

ORDINANCE NO. 169 N.S.

AN ORDINANCE DEFINING, REGULATING AND LICENSING PORTRAIT PHOTOGRAPHERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED by the Council of the City of El Paso de Robles as follows:

SECTION 1: It shall be unlawful for any person, firm or corporation to engage in business as a portrait photographer within the City of El Paso de Robles without having first procured a license therefor as hereinafter provided from the City Tax Collector.

SECTION 2: Applicants for a license under this Ordinance must file with the City Tax Collector a sworn application in writing (in duplicate) which shall give the following information:

- (a) Name of applicant.
- (b) Permanent home address and full local address of applicant.
- (c) Names, permanent home addresses, and full local addresses of each photographic solicitor, proof passer or other member of a transient or itinerant portrait photographer's crew.
- (d) A brief description of the nature of applicant's business.
- (e) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (f) The length of time for which the right to do business is desired.
- (g) The address where the taking, finishing, coloring or enlarging of portrait photographs will be done, the proposed method of delivery, and the length of time within which delivery will be made.

(h) A photograph of the applicant, and of each member of the applicant's crew in case of a transient or itinerant portrait photographer, taken within sixty days immediately prior to the date of filing the application, which picture shall be 2" x 2" showing the head and shoulders in a clear and distinguishing manner.

(i) The names of at least two reliable property owners of the County of San Luis Obispo, State of California, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

SECTION 3: (a) At the time of filing the application, a fee of \$10.00 shall be paid to the City Tax Collector to cover the cost of investigation of the facts stated therein.

(b) Upon receipt of such application, the original shall be transferred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

(c) If as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the City Tax Collector, who shall notify the applicant that his application is disapproved and that no license will be issued.

(d) If as a result of such application, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse his

approval on the application and return the same to the Tax Collector, who shall, upon the payment of the license fee herein prescribed, deliver to the applicant his license. Such license shall contain the signature of the Tax Collector and shall show the name, address and photograph of said licensee, the class of license issued, the amount of fee, the date of issuance and the length of time same shall be operative. Such license shall not be transferable.

SECTION 4: Each portrait photographer shall pay a license fee based on the number of employers and employees in such firm. Said fee shall be \$10.00 per day, \$15.00 per week, \$20.00 per quarter, or \$25.00 per year, according to the length of time for which the right to do business is desired, for each such employer and employee engaged in such business in the City of El Paso de Robles.

SECTION 5: Every applicant for a portrait photographer's license shall file with the City Tax Collector a surety bond running to the City in the amount of \$1000.00 with surety acceptable to and in form approved by the City Attorney conditioned that said applicant shall comply fully with all the provisions of the ordinances of the City of El Paso de Robles and the Statutes of the State of California regulating and concerning the business of portrait photographers and guaranteeing to any resident of the City of El Paso de Robles that all money paid as a down payment will be accounted for and applied according to the representations of such portrait photographer or his agent, associate or employee, and further guaranteeing to any resident of the City of El Paso de Robles doing business with such portrait photographer or his agent, associate or employee that the photographs purchased or the service contracted for will be delivered or performed according to the representations of such portrait photographer, or his

agent, associate or employee.

SECTION 6: Any person aggrieved by the action of the Chief of Police or by the City Tax Collector in the denial of a license as provided in Section 4 of this Ordinance shall have the right to appeal to the Council of the City of El Paso de Robles. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant by mailing notice, postage prepaid, to the appellant at his last known address at least five days prior to the date set for hearing. The decision and order of the Council on such appeal shall be final and conclusive.

SECTION 7: Any person, firm or corporation violating any of the terms of this Ordinance shall, upon conviction thereof be punished by a fine not to exceed \$300.00 or by imprisonment not to exceed three months or by both such fine and imprisonment.

SECTION 8: The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

PASSED, ADOPTED AND APPROVED this 3rd day of  
~~February~~ <sup>March</sup>, 1952.

CITY OF EL PASO DE ROBLES

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
CITY OF EL PASO DE ROBLES

} SS.

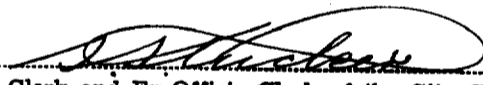
I, S. S. Tucker, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 169, N.S. was duly and regularly adopted, passed, and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 3rd day, of March 1952, by the following vote:

AYES: Councilmen Gates, Gerst, Ottoson and Smart

NOES: Councilmen None

ABSENT: Councilmen Thurlby

Dated this 3rd day of March, 1952

  
City Clerk and Ex-Officio Clerk of the City Council,  
City of El Paso de Robles, State of California.