

ORDINANCE NO. 277

AN ORDINANCE LICENSING FOR THE PURPOSE OF REVENUE AND REGULATION EVERY KIND OF LAWFUL BUSINESS HEREIN SPECIFIED, TRANSACTED OR CARRIED ON WITHIN THE CORPORATE LIMITS OF THE CITY OF LODI, STATE OF CALIFORNIA, FIXING THE RATE OF LICENSE TAXES UPON THE SAME, PROVIDING FOR THE COLLECTION OF SAID LICENSE TAXES AND PUNISHMENT FOR THE CARRYING ON OF SUCH BUSINESS OR BUSINESSES WITHOUT A LICENSE AND REPEALING CERTAIN ORDINANCES.

The City Council of the City of Lodi, does ordain as follows:

DEFINING TERMS

Section 1. The word "person" as used in this ordinance is intended to include corporations, firms and associations as well as natural persons, and the requirements herein prescribed respectively such persons shall apply to all persons whether owners, employees, agents, officers, principals, servants or assistants, and every person interested in, engaged in, assisting in or in any way taking part in any of the acts herein referred to shall be responsible for the performance and liable for the nonperformance of the acts herein required until the same shall have been fully performed according to the terms of this ordinance.

The word "business" as used herein shall be construed and is hereby intended to cover any trade, occupation, employment, profession, calling or pursuit of any kind or nature, carried on or conducted in the City of Lodi.

Words used in this ordinance in the present tense include the future tense as well as the present tense; words used in the masculine gender include the feminine and neuter; the singular includes the plural and the plural the singular.

CONSTRUCTION

Section 2. The provisions of this ordinance are to be liberally construed with a view to effect its objects and carry out its true intent.

LICENSES PAYABLE IN ADVANCE

Section 3. It shall be unlawful for any person to keep, conduct, maintain, carry on or cause to be carried on within the limits of the City of Lodi any business for the transaction or carrying on of which a license is required, without first taking out or procuring the license required for such business which license when procured authorized the person named therein and none other, at and in the particular place stated in such license and no other place, to transact or carry on the business described in such license and no other. A separate license must be procured for each branch establishment or separate house of business located in the City of Lodi and which may be subject to the terms hereof. In case of doubt or in case a business may belong to two or more classes, the highest rate herein fixed shall be paid. Where two or more distinct lines of business are carried on under the same management nothing herein shall be construed to preclude the taxing and licensing of each line of business separately.

AMOUNT OF DEBT

Section 4. The amount of any license tax imposed under or by virtue of any provisions of this ordinance shall be deemed a debt owing to the City of Lodi at the time of the commencement of any such business requiring such license tax and on the first day of each license period thereafter during the continuation of such business; and for the collection of such license tax an action may be commenced by and in the name of the City of Lodi in any court of competent Jurisdiction and the City Council of the City of Lodi shall direct suit in behalf and in the name of the City of Lodi, as plaintiff, to be brought for the recovery of such license tax against any person required by this ordinance to take out a license who shall fail, neglect or refuse to take out such license or to pay such license tax or who carried on or shall attempt to carry on any business in any form or manner whatsoever without such license (where such license is required) and in such case the City Chief of Police or any member of the City Council of said City may make the necessary affidavit for attachment, and a writ of attachment may issue and may be levied as required by law.

PENALTY

Section 5. Every person who shall commence, engage in or carry on any business whether as principal, agent, clerk, solicitor or otherwise for the transaction or carrying on of which a license is required under or by virtue of any provision of this ordinance, without first taking out or procuring the license prescribed herein or who shall otherwise violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be punished by a fine not exceeding Three Hundred Dollars or by imprisonment for a period not exceeding three months or by both such fine and imprisonment.

TRANSFER OF LICENSE

Section 6. No license issued or granted under any of the provisions of this ordinance shall be in any manner assignable or transferable or authorize any person other than is therein named or mentioned to do business or to authorize any business other than is therein named or mentioned to be done or transacted, or authorize the transaction of the business at any place other than is therein mentioned or named. Provided, that, with the consent of the City Council, if such consent be granted by four-fifths vote of the members of said City Council, any licensee operating for more than six months at a licensed location in this City may move his place of business to another location without obtaining a new license for such location, and such removal, when made pursuant to such consent, shall not put the licensee in a position thereafter of being an applicant for a "new license" as defined in Section 9 of this ordinance.

EVIDENCE OF LIABILITY TO PAY LICENSE

Section 7. The fact that a party represents or may hereafter represent himself as engaged in any business for the transaction of which a license is required, or that such party may hereafter exhibit a sign indicating such business, shall be conclusive evidence of the liability of such person to pay for a license.

LICENSE TO BE EXHIBITED

Section 8 (a). Every person having a municipal license within the City of Lodi shall exhibit the same at all times in some conspicuous part of the place of business for which it is issued, if such person has such place of business.

### LICENSE PERIOD

section 8 (b). When a license tax in this ordinance provided is per day, the same shall be due and payable each day in advance; when such license tax is per month the same shall be due and payable on the first day of each month in advance; when such license tax is per week the same shall be due and payable each week in advance; when such license tax is per quarter year, the same shall be due and payable on the first day of January, April, July and October in advance; and when such license tax is per year the same shall be due and payable in advance at the time such yearly license is obtained.

Daily, weekly or monthly licenses shall not be prorated and shall be for the full period prescribed therefore; quarterly licenses issued between the first and last days of a quarter shall be charged the licensee in the proportion that the unexpired part of such quarter bears to the total number of days in the quarter.

Annual Licenses are due on the first day of January in advance; applications received during the calendar year shall be charged the licensee in the proportion that the unexpired part of the year bears to the total number of days in the year, except that, where the annual license fee is \$5.00 or less, persons applying between the first day of January and the thirtieth day of June shall pay for the entire year and persons applying for license between the first day of July and the thirty-first day of December shall pay one-half of the license fee provided therefore.

### MANNER OF PROCURING LICENSE

Section 9. Any person desiring to conduct any business within the corporate limits of the City of Lodi for the transaction of which a license is required shall make application to the City Council for such license (which application may be filed with the Clerk of said Council) stating in full the nature of the business for which a license is desired, the period of time for which such license is desired, the address and place of residence of the applicant, and stating the names of at least two persons to whom inquiries may be addressed as to the good moral character of such applicant or of the officers of such applicant if a corporation, or of the members of such applicant if a partnership or unincorporated association.

At each regular meeting of the City Council of said City, the City Clerk shall present to said City Council all applications for licenses hereunder, which may have theretofore been made, but not acted upon by said City Council; and, at its second regular meeting thereafter said City Council shall consider the said application or applications, the time between the presentation of said application to said council and the hearing thereon being allowed so that the Chief of Police or other interested persons may investigate the character of each applicant, or of its officers or members for business honesty and integrity. The City Council may, if it deems necessary, continue the hearing on said application for an additional period of not to exceed sixty days. At such hearing or continued hearing, the City Council shall hear and consider the written report of the Chief of Police, which shall be filed with the City Clerk before such original hearing, on the character of said applicant, or of its officers or members, for business honesty and integrity and shall hear such other evidence as the applicant or any resident of the City of Lodi may desire to present, touching the business honesty or integrity of the applicant or of its officers or members. After said application shall have been so heard, said City Council shall order said license to be granted, and to be issued by the City Clerk unless it shall appear to said City Council, from evidence so introduced before the

Council at such hearing or hearings, that such applicant, or its officers or members is or are unfit to receive such license, because of lack of character for business honesty and integrity.

Section 9 (a). Every person hereafter applying for a new license in the City of Lodi (that is, for a license to conduct a business, which has not theretofore, under a license in effect at the time of filing such application, been conducted at the location in said city where such applicant proposes to operate) shall pay to the City Clerk, in addition to any license fee or tax required to be paid hereunder, the sum of Two Hundred and Fifty Dollars (\$250.00), or shall file with the City Clerk a Bond in said sum, executed by two responsible free-holders residing in the City of Lodi, or executed by a surety company, licensed to do business in this state, conditioned as hereinafter mentioned. If such license be denied said sum of Two Hundred Fifty Dollars (\$250.00), or said bond, shall be returned by the Clerk to the applicant; but, if such license be granted, such sum, or such bond, shall be retained by the Clerk, as a guaranty, and conditioned, that such licensee will faithfully and honestly pay all sums of money which such licensee may thereafter owe or contract or incur (in the operation of such business) for a period of six months continuously next succeeding the granting of such license. If after the end of such six month period, said licensee shall file with the Clerk of said city an affidavit stiting that such licensee has fully paid all such obligations, said sum of Two Hundred Fifty Dollars (\$250.00) shall be returned to the licensee, in full, or all liability thereafter to be incurred on said bond shall be exonerated; otherwise, the City Clerk shall apply such money to payment of such attachments or executions, as may have been levied against said money, and return the balance to the licensee, or retain said bond as security for payment of any judgment which may be recovered against such licensee for violating any condition of such bond and which may be enforced by any proper legal process, provided, that this section shall not apply to any person, firm or corporation, who or which, for a period of one year next prior to the effective date of this ordinance has been actively engaged in any of the businesses or occupations subject to license in this City.

#### MANNER AND PLACE OF PAYING LICENSES

Section 10. All licenses must be paid for in advance in lawful money of the United States at the office of the Chief of Police of said City without any tender of such license or demand for such license money being made.

#### DUTIES OF CHIEF OF POLICE

Section 11. It shall be the duty of the Chief of Police to examine all places of business and persons within the City of Lodi liable to pay a license tax, collect such license fees if possible, and to file or cease to be filed complaints against all persons who may violate any provision of this ordinance.

#### EXCEPTIONS

Section 12. The provisions of this ordinance shall not be construed as applying to any exhibit, show or performance which may be given for the exclusive benefit of any church, school, benevolent or social organization or for any charitable purpose, by any amateur, dramatic association or literary or other society.

RATE OF LICENSE

Section 13. License taxes are hereby levied on the various lines of business conducted or to be conducted or to be carried on in the City of Lodi and any person who may hereafter be engaged in any line of business in the City of Lodi shall pay to said City a license tax for each line of business so to be conducted in said City in the amount hereinafter specified, to-wit:

SOLICITORS

Subdivision 1. A 'Solicitor' within the meaning of this ordinance is defined to be any person who goes from house to house or from place to place in the City of Lodi, selling, soliciting, or taking orders for, or offering to sell, or take orders for goods, ware or merchandise, or any article for present or future delivery, or for services to be performed or for the making, manufacturing or repairing of any article or thing whatsoever.

Each and every person who shall engage in business as a solicitor within the City of Lodi (except those otherwise licensed by said city, and except those who sell only to merchants or traders for resale) shall pay to said City a license tax of Fifty Dollars (\$50.00) per day.

ANIMAL SHOWS

Subdivision 2. Every person who conducts or shall conduct within the corporate limits of the City of Lodi, an exhibition principally and solely of dumb animals (except circuses) shall pay a license tax of Twenty-five Dollars per day.

ASTROLOGERS, CLAIRVOYANTS, ETC.

Subdivision 3. Every astrologer, seer, fortune teller, hypnotist, palmist, clairvoyant, mind reader, medium or phrenologist who demands or receives a fee or compensation for his or her services either directly or indirectly, either as a gift, donation, or otherwise, or who gives an exhibition at any place where an admission fee is charged shall pay a license tax of Two Hundred Fifty Dollars per quarter year, and no such license shall be issued for less than one quarter year, anything in this ordinance to the contrary, notwithstanding.

Providing that no person shall be required to pay any fee or take out any license for conducting or practicing any religious ceremony or service when such person holds a certificate of ordination or indorsement as a medium, healer or clairvoyant from any bona fide church or religious association having branches or churches in other states and communities, and which has a creed or set of religious principles that is recognized by such churches or branches; provided further that the fees, gratuities, emoluments and profits thereof shall be regularly accounted for and paid solely to or for the benefit of said church or religious association.

AUCTIONEER

Subdivision 4. Every auctioneer shall pay a license tax of Five Dollars per quarter year.

AUCTION GOODS OR BANKRUPT STOCK

Subdivision 5. Every person engaged in or keeping any auction store, bankrupt stock or place of business advertising to dispose of goods, wares or merchandise, at auction, or selling bankrupt

stock, shall pay a license tax of Two Hundred Dollars per year, and no license therefor shall be issued for less than one year.

#### BILLIARDS OR BOWLING ALLEYS

Subdivision 6. Every person, who keeps or conducts any billiard or pool table or bowling alley for the use of patrons shall pay a license tax of Two Dollars per quarter year for each table or bowling alley.

#### CIRCUSES AND SIDE SHOWS

Subdivision 7. Every person who conducts any circus shall pay a license tax of \$100.00 per day and the further sum of Ten Dollars per day for each side show or exhibition for which a separate admission fee is charged.

#### DANCE PLATFORMS

Subdivision 8. Every person who conducts any dance platform shall pay the sum of Ten Dollars per quarter year.

#### TRAVELING MERCHANTS OR HAWKERS

Subdivision 9. Every itinerant merchant, hawker, or peddler who vends goods, wares or merchandise (except agricultural of his own production) and every itinerant merchant, hawker, peddler, vendor, fakir or advertiser who sells or advertises goods, wares or merchandise of any kind by music, singing, dancing, jugglery, tricks, sleight-of-hand, buffoon, displays, shows or performances, or by speeches, declamation or oratory, or by any performance calculated to draw a crowd about the person advertising or selling as aforesaid, shall pay a license tax to said City in the sum of Fifty Dollars per day; and no persons, firm or corporation shall vend any goods, wares or merchandise of any kind whatever in or upon any public street, alley or sidewalk, doorway or any room or building uninclosed, or vacant lot or vacant parcel of land, within the business district of said City, which for the purpose of this ordinance is defined to be the "Commercial District Zone", as such zone is now, or may hereafter be, established by ordinance Number 238 of the City of Lodi, or any amendment or amendments thereto.

#### MERRY-GO-ROUND

Subdivision 10. Any person who conducts a merry-go-round or flying horse machine shall pay a license tax of Ten Dollars per day.

#### SHOOTING GALLERY

Subdivision 11. Every person who conducts a shooting gallery shall pay a license tax of Five Dollars per quarter year.

#### TRAVELING THEATRICAL SHOWS

Subdivision 12. Every person who conducts a traveling theatrical show and showing either in a tent or other place not having a theatre license shall pay a license tax of Fifty Dollars per week or for any part of a week and such license shall not be issued for any period less than one week.

#### CARNIVALS

Subdivision 13. Any person who exhibits a collection of shows, games of skill, mechanical amusement devices or booths for

dispensing of food or refreshments, commonly known or designated as "carnival" shall pay a license tax of One Hundred Dollars per day.

When any of the above shows are conducted separately either as to location or management each shall be individually licensed at the rate of Twenty Dollars per day.

#### THEATRE AND MOTION PICTURES

Subdivision 14. Every person *who* shall maintain any theatre, hall or other building, for theatrical performances, opera singing, concert singing, dancing, fairs, or other public amusements including motion pictures shall pay a license tax of Twenty Dollars per quarter.

#### CARDS OR DICE

Subdivision 15. Every person keeping or conducting a card or dice game or any business in conjunction with a room or in a room where playing cards or dice are permitted, shall pay a license tax of Twenty-five Dollars per quarter year.

#### RESTAURANTS AND ROOMING HOUSES

Subdivision 15-a. Any person keeping or conducting a restaurant, grill or public eating house, or a rooming house where three or more rooms are kept for rent, shall pay a license tax of \$2.50 per year.

#### TAXICABS

Subdivision 16. A taxicab is hereby defined to be any vehicle which may be used within the corporate limits of the City of Lodi for the purpose of transporting any person or persons from any place in said City or to any place in said City for hire.

Any person who shall engage in the business in said City of Lodi of driving or operating a taxicab shall pay a license tax of Five Dollars per quarter year.

#### DOGS

Subdivision 17. Any person owning, harboring or having the care, custody or control or possession of any dog within the corporate limits of the City of Lodi, shall pay to said City an annual license fee of Four Dollars for each female dog and an annual license fee of One Dollar for each male dog, and it shall be unlawful for any person to own, harbor, or have the care, charge, custody, control or possession of any dog within the corporate limits of the City of Lodi, unless said dog shall at all times be kept securely enclosed in a building, pen or inclosure or unless said dog shall at all times be kept securely tethered.

#### MERCHANTS

Subdivision 18. Any person, firm or corporation, who or which shall, in the City of Lodi, keep or conduct any grocery store, butcher shop, hardware store, dry goods store, drug store, or other place where merchandise is exhibited for sale, or sold, or who, by truck, vehicle or otherwise, shall sell or deliver any merchandise or laundry shall pay a license tax of \$2.50 per year.

## CONTRACTORS

Subdivision 19. Any person, *who* or which shall engage in the business of contractor and is subject to license under the State Contractors License Law or is licensed in accordance with the provisions of Ordinance No. 254 of the City of Lodi, shall pay a license tax of \$2.50 per year. The license tax herein in this subsection mentioned shall apply to such persons even though licensed under other subsections of this ordinance.

Section 14. The licenses in this ordinance provided for shall be issued and accepted with the proviso and understanding that any violation of any of the provisions of this or of any other ordinance of the City of Lodi or the permitting of any disturbing noise or disorderly conduct at or in the place where said business is conducted shall be proper and sufficient ground for the revocation of said license by the City Council of said City, after a hearing duly had by the licensee before the said City Council at its regular place of business and upon written notice of at least twenty-four hours to the licensee, which notice shall specify the reason for which it is proposed to revoke such license. Such notice shall be signed by the Chief of Police, City Clerk or any member of said City Council. The order of said City Council revoking any license (when such order shall be duly entered in the minutes of said Council) shall be constructive notice to the licensee of the cancellation and termination of such license and such order shall be sufficient to cancel and terminate such license without any further service upon the licensee.

Section 15. Ordinance Number Eighty-two, Ordinance Number One Hundred Nineteen of the City of Lodi, and all other ordinances and parts of ordinances in conflict herewith are hereby repealed.

~~Section 16. Every person, firm or corporation shall have ninety days after this ordinance shall have gone into effect, within which to apply for and receive such license and pay such license tax, as above required, and during such period of ninety days all penal provisions of this ordinance are hereby waived.~~

Section 17. Nothing herein contained shall be construed as revoking any license heretofore issued by said City and any such heretofore issued license shall remain in full force and effect, at the license fee or rate charged by said City for the same until the expiration of the term for which such license was granted, and (as to the holder of such license) all penal provisions of this ordinance are hereby waived while such license shall remain in full force and effect.

Section 18. If any section, sub-section, paragraph, clause, phrase, word or other part of this ordinance is or shall be declared to be unconstitutional or invalid for any reason, the remainder of this ordinance shall nevertheless be valid, the City Council of the City of Lodi hereby declaring that it would pass and adopt each section, sub-section, paragraph, clause, phrase, word or part of this ordinance regardless of any other part of this ordinance.

Section 19. This ordinance shall in no way effect or interfere with inter-state commerce or with any person engaged in the business of inter-state commerce.

Section 20. Any person or classes of persons who by any valid state or federal law or constitutional provision, now in effect or which may hereafter be in effect in said City of Lodi, are or

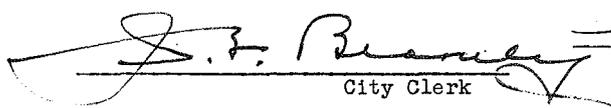
shall be exempted from any of the provisions hereof or from the payment of any license tax hereinabove mentioned, shall be likewise exempted from the terms and provisions of this ordinance.

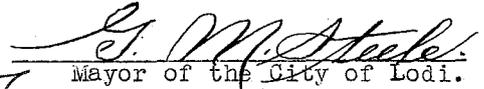
Section 21. No License or license tax shall be required of any person who may offer for sale or sell, outside of said business district, any farm produce raised by himself or any article manufactured solely by his own labor,

Section 22. This ordinance shall be published once in The Lodi News-Sentinel, a newspaper published in the City of Lodi, and shall be in force and take effect thirty days after its passage, approval and publication.

APPROVED:

Attest:

  
City Clerk

  
Mayor of the City of Lodi.

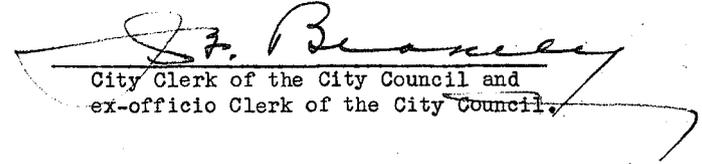
DATED: January 21, 1942

I, J. F. BLAKELY, City Clerk of the City of Lodi, do hereby certify that the foregoing Ordinance No. 277 was regularly introduced in the City Council of the City of Lodi on January 7, 1942 and thereafter, on the 21st day of January, 1942, passed, adopted and ordered to print by the following vote:

AYES: Councilmen, BULL, RIGGS, RINN AND STEELE (MAYOR)  
NOES: Councilman, WEIHE.  
ABSENT: Councilmen, NONE.

I further certify that said Ordinance No. 277 was published in the LODI NEWS-SENTINEL on the 28th day of January, 1942.

January 29, 1942.

  
City Clerk of the City Council and  
ex-officio Clerk of the City Council.

