

Title 6

BUSINESS REGULATIONS

Chapters:

- 6.05 Controlled Sales**
- 6.10 Taxicabs**
- 6.15 Peddlers**
- 6.20 Entertainment**
- 6.25 Private Patrol Services**
- 6.30 Massage Establishments and Massage Therapists**
- 6.35 Towing Services**
- 6.40 Bingo**
- 6.45 Carnivals, Circuses and Fairs**
- 6.50 Motion Picture, Radio and Television Productions**

Chapter 6.05**CONTROLLED SALES**

Sections:

- 6.05.010 Definition.
- 6.05.020 Permit required.
- 6.05.030 Application.
- 6.05.040 Fee.
- 6.05.050 Investigation.
- 6.05.060 Issuance.
- 6.05.070 Conditions.
- 6.05.080 Revocation.
- 6.05.090 Period of sale – Extension.
- 6.05.100 Prohibited acts.

6.05.010 Definition.

As used in this chapter:

Controlled sale means sale of goods or merchandise of any kind which is held out or represented to be an insurance sale, bankrupt sale, liquidation sale, insolvent sale, a removal or closing-out sale, or a sale of damaged goods or merchandise of any kind, or a sale of goods or merchandise from the stock of a bankrupt receiver, trustee, or insurance company. (1991 code § 6-15.1)

6.05.020 Permit required.

No person may advertise a controlled sale or hold a controlled sale without a permit from the city to do so. (1991 code § 6-15.2)

6.05.030 Application.

A. Required. A person desiring to advertise or conduct a controlled sale shall apply to the city manager for a permit to do so.

B. Contents. A person desiring a permit shall file an application on a form prescribed by the city manager. In addition to other information, the application shall contain:

1. All facts concerning this sale, including an inventory of the goods or merchandise to be sold;
2. A statement of the names of persons from whom the goods and merchandise were obtained, together with the date of delivery to the applicant and other details necessary to identify the goods and merchandise to be sold;
3. The duration of this sale. (1991 code § 6-15.3)

6.05.040 Fee.

At the time of filing an application, the applicant shall pay a fee based upon the schedule established by city council resolution. (1991 code § 6-15.4)

6.05.050 Investigation.

When a person files an application for a permit to advertise and hold a controlled sale, the city manager may refer it for investigation and report. In conducting the investigation, the city may examine the business, books, records and accounts of the applicant. (1991 code § 6-15.5)

6.05.060 Issuance.

The city manager may issue the permit if he or she finds that:

- A. The proposed controlled sale is of the character reported by the applicant;
- B. The applicant is of good moral character;
- C. The applicant and each of the applicant's officers, directors, or firm members have not violated this chapter;
- D. The advertising and the conducting of the sale will not be injurious to the public health, safety and welfare. (1991 code § 6-15.6)

6.05.070 Conditions.

- A. The permit is valid only for the sale of goods or merchandise described in the application and for the location and duration specified in the permit.
- B. The applicant may not add goods or merchandise to his or her inventory after filing the application. (1991 code § 6-15.7)

6.05.080 Revocation.

The city manager may revoke a permit without notice if he or she finds that the applicant has made a false statement in his or her application or has violated any term or condition of the permit or any provision of this chapter. (1991 code § 6-15.8)

6.05.090 Period of sale – Extension.

No person may advertise or conduct a controlled sale for a period longer than 30 days. However, during the period of the controlled sale, the applicant may request an extension of the period of the controlled sale. The applicant requesting an extension of the period shall file a statement of the inventory remaining. If the city manager finds that all of the goods or merchandise described in the original application have not been sold, the city manager may extend the period of sale for an additional 30 days. (1991 code § 6-15.9)

6.05.100 Prohibited acts.

It is unlawful for a person holding a permit to:

- A. Remove the goods or merchandise described in an application from the place of sale;
- B. Order or add additional goods or merchandise not described in the original application. (1991 code § 6-15.10)

Chapter 6.10

TAXICABS¹

Article I. General Provisions

- 6.10.010 Definitions.
- 6.10.020 Carriers from other municipalities.
- 6.10.030 Exceptions.

Article II. Carrier Permit

- 6.10.040 Permit required.
- 6.10.050 Application – Contents.
- 6.10.060 Application – Hearing – Notice.
- 6.10.070 Hearing – Issuance or denial.
- 6.10.080 Issuance.
- 6.10.090 Additional conditions.
- 6.10.100 Revocation or suspension.
- 6.10.110 Appeal of revocation or suspension.

Article III. Driver Permit

- 6.10.120 Required.
- 6.10.130 Exception – Licensed by another public entity.
- 6.10.140 Contents of application.
- 6.10.150 Investigation of applicant.
- 6.10.160 Approval or rejection of the application.
- 6.10.170 Issuance – Contents and duration.
- 6.10.180 Display.
- 6.10.190 Suspension.
- 6.10.200 Revocation procedure – Appeal.

Article IV. Permit Fees

- 6.10.210 Application fee for carrier permit.
- 6.10.220 Application fee for driver permit.
- 6.10.230 Schedule of carrier permit fees.

Article V. Vehicle Equipment and Maintenance

- 6.10.240 Inspection and safety requirements.
- 6.10.250 Inspection intervals.
- 6.10.260 Sanitary maintenance required.
- 6.10.270 Vehicle identification.
- 6.10.280 Information to be displayed.

Article VI. Insurance Requirements

- 6.10.290 Liability insurance required.

1. **Editor's note:** For statutory provisions authorizing a city to license and regulate the operation of vehicles for hire, see Vehicle Code section 21100.

- 6.10.300 Nonliability of city.
- 6.10.310 Immunity under the California Tort Claims Act.

Article VII. Operation of Taxicabs

- 6.10.320 Service requirements.
- 6.10.330 Records and reports required of carriers.
- 6.10.340 Daily manifests required.
- 6.10.350 Drivers' duties.
- 6.10.360 Taximeters.
- 6.10.370 Posting of fares.
- 6.10.380 Refusal to pay fare.
- 6.10.390 Charging of unlawful rates.
- 6.10.400 Exceeding seating capacity.
- 6.10.410 Refusal to carry passengers – Exception.
- 6.10.420 Breakdown.
- 6.10.430 Telephone and two-way radio dispatch system.
- 6.10.440 Additional passengers.

Article VIII. Rates and Fares

- 6.10.450 Rate schedules to be filed with the city.
- 6.10.460 Receipts – Availability and contents.
- 6.10.470 Application for rate change by carrier.
- 6.10.480 Rate hearing.

Article IX. Stands and Call Boxes

- 6.10.490 Open stands established.
- 6.10.500 Use of open stands.
- 6.10.510 Call box stands – Establishment.
- 6.10.520 Use of call box stands.
- 6.10.530 Unauthorized use of open or call box stands.

Article I. General Provisions

6.10.010 Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings ascribed to them by this section:

Call box stand means a public place where the city manager has authorized a holder of a certificate of public convenience and necessity to install a telephone or call box for the taking of calls and the dispatching of taxicabs.

Carrier means every person, firm or corporation that owns or has contracted use of any taxicab, whether as owner or lessee, but does not include one employed as a driver.

Carrier permit means a certificate of public convenience and necessity issued by the city council authorizing the holder to operate a taxicab in the City of Pleasant Hill.

Driver means any person in charge of or operating any taxicab either as owner, principal, agent, or employee, under the direction of the carrier.

Driver permit means a license approved by the city manager and issued to a driver, authorizing the holder to drive a taxicab in the City of Pleasant Hill.

Fare or compensation means payment for transportation.

Open stand means a public place which has been designated by the city manager as reserved exclusively for the use of taxicabs by operators holding current carrier permits.

Public convenience and necessity means the existing and reasonably anticipated need of the public for prompt, safe, efficient, dependable, and economic taxicab transportation.

Rate card means a card displayed in each taxicab which contains the rates of compensation then in force.

Taxicab means every motor vehicle, whether or not equipped with a taximeter, used for the transportation of passengers for a fare over the public streets but not over a fixed route, subject to PHMC § 6.10.030.

Taximeter means a meter instrument or device attached to a taxicab which measures the distance driven and the waiting time upon which the fare is based.

Waiting time means the time after a passenger is picked up, during which the taxicab is not in motion, unless due to the passenger's fault, or traffic requirements. (Ord. 635 § 1, 1990; 1991 code § 6-17.1)

6.10.020 Carriers from other municipalities.

The operation of any taxicab by a carrier who has a valid permit issued by another public entity in this state shall not be required to obtain a carrier's permit under this chapter if less than 25% of the fare-paying trips of such carrier begin or end in this city. (Ord. 635 § 1, 1990; 1991 code § 6-17.2)

6.10.030 Exceptions.

The requirements of this chapter shall not apply to the following:

- A. The operation of any taxicab merely proceeding through the city while en route to a destination outside the city;
- B. The operation of any school bus or government-owned vehicles;
- C. The operation of any motor vehicle for which a permit or certificate is required by the California Public Utilities Commission and which is regulated exclusively by such commission;
- D. A vehicle operated under a ride-sharing arrangement, i.e., a commuter transports another who contributes gasoline money;
- E. An ambulance;
- F. A vehicle leased for self operation where the lessee does not use the vehicle for transporting other people for hire. (Ord. 635 § 1, 1990; 1991 code § 6-17.3)

Article II. Carrier Permit

6.10.040 Permit required.

No person may operate as a carrier in the city without a carrier permit unless excepted under PHMC § 6.10.030. (Ord. 635 § 1, 1990; 1991 code § 6-17.8)

6.10.050 Application – Contents.

A carrier for whom a carrier permit is required shall file an application with the city on a form prescribed by it, and pay the applicable fees set by resolution of the city council. The application shall include the following information:

- A. The name and address of the carrier;
- B. The type of business organization, if any; and financial status of the carrier;
- C. The description of the carrier's taxicabs, giving:
 - 1. Trade name, year and model;
 - 2. Motor and serial number;
 - 3. State license number;
 - 4. Seating capacity;
 - 5. Type of brakes;
 - 6. Type of steering;
 - 7. Modification of factory equipment;
 - 8. Body style; and
 - 9. The location of the place where the carrier proposes to stand each taxicab;
- D. The proposed schedule of rates or fares to be charged for carrying passengers;
- E. Any distinctive color scheme, name, monogram, or insignia to be used on the vehicles;
- F. The make and type of taximeter, if any, to be used in each taxicab;
- G. The past experience of the carrier;
- H. A statement showing whether or not a permit has been revoked, and if so, the circumstances of the revocation; and
- I. Such further information as the city prescribes. (Ord. 635 § 1, 1990; 1991 code § 6-17.9)

6.10.060 Application – Hearing – Notice.

Upon the filing of an application, the city manager shall set a time for a public hearing on the application. The city clerk shall provide the following three public hearing notices. First, notice shall be published in a newspaper of general circulation at least once a week for two consecutive weeks prior to the date of the public hearing. The notice shall state the time, place, purpose and subject matter of the hearing. Second, notice of the hearing shall be mailed to all carrier permit holders at least seven days in advance of the hearing. Third, notice of the hearing shall be posted at least seven days in advance of the hearing in the four places designated for posting city ordinances. (Ord. 635 § 1, 1990; 1991 code § 6-17.10)

6.10.070 Hearing – Issuance or denial.

- A. At the time set for the hearing of the application, city council shall examine the application and provide a hearing for any persons interested in the matter.
- B. City council shall determine whether the public interest, convenience and necessity require the issuance or the denial of the permit. If city council finds that taxicab service is required by the public convenience and necessity and that the applicant is fit and able to perform the service, city council shall by resolution issue a carrier permit. The resolution shall state the name and address of the carrier, the number of taxicabs authorized,

the finding supporting the public convenience and necessity, and the issuance date. (Ord. 635 § 1, 1990; 1991 code § 6-17.11)

6.10.080 Issuance.

In determining whether the public convenience and necessity requires the issuance of a permit, city council shall consider:

- A. The number of taxicabs already in operation;
- B. Whether existing transportation is adequate to meet the public need;
- C. The effect of increased service on local traffic; and
- D. The character, experience and responsibility of the applicant. (Ord. 635 § 1, 1990; 1991 code § 6-17.12)

6.10.090 Additional conditions.

City council may impose conditions on the carrier permit if it finds that the interests of the public require it. The permit may not be sold, assigned, mortgaged or otherwise transferred without the consent of the city council. (Ord. 635 § 1, 1990; 1991 code § 6-17.13)

6.10.100 Revocation or suspension.

The city manager may revoke or suspend the permit if the carrier:

- A. Violates this chapter;
- B. Discontinues operation for more than 48 hours; or
- C. Violates any city, state or federal law which reflects unfavorably on the carrier's fitness to provide public transportation. (Ord. 635 § 1, 1990; 1991 code § 6-17.14)

6.10.110 Appeal of revocation or suspension.

Prior to revocation or suspension the carrier shall be given notice and opportunity to present evidence on its behalf before the city manager. The decision of the city manager may be appealed to the city council by written notice to the city manager within 15 days of the decision. The city council will then hear the carrier's appeal, review the evidence presented, and make the final decision whether revocation or suspension is warranted. (Ord. 635 § 1, 1990; 1991 code § 6-17.15)

Article III. Driver Permit

6.10.120 Required.

Unless excepted under PHMC § 6.10.130, no person may drive a taxicab for a carrier which requires a permit under this chapter without a driver permit issued by the city. No carrier shall permit a taxicab to be operated by a driver who does not have a permit. (Ord. 635 § 1, 1990; 1991 code § 6-17.18)

6.10.130 Exception – Licensed by another public entity.

At the discretion of the city, a carrier may not be required to license each driver if the driver is licensed to drive a taxicab by another public entity in this county. A carrier whose drivers are licensed by another local public entity in this county shall provide to the city a roster of names and addresses of all taxicab drivers holding cur-

rent taxicab driver licenses under another jurisdiction. The carrier shall update the roster with current driver information whenever there is a change in said roster but not less than once a year. (Ord. 635 § 1, 1990; 1991 code § 6-17.19)

6.10.140 Contents of application.

A. In order to obtain a driver permit, a person must file an application with the city on a form prescribed by it. The application shall be under oath and shall contain the following information:

1. The names and addresses of two references who have known the applicant for a period of two years and who will vouch for the sobriety, honesty and general good character of the applicant;
2. The experience of the applicant in the transportation of passengers;
3. The fingerprints of the applicant;
4. Such other information as the city prescribes.

B. Each application shall be accompanied by a certificate from a reputable physician in the county certifying that in his or her opinion the applicant is not afflicted with any disease or infirmity which might make him or her an unsafe or unsatisfactory driver.

C. Before an application is approved by the city, the applicant shall show that he or she has a current motor vehicle operator's permit issued by the state. (Ord. 635 § 1, 1990; 1991 code § 6-17.20)

6.10.150 Investigation of applicant.

The police department shall conduct an investigation of each applicant for a driver permit and attach a report of the investigation to the application for consideration by the city manager. (Ord. 635 § 1, 1990; 1991 code § 6-17.21)

6.10.160 Approval or rejection of the application.

The city manager shall consider the application and shall approve issuance of a driver permit if the application complies with this section. If the city manager rejects the application, the applicant may request a personal appearance before the city manager to offer evidence why his or her application should be reconsidered. The decision of the city manager shall be final. (Ord. 635 § 1, 1990; 1991 code § 6-17.22)

6.10.170 Issuance – Contents and duration.

Upon approval of an application for a driver permit, the city manager shall issue a driver permit to the applicant. The driver permit shall contain the name, address, physical description, signature and photograph of the applicant. This permit shall be valid for the term of the driver's California driver's license unless earlier revoked. At the city manager's discretion, a temporary driver permit may be issued prior to receipt of the completed investigation required in PHMC § 6.10.150. (Ord. 635 § 1, 1990; 1991 code § 6-17.23)

6.10.180 Display.

Every driver licensed under this chapter shall post his or her driver permit in such a place as to be in full view of all passengers while such driver is operating a taxicab. (Ord. 635 § 1, 1990; 1991 code § 6-17.24)

6.10.190 Suspension.

The city manager may suspend a driver permit issued under this chapter for failure or refusal to comply with this article. The suspension shall last for a period of not more than five days. (Ord. 635 § 1, 1990; 1991 code § 6-17.25)

6.10.200 Revocation procedure – Appeal.

The city manager may revoke a driver permit for failure to comply with this section or for grounds that would prohibit issuance of the permit. Appeal may be made from this decision to the city council in the same manner as provided in PHMC § 6.10.110. (Ord. 635 § 1, 1990; 1991 code § 6-17.26)

Article IV. Permit Fees**6.10.210 Application fee for carrier permit.**

The application fee for a carrier permit issued under this chapter shall be set by resolution of the city council. (Ord. 635 § 1, 1990; 1991 code § 6-17.30)

6.10.220 Application fee for driver permit.

The application fee for a driver permit shall be set by resolution of the city council and shall include the cost of the investigation required by PHMC § 6.10.150. (Ord. 635 § 1, 1990; 1991 code § 6-17.31)

6.10.230 Schedule of carrier permit fees.

A carrier permit fee schedule, for the privilege of operating on city streets, shall be set by resolution of the city council. (Ord. 635 § 1, 1990; 1991 code § 6-17.32)

Article V. Vehicle Equipment and Maintenance**6.10.240 Inspection and safety requirements.**

A. The carrier shall cause every taxicab intended to be used in the city to be inspected and certified for safety by a service station licensed by the state to conduct brake and safety inspections, or other inspection approved by the city manager. Each taxicab shall comply with such reasonable rules and regulations as may be prescribed by the city manager. These rules and regulations shall be adopted to provide safe transportation. They shall specify such safety equipment and regulatory devices as the city manager finds necessary.

B. When the city finds that a taxicab has complied with the rules and regulations, the city manager shall issue a letter certifying this fact and establishing the authorized seating capacity of the taxicab. (Ord. 635 § 1, 1990; 1991 code § 6-17.37)

6.10.250 Inspection intervals.

The city may cause any taxicab to be inspected subject to this article at such intervals as it determines to ensure the continued maintenance of safe operating conditions. (Ord. 635 § 1, 1990; 1991 code § 6-17.38)

6.10.260 Sanitary maintenance required.

The carrier and each driver shall keep the taxicab in a clean and sanitary condition. (Ord. 635 § 1, 1990; 1991 code § 6-17.39)

6.10.270 Vehicle identification.

Each taxicab shall have painted on the outside of each rear door in letters of between four and six inches the name of the carrier and may have painted an identifying design. No taxicab may be licensed whose color scheme or identifying design conflict with or imitate the color scheme or identifying design used on a taxicab of a different carrier already operating. (Ord. 635 § 1, 1990; 1991 code § 6-17.40)

6.10.280 Information to be displayed.

Each taxicab shall carry at all times and display in a manner so that it is visible to all passengers the following information:

- A. The driver permit;
- B. A rate card stating the authorized rates of fare and other information required by PHMC § 6.10.370. (Ord. 635 § 1, 1990; 1991 code § 6-17.41)

Article VI. Insurance Requirements

6.10.290 Liability insurance required.

Each carrier shall maintain insurance in a form approved by the city on each taxicab, insuring the carrier and the driver against liability for damage to property and for injury to or death of a person as a result of the ownership, operation or use of the taxicab. The minimum liability limit for each such vehicle is \$500,000 for personal injury or death of one person in one accident, and \$1,000,000 for personal injury or death of two or more persons in any one accident. The minimum liability limit for property damage is \$100,000. The city may require additional insurance or may increase the limits. The carrier shall file copies of the insurance and renewal notices with the city manager or his or her designate. (Ord. 635 § 1, 1990; 1991 code § 6-17.45)

6.10.300 Nonliability of city.

The carrier shall agree to indemnify and hold the city harmless from all claims and demands resulting from the operation of the taxicab business. (Ord. 635 § 1, 1990; 1991 code § 6-17.46)

6.10.310 Immunity under the California Tort Claims Act.

It shall be the responsibility of the permit holder to ensure that every vehicle operating under its permit is in safe working order. Pursuant to Government Code section 815 et seq., the city and its employees are not liable for any injury caused by the failure to inspect, negligent inspection or licensing of any taxicab under this chapter. (Ord. 635 § 1, 1990; 1991 code § 6-17.47)

Article VII. Operation of Taxicabs

6.10.320 Service requirements.

Every carrier shall maintain a central place of business and keep it open 24 hours a day for the purpose of receiving calls and dispatching taxicabs. The carrier shall answer all calls received for service inside the city as soon as it can do so, and if service cannot be given within a reasonable time, the carrier shall notify the prospective passenger how long it will be before the call can be answered and give the reason for delay. (Ord. 635 § 1, 1990; 1991 code § 6-17.50)

6.10.330 Records and reports required of carriers.

A. Every carrier shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the city manager. Such information shall be made readily accessible for examination by the city manager.

B. The carrier shall report any accident arising from or in connection with the operation of taxicabs to the police department within 24 hours from the time of occurrence if any of the following conditions are caused by the accident:

- 1. The death of any person;

2. Injury to any person;
3. Vehicle damage in an amount exceeding \$500.00; or
4. Property damage in an amount exceeding \$500.00.

C. Each carrier shall file with the city copies of all contracts, agreements, arrangements, memoranda, or other writings relating to the furnishing of taxicab service to any entity within the city. (Ord. 635 § 1, 1990; 1991 code § 6-17.51)

6.10.340 Daily manifests required.

Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. The carrier shall preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and the manifests shall be open to inspection by the city at any time during normal business hours. (Ord. 635 § 1, 1990; 1991 code § 6-17.52)

6.10.350 Drivers' duties.

Each driver shall:

- A. Take the most direct route possible which carries the passenger to his or her destination safely and expeditiously;
- B. Give a correct receipt upon payment of the correct fare when requested to do so;
- C. Accept only those passengers who will not exceed the rated seating capacity of the vehicle;
- D. Report to the police department all property left in the taxicab; and
- E. Obey all orders and instructions of any peace officers. (Ord. 635 § 1, 1990; 1991 code § 6-17.53)

6.10.360 Taximeters.

If taxicabs operated under the authority of this chapter are equipped with taximeters, they shall conform to all applicable state laws and regulations and shall be sealed by the Contra Costa Sealer of Weights and Measures. All taximeters shall be visible to the passengers at all times, day and night, and after sundown the face of the taximeter shall be illuminated. The taxicab shall also be equipped with an overhead light which shall go out when the flag on the taximeter is placed in a recording position. The taximeter shall be sealed and mechanically driven either from the transmission or from one of the wheels. Each taximeter shall have a flag or other means to denote when the vehicle is employed and when it is not employed. The driver shall throw the flag or place such taximeter into a nonrecording position upon the termination of each trip. The taximeter shall be subject to inspection at any time by the police department and the Contra Costa Sealer of Weights and Measures. Within 24 hours after a taximeter has been repaired, adjusted, or installed, the operator of the taxicab shall notify the county sealer and request that he or she test it for accuracy. (Ord. 635 § 1, 1990; 1991 code § 6-17.54)

6.10.370 Posting of fares.

A. There shall be displayed in the back seat passenger compartment of each taxicab, in full view of the passenger, a card not less than three inches by four inches in size, which shall have plainly printed thereon the name of the carrier, the business address and telephone number of the carrier and a correct rate schedule including charges for waiting and for delivery of goods without a passenger.

B. In the event the passenger is being transported under a prior contractual arrangement between the carrier and the passenger or other parties, a sign titled “chartered” shall be placed in or on the taxicab, which sign shall be visible and readable from a distance of at least 15 feet from the taxicab by a person with ordinary eyesight. (Ord. 635 § 1, 1990; 1991 code § 6-17.55)

6.10.380 Refusal to pay fare.

No person may refuse to pay the lawful fare of a taxicab after engaging use of the vehicle. (Ord. 635 § 1, 1990; 1991 code § 6-17.56)

6.10.390 Charging of unlawful rates.

A carrier or driver may not charge compensation for the use of the taxicab which is different than or not specified in the tariff on file with the city. (Ord. 635 § 1, 1990; 1991 code § 6-17.57)

6.10.400 Exceeding seating capacity.

No driver may permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his or her taxicab as stated in the carrier permit. (Ord. 635 § 1, 1990; 1991 code § 6-17.58)

6.10.410 Refusal to carry passengers – Exception.

No driver may refuse or neglect to convey an orderly person upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. (Ord. 635 § 1, 1990; 1991 code § 6-17.59)

6.10.420 Breakdown.

In case any taxicab shall become disabled while conveying passengers for hire, the time of stoppage shall be deducted from the time charged for. (Ord. 635 § 1, 1990; 1991 code § 6-17.60)

6.10.430 Telephone and two-way radio dispatch system.

An adequate telephone or two-way radio dispatch system shall be maintained at all times on a 24-hour basis. Such system shall include the operation of a telephone answering line and an operator in charge thereof devoted to promptly answering telephone calls requesting taxicabs and to dispatching taxicabs by radio in response to such calls. The carrier will have 180 days from the date of permit issuance to have the telephone or two-way radio dispatch system in operation. The city manager may extend the time for compliance on a showing that, for reasons beyond the control of the carrier, compliance is not possible within 180 days. In the interim, the carrier will have in place an adequate system to handle calls for service; i.e., cellular telephone, answering service, or pager. (Ord. 635 § 1, 1990; 1991 code § 6-17.61)

6.10.440 Additional passengers.

A person who hires a taxicab has the exclusive right to the full use of the rear seat. The driver may not solicit or carry additional passengers without the consent of the person first hiring the taxicab. (Ord. 635 § 1, 1990; 1991 code § 6-17.62)

Article VIII. Rates and Fares

6.10.450 Rate schedules to be filed with the city.

Each carrier shall file with the city at the time of application a statement setting forth tariffs or schedules of fares which the carrier will charge for local service. The carrier may not change them without the consent of city council. (Ord. 635 § 1, 1990; 1991 code § 6-17.65)

6.10.460 Receipts – Availability and contents.

The driver of the taxicab shall upon demand by the passenger give a receipt for the amount charged. The receipt shall show the name of the carrier, vehicle identification, amount of meter reading or charges and date of transaction. (Ord. 635 § 1, 1990; 1991 code § 6-17.66)

6.10.470 Application for rate change by carrier.

All requests for rate change shall be submitted to city council for review and decision. No more than one request for rate changes may be made annually. Any rate change application shall be accompanied by both the carrier's compiled operating statement for the previous year and a current survey of the charges being made by other taxicab companies in Pleasant Hill, Concord and Walnut Creek. For each company listed in the survey, rate comparisons shall include the flag drop, per mile charge after drop, and the waiting time charge per hour. (Ord. 635 § 1, 1990; 1991 code § 6-17.67)

6.10.480 Rate hearing.

Before any taxicab rate is adopted or modified, there shall be a public hearing by the city council. The city clerk shall provide three public hearing notices. First, notice of the hearing shall be published in a newspaper of general circulation once a week for two consecutive weeks. The notice shall state the time, place, purpose and subject matter of the hearing. Second, mailed notice of the hearing shall be sent to all carrier permit holders at least seven days in advance of the public meeting. Third, notice of the public hearing shall be posted in the four places designated for posting by city ordinance. Action on the application shall be taken only after the council has had sufficient time to review the application and the financial information provided it. (Ord. 635 § 1, 1990; 1991 code § 6-17.68)

Article IX. Stands and Call Boxes**6.10.490 Open stands established.**

The city manager may establish open stands in places upon the streets as he or she deems necessary for the use of taxicabs. In establishing an open stand, the city manager shall consider the need for the stands by the carrier, the convenience to the general public, and whether the stand would tend to create a traffic hazard or interfere with the business conducted by adjoining property owners. In making this decision, the city manager shall direct the city traffic engineer and police department to make an investigation of the traffic conditions of the place which the city manager shall take into account when making his or her decision. The city manager may also fix the number of taxicabs that may occupy the open stand. (Ord. 635 § 1, 1990; 1991 code § 6-17.71)

6.10.500 Use of open stands.

Drivers may use an open stand on a first-come, first-served basis. The driver shall pull into the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs and may not solicit passengers or engage in loud or boisterous talk while at an open stand. (Ord. 635 § 1, 1990; 1991 code § 6-17.72)

6.10.510 Call box stands – Establishment.

The city manager may establish call box stands upon the streets of the city in such places as he or she deems proper. A carrier who desires a call box stand shall apply to the city manager. The carrier must attach to the application the written approval of all property owners within a 300-foot radius of the space, consenting to the creation of the stand. Upon filing of the application, the city traffic engineer and police department shall make an investigation of the traffic conditions at the place and shall thereafter file their written recommendation to the city manager. (Ord. 635 § 1, 1990; 1991 code § 6-17.73)

6.10.520 Use of call box stands.

A carrier operating a call box stand may have an employee on duty for the purpose of assisting in the loading or unloading of passengers from the taxicabs, for receiving calls and dispatching taxicabs, and for soliciting passengers at the stand. (Ord. 635 § 1, 1990; 1991 code § 6-17.74)

6.10.530 Unauthorized use of open or call box stands.

Private or other vehicles for hire may not occupy the space upon the streets established as either open stands or call box stands. (Ord. 635 § 1, 1990; 1991 code § 6-17.75)

Chapter 6.15**PEDDLERS**

Sections:

- 6.15.010 Purpose.
- 6.15.020 Definitions.
- 6.15.030 Permit required.
- 6.15.040 Group permit.
- 6.15.050 Nonprofit exemption.
- 6.15.060 Permit issuance.
- 6.15.070 Permit revocation.
- 6.15.080 Appeal – Hearing.
- 6.15.090 Updating information.

6.15.010 Purpose.

A. The purpose of this chapter is to define the activity of peddling and to authorize the imposition of lawful conditions designed to protect the public welfare and safety. The city council finds that the permit requirements in this chapter are narrowly drawn to foster residential privacy and crime prevention.

B. The city council finds unregulated peddling a nuisance because such activity may intrude upon residents' privacy causing them apprehension, and provide access to private property for criminal purposes. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.1)

6.15.020 Definitions.

As used in this chapter:

Peddler means any person who travels from door to door, house to house, or place to place, in order to enter uninvited upon residential property, with the object of selling, offering for sale, or soliciting subscriptions, contracts, or orders for any food, wares, merchandise, or real or personal property, or with the object of offering business services to be performed now or in the future. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.2)

6.15.030 Permit required.

It is unlawful for any person 16 years or older to operate as a peddler without first obtaining the required permit pursuant to this chapter. The permit shall be nontransferable. It shall be issued by the director of finance and shall be carried at all times during which the person is operating as a peddler. It shall be promptly displayed at the request of any resident or city official. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.3)

6.15.040 Group permit.

Any organization or group of two or more persons may be issued a group peddler's permit. The members then need not obtain individual permits, although they must carry identification cards provided by the city when peddling. The organization must complete an application providing the required information for each member wishing to peddle. The director of finance shall then review the application, and may refuse issuance or revoke it, on the same basis provided for individual permits. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.4)

6.15.050 Nonprofit exemption.

Neither nonprofit organizations nor their members are required to obtain a peddler's permit in order to engage in peddling activities on behalf of the nonprofit organization. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.5)

6.15.060 Permit issuance.

A. Every person who wishes to operate as a peddler shall file a written application with the director of finance setting forth the following information:

1. Name, birth date and personal description;
2. Home and business address;
3. Nature of business and peddling activity;
4. Name and address of the organization applicant represents, if any, and whether applicant is employed by the organization;
5. Length of time for which the permit is requested;
6. Location where the applicant will be peddling; and
7. Business license number of the applicant or the organization he or she represents.

B. Applicant shall also be required to submit a photograph of himself or herself and to pay a reasonable application processing fee to be established by resolution.

C. Upon receipt of the application, the director of finance shall initiate a background investigation of the applicant. Upon completion, the director of finance shall promptly issue applicant a permit unless he or she determines that:

1. Information provided in the application was not true or complete;
2. The applicant was convicted within the last two years of a felony involving dishonesty, fraud or deceit, or any crime involving violence; or
3. The applicant is restricted in his or her general contact with the public by a parole or judicial officer.

D. The permit shall be valid for up to one year as determined by the director of finance, and shall be subject to the following conditions:

1. Upon observation of a sign stating in substance that no peddlers, solicitors or canvassers are allowed, a peddler shall immediately leave the premises; and
2. No peddler shall enter uninvited upon residential property after dark. (Amended during 2005 recodification; Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.6)

6.15.070 Permit revocation.

A. The director of finance may revoke a peddler's permit upon finding that the permittee:

1. Committed fraud or misrepresentation while peddling;
2. Knowingly made a false statement on the application;
3. Engaged in unlawful activity, or activity that constituted a nuisance, while peddling;
4. Violated a provision of this code.

B. The person whose permit is revoked shall be given written notice and an opportunity to reply to the finance director before any revocation is effective. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.7)

6.15.080 Appeal – Hearing.

A. A person aggrieved by the decision of the director of finance may appeal the decision to the city council by filing with the city clerk a written notice of appeal within 10 days after being notified of the decision. Filing of the notice of appeal shall not operate as a stay of revocation of a permit.

B. The city council shall hear the appeal as soon as possible, and shall render its decision within 30 days thereafter. The city council's decision shall be final. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.8)

6.15.090 Updating information.

During the life of a permit under this chapter, the permittee shall update, in writing and under oath, the applicable information required herein, within seven calendar days of the time said information changes. (Ord. 643 § 1, 1990; Ord. 576 § 1, 1985; 1991 code § 6-20.9)

Chapter 6.20

ENTERTAINMENT

Sections:

- 6.20.010 Definitions.
- 6.20.020 Permit – When required.
- 6.20.030 Application.
- 6.20.040 Fee.
- 6.20.050 Investigation.
- 6.20.060 Issuance.
- 6.20.070 Denial – Appeal.
- 6.20.080 Conditions imposed by city manager.
- 6.20.090 Duration and renewal.
- 6.20.100 Nontransferable.
- 6.20.110 Posting of permit.
- 6.20.120 Revocation.
- 6.20.130 Administration.
- 6.20.140 Location and type of entertainment.

6.20.010 Definitions.

As used in this chapter:

Entertainment means every form of live or film entertainment, music, band or orchestra, act, play, burlesque show, review, pantomime, scene, song or dance, or performance participated in by a person for the purpose of gaining or holding the attention or interest of, or diverting or amusing a guest or patron. (1991 code § 6-21.1)

6.20.020 Permit – When required.

A. No person may provide entertainment in any place where food or beverages are served which is open to the public unless the person first obtains a permit to do so from the city manager.

B. A permit is not required for the following:

1. A radio or music recording machine or jukebox, or television set;
2. Entertainment provided for members at a private club where admission is not open to the public;
3. Entertainment conducted or sponsored by a bona fide, nonprofit club or association organized for charitable, religious, dramatic, or literary purposes and having an established membership which holds a meeting other than entertainment at regular intervals, so long as the proceeds from the entertainment are used solely for the purpose of the club or association;
4. Entertainment conducted or sponsored by a public agency;
5. Motion picture theater. (1991 code § 6-21.2)

6.20.030 Application.

An applicant for an entertainment permit shall file a written application with the city manager for a permit to conduct entertainment. The application shall specify:

A. The name and permanent address of the applicant and each person having an interest in the ownership, management and use provision of the business;

B. A description of the entertainment;

C. The date, hours and location where the entertainment is proposed;

- D. The name of all persons having the management or supervision of applicant's business;
- E. Applicant's residence for the preceding five years;
- F. A statement of the nature and character of applicant's business to be carried on in conjunction with the entertainment;
- G. Such other information as the city manager considers necessary. (1991 code § 6-21.3)

6.20.040 Fee.

The fee for filing an original application is set by city council resolution. If application is not received within 30 days after opening of business or by January 31st of each year, a 20% penalty per month will be levied with a maximum of 100%. (1991 code § 6-21.4)

6.20.050 Investigation.

Upon receipt of an application for a permit, the city manager shall have the chief of police investigate and determine the character of the real party in interest, the nature of the entertainment and whether or not the place where it is proposed is a proper one. (1991 code § 6-21.5)

6.20.060 Issuance.

- A. The city manager shall grant the permit if he or she finds that all of the following conditions exist:
 - 1. The application is completed and filed as required;
 - 2. The operation of the applicant will be carried on in a building which complies with all applicable health, zoning, parking, fire, and building and safety requirements;
 - 3. The applicant, his or her employees and each person connected with or associated with the applicant as a partner, director, officer, stockholder, or manager has not been convicted of, within the previous five years (including pleading nolo contendere), an offense involving any of the following:
 - a. A crime requiring registration under Penal Code section 290;
 - b. A violation of Penal Code sections 311.2 and 311.4 through 311.7;
 - c. Violation of Penal Code sections 313.1 through 313.5;
 - d. Violation of Penal Code section 647, paragraph a, b, or d;
 - e. Violation of Penal Code sections 315, 316, or 318;
 - f. A crime involving the use of force or violence on another; or
 - g. The maintenance of a nuisance in connection with the same or similar business operation;
 - 4. The applicant has not knowingly made false statements on an application for a permit;
 - 5. The applicant has not permitted the presentation of a lewd exhibition, performance, or motion picture within prior business operations;
 - 6. The applicant has not had a similar permit previously revoked for good cause within the last year, unless the applicant shows a material change in circumstances since the date of revocation.
- B. Within 30 days after the application is filed, the city manager shall either issue the permit or notify the applicant in writing of his or her decision not to issue the permit. However, the city manager may extend for an additional period of 30 days the time within which he or she is required to act, if for any reason he or she is unable to act within the initial 30-day period.
- C. The city manager's decision is final 15 days from the date the city manager mails notice of his or her decision. (Amended during 2005 recodification; 1991 code § 6-21.6)

6.20.070 Denial – Appeal.

A. A person aggrieved by the decision of the city manager may appeal the decision by filing with the city council a written request for review within 10 days from the date the city manager gives notice of his or her decision.

B. The city manager shall fix a time and place for the hearing of the appeal and shall have written notice of the hearing given to the applicant by certified mail, postage prepaid. The city council shall make its decision within 30 days after it closes the hearing. The decision of the city council is final. (Amended during 2005 recodification; 1991 code § 6-21.7)

6.20.080 Conditions imposed by city manager.

The city manager may impose such conditions on the permit as in his or her opinion are necessary for the protection of the public peace, health, safety and the general welfare, including such additional police protection as may be required to be provided and paid for by the permittee for the purpose of enforcing this section. (1991 code § 6-21.8)

6.20.090 Duration and renewal.

A permit is valid during the calendar year issued. A person holding a permit and who desires a renewal for the following calendar year shall, not later than 30 days before the expiration of the calendar year for which a permit is issued, file an application for renewal of the permit. The application shall be upon a form prescribed by the city manager. The city manager may deny the application for renewal upon the same ground for which he or she may deny an original application. The city manager shall make his or her decision before the beginning of the calendar year for which the renewal permit is sought. (1991 code § 6-21.9)

6.20.100 Nontransferable.

A permit issued hereunder is not transferable. (1991 code § 6-21.10)

6.20.110 Posting of permit.

The holder of a permit shall post a copy of this chapter and the permit in a conspicuous place on the premises where the entertainment is being conducted at all times during the period entertainment is conducted. (1991 code § 6-21.11)

6.20.120 Revocation.

A. If, during the time a person holds a permit, the city manager finds that grounds exist for which an original application could be denied, the city manager shall revoke the permit. In revoking the permit, the city manager shall give the applicant 10 days' notice in advance of the effective date of the revocation by mailing notice of revocation by first class mail, postage prepaid, to the applicant at his or her address as shown on the application.

B. A person aggrieved by the action of the city manager in revoking an entertainment permit may appeal the action to the city council. The appeal shall be filed within 10 days of the effective date of revocation. The procedure for appeal is the same as the procedure in appealing a denial of a permit set forth in PHMC § 6.20.070. During the appeal, the permit is suspended and no person may permit or conduct entertainment. (1991 code § 6-21.12)

6.20.130 Administration.

A. The permittee shall admit any member of the police department free of charge for the purpose of ensuring conformity with the permit and rules, regulations and conditions applicable to it. A police officer may require an entertainer to identify himself or herself by his or her name, age and address.

B. At the request of the city manager, the permittee shall furnish the city manager the following information concerning each entertainer employed: name, age, address, a recent photograph, a personal description and such other reasonable information as to the identity or character of the person or persons as the city manager considers necessary. (1991 code § 6-21.13)

6.20.140 Location and type of entertainment.

The permittee shall conduct or permit entertainment activity only at the location specified in the permit and shall conduct or permit only the type of entertainment specified in the permit. (1991 code § 6-21.14)

Chapter 6.25

PRIVATE PATROL SERVICES

Sections:

- 6.25.010 Definition.
- 6.25.020 State licensing.
- 6.25.030 Registration.
- 6.25.040 Regulation of uniforms, vehicles and insignias.
- 6.25.050 Unlawful conduct.
- 6.25.060 Firearm use report.

6.25.010 Definition.

As used in this chapter:

Patrol service means and includes a service or system which furnishes to members or subscribers, whether or not carried on for a profit, a watch or guard, either uniformed or not, to patrol a district in the city or to guard or watch property, or to perform services usually performed by the regular patrolman of the police department of the city. Patrol service also includes the performance by a person on guard duty at a public function while wearing a type of uniform which would indicate that such person is a peace officer. (Ord. 482, 1982; 1991 code § 6-23.1)

6.25.020 State licensing.

Every person who operates a patrol service in the city and each employee of an operator must be licensed as required by state law (Bus. and Prof. Code § 7580 et seq.). An employee of a patrol service who is not registered under Business and Professions Code section 7582.3 may not work as an employee of a patrol service in the city. (Ord. 482, 1982; 1991 code § 6-23.2)

6.25.030 Registration.

A. Required. It is unlawful for a person to operate, manage, conduct or carry on the business of a private patrol service in the city without registering with the chief of police. To register, a person shall be required to provide name, age and address to, and file a copy of his or her state identification card with, the police department. There shall be no fee for registration.

B. Duration. A registration shall expire at 12:00 midnight on May 31st of each even-numbered year or upon expiration of the state issued permit, whichever is sooner. (Ord. 482, 1982; 1991 code § 6-23.3)

6.25.040 Regulation of uniforms, vehicles and insignias.

A. No person may use a term of title which would indicate that there is a connection between the patrol service of its employees and the city, or the police force or enforcement agency of any governmental agency.

B. No person may use a uniform, insignia or vehicle which indicates that there is a connection between the patrol service or its employees and the city, the police department of Pleasant Hill or the enforcement agency of any other governmental unit. (Ord. 482, 1982; 1991 code § 6-23.4)

6.25.050 Unlawful conduct.

It is unlawful to:

- A. Own or operate a patrol service without a city business license;

- B. Engage in patrol service without a city business license;
- C. Employ a person in the patrol service who is not registered as provided by state law;
- D. For the owner, proprietor, manager or other person in charge of a patrol service to employ a person under the age of 18;
- E. Wear a uniform, badge or insignia, or operate a vehicle having distinctive markings, any of which resemble such items used by local police departments. (Ord. 482, 1982; 1991 code § 6-23.5)

6.25.060 Firearm use report.

A copy of each firearm use report submitted by the operator of a patrol service to the bureau of collection and investigative services under Title 16, Section 686 of the Administrative Code shall also be sent to the chief of police. (Ord. 482, 1982; 1991 code § 6-23.6)

Chapter 6.30**MASSAGE ESTABLISHMENTS AND MASSAGE THERAPISTS¹**

Sections:

- 6.30.010 Purpose – Authority.
- 6.30.020 Definitions.
- 6.30.030 Permits required – Massage establishment – Massage therapist – Outcall massage service.
- 6.30.040 Exceptions.
- 6.30.050 Application requirements.
- 6.30.060 Issuance or denial of permit.
- 6.30.070 Name of business – Notification of changes.
- 6.30.080 Duration and renewal.
- 6.30.090 Posting of permit – Identification cards.
- 6.30.100 Permit nontransferable.
- 6.30.110 Massage establishment record keeping.
- 6.30.120 Facility requirements.
- 6.30.130 Inspections.
- 6.30.140 Hours of operation.
- 6.30.150 Grounds for revocation or suspension.
- 6.30.160 Appeals.
- 6.30.170 Fees.
- 6.30.180 Property owner responsibility.

6.30.010 Purpose – Authority.

It is the purpose and intent of this chapter to provide for the orderly regulation of massage therapists and massage establishments as defined in this chapter, in the interest of the public health, safety and welfare. The city wishes both to recognize the practice of massage as a valid professional field and to discourage prostitution and other unlawful activity which otherwise may become associated with some massage establishments. This chapter provides certain minimum qualifications and standards for the operation of massage establishments, their managing employees, and massage therapists.

This chapter takes into account the separate certification process of the State Massage Therapy Organization under Business and Professions Code sections 4600 through 4620.

This chapter is adopted under the authority of Government Code sections 51030 through 51034, Government Code section 37101, Business and Professions Code section 16000, and California Constitution Article XI, Section 7. (Ord. 839 § 1, 2009; Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.1)

6.30.020 Definitions.

In this chapter:

A. *Chief* means the chief of police or his/her designee.

B. *Massage/bodywork* means the application of various techniques to the muscular structure and soft tissues of the human body. Application of massage and bodywork techniques may include, but is not limited to, stroking, kneading, tapping, compression, vibration, rocking, friction, pressure and similar techniques.

1. **Editor's note:** Prior ordinance history includes portions of 1978 code Ch. 5.16 and Ord. 495.

Massage/bodywork specifically excludes: diagnosis, prescription, intentional manipulation or adjustments of the skeletal structure, or any other service, procedure or therapy which requires a license to practice (chiropractic, osteopathy, orthopedics, physical therapy, podiatry, or medicine), hypnosis, naturopathic, colonic irrigation, acupuncture, vacuum cupping, nutritional or dietary counseling, detoxification programs, yoga, exercise, spiritual healing, or procedures which penetrate body cavities, either manually or with any other method of intrusion.

C. *Massage establishment* means a studio or place where licensed individuals practice massage/bodywork.

D. *Massage therapist* means a massage/bodywork practitioner who administers massage/bodywork for compensation. Examples of massage therapists include practitioners of Swedish massage, sports massage, shiatsu, polarity therapy, rolfers, hellerwork and reflexology.

A *massage therapist* who is an *independent contractor* is one who works at a massage establishment (or has an outcall massage service permit), but is not a salaried employee and does not share a percentage of therapy proceeds with the establishment.

E. *Outcall massage service* means a business which provides massage/bodywork at a location designated by the client or the massage therapist, other than at a designated approved massage establishment.

F. *State certificate holder* means a person who holds a current, valid state certificate from the Massage Therapy Organization as a massage practitioner or a massage therapist, under Business and Professions Code sections 4600 through 4620. (Ord. 839 § 2, 2009; Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.2)

6.30.030 Permits required – Massage establishment – Massage therapist – Outcall massage service.

A. Permit required for massage establishment. No person may own or operate a massage establishment in the city without first obtaining a massage establishment permit under this chapter. No person who owns or operates a massage establishment may:

1. Employ a person as a massage therapist unless the massage therapist has a permit under this chapter; or
2. Allow an independent contractor massage therapist to work at the site unless the massage therapist has a permit under this chapter.

B. Permit required for massage therapist. No person may practice massage or bodywork in the city without first obtaining a massage therapist permit.

A massage therapist holding a massage therapist permit from the city on the effective date of amendments to this chapter (November 1, 2006) need not comply with PHMC § 6.30.050(B)(6) and (7) as long as the permit is renewed and does not lapse.

In addition to holding a massage therapist permit, a massage therapist must (1) work at a place having a massage establishment permit, or (2) work in the therapist's own home with a massage establishment permit and a home occupation permit, or (3) have an outcall massage service permit.

C. Permit required for outcall massage service. No person may provide outcall massage service in the city, or through a city address or telephone number, without first obtaining an outcall massage service permit. The outcall massage service permit is required in addition to the massage therapist permit and, if applicable, to the massage establishment permit.

D. Other city permits. Applicants are advised that they must also obtain (1) a city business license, and (2) a home occupation permit if massage is practiced at the therapist's home. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.3)

6.30.040 Exceptions.

A. Massage establishment permit. A massage establishment permit is not required for a hospital, nursing home, sanitarium, physiotherapy establishment, office of a licensed medical professional, or other state-licensed physical or mental health facility. A massage establishment permit is not required for a personal fitness training center, gymnasium, athletic facility or health club, when the giving of massage is an incidental function of the business, constituting 10% or less of the business.

B. Massage therapist permit. A massage therapist permit is not required for a person with a current certificate to practice the healing arts under the laws of the State of California (including, but not limited to, a physician, surgeon, chiropractor, osteopath, nurse, physical therapist, or other health professional), or a person working under the direction of such a person in one of the health facilities set forth in subsection A of this section.

Neither a massage therapist permit nor an outcall massage permit is required for a person who holds a current, valid state certificate from the Massage Therapy Organization as a massage practitioner or a massage therapist, under Business and Professions Code sections 4600 through 4620. However, such a certificate holder shall obtain an annual registration certificate from the department. The registration application shall include: name, address, telephone, place(s) of employment, whether the applicant intends to engage in outcall massage as defined in PHMC § 6.30.020.E, and evidence of state certification. The state certificate holder shall notify the department within 30 days of any change in the information provided. There is no charge for the registration application or certificate. (Ord. 839 § 3, 2009; Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.4)

6.30.050 Application requirements.

A. Massage establishment permit or outcall massage service permit. An applicant for a massage establishment permit or an outcall massage service permit shall submit an application to the chief of police. The applicant must be the managing director or partner, or the managing employee of the establishment or outcall massage service. The application shall include the following information under oath:

1. Name, address and telephone number of the proposed massage establishment or outcall massage service.
2. Name, residence address and telephone number of the applicant, the establishment or outcall massage service manager, and each partner, director, officer, or stockholder associated with the business.
3. Official government-issued identification that proves that the applicant is over 18 years old.
4. Applicant's residence addresses, business addresses, and business, occupation or employment for the five years preceding the application.
5. A statement as to whether the applicant or any partner, director, officer or stockholder has: (a) had a massage establishment or similar business permit revoked or suspended (and the reasons); or (b) been convicted of a crime (including a plea of nolo contendere), and the nature of the offense and the penalty imposed for it.
6. Fingerprints of the applicant and recent portrait photograph.
7. Nature or type of massage/bodywork to be provided.
8. Such other identification and information as the chief of police considers necessary.
9. The past experience of the applicant in owning, operating, managing or working in any massage establishment; and the name, address and past experience of the person(s) who will be in charge of, manage or operate the massage establishment.
10. The number of persons currently working or intending to work at the date of the application in the massage establishment as massage therapists or employees; their names and residence addresses, the nature of work performed, and a recent passport-sized photograph of each.
11. Evidence that each employee or independent contractor has been screened and been the subject of a background check to ensure that no employee has committed a disqualifying offense, and evidence that each massage therapist also has a massage therapist permit under subsection B of this section.
12. A written statement that neither the applicant nor any person to be directly or indirectly interested in the permit if granted has knowingly made any false, misleading or fraudulent statement in the application for the permit or in any other document required by the City of Pleasant Hill.

B. Massage therapist permit. An applicant for a massage therapist permit shall submit an application to the chief of police. This permit is required for any person who will be administering massage therapy, including the owner or manager, unless a person is exempt under PHMC § 6.30.040. The application shall include the following information under oath:

1. Name, address and telephone number of the massage establishment.
2. Name, residence address and telephone number of the applicant.
3. Official government-issued identification that proves that the applicant is over 18 years old.
4. Applicant's residence addresses, business addresses, and business, occupation or employment for the five years preceding the application.
5. A statement as to whether the applicant has: (a) had a massage therapist permit or similar permit revoked or suspended (and the reasons); or (b) been convicted of a crime (including a plea of nolo contendere), and the nature of the offense and the penalty imposed for it.
6. Evidence of one of the following:

a. Applicant's certificate of graduation (original or certified copy) from a state-approved school which teaches the method, profession and work of massage techniques. The minimum course of instruction upon graduation shall be 250 hours of approved massage therapy training. Alternatively, if the applicant is currently enrolled in massage training, he or she may provide a letter from a state-approved school stating that the student has completed at least 250 hours of approved massage therapy training at that school.

State-approved school means a facility that meets minimum standards for training and curriculum in massage and related subjects and that was approved by the Bureau for Private Postsecondary and Vocational Education under Education Code section 94915 (before January 1, 2008), by an institution accredited under Education Code section 94739(b)(7), by a college or university of the state higher education system as defined in Education Code section 100850, or by a school of equal or greater training that is approved by the corresponding agency in another state or by an agency recognized by the United States Department of Education.

Approved massage therapy training means a course which has been deemed approved by the Bureau of Private Postsecondary and Vocational Education under Education Code section 94915 or the equivalent department from another state (as shown to the satisfaction of the police department).

b. Applicant's certificate of graduation (original or certified copy) from a state-registered school which teaches the method, profession and work of massage techniques. The minimum hours of the training curriculum must be 249 hours of registered massage therapy training. Alternatively, if the applicant does not possess a certificate of graduation, he or she may present proof of completion (original or certified copy) of at least 249 hours of registered massage therapy training.

An applicant who chooses this option b is also required to pass a written examination with a score of at least 70%. The test is administered by the police department and is comprised of questions reviewed by one or more massage schools. It is designed to effectively assess the basic knowledge required, including anatomy, physiology, hygiene and massage therapy. The additional fee for the test is established by resolution of the city council. If the applicant requires a translator during the test, he or she must arrange for a court-certified translator to be present, at the applicant's expense.

State-registered school means a facility that meets minimum standards for training and curriculum in massage and related subjects that was recognized by the Bureau for Private Postsecondary and Vocational Education under Education Code section 94931 (before January 1, 2008), by an institution accredited by the senior commission or the junior commission of the Western Association of Schools and Colleges as defined in Education Code section 94739(b)(7), by colleges and universities of the state higher education system as defined in Education Code section 100850, or by a school of equal or greater training that is approved by the corresponding agency in another state.

Registered massage therapy training means a course which has been deemed a registered course by the Bureau of Private Postsecondary and Vocational Education under Education Code section 94931 or the equivalent department from another state (shown to the satisfaction of the police department).

c. One of the following certificates (original or certified copy):

- i. Certification evidencing satisfactory passage of the National Certification Examination for Therapeutic Massage or Bodywork (NCETMB) for an applicant practicing Western and non-Western massage; or

- ii. Certification evidencing satisfactory passage of the National Certification Examination for Therapeutic Massage (NCETM) for an applicant practicing Western massage only.
7. Membership in good standing in a state or national professional massage organization or association that requires its members to have all of the following:
 - a. Documentation of at least 100 hours of massage training or education;
 - b. Possession of massage practitioner's malpractice insurance coverage in the minimum amount of \$500,000 per event;
 - c. Adherence to a code of ethics; and
 - d. Renewal of membership at a minimum of once every two years.
8. A statement regarding the nature of the massage/bodywork to be administered.
9. Fingerprints of the applicant and recent portrait photograph.
10. Such other identification and information as the chief of police considers necessary.
11. A massage therapist who is an independent contractor shall provide the police department with certification from the establishment permit holder, on a form provided by the police department, verifying that the massage therapist is an independent contractor and not an employee of the massage establishment. The certification must have the signature of the massage establishment permit holder, either signed in the presence of police department staff or notarized. (Ord. 839 § 4, 2009; Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.5)

6.30.060 Issuance or denial of permit.

A. Determination. The chief of police shall issue or deny a permit within 30 days of receipt of a complete application for a massage establishment permit, massage therapist permit or outcall massage service permit.

If prosecution is pending against the applicant either for conduct listed in this section or for conduct violating this chapter, the chief may postpone his or her decision on the application until the final resolution of the prosecution. As used in this subsection, "prosecution" means charges filed by the district attorney, administrative proceedings brought by a local government or agency, or a civil action maintained by the city.

B. Issuance. The chief shall issue the permit unless he or she finds any one of the grounds for denial set forth in subsection C of this section.

If issued, the massage establishment permit shall be on a written form, to be posted as set forth in PHMC § 6.30.090. If issued, the massage therapist permit shall be in the form of an identification card containing the name, permit number and a recent photograph, to be worn or carried as set forth in PHMC § 6.30.090.

- C. Denial. The chief shall deny the permit if he or she finds any one of the following circumstances exist:
1. The applicant has not submitted a complete application and paid the required fee, or the applicant has knowingly made a false or misleading statement on the application.
 2. The applicant has not complied with each requirement of the application.
 3. The applicant, and, for a massage establishment permit, any partner, director, officer or stockholder, has been convicted of or entered a plea of nolo contendere for any of the following offenses:
 - a. Conduct which requires registration under California Penal Code section 290;
 - b. Conduct which is in violation of California Penal Code sections 220, 261, 264.1, 266(e), 266(h), 266(i), 314, 315, 316, 318, 647(a), 647(b), or 647(d);
 - c. Crimes that are designated in California Government Code section 51032(b);
 - d. Any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude;
 - e. Conspiracy or attempt to commit any of the designated offenses;
 - f. Conviction to a charge of a violation of California Penal Code sections 415 and 602, or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or any crime committed while engaged in the ownership of a massage establishment or the practice of massage therapy;
 - g. Conviction under the laws of another jurisdiction which proscribe the same or similar conduct as the designated crimes;

- h. Conviction of Health and Safety Code section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058.
4. The applicant, and, for a massage establishment permit, any partner, director, officer or stockholder, has been successfully prosecuted under the Red Light Abatement Act (California Penal Code § 11225 and following) or any similar law in another jurisdiction.
5. The applicant, and, for a massage establishment permit, any partner, director, officer or stockholder, has had a similar permit suspended or revoked, unless the applicant shows a material change in circumstances.
6. The location of the massage establishment and the operation of the business do not comply with all applicable laws, ordinances and regulations, including building, zoning, parking, health, safety and fire regulations.

If the permit is denied, the chief shall notify the applicant in writing of the decision and the reasons for it. The decision of the chief may be appealed within 10 days from the notice of decision under PHMC § 6.30.160. (Ord. 816 § 1, 2006; Amended during 2005 recodification; Ord. 712 § 1, 1996; 1991 code § 6-24.6)

6.30.070 Name of business – Notification of changes.

A permittee may not operate under a name or conduct a business under a designation not specified in the permit. The permittee shall notify the chief of police in writing within 14 days of each change in the name, address or telephone number of the residence or business, and of each change in ownership of a business.

Failure to comply with this section is grounds for suspension or revocation of the permit. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.7)

6.30.080 Duration and renewal.

A permit issued under this chapter is valid during the calendar year issued. Before the beginning of each new calendar year, the chief of police shall mail a renewal notice to each permittee. Each permittee shall file an application for renewal on a form provided by the chief. The chief may deny a renewal application on any ground for which an original application could be denied. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.8)

6.30.090 Posting of permit – Identification cards.

The owner or operator of a massage establishment shall post a copy of the massage establishment permit in a conspicuous place on the premises. Each massage therapist shall wear or carry an identification card issued by the chief whenever engaged in the practice of massage. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.9)

6.30.100 Permit nontransferable.

A permit issued under this chapter is not transferable to another owner, establishment or massage therapist. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.10)

6.30.110 Massage establishment record keeping.

The operator of a massage establishment shall maintain: (A) a register of all massage therapists employed, including name, address, telephone, age, a recent photograph, and permit number; and (B) a daily register, approved in form by the chief, of each client, the assigned room, the massage therapist who treated the client, a description of service(s) performed and the time of the appointment. The daily register shall be completed by the close of business every day, and shall be available for inspection by the city at all times during regular business hours. The register shall be considered confidential, not for public review, and may be inspected by

the city only as part of a criminal investigation or during proceedings to suspend or revoke a permit under this chapter.

An independent contractor massage therapist is responsible for compliance with subsection (B) of this section.

These records shall be retained at the massage establishment for at least one full year. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.11)

6.30.120 Facility requirements.

The operator of a massage establishment shall maintain and operate the establishment in a safe and sanitary manner, and shall:

A. Comply with all applicable building, fire, safety, health, electrical, plumbing, mechanical, heating and ventilating, sanitation, and other laws applicable to the premises;

B. Provide for the regular removal of garbage and refuse, and the safe storage or removal of flammable materials;

C. Maintain all equipment used to perform massage/bodywork services in a safe and sanitary condition, including the regular application of cleansers and bacterial cleaning agents;

D. Launder all materials furnished for the personal use of the client, such as towels and linens, before each use;

E. Maintain all bathroom and plumbing fixtures in a sanitary condition, provide hot and cold running water, and comply with sanitation requirements of the county health department;

F. Provide a wash basin for therapists and employees, located within or as close as practicable to the area devoted to the massage therapy services. Each wash basin shall be equipped with hot and cold running water, soap in a dispenser and sanitary towels. In the case of a massage establishment located in a home, existence of a bathroom meeting this requirement is sufficient;

G. Provide either a separate room or dressing and locker facilities for each client. However, dressing and undressing may occur in the same room as massage therapy if the client is alone in the room with the door(s) closed and opaque coverings are present on any windows while undressing or dressing. The massage therapist or other clients may not be present in the same room when the client is undressing;

H. In each room or cubicle where massage is administered, have lighting whenever the area is occupied equivalent to a minimum of an incandescent 25-watt clear-glass light bulb;

I. Not permit any massage activity in any cubicle, room, booth or area that has a door that is capable of being locked, unless the entire massage establishment is located within a single room. This requirement is not applicable to a massage establishment solely owned by a state certificate holder or to a massage establishment which employs only persons who hold a state certificate;

J. For a massage establishment in which the therapist is an employee, all massage services shall be paid for in the reception area, and all tips, if any, shall be paid in the reception area. For a massage establishment at which a therapist is an independent contractor, all massage services and all tips, if any, may be paid in the same room where the massage occurred, provided the door to the room is fully open. A massage establishment which is located in a home is exempt from this subsection because by the nature of the site it does not include a reception area. (Ord. 839 § 5, 2009; Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.12)

6.30.130 Inspections.

The chief of police may inspect the premises before issuing a massage establishment permit, and may make periodic inspections of the establishment to assure compliance with this chapter. If any violations are found, the chief shall notify the establishment in writing. The chief may give the establishment 10 days to correct the violation(s), or, if the violation(s) presents a danger to public health or safety, suspend the permit and close the establishment until the violation(s) is corrected. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.13)

6.30.140 Hours of operation.

No massage establishment, no outcall massage service, and no massage therapist may provide massage/body-work service between the hours of 10:00 p.m. and 7:00 a.m. All clients and visitors shall be excluded from a massage establishment during those hours. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.14)

6.30.150 Grounds for revocation or suspension.

The chief of police may revoke, or suspend for a specified time, a permit issued under this chapter for:

- A. Any reason for which an original application could be denied; or

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- B. Any violation of this chapter, including the following acts of misconduct:
1. Being convicted (including a plea of nolo contendere) of a crime identified in PHMC § 6.30.060(C) or any crime which relates to the practice of massage/bodywork or the ability to practice the profession;
 2. An arrest for a crime identified in PHMC § 6.30.060(C) shall result in immediate suspension of the permit. The suspension shall continue until a decision is made not to bring criminal charges or the permittee is found not guilty;
 3. False, deceptive or misleading advertising. No massage establishment, massage therapist or massage establishment employee may advertise in such a manner as to suggest any service is available, including sexual services, other than massage/bodywork as defined in PHMC § 6.30.020;
 4. Aiding or assisting any unlicensed person to practice massage/bodywork contrary to this chapter, or delegating professional responsibilities to a person if the person is not qualified by training, experience and licensing to perform;
 5. Engaging, attempting, or offering to engage a client in sexual activity, including any genital contact, within a client/therapist relationship. A client is presumed to be incapable of giving free, full and informed consent to sexual activity with the massage therapist;
 6. Making deceptive, untrue, or fraudulent representations in the practice of massage/bodywork, or employing a trick or scheme in the practice;
 7. Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the permittee knows or has reason to know he or she is not competent to perform;
 8. Refusing to permit the chief to inspect the premises during regular business hours;
 9. Practicing massage/bodywork at a location which is not licensed as a massage/bodywork establishment, except that the therapist may provide massage/bodywork services at the residence of the client;
 10. Being unable to practice massage/bodywork with reasonable skill and safety to clients by reason of illness; use of alcohol, drugs, narcotics or chemicals; or as a result of a mental or physical condition;
 11. Gross or repeated malpractice or the failure to practice massage/bodywork with the level of care, skill, and treatment which is recognized by a reasonably prudent similar therapist as being acceptable under similar conditions and circumstances;
 12. Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition;
 13. Failing to provide to each patron clean, sanitary and opaque coverings, or giving or permitting a massage to be given when the client's specified anatomical areas are not covered by the covering provided. "Specified anatomical areas" means the pubic region, genitals, perineum, anal region, and the area of the female breast below a point immediately above the top of the areola;
 14. For a massage establishment, failing to:
 - a. Regulate and monitor its employees as evidenced by the suspension or revocation of the massage therapist permit of one of its employees. An act or omission of a person performing massage shall be deemed the act or omission of the holder of the massage establishment permit for the purposes of determining whether the permit is revoked or suspended, whether or not the massage establishment had actual knowledge; or
 - b. Regulate and monitor its independent contractors as evidenced by the suspension or revocation of the massage therapist permit of one of its independent contractors. An act or omission of a person performing massage shall be deemed the act or omission of the holder of the massage establishment permit for the purposes of determining whether the permit is revoked or suspended, whether or not the massage establishment had actual knowledge; or
 - c. Comply with PHMC § 6.30.070. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.16. Formerly 6.30.170)

6.30.160 Appeals.

A person may appeal a decision of the chief in accordance with PHMC Chapter 1.10, except that the decision of the city manager or his or her designee is final and may not be appealed to the city council.

During an appeal from a revocation or suspension, the massage establishment or massage therapist may continue to operate, unless the reason for the revocation or suspension involved:

- A. A serious danger to the public health or safety;
- B. The arrest of the massage therapist for any offense listed in PHMC § 6.30.060(C); or
- C. The arrest of an employee, independent contractor, owner or manager for any offense listed in PHMC § 6.30.060(C), based on conduct occurring on the premises of the massage establishment. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.17. Formerly 6.30.170)

6.30.170 Fees.

An applicant for a permit, renewal or appeal under this chapter shall pay a fee in the amount established by resolution of the city council. The fee is to defray the cost of investigation, inspection and permit issuance. (Ord. 816 § 1, 2006; Ord. 712 § 1, 1996; 1991 code § 6-24.18. Formerly 6.30.180)

6.30.180 Property owner responsibility.

Any place where lewdness, assignation or prostitution occurs is a public nuisance which may be abated and permanently enjoined, and for which the city may recover damages from the property owner, as well as from the person conducting or maintaining the nuisance. (Cal. Penal Code §§ 11225 and 11226.) (Ord. 816 § 1, 2006)

Chapter 6.35
TOWING SERVICES¹

Sections:

- 6.35.010 Purpose.
- 6.35.020 Scope.
- 6.35.030 Definitions.
- 6.35.040 Selection of operators.
- 6.35.050 Minimum standards – Equipment, storage lot, drivers, business operation.
- 6.35.060 Duties of driver.
- 6.35.070 Fees and rates.
- 6.35.080 Rotation.
- 6.35.090 Response times.
- 6.35.100 Vehicles impounded for special investigation.
- 6.35.110 Accessibility of vehicles.
- 6.35.120 Abandoned vehicles.
- 6.35.130 Noncompliance.

6.35.010 Purpose.

The public health, safety and welfare require that hazards to vehicular movement and traffic safety be removed from city streets as soon as it is possible to do so. In order to ensure the efficient removal of a vehicle which is a hazard to traffic, and to provide a dependable towing service to the public, it is necessary to establish minimum standards for vehicle towing services. (Ord. 683 § 1, 1993; 1991 code § 6-25.1)

6.35.020 Scope.

This chapter applies to each towing service that responds to a request for service made through the police department, regardless of where the request originated. (Ord. 683 § 1, 1993; 1991 code § 6-25.2)

6.35.030 Definitions.

As used in this chapter:

Driver means an employee of an operator qualified by knowledge and experience to operate a tow truck.

Operator means a person engaged in the business of towing motor vehicles.

Rotation list means a list maintained by the police department of operators who comply with this chapter and from which the police department will make calls for towing services on a sequential basis.

Tow truck shall be a motor vehicle as defined in the California Vehicle Code. (Ord. 718 § 1, 1997; Ord. 683 § 1, 1993; 1991 code § 6-25.3)

6.35.040 Selection of operators.

The police department shall maintain a rotation list of six tow truck operators. Operators shall be selected as provided in this section.

1. **Editor's note:** Prior ordinances codified herein include portions of 1978 code Ch. 8.52.

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A. Current list – Future openings. The six current operators shall remain on the rotation list. An opening on the list occurs whenever a current operator resigns, retires or is removed for failing to comply with the stated requirements or for having unresolved complaints.

B. Advertising. When there is an opening on the city rotation list, the city shall advertise for applications from all operators interested in being placed on the city rotation list.

C. Application and fee. The operator shall fill out an application furnished by the city and pay the application processing fee set forth in the city's resolution on fees and charges. Each applicant shall return the completed application to the police department by the date specified in the notice (which will be approximately one month before the selection date). The application processing fee is nonrefundable.

The applications shall be subject to review by the police department to ensure that all qualifications have been met by the operator. The department may conduct an appropriate investigation into the status of the business.

D. Establishing the rotation list. Qualified applicants will be notified of the selection time and date. At the specified time, the city clerk shall select operators by lottery to fill any openings in the rotation list. Any operator selected remains on the rotation list until that operator resigns, retires or is removed for failing to comply with the stated requirements or for having unresolved complaints. (Ord. 718 § 2, 1997; Ord. 683 § 1, 1993; 1991 code § 6-25.4)

6.35.050 Minimum standards – Equipment, storage lot, drivers, business operation.

A. Tow truck equipment. Each operator shall own or lease at least three fully equipped tow trucks, which are of a minimum one-ton capacity with rear dual wheels, or equivalent, including at least one flatbed truck, operational at all times. Each tow truck, in addition to complying with the requirements of the California Vehicle Code, shall have one chassis-mounted, power-driven winch operated from a transmission equipped with safety dogs or equivalent braking devices with a minimum cable length of 100 feet. In addition to equipment required by the California Vehicle Code and the California Highway Patrol Tow Truck Inspection Guide (CHP-243B), each tow truck shall carry the following equipment:

1. Flashlight in operating condition;
2. Square-bladed shovel and dustpan;
3. Crowbar or prybar;
4. Minimum of 50 pounds of a liquid absorbent;
5. Rope or strapping implement for securing steering wheels;
6. Miscellaneous hand tools such as hammer, screwdriver and wrenches;
7. Set of dollies;
8. Safety chain.

B. Vehicle storage. Each operator shall own or lease a storage facility (lot or building) which: (1) is located within Contra Costa County and within a 10-mile radius of the Pleasant Hill City Hall; (2) conforms to the zoning regulations in the jurisdiction in which it is located; and (3) is adequate to store at least 10 vehicles. A storage lot shall be enclosed by a fence capable of protecting stored vehicles and their contents from pilfering or tampering and shall be reasonably screened from public view. Storage buildings shall be securely locked when not in use. No vehicle may be towed by an operator who is unable to provide adequate storage facilities at the time of his or her rotation call.

C. Hours. There shall be a driver on call, capable of responding to a police request for towing and for a citizen's request for release of vehicle 24 hours per day, seven days per week, including holidays. Stored vehicles shall be accessible as required by PHMC § 6.35.110.

D. Drivers. Each operator must certify that each driver is trained in the use of the operator's equipment and possesses a valid California driver's license of an appropriate class. Only certified drivers may respond to police tows. The police department may test a driver's knowledge, skill and proficiency in performing his or

her duties. The chief of police may remove an operator from the rotation list if he or she determines that a driver or the operator has been convicted of any of the following crimes (including a plea of nolo contendere) within the prior three years: auto theft, burglary, possession of stolen property, grand or petty theft; a crime involving violence to another person; a violation of the Health and Safety Code relating to narcotics or dangerous drugs; a crime relating to illegal acquisition of a vehicle or vehicle parts or documents relating to vehicle registration or ownership; or a crime relating to a certificate of ownership, registration card, certificate, license plate, special plate or permit under the Vehicle Code.

E. Insurance. Each operator shall maintain the following types and minimum amounts of insurance to protect the city from claims for damage which may arise from the performance of police towing services under this chapter.

1. Public liability insurance of at least \$1,000,000 combined single limit for both property damage and public liability.
2. Garage keepers legal liability insurance including premises, operations, and customer vehicles of at least \$1,000,000 per claim.
3. Automobile insurance of at least \$1,000,000 combined single limit for both property damage and bodily injury.
4. Cargo insurance of at least \$50,000.
5. Workers' compensation insurance as required by state law.

Each policy shall name the city as an additional insured, state that the insurance is primary as to the city, provide for a 30-day notice of cancellation to the city, and shall be issued by an insurance carrier having a Best's rating of at least A:VII. The operator shall file a copy of the certificate of insurance with the police department, showing the limits of coverage and including an endorsement naming the city as an additional insured.

F. Records – Inspections. The operator shall maintain adequate records to include a description of vehicles, nature of the service, time and location of the call, and the disposition of towed vehicles. The police department may inspect, during normal business hours, operator's records, equipment and storage facilities in order to ensure compliance with this chapter.

G. Experience. Each applicant must have at least three years of for-hire towing experience as an operator or a principal.

H. Business license. Each operator selected for the rotation list shall maintain a city business license. (Ord. 718 § 3, 1997; Ord. 684 § 1, 1993; Ord. 683 § 1, 1993; 1991 code § 6-25.5)

6.35.060 Duties of driver.

Each driver shall remove all hazards and debris from the location from which a vehicle is towed prior to leaving the scene of the tow. (Ord. 718 § 4, 1997; Ord. 683 § 1, 1993; 1991 code § 6-25.6)

6.35.070 Fees and rates.

Fees charged for response calls originating from the police department shall be reasonable and not in excess of those rates charged for similar services provided in response to any other public agency or private person. The maximum fees for city requests shall be established and maintained by the chief of police, and the schedule of maximum fees may be reviewed and adjusted annually, based on a review of rates in neighboring jurisdictions and operations data provided by the operators. The schedule of maximum rates shall include rates for dollies, vehicle storage, gate fees and any other authorized rate. Secondary towing services requested by the customer may be negotiated by the operator in accordance with his or her normal business practices.

Operators shall provide emergency tow service and changing of tires within a 10-mile radius of the Pleasant Hill City Hall to all city-owned vehicles at a rate not to exceed 50% of the basic rate. The towing of a city vehicle shall not count as a turn on the rotation list. Upon the written request of the police department, the stor-

age rate of a vehicle involved in a criminal investigation shall be: for the first 72 hours, no charge; fourth day to seventh day, at a rate not to exceed 50% of the maximum storage rate. This provision of the section may only be invoked one time per month, per operator. (Ord. 718 § 4, 1997; Ord. 683 § 1, 1993; 1991 code § 6-25.7)

6.35.080 Rotation.

A. Turn designated. A request for the towing of a vehicle, a request for emergency road service, and a request for any other service is considered a rotation turn except when:

1. No compensation for services provided is charged;
2. A citizen requests the services of a specific operator;
3. Emergency tow or road service is provided for city vehicles.

B. Schedule changes. The police department may deviate from the normal rotation schedule if the operator next on rotation is, in the department's judgment, incapable or improperly equipped for handling a specific task. If no operator on the rotation list has the necessary skills or equipment to handle a specific task, the police department may request service from an operator capable of handling the request. A change from the normal rotation does not cause a loss of turn by either the operator judged incapable of handling the request or by the rotation operator who responded.

C. Records. The police department shall maintain rotation records and make these available for inspection to an operator and to the public. (Ord. 683 § 1, 1993; 1991 code § 6-25.8)

6.35.090 Response times.

Response times to arrive at place of service shall be a maximum of 20 minutes, seven days per week, except Monday through Friday between 7:00 a.m. and 9:00 a.m., and between 3:00 p.m. and 6:00 p.m., when response time shall be a maximum of 30 minutes from time of call. All response times must be met at least 95% of the time in each calendar month. If the operator is unable to respond within the specified time limit, the operator loses that rotation turn only. (Ord. 683 § 1, 1993; 1991 code § 6-25.9)

6.35.100 Vehicles impounded for special investigation.

At the request of the police department, the operator shall hold a vehicle impounded for special investigation until the department authorizes its release in writing. The operator shall take necessary measures to prohibit the contents of a vehicle impounded for special investigation from being removed without written approval of the police department. The operator shall prevent an unauthorized person from entering or examining such an impounded vehicle. The police department may require such an impounded vehicle to be stored inside a locked building and, in this event, the police department may call upon an operator, whether from the rotation list or not, who has this storage available. If this should occur, an operator passed over on the rotation list does not lose his or her rotation turn. (Ord. 683 § 1, 1993; 1991 code § 6-25.10)

6.35.110 Accessibility of vehicles.

A. The operator shall make each vehicle, except a vehicle impounded for special investigation, available during normal business hours to the owner or his or her representative for the purpose of estimating damages to the vehicle and appraising its value.

B. The operator shall provide the police department with access to each stored vehicle. A stored vehicle shall be released to its owner or his or her representative upon payment of the permitted charges. All personal property within the vehicle shall be released to the owner or his or her representative upon request, even though the vehicle is retained in storage, except in the case of a vehicle impounded for special investigation. (Ord. 683 § 1, 1993; 1991 code § 6-25.11)

6.35.120 Abandoned vehicles.

Request to tow abandoned vehicles shall be rotated equally among the operators. If an operator cannot process an abandoned vehicle for any reason, the police department may call any other operator to tow or sell, or both, a vehicle abandoned within the city. An operator need not store a low-value abandoned vehicle. (Ord. 683 § 1, 1993; 1991 code § 6-25.12)

6.35.130 Noncompliance.

The chief of police may remove an operator from the rotation list if the operator fails to comply with this chapter. In the event of removal, the chief of police shall give the operator written notice of the reasons 24 hours in advance of the effective date of removal. The operator may appeal the decision of the chief of police to the city manager in the manner provided in PHMC Chapter 1.10. (Ord. 683 § 1, 1993; 1991 code § 6-25.13)

Chapter 6.40**BINGO**

Sections:

- 6.40.010 Definitions.
- 6.40.020 Compliance.
- 6.40.030 Permit required.
- 6.40.040 Fee.
- 6.40.050 Location.
- 6.40.060 Participants.
- 6.40.070 Conduct of bingo game.
- 6.40.080 Prizes.
- 6.40.090 Accounting.
- 6.40.100 Violation – Penalty.

6.40.010 Definitions.

As used in this chapter:

Bingo means a game of chance operated for a fee in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

Director means the director of finance.

Eligible organization means an organization referred to in Penal Code section 326.5. (Ord. 385 § 1, 1977; Ord. 362 § 1, 1976; 1991 code § 6-26.1)

6.40.020 Compliance.

An eligible organization may conduct bingo games in compliance with this chapter. (Ord. 362 § 1, 1976; 1991 code § 6-26.2)

6.40.030 Permit required.

A. Permit required. Before conducting a bingo game, an eligible organization shall obtain a permit from the director of finance. Application shall be made on a form prescribed by the director and shall include:

1. Proof that the organization is an eligible organization as defined by Penal Code section 326.5(a);
2. Date or periodic description of days when games will be held;
3. Time when games will be held;
4. Place where games will be held;
5. Number and value of prizes to be offered;
6. Other information prescribed on the form by the director.

B. Annual renewal. The eligible organization shall renew the bingo permit annually, providing the same information required for a new permit.

C. Notice of change in status. The eligible organization shall notify the city director of finance within 30 days, and cease operations, if the organization's tax exempt status is revoked or rescinded before the time of renewal. (Ord. 832 § 1, 2008; Ord. 385 § 2, 1977; Ord. 362 § 1, 1976; 1991 code § 6-26.3)

6.40.040 Fee.

The city council may, by resolution, prescribe a permit fee and a renewal fee in amounts not to exceed the actual cost of issuing the permit or renewal. (Ord. 832 § 2, 2008; Ord. 362 § 1, 1976; 1991 code § 6-26.4)

6.40.050 Location.

The bingo games must be held on property owned or leased by the eligible organization and used by it as an office or for performance of the purposes for which the organization exists. (Ord. 362 § 1, 1976; 1991 code § 6-26.5)

6.40.060 Participants.

- A. Public. A bingo game must be open to the public and not limited to members of the exempt organization.
- B. Minors. It is unlawful for a minor to participate in a bingo game.
- C. Physical presence. It is unlawful for a person to participate in a bingo game unless he or she is physically present at the game. (Ord. 362 § 1, 1976; 1991 code § 6-26.6)

6.40.070 Conduct of bingo game.

- A. Only a member of the eligible organization may operate the bingo game. No member may receive a profit, wage or salary from the bingo game. Only the eligible organization shall operate the bingo game or participate in the promotion, supervision or other phase of the game.
- B. No individual, corporation, partnership, or legal entity other than the eligible organization may have a financial interest in the conduct of the bingo game. (Ord. 362 § 1, 1976; 1991 code § 6-26.7)

6.40.080 Prizes.

The total value of the prizes awarded at each bingo session shall not exceed \$250.00 in cash or kind or both. (Ord. 362 § 1, 1976; 1991 code § 6-26.8)

6.40.090 Accounting.

The money derived from bingo shall be kept in a special fund or account and shall not be commingled with another fund or account. (Ord. 362 § 1, 1976; 1991 code § 6-26.9)

6.40.100 Violation – Penalty.

- A. Misdemeanor. It is a misdemeanor for a person to receive a profit, wage or salary from the operation of bingo game.
- B. Infraction. Violation of this chapter, except subsection A of this section, is an infraction. (Ord. 362 § 1, 1976; 1991 code § 6-26.10)

Chapter 6.45**CARNIVALS, CIRCUSES AND FAIRS**

Sections:

- 6.45.010 Purpose.
- 6.45.020 Permit required.
- 6.45.030 Exception.
- 6.45.040 Conditions.
- 6.45.050 Permit revocation.

6.45.010 Purpose.

The city council finds and declares that the unregulated operation of events such as carnivals, amusement rides, circuses, live animal shows, and fairs tends to generate unacceptable levels of light and noise, and results in the congregation of people and traffic requiring added commitment of police resources, all to the detriment of public safety and welfare. (Ord. 642 § 1, 1990; 1991 code § 6-27.1)

6.45.020 Permit required.

Any person or entity operating a carnival, amusement ride, circus, live animal show, or fair in the city, whether on private or public property, shall first obtain a permit for the operation of said event from the director of public works and community development. The permit shall be valid for no longer than seven days. (Ord. 642 § 1, 1990; 1991 code § 6-27.2)

6.45.030 Exception.

No permit is required for a fair of less than 24 hours duration that does not include amusement rides and is sponsored by schools, churches, or nonprofit organizations. (Ord. 642 § 1, 1990; 1991 code § 6-27.3)

6.45.040 Conditions.

Reasonable conditions may be imposed on the permit in order to address crowd control and supervision, safety, noise, hours of operation, and the avoidance of adverse impacts on nearby property. (Ord. 642 § 1, 1990; 1991 code § 6-27.4)

6.45.050 Permit revocation.

A permit may be revoked by the director of public works and community development or chief of police if:

- A. The permittee fails to comply with the conditions of the permit; or
- B. The event causes excessive noise, congestion, or other disturbance of the peace despite the permittee's compliance with the permit conditions.

A permittee shall be given notice and an opportunity to respond before the revocation takes effect. (Ord. 642 § 1, 1990; 1991 code § 6-27.5)

Chapter 6.50

MOTION PICTURE, RADIO AND TELEVISION PRODUCTIONS

Sections:

- 6.50.010 Definitions.
- 6.50.020 Permits required.
- 6.50.030 Application.
- 6.50.040 Fees.
- 6.50.050 Issuance.
- 6.50.060 Suspension and revocation.
- 6.50.070 Insurance.
- 6.50.080 Requirements and duties – Rules.
- 6.50.090 Prohibitions.
- 6.50.100 Exemptions.

6.50.010 Definitions.

As used in this chapter:

Motion picture, radio or television productions means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercially prepared radio broadcasts.

Still photography means and includes all activity attendant to staging or shooting commercial still photographs. (Ord. 508 § 1, 1983; 1991 code § 6-22.1)

6.50.020 Permits required.

No person shall use any public or private property, facility, or residence for the purpose of taking commercial motion pictures or television pictures or commercial still photography or for the purpose of any radio broadcast or telecast without first applying for and receiving a permit therefor from the director of public works and community development. (Ord. 508 § 1, 1983; 1991 code § 6-22.2)

6.50.030 Application.

The following information shall be included in the application:

- A. The name, address and occupation of owner;
- B. The address or place at which the activity is to be conducted;
- C. The specific location at such address or place;
- D. The inclusive times and dates such activity will transpire;
- E. A general statement of the character or nature of the proposed activity;
- F. The number of personnel to be involved;
- G. The food servicing arrangements; and
- H. The amount and type of equipment to be involved. (Ord. 508 § 1, 1983; 1991 code § 6-22.3)

6.50.040 Fees.

Fees shall be as follows:

- A. Motion picture, radio or television productions. A permit fee for motion picture, radio, or television productions plus actual costs for city services provided to the permittee are set by city council resolution.
- B. Still photography. No permit fee for still photography shall be required. (Ord. 508 § 1, 1983; 1991 code § 6-22.4)

6.50.050 Issuance.

- A. Issuing authority. The issuing authority shall be the director of public works and community development.
- B. Issuance. Upon a finding by the director of public works and community development that the applicant has complied with the rules and regulations referred to in PHMC § 6.50.080.C, he or she shall issue a permit in accordance with the provisions of this chapter. (Ord. 508 § 1, 1983; 1991 code § 6-22.5)

6.50.060 Suspension and revocation.

The permit may be suspended or revoked for noncompliance with conditions set forth in this chapter. All decisions of the director of public works and community development are applicable to the city manager. (Ord. 508 § 1, 1983; 1991 code § 6-22.6)

6.50.070 Insurance.

Liability insurance indemnifying the city from all risks in an amount approved by the city attorney shall be required. (Ord. 508 § 1, 1983; 1991 code § 6-22.7)

6.50.080 Requirements and duties – Rules.

- A. Provisions supplemental to business license regulations. The provisions of this chapter are intended to augment and be in addition to the provisions of PHMC Chapter 5.05. Whenever the provisions of this chapter impose a greater restriction upon persons, premises, or practices than is imposed by the general business license regulations, the provisions of this chapter shall control.
- B. Change of date. Upon the request of the permittee, the issuing authority shall have the power, upon a showing of good cause, to change the date for which the permit has been issued, provided established limitations are complied with in respect to time and location.
- C. Rules. The director of public works and community development is authorized and directed to promulgate rules and regulations, subject to approval by resolution of the council, governing the form, time and location of any activity set forth in PHMC § 6.50.030 within the city and the permit fees to apply thereto. The director of public works and community development shall also provide for the issuance of permits and the collection of the permit fees. The rules and regulations shall be based upon the following criteria:
1. Traffic congestion at particular locations within the city;
 2. The written consent of all affected property owners or occupants in possession of property, as determined by the public works and community development department;
 3. The disruption of normal activities of all persons at particular locations within the city; and
 4. The safety of property within the city. (Ord. 508 § 1, 1983; 1991 code § 6-22.8)

6.50.090 Prohibitions.

No person shall engage in any motion picture, radio or television production or still photography activity which would constitute a hazard to public safety or interfere with or endanger the public peace or rights of residents to the quiet, peaceful, and unmolested enjoyment of their property. (Ord. 508 § 1, 1983; 1991 code § 6-22.9)

6.50.100 Exemptions.

A. Current news. The provisions of this chapter shall not apply to or affect reporters, photographers, or camera technicians in the employ of a newspaper, news service, radio or television broadcasting station, or similar entity engaged in on-the-spot broadcasting or news events concerning those persons, scenes, or occurrences which are in the news and of general public interest.

B. Studios. The provisions of this chapter shall not apply to or affect a motion picture, television, radio broadcasting studio or photographic studios operating at an established or fixed place of business in the city.

C. Charitable purposes. No permit fee shall be required for any motion picture, radio, or television production when found by the director of public works and community development to be conducted or carried on wholly for a charitable purpose or from which no profit is derived, either directly or indirectly, by any individual; provided, however, a permit as provided for in this chapter shall be required. (Ord. 508 § 1, 1983; 1991 code § 6-22.10)