

ORDINANCE NO. 2006-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING THE MUNICIPAL CODE BY CHANGING CHAPTER 3-3 PERTAINING TO BUSINESS LICENSES

Article 1. Definitions

3-3-100 Definitions.

As used in this Chapter:

- (A) "Business" means professions, trades and occupations, and all and every kind of calling carried on for profit or livelihood.
- (B) "City" shall mean the City of San Juan Bautista.
- (C) "City Manager" shall mean the City Manager or his or her designee.
- (C) "Gross receipts" shall mean 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 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 and property of any kind without deduction of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" are the following:
 - 1. Cash discounts allowed and taken on sales;
 - 2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
 - 3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
 - 4. 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;
 - 5. 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 furnishes the City Manager with the names and address of the others and the amounts paid to them;
 - 6. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business are not excluded;
 - 7. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission, payment or income to the agent or broker;
 - 8. As to a retail gasoline business, that portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provision of Division 2 of the Revenue and Taxation Code of the state;
 - 9. As to a retail gasoline business, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code, if paid by the employee or collected by him from the consumer or purchaser;
 - 10. That portion of the receipts of a general contractor which represents payments to subcontractors, provided that such subcontractors are licensed under this chapter and provided the general

contractor furnishes the City Manager with the names and addresses of the subcontractors and the amounts paid to each subcontractor;

11. Businesses engaged in the rental of living quarters or housing units where the total number of rentals within the City is less than five (5).

(D) "Manufacturer" shall mean one engaged in making materials, raw or partly finished, into wares, suitable for use.

(E) "Person" means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies and individuals transacting and carrying on any business in the City of San Juan Bautista.

(F) "Profession" means any business conducted or carried on by any person engaged in an occupation or vocation requiring special knowledge and training and a license by the state of California to practice. A profession includes by is not limited to an accountant, architect, attorney, auditor, certified public accountant, chiropractor, dentist, landscape architect, optometrist, physician, registered engineer, surgeon, and veterinarian.

(G) "Quarter" shall mean a period of three (3) calendar months. The quarters begin on the first day of January, April, July and October of each year. The quarter shall include fractions thereof.

(H) "Retail business" is defined to be every business conducted solely for the purpose of selling or offering to sell any goods, wares or merchandise, other than as a part of a "wholesale business" as defined herein.

(I) "Sale" includes 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 considered a sale. The foregoing definitions do not exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

(J) "Vehicle" means and includes 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.

(K) "Wholesale business" is defined to be every business conducted solely for the purpose of selling goods, wares or merchandise in wholesale lots to retailers for resale at retail to the trade by said retailers, in the same form or condition as the same were in at the sale thereof to said retail merchant.

Article 2. General Provisions

(A) Revenue Raising. This chapter is enacted solely for the purpose of raising revenue for general municipal purposes and to defray the usual current administrative expenses of the City. The payment of a business tax required by this chapter, and its acceptance by the City, and the issuance of a business license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all of the requirements of this municipal code and all other applicable laws, nor does the issuance of a license allow a business to be carried on in any building or on any premises designated in such business license where such building or premises are situated in a zone or locality in which the conduct of such business is in violation of this code or any law.

(B) Not Intended to Regulate Business. This chapter is not intended to regulate businesses in the City.

3-3-205 Substitute for Other Revenue Ordinances.

Any person required to pay a license tax for transacting and conducting any business under this Chapter 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, but shall remain subject to the regulatory provisions of such other chapter or ordinance. This Section shall not apply to inspection or permit fees, nor shall it apply to franchise tax payments under present or future franchises granted to public utilities.

3-3-210 Constitutional Apportionment.

(A) No Unconstitutional Application. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States or the state of California.

(B) Apportionment. When the gross receipts are derived from or attributable to activities engaged in within and without the City, gross receipts shall be allocated in such a manner as is fairly calculated to determine the amount of gross receipts derived from or attributable in engaging in business in the City.

Article 3. License Requirements.

3-3-300 License Required.

(A) Unless otherwise exempted under the provisions of Section 3-3-400, it is unlawful for a person to transact and carry on a business, trade, profession, calling or occupation in the City without a license from the City for this purpose and paying the license tax prescribed in this chapter, or without complying with all applicable provisions of this chapter.

(B) This Section shall not be construed to require a person to obtain a license before doing business in the City if such requirement conflicts with applicable statutes of the United States or of the state.

(C) All payments of business license tax received by the City, irrespective of any designation to the contrary by the taxpayer, shall be credited and applied first to any penalties and tax due for prior years in which the tax was due but unpaid.

3-3-305 Separate Licenses for Branch Establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location and in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Chapter shall not be deemed to be separate places of business or branch establishments.

3-3-310 Evidence of Doing Business.

When a person advertises, holds out or represents that he is in business in the City, or when a person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, and such person fails to deny, by a sworn statement given to the City Manager, that the person is not conducting a business in the City, after being requested to do so by the City Manager, then these facts shall be considered prima facie evidence that the person is conducting a business in the City.

Article 4. Exemptions

3-3-400 Exemptions – Generally

The following persons, organizations and activities shall be exempted from the provisions of this Article and shall not be required to obtain a business license or pay a business license tax hereunder:

(A) Any person whom the City is not authorized to license for revenue or regulatory purposes by virtue of any law or Constitution of the United States or of the State.

(B) Any business conducted for a religious, educational, benevolent or charitable purpose from which no profit is derived.

(C) The conduct of any entertainment, amusement, dance, concert, lecture, exhibition, athletic event, or other activity where the receipts, if any, are used solely for benevolent or charitable purposes and not for private gain of any person.

(D) The conduct of any entertainment, amusement, dance, concert, lecture, exhibition, athletic event, or other activity by a nonprofit religious, educational, charitable, fraternal, amateur theatrical group, military, state, county or municipal organization or association where the receipts, if any, are for the purposes and objects for which the organization or association is formed, and from which no private gain is derived, directly or indirectly, by any person.

(E) Any person conducting business pursuant to a franchise agreement with the City which provides for the payment to the City of a franchise fee or other consideration.

(F) Deliveries of goods, wares and merchandise into the City by persons not having a fixed place of business in the City and entering the City less than once a week.

(G) Any natural person engaged in any business solely as an employee of any other person conducting, managing or carrying on such business in the City and not an owner, partner, associate or principal in such business, where such business is otherwise licensed under this Article.

(H) Every natural person of the age of eighteen years or under whose annual gross receipts from any and all business does not exceed five thousand dollars (\$5000.00).

(I) Banks, including national banking associations, to the extent provided by Article 13, Section 27 of the State Constitution, and insurance companies and associations, to the extent provided by Article 13, Section 28 of the State Constitution.

(J) Care Centers - Residential Care centers of 6 or less individuals, and home child care centers of 8 or less children, to the extent provided in Health and Safety Code Sections 1523.1, 1566.2, and 1568.05.

(K) Real estate auctioneers located outside the City, to the extent provided in Business and Professions Code Section 16002.1.

(L) Veterans' soliciting donations for the support of other veterans, veterans physically disabled by war seeking to sell papers, goods, or wares, to the extent provided in Business and Profession Code Sections 16000.7, 16001, and 16001.5.

(M) Wholesale traveling salespersons, to the extent provided in Business and Professions Code Section 16002.

(N) Blind persons, to the extent provided in Welfare and Institutions Code Section 19633.

(O) Café Musicians, to the extent provided in Business and Professions Code Section 16000.5.

(P) Inter-city transportation businesses by households goods carriers, to the extent provided in Public Utilities Code Section 5325 *et seq.*

(Q) Persons conducting business within the City three (3) or less days per year or with total gross receipts of Five Thousand Dollars (\$5,000.00) or less per year except as provided for in Section 3-3-615(C) Special Events.

Article 5. License Procedures & Regulations

3-3-500 License Certificate

Every person required to have a license pursuant to this chapter shall produce and exhibit the license certificate whenever requested to do so by any person authorized to issue or inspect licenses or collect license taxes. A license certificate issued under this chapter shall include the following information:

1. The name of the person to whom the license is issued;
2. The business licensed;
3. The place where the business is to be conducted;
4. The date of the expiration of the license; and
5. Such other information as may be necessary for the enforcement of this chapter.

3-3-505 Applications – Requirements Generally

(A) Every person required to have a license under this chapter shall apply for it to the City Manager. The application shall be a written statement upon a form provided by the City Manager 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 applicant shall set forth such information as may be necessary to determine the amount of the license tax to be paid by the applicant.

(B) If the amount of the license tax to be paid by the applicant is based upon gross receipts, the application shall set forth the gross receipts for the applicable period, as provided in Section 3-3-100.

(C) The City Manager shall impose a fee to recover the administrative costs of processing an application for the issuance and/or renewal of a license required by this chapter. Such fees shall be established by resolution by the City Council. The payment of fees under this chapter shall not preclude the imposition of any administrative fees necessary to recover actual costs established by the City Council by resolution or under other provisions of this municipal code, or any other fees required under applicable laws.

3-3-510 Applications- Requirements for First License

(A) Every person applying for a first license shall estimate the gross receipts, the number of machines, devices or other applicable basis for the period to be covered by the license to be issued. The estimate, if accepted by the City Manager as being reasonable, shall be used in determining the amount of license tax to be paid by the applicant; however, the amount of the license tax so determined shall be tentative only. The person shall, within thirty (30) days after the expiration of the period for which the license was issued, furnish the City Manager with a sworn statement, upon a form to be provided by the City Manager, setting forth any required information and showing, during the period of the license, the gross receipts, the number of machines, devices or other applicable basis. The license tax shall be determined and paid upon such applicable basis, as provided in Section 3-3-615, with credit being given for the tentative license tax previously paid.

(B) The license shall be paid and prorated as provided in this Section 3-3-600.

3-3-515 Applications – Requirements for License Renewal

(A) The applicant for the renewal of a license shall submit to the City Manager for his guidance in determining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by the City Manager, written under penalty of perjury or sworn to before a person authorized to administer oaths. The form shall set forth such information concerning the type of the applicant's business and the gross receipts derived or other applicable basis during the preceding year as may be required by the City Manager to enable him to determine the amount of the license tax to be paid by the applicant.

(B) The City Manager shall determine the average monthly gross receipts, the number of 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 3-3-515, a fractional part of a month is considered as a full month.

(C) Applications for renewal shall be submitted to the City Manager no later than June 1st in order to allow time to calculate the appropriate amount due and send billings by June 15th. Any business not submitting a renewal application by said date shall be billed at the category billed for the previous year, plus a penalty of twenty-five percent (25%) of the license tax.

3-3-520 Statements, Records, and Amount of License Paid Not Conclusive.

(A) No statement is conclusive as to the basis for determining the license tax for that business, and filing a statement does not preclude the City from collecting the sum actually due and payable.

(B) All persons subject to this chapter shall keep complete records of all business transactions and maintain these records for at least three (3) years. The City Manager may, after five (5) days' written notice, inspect the records of any person engaged in business within the City for the purpose of determining the true license tax of that person.

(C) Refusal to allow an inspection at a reasonable time and place is grounds to revoke or to refuse issuance of a license.

(D) The amount of license tax paid at the time the license is issued is not conclusive, and shall not preclude the City from collecting, by appropriate action, such sum as is actually due and payable hereunder. If the City Manager desires further proof of the actual amount of gross receipts of any licensee, he shall be entitled to examine sales tax records for the purpose of ascertaining the amount of gross receipts shown on those records. If examination discloses the fact that the licensee has underpaid his license, then no renewal license shall be issued until the amount of underpayments have been paid in full, together with a penalty at the rate set forth in Section 3-3-605. The new license fee, based upon the figures disclosed by such examination, shall also be paid in full before the renewal license shall be issued.

3-3-525 Failure to File a Statement or Corrected Statement.

(A) If any of the following occur, the City Manager shall determine the amount of license tax due by means of such information as he may be able to obtain: (i) a person fails to file a required statement within the time prescribed; (ii) after demand has been made by the City Manager, the person fails to file a corrected statement within fifteen (15) days after notification; or (iii) it appears to the satisfaction of the City Manager that a statement filed does not set forth the true facts of the business for which a license is required.

(B) In case this determination is made, the City Manager shall give notice of the amount assessed by serving it personally or by depositing it in the U.S. Post Office at San Juan Bautista, California, postage prepaid, addressed to the person so assessed at the address appearing on his last license or application. The person may, within ten (10) days after the serving or mailing of the notice, apply in writing to the City Manager for a hearing on the amount of the license tax. If an application is made, the City Manager shall give not less than five (5) days' written notice, in the manner prescribed herein, to the licensee to show cause, at a time and place fixed in the notice, why the amount specified should not be fixed for the license. At the hearing the licensee may appear and offer evidence why the specified tax should not be fixed as the license tax. After the hearing, the City Manager shall determine the tax to be charged and shall give written notice to the licensee in the manner prescribed herein of such determination and the amount of such tax.

(C) If application by the licensee for a hearing is not made within the time prescribed, the license tax determined by the City Manager is final.

3-3-530 Appeal.

Any person aggrieved by any decision of any administrative officer or agent of the City with respect to the issuance or refusal to issue a license may appeal to the Council by filing a notice of appeal with the City Clerk of the City of San Juan Bautista; such notice shall be filed not later than ten (10) days following any decision. The Council shall thereupon fix a time and a place for a public hearing on such appeal. The City Clerk shall give such notice to the person of the time and place of the hearing by serving it personally or by depositing it in the United States Post Office in San Juan Bautista, California, postage prepaid, addressed to such person at his last known address, and by posting at a conspicuous place at the business location.

3-3-535 Nontransferability of License.

(A) No license issued under this chapter is transferable from person to person, unless upon transfer of the business the ultimate ownership is substantially similar to the ownership existing before transfer. For purposes of this Section 3-3-540, stockholders, bond holders, partnerships or other persons holding an interest in a corporation or other entity are regarded as having ultimate ownership of that corporation or entity.

(B) Upon sale or transfer of a business to a new owner, the new owner must apply for a business license as provided in Section 3-3-505; however, the license tax for that period will be calculated on a pro rata basis for that year, as provided in Section 3-3-600(C).

3-3-540 Amendment of License for Change of Location.

A person licensed to transact business at a particular place may have the existing license amended to authorize the transaction of the same business at some other location, upon application and paying a fee of an amount fixed by resolution of City Council.

3-3-545 Keeping, Posting, and Replacement.

(A) A licensee transacting and carrying on business at a fixed place of business in the City shall keep the license posted in a conspicuous place upon the premises where the business is carried on.

(B) A licensee transacting and carrying on business but not operating at a fixed place of business in the City shall keep the license upon his person at all times while transacting and carrying on the business for which it is issued.

(C) Whenever an identifying sticker, tag, plate or symbol is issued for a vehicle, device, machine or other piece of equipment included in the measure of a license tax, the person to whom issued shall keep it firmly affixed upon the equipment at the location designated by the City Manager. The sticker, tag, plate or symbol shall not be removed during the period for which it is used.

(D) No person shall give away, sell or transfer an identifying sticker, tag, plate or symbol to another person, or permit its use by another person.

(E) A duplicate license may be issued by the City Manager to replace a license previously issued under this chapter which has been lost or destroyed upon the licensee filing statement of that fact and at the time of filing the statement paying to the City Manager twenty dollars (\$20.00).

Article 6. License Taxes

3-3-600 License Tax - How and When Payable.

(A) Unless otherwise specifically provided, each annual license tax payable under this chapter is due and payable in advance on June 1st of each year at the office of the City Manager.

(B) Except as otherwise provided, a license tax, other than annual, required under this chapter, is due and payable as follows:

- i. Daily flat rate license tax, each day in advance;
- ii. Other flat rate license tax is payable in advance on the first day of business and thereafter on the first day of any applicable period.

(C) However, a license tax for a new business with a fixed place of business within the City commencing business on or after July 1st, shall be prorated for the balance of the license period as follows:

- i. If the application is made between July 1st and September 30th, one hundred percent (100%) of said tax shall be paid.
- ii. If the application is made between October 1st and December 31st, seventy-five percent (75%) of said tax is paid.
- iii. If the application is made between January 1st and March 30th, fifty percent (50%) of said tax shall be paid.
- iv. If the application is made between April 1st and June 30th, twenty-five percent (25%) of said tax shall be paid.

3-3-605 Tax- Delinquency Penalty

For failure to pay a license tax when due, the City Manager shall add a penalty of twenty five percent (25%) of the license tax on the last day of each month after the due date. However, the amount of penalty to be added shall in no event exceed fifty percent (50%) of the amount of the license tax due.

3-3-610 Tax – Overpayment Refund.

No refund of an overpayment of tax is allowed unless a claim for refund is filed with the City Manager within a period of one (1) year from the last day of the calendar month following the period for which the overpayment was made. A claim for refund of the amount of the overpayment must be filed with the City Manager on a form furnished by him and in the manner prescribed by him. Upon the filing of a claim and when he determines that an overpayment has been made, the City Manager may refund the amount overpaid.

3-3-615 Tax – Amounts

(A) Every person who engages in business within the City, unless exempted pursuant to this Section 3-3-400 or required to pay a flat fee in this subsection (B), shall pay an annual license tax on the total annual gross receipts of said business or businesses based on the following system (with a minimum tax of \$30.00):

Gross Receipts (in dollars)	Tax (mil per dollar)
First 250,000	At 1.00
Next 250,000	At .25
Next 500,000	At .125
All over 1,000,000	At .05

(B) The following businesses shall pay the flat tax enumerated below:

Accountant	(\$150.00/year)
Acupuncturist	(\$150.00/year)
Appraiser	(\$150.00/year)
Architect	(\$150.00/year)
Assayer	(\$150.00/year)
Attorney	(\$150.00/year)
Auctions	(\$250.00/year)
Bookkeeper	(\$150.00/year)
Boxing	
-500 seats	(\$50.00/day)
+500 seats	(\$100.00/day)
Broker	(\$150.00/year)
Bail	
Bonds	
Insurance	
Real Estate	
Stocks	
Etc.	
Buses	(\$25.00/year per vehicle)
Carnival	(\$150.00/day)
Circus	(\$150.00/day)
Chemist	(\$150.00/year)
Chiropractor	(\$150.00/year)
Dentist	(\$150.00/year)
Doctor	(\$150.00/year)
Engineer	(\$150.00/year)
Film Production	(\$100.00/day)
Geologist	(\$150.00/year)
Laundry	(\$100.00/year)

Newspaper:	(\$150.00/year)
Optometrist	(\$150.00/year)
Pawnbroker:	(\$100.00/year)
Pickup/Delivery	
Retail	(\$40.00/year first truck) (\$15.00/year additional truck)
Wholesale	(\$30.00/year first truck) (\$10.00/year additional truck)
Professionals, Misc.	(\$150.00/year)
Real Estate	
Rentals	(\$150.00/year)
Sales	(\$150.00/year)
Surgeon	(\$150.00/year)
Motorized Taxicabs	(\$25.00/year per vehicle)
Non-motorized Taxicabs, pedicabs, wagons and carriages	(\$15.00/year per vehicle).
Therapy	(\$150.00/year)
Physical	
Psychology	
Etc.	
Veterinarian	(\$150.00/year)
Wrestling	
-500 seats	(\$50.00/year)
+500 seats	(\$100.00/year)

(C) The following special events rates shall apply:

Tent Sales:	
Cars	(\$5.00/vehicle/7-day)
SUV/Truck	(\$10.00/vehicle/7-day)
Trailer	(\$25/trailer/7-day)
Motor Home	(\$20/vehicle/7-day)

Other special events vendors will be required to purchase a regular retail business license.

3-3-620 Tax – A Debt

The license tax and penalty is a debt to the City. The City may bring an action to collect the debt.

Article 7. Penalties & Enforcement

3-3-700 Rules and Regulations.

(A) The City Manager may make rules and regulations not inconsistent with this chapter as may be necessary or desirable to aid in carrying out this chapter.

(B) In addition to other authority conferred upon him, the City Manager may, for good cause shown, extend the time for filing any required sworn statement of application for a period not to exceed thirty (30) days and to waive a penalty that would otherwise have accrued.

(C) Whenever the City Manager has reasonable cause to believe that any person fails to comply with any provision of this chapter or any rule or regulation pursuant thereto or with any other provision or requirement of law, including this municipal code and any other grounds that would warrant the denial of the initial issuance of a license hereunder, the City Manager, upon hearing, after giving such person ten (10) days' notice in writing specifying the time and place of hearing and requiring such person to show cause as to why the license should not be revoked, may revoke or suspend any one (1) or more licenses held by such person. The notice shall be served in the same manner as notices pursuant to Section 3-3-525. Failure to request or appear without good cause for a hearing within the prescribed time limits shall render the City Manager determination final without further appeal. A person having a business license suspended or revoked may appeal to the City Council in accordance with Section 3-3-530 of this chapter. Any person having a business license suspended or revoked may reapply upon a showing of compliance with the provisions of this chapter and applicable rules and regulations. Any person applying for a license under this section shall pay all administrative fees in accordance with Section 3-3-505 of this chapter.

(D) Any person operating a business within the City without a license may be ordered by the City to cease and desist immediately until a business license is obtained and all penalties have been collected. If it is determined a business has been operating within the City without a business license, the person operating such business shall be charged a penalty at the rate of two (2) times the present rate of each unpaid year.

3-3-705 Enforcement.

(A) The City Manager shall enforce each provision of this chapter, and the City Attorney shall give such assistance in the enforcement of this chapter as may from time to time be required by the City Manager or the City Council.

(B) The City Manager, in the exercise of the duties imposed upon him under this chapter and acting through his deputies or authorized assistants, shall examine or cause to be examined all places of business in the City to determine whether this chapter is complied with.

3-3-710 Remedies Cumulative.

Each remedy prescribed under this chapter is cumulative and the use of one or more remedies by the City does not bar the use of any other remedy.

3-3-715 Penalties.

(A) Any person violating any of the provisions of this Chapter, or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license or permit herein provided for, shall be deemed guilty of a misdemeanor, and upon any conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail

for a period of not more than six (6) months, or by both such fine and imprisonment. Such misdemeanor may also be prosecuted as an infraction.

(B) In addition, said person shall be subject to pay all the costs and expenses including, without limitation, reasonable attorneys' fees and reasonable investigation costs in gaining compliance with the provisions of this Chapter, and/or in obtaining such conviction.

3-3-720 Duty of City Manager.

The City Manager is hereby appointed inspectors of licenses and in addition to their several duties, shall have and exercise the power:

(A) To summon law enforcement officials to make arrests for the violation of any of the provisions of this Chapter;

(B) To enter free of charge, during regular business hours, any place of business for which a license is required by this Chapter, and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business, and if such person shall then and there fail to exhibit such license, such person shall be liable to the penalty provided for a violation of this Chapter. The officer shall further give said business written notice of the closure of such business if no license is obtained within twenty-four (24) hours of such notice. Said notice shall also notify such person of the right to appeal to the City Council as set forth in Section 3-3-530.

(C) To issue a citation of noncompliance with the provisions of this Chapter. Said person shall be subject to pay all the costs and expenses, including without limitation, reasonable attorneys' fees and reasonable investigation costs in gaining compliance with this provision.

PASSED, APPROVED, AND ADOPTED ON AUGUST 15, 2006 by the following vote:

AYES: Reed, Hill, Medina, Geiger, Dias

NOES: None

ABSTAIN: None

ABSENT: None

Priscilla Hill, Vice Mayor

ATTEST:

Trish Paetz, Deputy City Clerk