

TO: James L. App, City Manager
FROM: Jim Throop, Administrative Services Director
SUBJECT: Code Amendment – Fortune Telling, Psychics, Related Services
DATE: November 18, 2014

NEEDS: For the City Council to consider adopting amendments to the Business License Code.

- FACTS:**
1. The City requires every business that operates within the City to pay a business license tax and obtain a business license.
 2. The City's business license ordinance does not allow licensing of fortunetelling.
 3. The City Council recently amended the City Code Chapter 5.16 to allow fortunetelling and related services in commercial and office professional zones, subject to a conditional use permit.
 4. The attached ordinance would require fortunetelling and other related services to be subject to the same business license requirements as other special service businesses.

**Analysis &
Conclusion:**

The City Council recently approved an amendment to the Municipal Code allowing Fortunetelling and related services in commercial and office professional zones, subject to a conditional use permit.

In order to allow such a business, the Business License ordinance needs to also be amended, such that fortunetelling and related services would be subject to the same business license requirements as other special service businesses.

FISCAL

IMPACT: This would have minimal financial impact for the City.

Options: After opening the public hearing and taking public testimony; that the City Council takes one of the actions listed below:

- a. Introduce Ordinance No. 14-XXX N.S. for the first reading at its meeting on November 18, 2014; or
- b. Amend, modify, or reject the above option

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 5.16 AND SECTION 5.04.230 OF THE MUNICIPAL CODE
REGARDING FORTUNETELLING

WHEREAS, the City of El Paso de Robles ("City") requires every business that operates within the City to pay a business license tax and obtain a business license; and

WHEREAS, Chapter 5.04 of the El Paso de Robles Municipal Code ("Municipal Code") sets forth the procedures and requirements most businesses must comply with to obtain a business license; and

WHEREAS, Chapter 5.16 of the Municipal Code requires fortunetelling businesses to follow special procedures to obtain a business license; and

WHEREAS, Chapter 5.16 of the Municipal Code restricts fortunetelling businesses to certain zones and types of buildings; and

WHEREAS, the City Council is in the process of amending the Municipal Code to allow fortunetelling and related services in commercial and office professional zones, subject to a conditional use permit; and

WHEREAS, the City Council would like to revise Chapter 5.16 to eliminate the zoning and building restrictions for fortunetelling businesses and to revise Chapter 5.04 and Chapter 5.16 to require that fortunetelling businesses be subject to the same business license requirements as other personal service business.

THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated as though set forth in this section.

SECTION 2. Amendment. Section 5.04.230 of the El Paso de Robles Municipal Code is hereby amended to read in full as follows:

5.04.230 License tax—Flat amount—Businesses liable.

Every business performing service with no retail sales herein enumerated shall pay an annual license tax as follows:

Ambulance service	\$ 50.00
Appliance repairs	36.00
Bail bond broker	36.00

Bill board advertising	100.00
Bootblack	36.00
Car rental service	60.00
Carpet service	36.00
Chimney cleaning	36.00
Clock and watch repairs	36.00
Collection agency	60.00
Dancing teacher	36.00
Dressmaker (in home)	36.00
Employment agency	36.00
Finance or loan business	60.00
Fortuneteller	36.00
Music teacher or singing	36.00
Office equipment repairs	36.00
Pawn broker	200.00
Piano tuner	36.00
Public stenographer	36.00
Sign painting	36.00
Sound truck per day	10.00
Tools, sharpened and repaired	36.00
Travel service	60.00
Window cleaning	36.00

SECTION 3. Amendment. Chapter 5.16 of the El Paso de Robles Municipal Code is hereby amended to read in full as follows:

Sections

5.16.010 Reserved.

5.16.020 License—Application.

5.16.030 License fee.

5.16.040 Penalty for violation.

5.16.010 Reserved.

5.16.020 License—Application.

No license shall be granted for fortunetelling, clairvoyance, astrology, palmistry, phrenology, card reading, cartomancy, crystal gazing, mediumship prophesy, augury, divination, magic, hypnotism and necromancy until an applicant for such license has followed the application procedures and requirements outlined in Chapter 5.04.

5.16.030 License fee.

For conducting any business described in this chapter the license tax shall be at the rate of thirty six dollars per year.

5.16.040 Penalty for violation.

Any violation of this chapter shall constitute a misdemeanor, and any person found guilty thereof shall, upon conviction or plea of guilty, be punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 4. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days upon its final passage as provided in section 36937 of the Government Code.

SECTION 6. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

SECTION 7. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on _____, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the ____ day of _____ 2014 by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk