

ORDINANCE NO. 82.

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 Tax Upon the Same, Providing for the Collection of Said License Tax and Punishment for the Carrying On of Such Business Without a License, and Repealing Certain Ordinances .

The Board of Trustees of the City of Lodi do 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 respecting such persons shall apply to all persons, whether owners, employees, agents, officers, principals, servants or assistants, and every such 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 non-performance of the acts herein required, until the same 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; words used in the masculine gender include the feminine and neuter; the singular includes the plural and the plural the singular.

Construction.

Sec. 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.

Sec. 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, authorizes the party 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 household business located in the City of Lodi. In case of doubt or in the case a business might belong to two or more classes, the highest rate herein fixed shall be paid. Where two or more distinct lines of business is carried on under the same management, nothing herein shall be construed to preclude the taxing of each line of business separately, if in the judgment of the City Marshal the cause of justice demands it.

Amount a Debt.

Sec. 4. The amount of any license tax imposed under or by virtue of any provision 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 maintained by and in the name of the City of Lodi in any court of competent jurisdiction, and the Board of Trustees 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 fails, neglects or refuses to take out such license, or who carries on or attempts to carry on any business in any form or manner whatever without such license, and in such case the Marshal or any member of the Board of Trustees of said city may make the necessary affidavit for and a writ of attachment, may issue without any bond being given in behalf of the plaintiff

Penalty.

Sec. 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 and procuring the license prescribed, or who shall otherwise violate any provision of this ordinance, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, 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.

Sec. 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 authorize any business other than is therein named or mentioned to be done or transacted, or authorize the transaction of business at any place other than is therein mentioned or named, without permission from the City Marshal endorsed thereon. The City Marshal shall, at the time of granting such permission, immediately record such change, or transfer upon the proper register.

#### Evidence of Liability to Pay License.

Sec. 7. The fact that a party represented himself as engaged in any business for the transaction of which a license is required, or that such party exhibited a sign indicating such business, shall be conclusive evidence of the liability of such party to pay for a license.

#### License to be Exhibited.

Sec. 8. (a) Every person having a municipal license shall exhibit the same at all times in some conspicuous part of the place of business for which it is issued.

#### License Periods.

Sec. 8. (b) When the 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 week, the same shall be due and payable each week 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 quarter, 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 specified in this ordinance, and when no time is specified the same shall be due and payable on the first day of April in advance.

No greater or less amounts of money shall be charged or received for licenses issued than is provided in this ordinance, and no license shall be sold or issued for any period of time other than is provided in this ordinance.

#### Manner of Procuring License.

Sec. 9. Any person desiring to conduct any business for the transaction of which a license is required shall make application to the City Clerk for such license, stating in full the nature of the business for which a license is desired, and giving such further information as may be required by the Clerk; and the City Clerk may require such application to be in writing, and to be accompanied by the affidavit of the applicant for a license. ~~When the license required is based upon the amount of business transacted, the applicant must file with the City Clerk a sworn statement of the amount of monthly sales for month immediately preceding the license period for which a license is desired.~~

*Constitution passed  
Nov. 16, 1914, before  
introduction of this  
bill*

The City Clerk may, for any reason he may deem proper, refer any application for a license to the Board of Trustees of the city for their recommendation. If in his judgment no reason exists why the said license should not be granted, it shall be his duty to issue the license under this ordinance for each person making such application, and liable to pay a license hereunder, state the amount of the license thereon, the time for which the same is issued, the character and location of the business for which the same is issued, and the name of the person entitled to such license; and said City Clerk shall sign and deliver said license to the City Marshal for collection, charging the Marshal's account with the amount thereof. The City Clerk, in stating the rate of license, shall grade the same according to his best information and belief, but a mistake by the Clerk in stating the amount of license shall not prevent the collection of the amount that shall be actually due. Whenever the Marshal or Clerk shall be of the opinion that the

statement returned by the person applying for a license is not a true statement, the Clerk shall report such opinion to the Board of Trustees, and, upon such report being received, the Board of Trustees shall cite the person applying for such license to appear and show cause why the license of said person should not be fixed at an amount greater than the statement or return would indicate the person liable for. Such citation shall be served by the Marshal at least five days before the time set for the hearing of such citation by the Board of Trustees. If, at the time set for the bearing of such citation, the person rendering the statement complained of shall produce his books and verify the statement, the Board of Trustees shall direct the license to be issued in conformity with the statement furnished; but if the person applying shall either fail or refuse to verify such statement as aforesaid, or if it shall develop that said statement is not a true statement, the Board shall fix upon an amount to be paid for the license by said person equal to twice the amount which said Board of Trustees shall conclude the person would be liable for under the provisions of this ordinance.

#### Manner and Place of Paying.

Sec. 10. All licenses must be paid for in advance, in the legal money of the United States, at the office of the City Marshal, without any tender of such license, or demand for the license money being made.

#### Duty of Marshal.

Sec. 11. It shall be the duty of the City Marshal to examine all places of business and persons within the City of Lodi liable to pay a license tax, see that such licenses are taken out, and to file or cause to be filed complaints against all persons violating any provision of this ordinance.

#### Exceptions.

Sec. 12. The provisions of this ordinance shall not be construed as applying to any exhibition, show or performance 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 of the City of Lodi.

Gratuitous Licenses.

Sec. 13. The City Marshal and the City Clerk may issue a permit to any person to keep, conduct or carry on any business for which a license is required (except the liquor business), without the payment of the license tax, if, in their judgment, the misfortunes or physical infirmities of the applicant warrant such action on their part, or the interest of the City will be best subserved thereby.

Rate of Licenses.

Sec. 14. License taxes are hereby levied on the various lines of business conducted or carried on in the City of Lodi, and any person engaged in any line of business in the City of Lodi shall pay to the City Marshal as in this ordinance specified a license tax for each line of business in the amount hereinafter specified, to-wit:-

Agents or  
Solicitors.

Subdivision 1.- Every person who solicits or takes orders for goods, wares or merchandise, articles or commodities of any kind (except newspapers and periodicals, and excepting those who sell only to merchants, or traders for re-sale, and excepting those who have in the City of Lodi a fixed place of business, regularly kept open with some one in charge thereof for the transaction of the particular business engaged in during the hours customary for the transaction of such business) shall pay a license tax of \$25.00 per quarter year; and no license therefor shall issue for less than a quarter year.

Animal  
Shows.

Subdivision 2.- Every person who conducts an exhibition solely of dumb animals (excepting circuses) shall pay a license tax of \$10.00 per day.

Astrologers,  
Clairvoyants,  
&c.

Subdivision 3.- Every astrologer, seer, fortune teller, hypnotist, palmist, clairvoyant, mind-readel, ~~spiritualist~~, ~~spiritualistic~~ medium or phrenologist who demands a fee for his or her services shall pay a license tax of \$10.00 per day.

Auctioneer

Subdivision 4.- Every resident auctioneer shall pay a

license tax of \$1.00 per quarter. Every itinerant auctioneer shall pay a license tax of \$10.00 per day.

Auction  
Goods, or  
Bankrupt  
Stock.

Subdivision 5- Every person engaged in keeping or conducting any auction store, bankrupt store or place of business advertised to dispose of goods, wares or merchandise for original cost or less, or selling bankrupt stock shall pay a license tax of \$200.00 per year; and no license therefor shall issue for less than one year.

Billiards,  
or Bowling  
Alleys.

Subdivision 6- Every person who keeps any billiard or pool table or bowling alley for the use of patrons shall pay a license of \$2.00 per quarter year for each table or alley.

Circus and  
Side Shows.

Subdivision 7- Every person who conducts any circus shall pay a license tax of \$25.00 per day, and the further sum of \$5.00 per day for each side show or exhibition for which a separate admission fee is charged.

Dance Plat-  
form.

Subdivision 8- Every person who conducts any dance platform shall pay the sum of \$10.00 per quarter year.

Dogs.

Subdivision 9- Every owner of any dog shall pay the following license tax per year: For each female dog, the sum of \$3.00 ; for each male dog, the sum of \$1.00

Exhibitions.

Subdivision 10- Every person, who conducts any exhibition for which no rate is herein otherwise fixed shall pay a license tax of \$5.00 per day.

Merchant,  
Traveling.

Subdivision 11. - Every traveling merchant, hawker or peddler, who vends goods, wares or merchandise of any kind (except agricultural or farm produce of his own production), shall pay a license tax of \$15.00 per quarter year; and every traveling merchant, hawker, peddler, vendor, street fakir, or advertiser, who sells or advertises goods, wares or merchandise of any kind by music, singing, dancing, jugglery, tricks, sleight-of-hand, buffoonery, gymnastics, or by spectacular displays, shows or performances, or by

speeches, declamation or oratory, or by any performances calculated to draw a crowd of people about the person selling or advertising as aforesaid, shall pay the sum of \$25.00 per day.

Merry-Go Round. Subdivision 12. - Every person who conducts a merry-go-round or flying horse machine shall pay a license tax of \$5.00 per day.

Patent Medicines. Subdivision 13. - Every person vending, hawking, peddling, selling or otherwise disposing of patent medicines or mixtures, or any mixture or thing for medicinal or curative purposes or uses, except such as are sold or disposed of at a fixed place of business, shall pay a license tax of \$25.00 per day.

Real Estate Dealer. Subdivision 14. - Every person not having a fixed place of business in said city, who sells, offers for sale or attempts to sell any real property not his own, within said city, shall pay a license tax of \$15.00 per quarter year.

Shooting Gallery. Subdivision 15. - Every person who conducts a shooting gallery shall pay a license tax of \$5.00 per quarter year.

Shows, Traveling. Subdivision 16. - Every person conducting a traveling theatrical show and showing either in a tent or other place not having a theater license shall pay a license tax of \$10.00 per day.

Skating Rink. Subdivision 17. - Every person who conducts a skating rink shall pay a license tax of \$50.00 per quarter year; and such license shall issue for no less time than one quarter year.

Theater and Motion Pictures. Subdivision 18. - Every person who shall maintain any theater, hall or other building for theatrical performances, opera singing, concert singing, dancing, fairs and other public amusements, including motion picture shows, shall pay a license tax of \$5.00 per quarter year.

Cards ~~and~~ or dice. Subdivision 19. - Every person keeping or conducting any business in conjunction with a room or in a room where cards or dice are permitted shall pay a license tax of \$ 25.00 per quarter year.

Sec. 15. The licenses in this ordinance provided for are issued and accepted with the proviso 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 in the place of business of the licensee shall be proper and sufficient grounds for the revocation of such license by the Board of Trustees, and the service on the licensee by the City Marshal of a certified copy of the order of the Board of Trustees revoking such license shall terminate the operation of such license.

Sec. 16. The following Ordinance of the City of Lodi is hereby repealed, to-wit: Ordinance Number Sixty-five.

Sec. 17. This ordinance shall take effect and be in force from and after the 31st day of December, 1914.

Sec. 18. The City Clerk shall certify to the passage and approval of this ordinance and shall cause the same to be published by being printed once in the Lodi Post, a newspaper of general circulation and published in the City of Lodi.

I hereby sign and approve the foregoing ordinance this 30th day of November, 1914.

F. O. Hale  
President of the Board of Trustees of the  
City of Lodi, California.

I, H. S. Clark, City Clerk of the City of Lodi, do hereby certify that the foregoing Ordinance No. 82 was read and introduced for passage on November 16, 1914, and was thereafter on November 30th, 1914, duly and regularly passed and adopted by the following vote;

Ayes: Trustees **Black, Keeney, Deaver, Folendorf and Hale.**

Noes: **None.**

Absent: **Absent.**

And I further certify that said ordinance was approved and

signed by the President of the Board of Trustees on said 30th day  
of November, 1914.



*W. S. Clark*  
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City Clerk of the City of Lodi,  
California.