receipts for the applicable period as provided in Section 6-001 paragraph 5 of this Part.

SECTION 6-021. APPLICATION FOR FIRST LICENSE:

Every person making application for a first license shall estimate the gross receipts, the number of tables, alleys, machines, devices or other applicable basis for the period to be covered by the license to be issued. Such estimate, if accepted by the Director of Finance as being 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 such person
shall, within 30 days after the expiration of the period for which such license was issued, furnish the Director of Finance with a sworn statement upon a form, to be provided by such Director of Finance, setting forth such information as may be therein required and showing, during the period of such license, the gross receipts, the number of tables, alleys, machines, devices, or other applicable basis. The license tax shall be ascertained and paid upon such applicable basis, credit being given for the tentative license tax previously paid.

SECTION 6-022. APPLICATION FOR RENEWAL OF LICENSE:

In all cases, the applicant for the renewal of a license shall submit to the Director of Finance for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by such Director of Finance, written under penalty of perjury, or sworn to before a person authorized to administer oaths. Said form shall set forth such information concerning the type of the applicant's business and the gross receipts derived therein or other applicable basis during the preceding licensing period as may be required by the Director of Finance to enable him to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this Part.
The Director of Finance shall determine the average monthly gross receipts, the number of tables, alleys, machines, devices or other applicable basis and compute the license fee payable for twelve (12) months. The license fee payable for the next period shall be the amount based upon the computed twelve (12) months of applicable base. For the purpose of this section a fractional part of a month shall be considered as a full month.

SECTION 6-023. STATEMENTS NOT CONCLUSIVE:

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City of Stockton from collecting by appropriate action such sum as is actually due and payable hereunder. The Director of Finance of the City of Stockton shall have the right, to be exercised by himself or a member of his department, to inspect the books of any person engaged in or carrying on any profession, trade, calling, occupation or business within the City of Stockton for the purpose of ascertaining the true license tax of such person. This right can be exercised after five (5) days' written notice to said person. If any person hereby required to make such statement referred to in this section shall fail to do so such person shall be required to pay a license tax at the amount to be determined by the Director of Finance for the profession, trade, calling, occupation or business carried on by such person and such person shall be guilty of a violation hereof, and be punishable therefor as provided by the Code of the City of Stockton.
SECTION 6-024. INFORMATION CONFIDENTIAL:

The information furnished or secured pursuant to the provisions of this Part shall be deemed confidential in character, and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Part.

Unless in compliance with judicial order, or as may be required for the proper administration of this Part, the Director of Finance, his agents and employees, shall not divulge facts or information obtained in the administration hereof.

SECTION 6-025. DETERMINATION OF LICENSE TAX IN CERTAIN CASES:

If any person fails to file any required statement within the time prescribed, or, if, after demand therefor has been made by the Director of Finance, he fails to file a corrected statement within 15 days after notification so to do, or it appears to the satisfaction of the Director of Finance that a statement filed does not set forth the true facts of the business for which a license is required, the Director of Finance shall determine the amount of license tax due from such person by means of such information as it may be able to obtain.
In case such determination is made, the Director of Finance shall give notice of the amount so assessed by serving it personally or by depositing it in the U.S. Post Office at Stockton, California, postage prepaid, addressed to the person so assessed at the address appearing on his last license or application. Such person may, within 10 days after the serving or mailing 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 give not less than 5 days' written notice, in the manner prescribed herein, to the licensee to show cause, at a time and place fixed in said notice, why said amount specified therein should not be fixed for such license. At such hearing the licensee may appear and offer evidence why such specified tax should not be fixed as the license tax. After such hearing, the Director of Finance shall determine the proper tax to be charged and shall forthwith give written notice to the licensee in the manner prescribed herein of such determination and the amount of such tax.

If application by the licensee for a hearing is not made within the time prescribed, the license tax determined by the Director of Finance shall become final and conclusive.
SECTION 6-026. APPEAL:

Any person aggrieved by any decision of an administrative officer or agent with respect to the issuance or refusal to issue a license, or the amount of a license tax, may appeal to the Council by filing a notice of appeal with the Director of Finance within fifteen days of such decision. The Council shall fix a time and place for hearing such appeal and the Director of Finance shall give notice in writing to such person of the time and place of hearing by serving it personally or by depositing it in the U.S. Post Office at Stockton, California, postage prepaid, addressed to such person at the address appearing on his last license or application. The findings of the Council shall be final and conclusive and shall be served upon the applicant in the manner prescribed above for service of notice of hearing.

The amount of any license tax finally determined as provided in this section or Section 6-025 shall be due and payable as of the date the original license fee was due and payable, together with any penalties that may be due thereon.

SECTION 6-027 - RULES AND REGULATIONS:

Rules and Regulations supplementing the provisions of this Part shall be established from time to time by resolution of the City Council.
Division 4

STICKERS

SECTION 6-028. VEHICLE STICKERS:

Where a license tax is determined by the number of vehicles, upon the issuance of a license the Director of Finance shall deliver to the licensee one (1) sticker, emblem, device, sign or license facsimile for each vehicle used by the licensee in the conduct of his business. Such sticker, emblem, device, sign or license shall be prominently displayed within such vehicle.

SECTION 6-028.1. COIN AND VENDING MACHINE STICKERS:

Upon the issuance of a license, the Director of Finance shall deliver to the licensee one (1) sticker for each coin or vending machine used by the licensee in the conduct of his business, which said sticker shall be attached in a conspicuous place on such machine. This section shall not apply in cases where the license fee is based upon gross receipts.

SECTION 6-028.2. STICKERS, FORMS, ETC.:

Each such sticker shall have thereon the words, "STOCKTON, CALIFORNIA," or any abbreviation thereof, the current year, and shall be in such form and color and contain such other information as the Director of Finance shall determine.

SECTION 6-028.3. STICKER FOR SUBSTITUTE VEHICLES:

Additional stickers, emblems, devices, signs or license facsimile may be issued by the Director of Finance for substitute or alternate vehicles if the licensee applies in writing to the Director of Finance setting forth that such substitute or alternate vehicles will not be used in said city on days when the regular vehicle or vehicles will be used in the City.
Division 5
LICENSE TAXES

SECTION 6-029. LICENSE TAX:

The amount of license taxes to be paid to the City of Stockton by any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated is hereby fixed and established as hereinafter in this Part provided. Such license tax shall be paid by every person engaged in carrying on or maintaining any such profession, trade, occupation, calling or business in the City of Stockton.

For every person engaged in carrying on or maintaining any profession, trade, occupation, calling or business, the license tax shall be as set forth in the following sections.

SECTION 6-029.1. ANNUAL REGISTRATION TAX:

Any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated shall pay an annual registration tax of $12.00. All license taxes provided for herein for the privilege of engaging or carrying on any profession, trade, calling, occupation or business are imposed in addition to the annual registration tax. The annual registration tax shall be non-refundable but shall be prorated for that portion of a licensing period to which the tax applies. The annual registration tax is due and payable at the time the application described in Sections 6-020, 6-021 and 6-022 is made to the Director of Finance.

Notwithstanding other provisions of this Part, an annual registration tax shall not be charged for branch establishments of licensed businesses as set forth in Section 6-011, provided the business transacted by said branch is classified
hereunder in the same category as the primary or principal licensed business.

SECTION 6-030. **BUSINESSES SUBJECT TO TAX OF NINE-TENTHS (9/10) OF ONE (1) MILL PER DOLLAR:**

The following businesses shall pay an annual license tax of nine-tenths (9/10) of one (1) mill for each dollar of gross receipts derived therefrom:

SECTION 6-030.1. **RETAIL SALES AND MISCELLANEOUS:**

Every person conducting or carrying on the business consisting of selling at retail any goods, wares and merchandise or commodities, or conducting, maintaining or carrying on any trade, occupation, calling or business at a fixed place of business within the City of Stockton not otherwise specifically licensed by other subdivisions of this Part.

SECTION 6-030.2. **TRANSPORTING PERSONS:**

Every person conducting or carrying on the business of transporting persons for hire, picking up and/or discharging passengers within the City of Stockton.

SECTION 6-030.3. **DELIVERIES OF PETROLEUM PRODUCTS:**

Every person conducting or carrying on the business of making deliveries of petroleum products either from within the City limits and/or from outside the City limits to places within the City limits.

SECTION 6-030.4. **DISTRIBUTION OF STAMPS, COUPONS, ETC.:**

Every person who distributes any stamps, coupons, tickets, cards or other devices to be issued to purchasers of goods, wares, merchandise, services or any other thing of value, which stamps, coupons, tickets, cards or other devices shall entitle such purchaser to procure from the person issuing the stamps, coupons, tickets, cards or other devices, or from any other person, any goods, wares, merchandise, services, money or any other thing of value, free of charge upon the presentation of one or a number of said stamps, coupons, tickets, cards or other devices.
SECTION 6-030.5.  AMUSEMENTS - GAMES, DEVICES, ETC.:

1. Bowling, skee ball or bat ball alley, shuffleboard, pinball machine or any other similar device, equipment or means of entertainment requiring the deposit of a coin, slug, or other device.

2. Sundry games or devices including shuffleboard, skee ball or other games of like character not operated by the insertion of a coin or slug.

3. Pool hall or billiard parlor.

4. Ice or roller skating rink; this shall not apply to any exhibition given in any restaurant, cafe, hotel or theater when the public is not permitted to participate in such exhibition.

5. Juke boxes, devices for playing of records, or music automatically upon the deposit of a coin, slug or other device, or any other mechanical musical device or machine of like character not licensed hereunder.


7. Public bowling alley.

8. Public swimming pool or plunge.

SECTION 6-030.6.  GOLF COURSES, CONCERTS, LECTURES, RIDING, ACADAMIES, ETC.:

1. Golf course, miniature golf course, bicycle course, golf practice driving course, or archery range.

2. Concerts, lectures, motion pictures, indoor tennis matches, theatrical performances, vaudeville performances or any similar type of entertainment not otherwise specifically licensed hereunder, where an admission fee is charged.
3. Riding academy where instructions in horseback riding are given, or horses or other animals are maintained for hire, or a feed or livery stable.

SECTION 6-030.7. ADVERTISING, OUTDOOR, ETC.: Erecting, installing, maintaining or operating outdoor advertising, advertising structures, billboards, signboards or similar devices.

SECTION 6-030.8. AMBULANCE SERVICE.

SECTION 6-030.9. AUTOMOBILE PARKING LOT:

1. It is further provided that before any license shall be issued the applicant therefor shall file with the Traffic Engineer plats and plans of the grounds or parcel of land to be used as an automobile parking lot indicating thereon the boundaries, adjoining houses, or structures of any nature whatever, also the number of square feet used and the arrangement for parking automobiles. A schedule of prices to be charged for parking and the hours of parking shall be shown on such application. Before a license can be issued said application must be approved in writing by the City Manager and the Chief of the Fire Department. Said application may be rejected by the City Manager if the location or the proposed arrangement of automobiles to be parked on the parking lot is in the opinion of the Chief of the Fire Department a fire hazard, or otherwise incompatible with the public safety, or if the prospective operator has previously had his license to operate a parking lot in the City of Stockton revoked.
2. Every person conducting, managing or carrying on said business of storage or parking automobiles shall post signs in conspicuous places at or near the point of entrance indicating thereon in figures not less than ten (10) inches in height the exact amount to be charged, and the hours during which attendants will remain to watch parked cars.

3. It shall be unlawful for any person to park or cause to be parked any automobile where any part of such machine extends over any sidewalk or walkway. It is further provided that a barrier or guard rail be placed on the parking lot preventing automobiles from rolling back or going over any portion of the sidewalk other than a driveway built expressly to carry weight of automobiles.

4. It shall be unlawful for any person operating a parking lot or space to solicit patronage by standing on the streets or sidewalks and asking or requesting or ballyhooing members of the public to use such parking space or to make any other unnecessary noise or disturbance whatever.

5. Plank entrances or exits shall not be allowed except on such permission from the Traffic Engineer.

6. Every parking lot or space shall be equipped with fire extinguishing equipment as provided in the Fire Prevention Code of the City of Stockton.

7. On every parking lot or space the dust must be laid by sprinkling water or other dust settling fluid on the ground or surface as often as may be necessary to lay such dust.
8. Upon five (5) days' written notice and a hearing before the City Manager, the City Manager may revoke the license of any operator of a parking lot who violates any of the provisions of this section.

SECTION 6-030.10. AUTOMOBILE, TRUCK, TRAILER, MOTOR SCOOTER, MOTORCYCLE, ETC., RENTALS:

Renting automobiles, trucks, motor scooters, motorcycles or trailers for a period of 2 weeks or less.

SECTION 6-030.11. AUTOMOBILE BODY SHOP OR REPAIR SHOP.

SECTION 6-030.12. BARBER SHOP OR BEAUTY SHOP.

SECTION 6-030.13. BARBER OR BEAUTY SCHOOLS.

SECTION 6-030.14. BUSINESS SERVICES:

1. Stenographic, typing and business services of like or similar character.

SECTION 6-030.15. COLD STORAGE OR REFRIGERATION PLANT.

SECTION 6-030.16. COLLECTION AGENCY.

SECTION 6-030.17. COMMERCIAL PRINTING.

SECTION 6-030.18. CREDIT REPORTING BUREAU.

SECTION 6-030.19. DANCE SCHOOL.

SECTION 6-030.20. GARDNER.

SECTION 6-030.21. HEALTH STUDIO, PHYSICAL FITNESS STUDIO OR REDUCING SALON.

SECTION 6-030.22. HOSPITAL, SANITARIUM, REST HOME, NURSING HOME OR ASYLUM.

SECTION 6-030.23. HOTELS, MOTELS, APARTMENT HOUSES, ROOMING HOUSES, ETC.:

1. Hotel, motel or rooming house, boarding house, apartment house, lodging house, house court or bungalow
court having three (3) or more rental units; also, persons engaged in the business of renting or letting rooms, apartments, or other accommodations for dwelling, sleeping, housekeeping or lodging, where such persons have a total of three (3) or more such units, Section 6-011 notwithstanding.

SECTION 6-030.24. JANITORIAL SERVICE.
SECTION 6-030.25. LAWN MOWER, TOOL, SCISSOR SHARPENING OR SAW FILER.
SECTION 6-030.26. LOCKSMITH.
SECTION 6-030.27. MASSEUR AND MASSEUSE.
SECTION 6-030.28. MESSENGER SERVICE.
SECTION 6-030.29. NEWSPAPER DISTRIBUTOR.
SECTION 6-030.30. NOTARY PUBLIC.
SECTION 6-030.31. NURSERY SCHOOL.
SECTION 6-030.32. PIANO, MUSICAL INSTRUMENT OR SINGING LESSONS.
SECTION 6-030.33. TICKET AGENCY.
SECTION 6-030.34. TRADE SCHOOL OR COLLEGE, BUSINESS SCHOOL OR COLLEGE:

1. Where instruction is given in any trade, profession, calling or occupation, and a fee is charged for such instruction.

2. Where any trade, profession, calling or occupation is carried on in connection with any of the Trade Schools, Trade Colleges, Business Colleges or schools licensed hereunder, a separate license must be obtained for the conduct of such trade, profession or occupation.
SECTION 6-030.35. TRAILER (HOUSE) OR MOBILE HOME PARK.

SECTION 6-030.36. TRAVEL BUREAU.

SECTION 6-030.37. VENDING MACHINE:

1. Merchandise and/or service.

SECTION 6-031. BUSINESSES SUBJECT TO TAX OF FOUR-TENTHS (4/10) OF ONE (1) MILL PER DOLLAR:

The following businesses shall pay an annual license tax of four-tenths (4/10) of one (1) mill for each dollar of gross receipts derived therefrom.

SECTION 6-031.1. WHOLESALING AND NEWSPAPER PUBLICATION:

Every person conducting or carrying on the business consisting of newspaper publication or selling at wholesale any goods, wares and merchandise or commodities at a fixed place of business within the City of Stockton.

SECTION 6-032. BUSINESSES SUBJECT TO TAX OF ONE-QUARTER (¼) MILL PER DOLLAR:

The following businesses shall pay an annual license tax of one-fourth (¼) mill for each dollar of gross receipts derived therefrom or value of product manufactured.

SECTION 6-032.1. MANUFACTURING, PACKING AND PROCESSING:

Every person conducting or carrying on the business consisting of manufacturing, packing or processing any goods, wares or merchandise at a fixed place of business within the City of Stockton.

For the purposes of this Section, the tax shall be applicable to the value of the manufactured or processed product, as reflected by the licensee's method of accounting, using generally accepted principles of accounting consistently applied, less the cost of purchased raw materials or, in the alternative, less the value of the raw materials or the value of the partially completed product at the time it enters the manufacturing process within the City of Stockton.
SECTION 6-032.2. PUBLIC UTILITY:

Except any public utility which makes an annual payment to the City of Stockton under a franchise or similar agreement.

SECTION 6-033. BUSINESSES, PROFESSIONS OR OCCUPATIONS SUBJECT TO TAX OF TWO (2) MILLS PER DOLLAR:

The following businesses shall pay an annual license tax of two (2) mills for each dollar of gross receipts derived therefrom.

SECTION 6-033.1. BUSINESSES AND PROFESSIONS ENUMERATED:

Every person conducting, managing, carrying on or engaging in any business, profession or occupation hereinafter enumerated:

- Accountant
- Abstract & Title
- Advertising Agent
- Appraiser
- Architect
- Artist
- Assayer
- Attorney at Law
- Auditor
- Bacteriologist
- Book Agent
- Broker or Commission Agent
- Chemist
- Certified Public Accountant
- Chiropodist
- Chiropractor
- Civil, Electrical, Mining, Chemical Structural, Consulting or Hydraulic Engineer
- Dentist
- Designer, Illustrator or Decorator
- Detective Agency and/or Private Patrol
- Drugless Practitioner
- Electrologist

- Employment Agency
- Engraver
- Entomologist
- Feed, Grain & Fruit Broker
- Geologist
- Illustrator or Show card Writer
- Interpreter
- Lapidary
- Mortician
- Naturopath
- Occulist
- Optician
- Optometrist
- Osteopath
- Physicians
- Physiotherapist
- Podiatrist
- Real Estate Broker
- Roentgenologist
- Surgeon
- Surveyor
- Stock & Bond Broker
- Taxidermist
- Veterinarian
SECTION 6-034. BUSINESSES SUBJECT TO MISCELLANEOUS TAX RATES:

Every person conducting or carrying on any business hereinafter described in this section, the license tax shall be as set forth herein:

SECTION 6-034.1. GENERAL CONTRACTORS, SUBCONTRACTORS AND SPECIALTY CONTRACTORS:

(a) Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer, pipeline, trenching, excavating contractor or conducting or carrying on the business of general contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects or improvements, shall pay a license tax of $75.00 per annum or $25.00 per quarter plus one half (1/2) of one (1) mill for each dollar of gross receipts.

(b) Every person conducting or carrying on the business of electrical, plumbing, painting, masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other contractor or subcontractor not specifically mentioned in this section, shall pay a license tax of $45.00 per annum or $20.00 per quarter plus one half (1/2) of one (1) mill for each dollar of gross receipts.

The election to obtain an annual license or a quarterly license shall be at the sole discretion of the applicant and shall be exercised upon application for a first license as described in Section 6-018. Upon application
for a renewal license an applicant shall
select to obtain either an annual license or
a quarterly license. No license shall be
issued for any period extending beyond
December 31 of the current calendar year as
provided in Section 6-009.

This section shall apply to any person who
for himself shall engage in the business of
erecting or constructing houses for the pur-
pose of leasing, renting, or selling the
same, and who does not employ a contractor
who shall act as superintendent.

Any contractor conducting or carrying on
the business of selling goods, wares, or
merchandise as a retailer in addition to
his contracting business shall in addition
to the contractor's license provided herein,
secure a license for such retail business
as required under this Part.

SECTION 6-034.2. TRANSPORTATION AND TRUCKING:

Every person not having a fixed place of business within
the City who makes wholesale or retail deliveries of goods or
services by motor vehicle within the City or who maintains,
installs or repairs goods, wares or merchandise or equipment
inside the City, or who provides a service not otherwise
covered in this section, shall pay a license tax as follows:
retail and/or service, $50.00 annually per vehicle or $30.00
semi-annually per vehicle; wholesale, $40.00 annually per
vehicle or $25.00 semi-annually per vehicle.

SECTION 6-034.3. DANCE HALLS, ETC.:

Public dance hall, night club, or any place where dancing
is permitted, $50.00 per quarter.
SECTION 6-034.4. CARD ROOMS:

Conducting a public card room where games of any kind are played with cards, $50.00 per month or fractional part thereof for the first table, $25.00 per month or fractional part thereof for each additional table, payable quarterly; exempting therefrom all fraternal organizations and labor unions, if no private individual operates the card room for a fee or per cent of the profits.

SECTION 6-034.5. AMUSEMENT - CIRCUS, MENAGERIES, TENT SHOWS, THEATRICALS:

1. Circus, carnival or other similar exhibition, $200.00 per day; each circus or menagerie parade or procession on, over or along any public street or highway of the City of Stockton, by any person not having a license to exhibit such circus, carnival or other similar exhibit in said City $200.00 per day.

When the carnival, circus or tent show license tax is paid, no additional license shall be required for shows, exhibitions, rides or devices within the carnival, circus or tent show.

CARNIVAL DEFINED:

For the purpose set forth herein CARNIVAL shall be and is defined to mean a collection of shows, exhibitions, feats of strength, merchandise booths, games of skill, games of chance, wheels of fortune presented or offered upon the streets or vacant property within the City of Stockton.

2. Lecture or traveling theatrical performance under or surrounded or partially enclosed by canvas, such as comedy, spoken drama, opera or concert, $20.00 per day; any dance, where the public is permitted to dance, not covered in Section 6-034.3, $20.00 per day; performances held in any public hall, club room, assembly
hall or theatre, where movable scenery and theatrical appliances are used, whether or not an admission fee is charged, $20.00 per day. The holder of a theatre license shall not be required to procure an additional license to conduct, maintain or carry on any theatrical or vaudeville performance when such performance is conducted at any such theatre so licensed.

3. Any place to which the public is admitted and an admission fee is charged, and at which any boxing or wrestling match or exhibition is conducted, presented or carried on, $45.00 per quarter or $15.00 per day.

4. Arcade consisting of one general enclosure in which is conducted the business of operating or exhibiting a phonograph, projectorscope or any other instrument or machine of like character, or exhibiting, showing or letting the use of any microscope, galvanic battery, weighing machine or similar lung tester, muscle tester, machine of like character, or letting the use of coin machines simulating the playing of soccer, baseball, basketball, boxing and similar games, $120.00 per annum.

5. Concession or rides for children, including minature train, merry-go-round, pony ride, speedway (small electric automobiles), small gasoline automobiles, pig slides, etc., $7.50 per month for each such ride device.

6. Rides other than carnivals for adults or concessions including carrousel, loop-o-plane, aeroplane, ferris wheel, sky flier, scooter, whip, toonerville, motorcycle ride, globe of death, magic carpet, ride-in-the-dark, or rides or devices of similar character, $15.00 per month for each such ride device.
7. Street musicians, $7.50 per day per person.

SECTION 6-034.6. ADVERTISING ON VEHICLES:

1. **Sound**: Operating any vehicle equipped with music or musical device, loud speaker, or other device for attracting attention, $50.00 per annum, $20.00 per month or $5.00 per day for each vehicle used.

2. **Signs**: Operating any vehicle for advertising purposes and to which vehicle there are attached signs, placards, billboards or other advertising matter, $50.00 per annum, $20.00 per month or $5.00 per day for each vehicle used.

Each license for advertising on vehicles shall be subject to the following regulations:

(a) The only sound permitted is music or human speech.

(b) Sound advertising is permitted only between 9:00 A.M., and sunset.

(c) The vehicle with the sound device shall not proceed at a speed of less than ten (10) miles per hour nor shall sound be issued while the vehicle is not in motion.

(d) No sound shall be issued within 100 yards of a hospital, school, church, funeral parlor and/or funeral home.

(e) The vehicle with the sound device in operation shall not proceed from east to west, or west to east, along Main Street or Market Street between El Dorado Street and Stanislaus Street.

(f) Human speech amplified by the sound device shall not be lewd, indecent nor slanderous, nor shall it be specifically addressed to individual pedestrians or motorists as distinguished from the public in general.
(g) The volume of sound shall be controlled so that it is not audible for a distance in excess of 100 yards.

(h) The license fee on display ad advertising shall not apply to signs painted, rather than affixed, on delivery trucks or other vehicles used by the firm making the display for purposes other than advertising in excess of twelve (12) hours per week.

(i) The Chief of Police of the City of Stockton shall monitor the operation of vehicles with sound devices and shall report to the City Manager violations of the above regulations. If the City Manager reasonably finds that a licensee has violated the regulations he shall direct the City Auditor to refuse the issuance or a new license to the licensee until the further order of the City Manager and he may revoke the license already granted.

3. **Searchlight:** Operating any vehicle equipped with a searchlight for attracting attention, $50.00 per annum, $20.00 per month or $5.00 per day for each vehicle so used.

SECTION 6-034.7. **LOUD SPEAKERS - AMPLIFYING DEVICES, ETC, ON AIRPLANES:**

1. By means of loud speaker, sound amplifier or similar device, or a display ad in excess of ten (10) feet in height or length when said mechanical or electrical device and/or display ad is attached to an airplane moving about over the City of Stockton, $50.00 per annum, $20.00 per month or $5.00 per day for each airplane used.
2. Each license shall be subject to the following regulations:

(a) The only sounds permitted are music or human speech.

(b) Sound advertising is permitted only between 9:00 o'clock A.M. and sunset.

(c) The sound shall not be issued by an airplane flying at an altitude of less than 1000 feet.

(d) Sound shall be issued from the loudspeaker only.

(e) The cone of sound from the loudspeaker shall be directed so as to cover at one time an area on the ground of less than 700 yards square, and so as to avoid hospitals.

(f) Human speech amplified by the sound device shall not be lewd, indecent nor slanderous nor shall it be specifically addressed to certain individuals as distinguished from the public in general.

(g) The volume of the sound shall be controlled so that it is not audible on the ground over an area in excess of 700 yards square and so that it is not raucous, jarring or a nuisance to the auditors within the area of audibility.

(h) The Chief of Police of the City of Stockton shall monitor the operation of airplanes with sound devices and shall report to the City Manager violations of the above regulations. If the City Manager reasonably finds that a licensee has violated the regulations, he shall direct the City Auditor to refuse the issuance of a new license to the licensee until the further order of the City Manager,
and he may revoke the license already granted.

SECTION 6-034.8. ADVERTISING, HANDBILLS, ETC.

Distributing handbills, advertising throw-aways and other similar types of advertising materials, $200.00 per annum or $10.00 per day.

SECTION 6-034.9. AIRPLANE RENTAL AND LESSONS:

Airplane rental and flying lessons, $25.00 per annum for each airplane.

SECTION 6-034.10. AUCTIONS AND AUCTIONEERS:

Auction sales or auctioneer, $20.00 per day.

SECTION 6-034.11. BANKRUPT, CLOSEOUT SALES, ETC.:

1. Owning, operating, opening, establishing, managing, maintaining, or having charge of any location or place of business of any kind for the sale of any insolvent, bankrupt, fire damaged, closeout or other similar goods, wares or merchandise, $50.00 for the first 30 days plus $10.00 per day over 30 days.

In the event that the business conducting and/or carrying on a forced, removal, closing out or similar sale is located within the boundaries of an approved Urban Renewal Project Area or is being forced to vacate a business location due to eminent domain proceedings, the license fee provided for in this section shall be waived.

Every person managing, conducting and/or carrying on a sale as specified herein, shall make a written application to the City Director of Finance so to do. Said application shall be signed and sworn to by said applicant and shall state all the facts in regard to the contemplated sale, the period of time during which said sale shall be held, together with a statement that no goods, wares or merchandise have been purchased and/or received during the period of thirty (30) days
immediately preceding the date of such application for the purpose of adding same to that in stock for sale, the reason for such sale and an inventory of such goods.

2. General provisions:

(a) The Director of Finance shall file said application and shall endorse thereon the date such license is granted or refused.

(b) It shall be unlawful for any person to make a false statement in such application.

(c) A license issued under the provisions hereof shall be valid only for the inventoried goods.

(d) A license issued under the provisions hereof shall not be transferable.

(e) It shall be unlawful for any person managing, conducting, and/or carrying on a sale as specified herein to secure goods other than those enumerated in said inventory for the purpose of selling same at said sale.

(f) It shall be unlawful for any person having a license hereunder to add any goods to the inventoried stock, and no goods shall be sold except that included in the original inventory.

(g) The provisions hereof shall not apply to public or court officers or to any person acting under the direction of State or Federal Courts in the course of their official duties.

SECTION 6-034.12. CHRISTMAS TREES, GREENS OR CARD SALES:

Sale of Christmas trees, holly, berries, cards or other seasonal items, $25.00 per season, except where business is conducted in connection with another regularly established
place of business for which a license has been issued, or is
conducted by and solely for the benefit of a charitable or
non-profit organization.

SECTION 6-034.13. FINANCE COMPANIES:

Finance company, $300.00 per annum.

SECTION 6-034.14. JUNK DEALERS OR DEALERS IN OLD AND/OR USED
ARTICLES:

1. Every person, at a fixed place of business in the City
of Stockton, engaged in the business of carrying on or
collecting, buying or selling at either retail or whole-
sale or otherwise dealing in junk and/or rubbish, waste
material, refuse and/or any old rags, sacks, bottles,
cans, papers, metals, jewelry, precious metals, rubber,
bric-a-brac, cordage, truck or automobile tires, truck
or automobile accessories, and truck or automobile parts,
and other like articles, whether the same can be sold
or otherwise disposed of for the purpose of being treated,
repaired or prepared so as to be used again in some other
form, $250.00 per annum.

2. Every person who does not maintain a fixed place of busi-
ness in the City of Stockton, engaged in the business of
collecting, buying or otherwise dealing in junk and/or
rubbish, waste material, refuse and/or any old rags,
sacks, bottles, cans, papers, metals, jewelry, precious
metals, rubber, bric-a-brac, cordage, truck or automobile
tires, truck or automobile parts, truck or automobile
accessories, and other like articles whether the same
can be sold or otherwise disposed of for the purpose of
being treated, repaired or prepared so as to be used
again in some other form, $250.00 per annum.

3. Every person who maintains a fixed place of business in
the City of Stockton for wrecking or salvaging motor
vehicles, $250.00 per annum.
(a) "Wrecking" means the business of buying or trading in second-hand, used or wrecked motor vehicles, and selling the parts thereof or building motor vehicles from the salvaged parts of such motor vehicles and selling the same, or the "wrecking" or "salvaging" of motor vehicles on a contract basis.

SECTION 6-034.15. PAWN BROKERS:

Pawnbroker, $150.00 per quarter.

SECTION 6-034.16. SEARCHLIGHT:

Searchlights not mounted on vehicles, $50.00 per annum, $20.00 per month, or $5.00 per day for each searchlight.

SECTION 6-034.17. SHOE SHINING:

Shoe Shining, $3.00 per quarter or $10.00 per annum.

SECTION 6-034.18. ITINERANT MERCHANT, PEDDLER OR SOLICITOR.

SECTION 6-034.19. ITINERANT MERCHANT:

An itinerant merchant under this Part shall be deemed and construed to mean and include any person or persons, firm, or corporation, either principal or agent, employer or employee who engages in a temporary business in the City by selling or offering for sale, goods, wares, merchandise, or things or articles of value, for a period of not more than one hundred ninety (190) days, and who, for the purpose of carrying on such business, hires, leases, or occupies any room, building, structure or stand on any real property, or on or adjoining any street or public place in the City. The person, firm or corporation so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by reason of conducting such temporary business in connection with or as a part of any local business, or in the name of any local dealer, trader, merchant or auctioneer.

Every person, firm, or corporation engaged in the business of an itinerant merchant shall pay a license fee of $150.00 per
year, $50.00 per quarter or $10.00 per day.

SECTION 6-034.20. PEDDLER:

Shall be defined as any person who sells and makes immediate delivery or offers for sale and immediate delivery any goods, wares, merchandise, service or thing in the possession of the seller, at any place in the City of Stockton other than at a fixed place of business but shall not include salesmen or agents for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies. Every person, firm or corporation engaged in such a business (peddler) in the City of Stockton shall pay a license fee of $50.00 per year per peddler, $15.00 per quarter per peddler or $5.00 per day per peddler.

SECTION 6-034.21. SOLICITOR:

Shall be defined as any person who engages in the business of going from house to house, place to place, in or along the streets, within the City of Stockton, and/or by telephone, selling or taking orders for or offering to sell or take orders for goods, wares, or merchandise or other things of value for future delivery, or for services to be performed in the future. Every person, firm, or corporation engaged in such a business in the City shall be required to pay a license fee of $150.00 per year per solicitor, $50.00 per quarter per solicitor or $10.00 per day per solicitor.

(a) All solicitors requiring cash deposits or taking orders for cash on delivery purchases (C.O.D.), or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future shall furnish to the City of Stockton a bond in an amount to be determined by the City Manager executed by the bounden
principal and any reliable surety company. Such bond shall be conditioned upon the making of final delivery of the goods ordered, or services to be performed, in accordance with the terms in such order or failing therein that the advance payment on such order be refunded within sixty (60) days from the contract delivery date.

Any person aggrieved or damaged by the action of any such solicitor shall have the right of action on the bond for the recovery of money or damages or both. Such bond shall remain in full force and effect, for a period of ninety (90) days after the expiration of such license, unless sooner released by action of the City Council.

(b) All solicitors shall be required to pay in advance, the sum of $2.00 per individual for the required identification card.

(c) Other persons not maintaining a fixed place of business in the City of Stockton but who regularly render personal or other services or products either by appointment, call, referral or otherwise from place to place or house to house in the City are subject to the provisions of this section.

(d) Every person engaged in the business of soliciting must receive an identification card from the Department of Finance. The applicant must file a written notarized statement with the Director of Finance. Such statement shall state the name and location of the company or firm for which the orders are to
be secured, the name of the nearest local or state manager, if any, his address, the kind of goods, wares, or merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory, or plant within the State of California, the method of delivery, the name and location of the residence of the applicant, and any other facts the Director of Finance may require. Any applicant must present such a certificate to the Director of Finance before a business license can be issued to him. Any person failing to comply with the provisions of this section is subject to arrest and prosecution for a misdemeanor. If, in the judgment of the Chief of Police, the representations made in said statements, or his investigation of the applicant, discloses that the granting of the license applied for may be detrimental to the public peace, morals, health, safety or general welfare, or that the applicant is not of good moral character or has been convicted of any violation of law involving moral turpitude, he shall recommend to the Director of Finance that said license be denied. The Director of Finance shall accept or deny upon the recommendation of the Chief of Police any application for a license as described in the provisions of this section.

(e) Any solicitor who claims to be entitled to an exemption from the payment of any license provided for in this Part upon the grounds that he or she is employed by a non-profit, charitable
or fraternal organization shall file a written, notarized affidavit disclosing the following information: A list of all corporate officers of said organization, a financial statement for the business for the most recent fiscal year, the name of the immediate supervisor and any other information which the Chief of Police and Director of Finance may require to establish such claim of exemption. Thereupon said application shall be forwarded to the City Attorney of the City of Stockton for his action upon the same and no such solicitor shall be entitled to solicit in the City of Stockton unless and until said organization has obtained such permit.

(f) Any solicitor being duly licensed according to the provisions of this Part shall, furthermore, carry on his person at all times while operating in the City of Stockton, a solicitor's permit as furnished by the Chief of Police. This permit, shall serve as a notice to the public that said solicitor is duly licensed by the City and has the necessary approval of the Chief of Police.

SECTION 6-034.22. SOLICITING OR PEDDLING PROHIBITED DURING CERTAIN HOURS:

It shall be unlawful for any person to solicit, peddle, canvass or take orders from house to house or from place to place in the City of Stockton between the hours of 7:00 P.M. of one day and 9:00 A.M. of the following day.

SECTION 6-034.23. PHOTOGRAPHERS - TRANSIENT:

1. Each transient photographer shall pay a license fee of $150.00 per year, $50.00 per quarter or $10.00 per day.

2. General Provisions:

(a) Applicants for a license to photograph, solicit
or take orders for photographs or photographic work, or selling or giving coupons for photographic work, and requiring a deposit in advance of the final delivery of any such work or services, and having no fixed place of business within the City of Stockton, as hereinafter defined in this section, shall file with the Director of Finance, in duplicate, a sworn affidavit in writing on a form to be furnished by the Director of Finance giving such information as may be requested and including the names of two residents of the City of Stockton who will certify as to the applicant's good character and business responsibility or in lieu of such names, such other available evidence as to the good character and business responsibility of the applicant as will enable the Chief of Police to evaluate such character and business responsibility.

(b) Upon receipt of such application, the original shall be transmitted to the Chief of Police who shall cause such investigation of the applicant's business background and moral character to be made as he deems necessary for the protection of the public welfare. If as the result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons for the same and return the application to the Director of Finance who shall notify the applicant that his application is disapproved and that no license will issue. If, however, as the
result of the investigation by the Chief of Police, the Chief of Police shall endorse his approval on the application and transmit the same to the Director of Finance, the Director of Finance shall upon payment of the license fee herein prescribed and upon the filing of a bond as hereinafter prescribed, deliver to the applicant his license.

(c) Before the Director of Finance shall issue a license under this section, the applicant shall first file with the Director of Finance a bond in the penal sum of Five Hundred ($500.00) Dollars, executed by an established surety company, or executed by two responsible freeholders residing in the City of Stockton, or in lieu thereof shall make a cash deposit with the Director of Finance in the sum of Five Hundred ($500.00) Dollars, conditioned upon making final delivery of the finished photographic work, in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded, and conditioned further, that any person aggrieved by this action of any such person soliciting or taking orders for photographic work or selling coupons for photographic work, as hereinbefore in this section set forth, shall have a right of action on the bond for the recovery of money or damages or both. Said bond shall be retained by the City of Stockton for a period of thirty (30) days after the expiration of the license issued at the time of the filing of said bond. If contractual obligations remain
outstanding at the conclusion of the thirty (30) day period, the bond shall remain with the City until such obligations have been discharged.

(d) Any person aggrieved by the action of the Chief of Police or by the Director of Finance in the denial of a license as provided in this section shall have the right of appeal to the City Council as provided in Section 6-026.

(e) This section shall not apply to any person who for a period of at least six (6) continuous months, has operated and is continuing to operate a photographic business from a regular established place of business within the City of Stockton. A "regular established place of business" as said term is used in this section means a business which is kept open for at least six (6) hours between the hours 8 A.M. and 5 P.M. at least five (5) days a week, and at which place of business a bona fide effort is made to actually conduct a photographic business, other than the mere developing of pictures on the premises.

SECTION 6-034.24. RADIO BROADCASTING, TELEVISION AND/OR SOLICITING ADVERTISING FOR:

Radio and Television Broadcasting, or soliciting advertising for Radio or Television Broadcasting, $200.00 per annum.

The conducting or carrying on of the business of pro-
ducing or generation of electromagnetic waves within the City of Stockton for the purpose of broadcasting by radio transmission or television is hereby declared to be a local business. The business of soliciting advertising within the City of Stockton for radio or television transmission in intrastate broadcasting is hereby declared to be a local business.

Radio broadcasting studios or television stations which generate electromagnetic waves solely for religious, educational or charitable broadcasting shall be exempt from payment of the revenue license tax set herein.
Division 6

EXEMPTIONS AND EXCLUSIONS

SECTION 6-035. EXEMPTIONS:

The following are exempted from the payment of a license tax under this Part:

1. Any non-profit institution, corporation, organization, or association organized and conducted for non-profit purposes only, when the receipts derived are to be wholly for the benefit of such organization and not in the whole or any part for private gain of any person. This exemption shall not apply to promoters employed by non-profit institutions, corporations, organizations or associations.

2. Any solicitor engaged in interstate commerce when a license tax casts a burden upon such interstate commerce.

3. Any honorable discharged or honorable relieved soldier, sailor, or marine of the United States who is physically unable to obtain a livelihood by manual labor, and who is a voter of this State, distributing circulars, or hawking, peddling or vending any goods, wares or merchandise owned by him, except spirituous, malt, vinous or other intoxicating liquor.

4. Any public utility which makes an annual payment to the City of Stockton under a franchise or similar agreement.

SECTION 6-036. EXCLUSIONS:

Except as may be otherwise specifically provided in this Part the terms hereof shall not be deemed or construed to apply to any of the following persons:

1. Banks, including national banking associations, to the extent that a City may not levy a license tax upon them under the provisions of Article XIII, Section 16, Subdivision 1 (a) of the State Constitution.
2. Insurance companies and associations to the extent that a City may not levy a license tax upon them under the provisions of Article XIII, Section 14 4/5 of the State Constitution.

3. Any person whom the City is not authorized to license under any law or constitution of the United States or the State of California. The Director of Finance may require the filing of a verified statement from any person claiming to be excluded by the provisions of this section which statement shall set forth all facts upon which the exclusion is claimed.

SECTION 6-037. CLAIMS FOR EXEMPTION:

Any person desiring to claim exemption from the payment of a license tax and to have a free license issued to him shall make application therefor upon forms prescribed by the Director of Finance and shall furnish such information and make such affidavits as may be required. Upon the determination being made that the applicant is entitled to exemption from the payment of license taxes for any reason set forth in this Part, the Director of Finance, upon the applicant complying with the provisions of this Part or any other ordinance of the City of Stockton which may require a permit for the doing of the particular act proposed to be done, shall issue a free license to such person which shall show upon its face that the license tax is exempt.

SECTION 6-038. REVOCATION OF EXEMPTION:

The Director of Finance may revoke any exempt license granted pursuant to the provisions of this Part upon information that the licensee is not entitled to the exemption as provided herein. In such revocation the procedure to be followed and right of appeal shall be as provided in Sections 6-025 and 6-026 herein for determination of a disputed tax.
SECTION 6-039. CONSTITUTIONAL APPORTIONMENT:

None of the license taxes provided for by this Part 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 Constitutions 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 this method of business and the 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 non-discriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the Director of Finance shall have the power to base the license tax upon a percentage of gross receipts 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 Part. Should the Director of Finance determine the gross receipts measure of license
tax to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City, or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor, provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this Part.

SECTION 6-040. SUBSTITUTE FOR OTHER REVENUE ACTS:

Any person required to pay a license tax for transacting and carrying on any business under this Part shall be relieved from the payment of any license tax for the privilege of doing such business which has been required under any other ordinance of the City of Stockton, but shall remain subject to the regulatory provisions of such other ordinance. This section shall not apply to inspection, permit fees, admission tax or any tax added upon the consumer or user.

SECTION 6-041. EFFECT OF PART ON PAST ACTIONS AND OBLIGATIONS PREVIOUSLY ACCRUED:

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

SECTION 6-042. UNEXPIRED LICENSES HERETOFORE ISSUED.

Any person who on the effective date of this Part has a valid unexpired license for any business issued by the City of Stockton under the provisions of any ordinance heretofore enacted, shall receive credit on the amount of the license
tax imposed by this Part for a prorata of the license tax
previously paid based upon the unexpired portion of the
period for which such previous license was issued. In the
event that the prorata credit for an unexpired license is
greater than the license tax required by this Part, then
and in that event the amount of the license tax under this
Part shall be the amount of the credit for the unexpired
license fee or fees paid under each other ordinance or
ordinances.

SECTION 6-043, LICENSE TAX A DEBT:

The amount of any license tax and penalty imposed by the
provisions of this Part shall be deemed a debt to the City
of Stockton, and any person carrying on any business without
first having procured a license from said City so to do shall
be liable to an action in the name of said City in any court
of competent jurisdiction for the amount of the license tax
and penalties imposed on such business.

SECTION 6-044, REMEDIES CUMULATIVE:

All remedies prescribed hereunder shall be cumulative and
the use of one or more remedies by the City shall not bar the
use of any other remedy for the purpose of enforcing this Part.

SECTION 6-045, EFFECT OF MISTAKE:

In no case shall any mistake made by the City in stating
the amount of a license tax prevent or prejudice the collection
by the City of what shall be actually due from anyone carrying
on a business subject to a license tax under this Part.

SECTION 6-046, EVIDENCE OF LIABILITY:

In any action brought under or arising out of any of the
provisions of this Part, or of any ordinance imposing a license
tax, the fact that a party thereto represented himself as
engaged in any business or calling for the transaction of
which a license is required, or that such party exhibited a
sign indicating such business or calling, shall be conclusive.
evidence of the liability of such party to pay for a license for such business.

SECTION 6-047. ADMINISTRATION OF OATHS:

For the purpose of this Part, the Director of Finance, his deputies and authorized agents, are authorized to administer oaths.

SECTION 6-048. ENFORCEMENT:

It shall be the duty of the Director of Finance, his deputies, agents, and/or employees, and they and each of them are hereby directed to enforce each and all of the provisions of this Part. Each department of the City which issues permits for work to be done shall require the production of a valid un-expired license prior to the issuance of such a permit. The immediately preceding sentence shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with the Constitution or applicable statutes of the U.S. or the State of California.

The Director of Finance in the exercise of the duties imposed upon him hereunder and acting through his deputies or duly authorized assistants, may examine or cause to be examined all places of business in the City to ascertain whether the provisions of this Part have been complied with.
SECTION 3. VALIDITY:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Stockton hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect and be in full force from and after thirty (30) days from its final passage.
CERTIFICATE

This is to certify that Ordinance No. 2088-C.S. was passed to print by the City Council of the City of Stockton, on the 16th day of February 19... by the following vote:

Ayes—Councilmen Bott, Davis, Huckins, Pasquini, and Mayor Rue.

Noes—Councilmen Doll and Silveria.

Absent—Councilmen Arismendi and Evanhoe.

Stockton, Cal., February 16, 1971.

[Signature]

City Clerk of the City of Stockton

This is to certify that on the 20th day of February, 1971, I caused Ordinance No. 2088-C.S. with the ayes and noes, to be published in the Stockton Daily Record, a daily newspaper of general circulation, published and circulated in the City of Stockton, being the official newspaper of the City of Stockton as provided by the Charter of the City of Stockton.


[Signature]

City Clerk of the City of Stockton

This is to certify that Ordinance No. 2088-C.S. was finally passed and adopted by the City Council of the City of Stockton on the 22nd day of February, 1971, by the following vote:

Ayes—Councilmen Bott, Davis, Evanhoe, Huckins, and Mayor Rue.

Noes—Councilmen Doll and Silveria.

Absent—Councilmen Arismendi and Pasquini.


[Signature]

City Clerk of the City of Stockton

This is to certify that Ordinance No. 2088-C.S. of the City Council of the City of Stockton is hereby signed by me this 22nd day of February 1971.

Attest:

[Signature]

City Clerk of the City of Stockton

Mayor of the City of Stockton