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AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING CHAPTERS 1.17, 5.28, 5.40, 5.52, 5.80, 5.90, 5.95, 6.24, 9.40, 9.42, AND 9.60 OF THE RIVERSIDE MUNICIPAL CODE TO INCLUDE A MORE UNIFORM APPEAL PROCEDURE FOR VARIOUS TYPES OF BUSINESSES AND THEIR PERMITS, AS WELL AS THE EXTRAORDINARY POLICE RESPONSE BILL PROCESS PURSUANT TO CHAPTER 9.60. WITH AMENDMENTS THERETO.

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents for Chapter 1.17 of the Riverside Municipal Code entitled “Administrative Code Enforcement Remedies” is hereby amended to read as follows:

“Chapter 1.17 – Administrative Code Enforcement Remedies

Sections:

1.17.005 Statement of purpose and intent.

...

1.17.120 Procedure for requesting an administrative appeal hearing.

1.17.121 Appeal procedure for Riverside Police Department review of business permits.

1.17.130 General procedures for all administrative hearings.

...

1.17.390 Failure to comply with an Administrative Civil Penalties Enforcement Order; alternative remedies.

1.17.400 Appeal of extraordinary police response bill.

1.17.410 Extraordinary police response bill appeal hearing procedures.

1.17.420 Extraordinary police response bill appeal ruling.

1.17.430 Judicial review of extraordinary police response bill appeal ruling.”

Section 2: Section 1.17.121 is a proposed addition to the Riverside Municipal Code and is hereby written as follows:

“Section 1.17.121 Appeal procedure for Riverside Police Department review of business permits.

- 1 A. Absent any contradictory procedure, the following appeal procedure applies to all appeals from
2 the Riverside Police Department’s review of business permits referred to in the following
3 Chapters of this Code: (1) Chapter 5.28, (2) Chapter 5.40, (3) Chapter 5.52, (4) Chapter 5.80,
4 (5) Chapter 5.90, (6) Chapter 5.95, (7) Chapter 6.24, (8) Chapter 9.40, and (9) Chapter 9.42.
- 5 B. An appeal of the Chief of Police’s decision to deny, revoke, or suspend a permit must be filed
6 with the City Clerk, in writing, within ten calendar days after denial of the application,
7 revocation of the permit, or suspension of the permit has been served. The appeal shall clearly
8 state the applicable basis for the appeal. The City Manager shall cause the matter to be set for
9 a hearing before an Administrative Hearing Officer to hear such matters.
- 10 C. The scope of the appeal hearing pursuant to this section and the Chapters listed in subsection
11 A shall be limited to those issues raised by the appellant in the written appeal, as submitted
12 pursuant to subsection B above.
- 13 D. Should an appeal of a denial, revocation, or suspension of a permit be timely filed, the denial,
14 revocation, or suspension of the permit shall be stayed pending a determination by an
15 Administrative Hearing Officer after an administrative hearing.
- 16 E. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no
17 sooner than ten days from the date when the notice of hearing is served on the appellant.
- 18 F. At the time fixed in the notice of hearing, the Administrative Hearing Officer shall review all
19 relevant evidence and hear the testimony of all competent persons desiring to testify respecting
20 the incident or alleged violation.
- 21 G. The general evidentiary procedures for all administrative hearings shall be governed by
22 Chapter 1.17.130. However, evidence shall include, but is not limited to, police reports,
23 criminal citations, photographs, videos, audio recordings, and the like.
- 24 H. At the conclusion of the hearing, the Administrative Hearing Officer shall determine whether
25 the appellant violated the applicable Chapter from the list in subsection A, or any other relevant
26 law, statute, or code. If the Administrative Hearing Officer concludes the appellant was in
27 violation of the applicable Chapter, the Administrative Hearing Officer shall recommend that the
28 City Manager take the appropriate action to enforce the applicable Chapter.

1 violation of the law, the Administrative Hearing Officer shall uphold the denial of the
2 application, revoke the permit, or suspend the permit.

3 I. The decision of the Administrative Hearing Officer on the determination of a violation of the
4 Riverside Municipal Code or other relevant law is final. Any appeal of the Administrative
5 Hearing Officer’s decision shall be governed by California Code of Civil Procedure section
6 1094.6 or such section as may be amended from time to time.

7 J. Any withdrawal of an appeal or the surrender of the permit will be deemed a revocation of that
8 permit.”

9 Section 3: Section 1.17.400 is a proposed addition to the Riverside Municipal Code and is
10 hereby written as follows:

11 **“Section 1.17.400 Appeal of extraordinary police response bill.**

12 A. Absent any contradictory procedure, the following appeal procedure applies to all appeals of a
13 bill for the cost of extraordinary police services or responses, issued pursuant to Chapter 9.60
14 of this Code.

15 B. An appeal of an extraordinary police response bill must be filed with the City Clerk, in writing,
16 within 30 calendar days of the invoice date on the extraordinary police response bill. The
17 appeal shall clearly state the applicable basis for the appeal. The City Attorney’s Office shall
18 cause the matter to be set for an appeal hearing before an Administrative Hearing Officer to
19 hear such matters.

20 C. The person requesting the appeal hearing shall be notified of the time and place for the hearing
21 at least ten days prior to the date of the hearing.

22 D. Any withdrawal of an appeal will be deemed a forfeiture of the invoice fine.”

23 Section 4: Section 1.17.410 is a proposed addition to the Riverside Municipal Code and is
24 hereby written as follows:

25 **“Section 1.17.410 Extraordinary police response bill appeal hearing procedures.**

26 A. An appeal hearing before the Administrative Hearing Officer shall be set for a date that is not
27 less than 15 days and not more than 60 days from the date that the request for hearing is filed.
28

1 B. The scope of the appeal hearing shall be limited to those issues raised by the appellant in the
2 written appeal, as submitted pursuant to Section 1.17.400(B).

3 C. At the appeal hearing, the party contesting the extraordinary police response bill shall be given
4 the opportunity to testify and to present evidence concerning the extraordinary police response
5 bill.

6 D. The Administrative Hearing Officer shall review all relevant evidence and hear the testimony
7 of all competent persons desiring to testify.

8 E. The failure of any responsible party who is subject to an extraordinary police response bill to
9 appear at the appeal hearing shall constitute a forfeiture of the invoice fine and a failure to
10 exhaust administrative remedies.

11 F. The general evidentiary procedures for all administrative hearings shall be governed by
12 Chapter 1.17.130. However, evidence shall include, but is not limited to, police reports,
13 criminal citations, photographs, videos, audio recordings, and the like.

14 G. The extraordinary police response bill and any additional report submitted by the City
15 Attorney's Office shall constitute prima facie evidence of the respective facts contained in
16 those documents.

17 H. The Administrative Hearing Officer may continue the appeal hearing and request additional
18 information from the City Attorney's Office or the recipient of the extraordinary police
19 response bill prior to issuing a written decision."

20 Section 5: Section 1.17.420 is a proposed addition to the Riverside Municipal Code and is
21 hereby written as follows:
22

23 **"Section 1.17.420 Extraordinary police response bill appeal ruling.**

24 A. After considering all of the testimony and evidence submitted at the appeal hearing, the
25 Administrative Hearing Officer shall issue a written decision to uphold or cancel the
26 extraordinary police response bill and shall list in the decision the reasons for that decision.

1 B. If the Administrative Hearing Officer determines that the extraordinary police response bill
2 should be upheld, then the amount of the fine set forth in the invoice shall not be reduced or
3 waived for any reason.

4 C. If the Administrative Hearing Officer determines that the extraordinary police response bill
5 should be upheld, then any fine amount on deposit with the City shall be retained by the City.

6 D. If the Administrative Hearing Officer determines that the extraordinary police response bill
7 should be canceled and a fine was deposited with the City, then the City shall promptly refund
8 the amount of the deposited fine, together with interest at the average rate earned on the City's
9 portfolio for the period of time that the fine amount was held by the City.

10 E. The recipient of the extraordinary police response bill shall be served with a copy of the
11 Administrative Hearing Officer's written decision.

12 F. The Administrative Hearing Officer's written decision shall become final on the date of
13 mailing of the notice of decision."

14 Section 6: Section 1.17.430 is a proposed addition to the Riverside Municipal Code and is
15 hereby written as follows:

16 **"Section 1.17.430 Judicial review of extraordinary police response bill appeal ruling.**

17 Once the Administrative Hearing Officer's written decision becomes final as provided in this chapter,
18 the time in which judicial review must be sought shall be governed by California Government Code
19 section 53069.4, as that section may be amended from time to time, or the successor provision thereto."
20

21 Section 7: The Table of Contents for Chapter 5.28 of the Riverside Municipal Code
22 entitled "Poolrooms" is hereby amended to read as follows:

23 **"Chapter 5.28 – Poolrooms**

24 **Sections:**

25 **5.28.010 Purpose.**

26 ...

27 **5.28.040 Permit procedures.**

1 **5.28.050 Appeal, ~~of denial of permit.~~**

2 **5.28.060 Term of permit—Renewal.**

3 ...

4 **5.28.150 Severability.”**

5 Section 8: Section 5.28.050 of the Riverside Municipal Code is hereby amended as
6 follows:

7 **“Section 5.28.050 Appeal, ~~of denial of permit.~~**

8 ~~A denial or revocation of a permit may be appealed as set forth in Section 1.17.121 of this Code.”~~

9 ~~An applicant may appeal a decision of the Chief of Police to deny an application. The appeal shall~~
10 ~~be heard by the Safety, Wellness and Youth Committee of the City Council. The City Attorney or~~
11 ~~designated representative shall be present at all appeal hearings. A notice of appeal must be filed by~~
12 ~~the applicant with the City Clerk within 30 days after being notified of the final determination of the~~
13 ~~Chief of Police by personal service or by certified mail. Such appeal shall be accompanied by a fee~~
14 ~~in an amount as set from time to time by resolution of the City Council.~~

15 ~~Upon the filing of the notice of appeal, the City Clerk shall set the matter for hearing before the~~
16 ~~Safety, Wellness and Youth Committee not more than 40 days after receipt of said notice. The~~
17 ~~Committee shall hear all relevant evidence and shall render its decision within ten days after the~~
18 ~~conclusion of the hearing. The Committee may uphold, reverse or modify the decision of the Chief~~
19 ~~of Police. The decision of the Committee shall be final with no further right of appeal to the City~~
20 ~~Council.~~

21 Section 9: Section 5.28.140 of the Riverside Municipal Code is hereby amended as
22 follows:

23 **“Section 5.28.140 Revocation of permit.**

24 The Chief of Police shall revoke any permit issued if it reasonably appears that after investigation, any
25 of the grounds set forth in Section 5.28.040(A) have been violated or the existence of the business has
26 become a public nuisance as defined under the various applicable laws of this State to such a degree
27 which impairs the peace, health or morals of the surrounding business or residential community. To
28

1 revoke a permit, the Chief of Police shall serve upon the holder thereof, either by personal service or
2 certified mail sent to the address shown on the application or otherwise more recently of record, a
3 written notice that the permit has been revoked effective five days after service or date of mailing of
4 such notice, and stating the grounds thereof, and advising of the procedures for the appeal of such
5 revocation.” A revocation of a permit may be appealed as set forth above in Section 5.28.050.;

~~6 provided, however, a notice of appeal must be filed within five days after service of the notice of
7 revocation. Upon the timely filing of a notice of appeal, a permit revoked by the Chief of Police shall
8 remain in effect during the time of the appeal.~~

10 Section 10: Section 5.40.090 of the Riverside Municipal Code is hereby amended as
11 follows:

12 **“Section 5.40.090 Appeal from denial or revocation of vehicle for hire or animal-drawn vehicle**
13 **permit.**

14 ~~A denial or revocation of a vehicle for hire or animal-drawn permit may be appealed as set forth in~~
15 ~~Section 1.17.121 of this Code.” Any applicant under this chapter who has been denied a vehicle for~~
16 ~~hire or animal-drawn vehicle permit or who has had his or her permit revoked, may, within 15 days of~~
17 ~~notification of the denial or revocation of such permit, pay a nonrefundable fee as set by resolution~~
18 ~~and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds~~
19 ~~for the appeal. The City Clerk shall set a time not less than ten but no more than 30 days thereafter for~~
20 ~~the hearing of the appeal before the City Council, and shall give notice to the applicant or permit holder~~
21 ~~of the time set for hearing at least five days before the date of such hearing, by mail, at the address set~~
22 ~~out in such application or permit. At the time set for hearing of such appeal, the City Council shall~~
23 ~~receive from the Chief Financial Officer and the applicant or permit holder information regarding the~~
24 ~~denial or revocation and appeal. The City Council shall make a determination whether to uphold or~~
25 ~~reverse the denial or revocation. The determination of the City Council shall be a final determination~~
26 ~~of the matter.~~

1 Section 11: Section 5.40.185 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 5.40.185 Appeal from denial or revocation of driver’s permit.**

4 ~~A denial or revocation of a driver’s permit may be appealed as set forth in Section 1.17.121 of this~~
5 ~~Code.” Any applicant under this chapter who has been denied a driver's permit or any driver's permit~~
6 ~~holder who has had his or her permit revoked may, within 15 days of notification of the denial or~~
7 ~~revocation of such permit, file an appeal in writing with the City Clerk. The applicant shall set forth~~
8 ~~in writing the grounds for the appeal. Upon filing of the appeal, the City Clerk shall set the matter for~~
9 ~~hearing before the City Council's Safety, Wellness and Youth Committee, which hearing shall be~~
10 ~~within 60 days after receipt of said notice of appeal. The City Clerk shall give notice of the time set at~~
11 ~~least five days before the date of such hearing to the applicant or driver's permit holder, by mail, at the~~
12 ~~address set out in such application or permit. At the time set for hearing of such appeal, the Safety,~~
13 ~~Wellness and Youth Committee shall receive from the Chief of Police and the applicant or driver's~~
14 ~~permit holder information regarding the denial or revocation and appeal. The Safety, Wellness and~~
15 ~~Youth Committee shall make a determination whether to uphold or reverse the denial or revocation~~
16 ~~within ten days after the date of said hearing. The determination of the Safety, Wellness and Youth~~
17 ~~Committee shall be the final determination of the matter.~~

18 Section 12: Section 5.40.310 of the Riverside Municipal Code is hereby amended as
19 follows:

20 **“Section 5.40.310 Fines for noncompliance with standards.**

21 C. *Appeal.* If a permit holder or franchisee objects to the imposition of a fine pursuant to this
22 section, ~~the imposition of the fine may be appealed as set forth in Section 1.17.121 of this~~
23 ~~Code. the permit holder or franchisee may appeal such fine by filing an appeal with the Chief~~
24 ~~Financial Officer within 15 days following issuance of the notice of imposition of the fine. The~~
25 ~~appeal shall be in writing and shall specify the grounds for the appeal. The Chief Financial~~
26 ~~Officer shall hold a hearing upon any timely filed appeal within 30 days of the date of filing.~~
27 ~~Notice of the hearing shall be given to the permit holder or franchisee by mailing the notice of~~
28 ~~hearing, postage fully prepaid, at least ten days prior to the date of the hearing. The Chief~~

1 ~~Financial Officer shall render a decision on appeal within ten days following the close of the~~
2 ~~hearing. The decision of the Chief Financial Officer shall be in writing and shall be final.~~

3 D. *Payment following appeal.* If the permit holder or franchisee has appealed the imposition of
4 the fine in a timely manner, and if ~~an Administrative Hearing Officer~~ the Chief Financial
5 ~~Officer~~ upholds the imposition of the fine following a hearing thereon, the permit holder or
6 franchisee shall pay the fine to the City within 15 days following the rendering of the decision.”

7 Section 13: Section 5.52.050(B) of the Riverside Municipal Code is hereby amended as
8 follows:

9 **“Section 5.52.050 Refusal to issue massage establishment permit.**

10 B. Denial of a massage establishment permit shall be given to the applicant in writing and shall
11 specify the grounds for such denial. Notice of the denial shall be deemed to have been served
12 upon personal service or when deposited in the United States Mail with postage prepaid and
13 addressed to the applicant at the address listed on the application. Such refusal to issue a permit
14 may be appealed ~~as set forth below in Section 5.52.140 to the City Council's Safety, Wellness~~
15 ~~and Youth Committee.”~~

16 Section 14: Section 5.52.130 of the Riverside Municipal Code is hereby amended as
17 follows:

18 **“Section 5.52.130 Revocation.**

19 A. Subject to the procedures set forth in this section, the Chief of Police may revoke or suspend
20 a massage establishment permit issued pursuant to this chapter whenever any of the
21 following has occurred:

22 . . .

23 C. Any massage establishment permit may be revoked or suspended by the Chief of Police upon
24 determination that the holder of the permit has directly or indirectly allowed or has violated
25 any regulation set forth in this chapter. To revoke or suspend a massage establishment permit,
26 the Chief of Police shall serve upon the holder thereof, either by personal service or by United
27 States Mail sent to the last known address, a written notice that said permit shall be revoked or
28 suspended on the tenth day from the date of said notice. If, however, the permit holder files a

1 timely request for a hearing as set forth in Section 5.52.140 below, the revocation or suspension
2 of the permit shall be stayed pending a determination by an Administrative Hearing Officer
3 the Chief of Police at the after an administrative hearing.

4 ~~D. Request for Hearing Procedures.~~

- 5 ~~1. Upon personal service or mailing of said revocation or suspension notice, the massage~~
6 ~~establishment permit holder shall have ten calendar days to file a written appeal to the~~
7 ~~Chief of Police of the intent to contest the proposed permit revocation or suspension.~~
8 ~~If the tenth day is a weekend or holiday, the following weekday will be the tenth day.~~
9 ~~The written appeal shall state the basis for the appeal.~~
- 10 ~~2. If a timely appeal is made to the Chief of Police, the Chief of Police shall fix the time~~
11 ~~and place of the hearing to be held no less than five business days and not more than~~
12 ~~15 business days following the notice of appeal of the proposed permit revocation or~~
13 ~~suspension.~~
- 14 ~~3. The appellant shall be given notice of such hearing at least five calendar days prior to~~
15 ~~the hearing. Notice may be given by personal service, mail, email or telephone.~~
- 16 ~~4. At the time and place fixed in the hearing notice, the Chief of Police shall hear~~
17 ~~testimony of all competent persons or any other evidence regarding the massage~~
18 ~~establishment permit revocation or suspension.~~
- 19 ~~5. If, from the evidence introduced at the hearing, the Chief of Police finds grounds exist~~
20 ~~for revocation or suspension of the permit, the permit shall be revoked or suspended.~~
21 ~~If, following the hearing, the Chief of Police determines no grounds exist for revocation~~
22 ~~or suspension of the permit, then the Chief of Police shall grant the appeal and no~~
23 ~~revocation or suspension shall be applied. The Chief of Police shall notify the appellant~~
24 ~~of the decision, in writing, within ten calendar days following the close of the hearing.~~
- 25 ~~6. An appeal of a revoked or suspended massage establishment permit may be made~~
26 ~~pursuant to Section 5.52.140 of this chapter.~~

27 ~~E.D. _____~~ A revoked permit shall be immediately surrendered to the Chief of Police.”

1 Section 15: Section 5.52.140 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 5.52.140 Appeal.**

- 4 A. ~~A denial, revocation, or suspension of a massage establishment permit may be appealed as set~~
5 ~~forth in Section 1.17.121 of this Code.” An appeal of the Chief of Police's decision to deny,~~
6 ~~revoke, or suspend a massage establishment permit must be filed with the City Clerk, in~~
7 ~~writing, within ten calendar days after denial of the application or revocation or suspension of~~
8 ~~the massage establishment permit has been served. The appeal shall clearly state the applicable~~
9 ~~basis for the appeal. The City Manager shall cause the matter to be set for a hearing before an~~
10 ~~Administrative Hearing Officer to hear such matters.~~
- 11 B. ~~The scope of the appeal hearing pursuant to this section shall be limited to those issues raised~~
12 ~~by appellant in the written appeal, as submitted pursuant to subdivision A. above.~~
- 13 C. ~~Should an appeal of a denial of a massage establishment permit, or revocation or suspension~~
14 ~~of a massage establishment permit be filed, the denial, revocation, or suspension decision made~~
15 ~~by the Chief of Police will remain in effect and no massage activity may occur on the property~~
16 ~~until such time as the Administrative Hearing Officer has rendered a decision.~~
- 17 D. ~~Notice of the date of hearing shall be given in writing. The date of the hearing shall be no~~
18 ~~sooner than ten days from the date when the notice of hearing is served on the appellant.~~
- 19 E. ~~At the time fixed in the notice of hearing, the Administrative Hearing Officer shall review all~~
20 ~~relevant evidence and hear the testimony of all competent persons desiring to testify respecting~~
21 ~~the incident or alleged violation.~~
- 22 F. ~~The general evidentiary procedures for all administrative hearings shall be governed by~~
23 ~~Chapter 1.17.130. However, evidence shall include, but is not limited to, police reports,~~
24 ~~criminal citations, photographs, videos, audio recordings, and the like.~~
- 25 G. ~~At the conclusion of the hearing, the Administrative Hearing Officer shall determine whether~~
26 ~~the appellant violated Chapter 5.52 of the Riverside Municipal Code or any other relevant law,~~
27 ~~statute, or code. If the Hearing Officer concludes the appellant was in violation of the law, the~~
28 ~~Administrative Hearing Officer shall revoke or suspend the massage establishment permit.~~

1 ~~H. The decision of the Administrative Hearing Officer on the determination of a violation of~~
2 ~~Riverside Municipal Code or other relevant law is final. Any appeal of the Administrative~~
3 ~~Hearing Officer's decision shall be governed by California Code of Civil Procedure section~~
4 ~~1094.6 or such section as may be amended from time to time.~~

5 ~~I. Any withdrawal of an appeal or the surrender of the permit will be deemed a revocation of that~~
6 ~~permit.~~

7 Section 16: The Table of Contents for Chapter 5.80 of the Riverside Municipal Code
8 entitled "Entertainment Permit" is hereby amended to read as follows:

9 **"Chapter 5.80 – Entertainment Permit**

10 **Sections:**

11 **5.80.010 Purpose and intent.**

12 ...

13 **5.80.110 Fees.**

14 **5.80.120 ~~Denial, suspension, modification, and revocation—Appeals.~~**

15 **5.80.130 Violation—Penalty.**

16 **5.80.140 Severability."**

17 Section 17: Section 5.80.120 of the Riverside Municipal Code is hereby amended as
18 follows:

19 **"Section 5.80.120 ~~Denial, suspension, modification, and revocation—Appeals.~~**

20 A. A denial, revocation, or suspension of an entertainment permit may be appealed as set forth in
21 Section 1.17.121 of this Code. ~~An appeal of the Chief of Police's decision to deny, revoke, or~~
22 ~~suspend an entertainment permit must be filed with the City Clerk, in writing, within ten~~
23 ~~calendar days after denial of the application or revocation or suspension of the entertainment~~
24 ~~permit has been served. If the tenth day is a weekend or holiday, the following weekday will~~
25 ~~be the tenth day. The appeal shall clearly state the applicable basis for the appeal. The City~~
26 ~~Manager shall cause the matter to be set for a hearing before an administrative hearing officer~~
27 ~~to hear such matters.~~

- 1 ~~B. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised~~
2 ~~by appellant in the written appeal, as submitted pursuant to subdivision A. above.~~
- 3 ~~C. Should an appeal of a denial of an entertainment permit, or revocation or suspension of an~~
4 ~~entertainment permit be filed, the denial, revocation, or suspension decision made by the Chief~~
5 ~~of Police will remain in effect and no entertainment may occur until such time as the~~
6 ~~Administrative Hearing Officer has rendered a decision.~~
- 7 ~~D. Notice of the date of the administrative hearing shall be given in writing. The date of the~~
8 ~~administrative hearing shall be no sooner than ten days from the date when the notice of hearing~~
9 ~~is served on the appellant.~~
- 10 ~~E. At the time fixed in the notice of hearing, the Administrative Hearing Officer shall review all~~
11 ~~relevant evidence and hear the testimony of all competent persons desiring to testify respecting~~
12 ~~the incident or alleged violation.~~
- 13 ~~F. The general evidentiary procedures for all administrative hearings shall be governed by~~
14 ~~Chapter 1.17.130. However, evidence shall include, but is not limited to, police reports,~~
15 ~~criminal citations, photographs, videos, audio recordings, and the like.~~
- 16 ~~G. At the conclusion of the hearing, the Hearing Officer shall determine whether the appellant~~
17 ~~violated any provisions of this chapter or any other relevant law, statute, or code. If the~~
18 ~~Administrative Hearing Officer concludes the appellant was in violation of the law, the~~
19 ~~Administrative Hearing Officer shall revoke or suspend the entertainment permit.~~
- 20 ~~H. The decision of the Administrative Hearing Officer on the determination of a violation of this~~
21 ~~Code or other relevant law is final. Any appeal of the Administrative Hearing Officer's decision~~
22 ~~shall be governed by California Code of Civil Procedure section 1094.6 or such section as may~~
23 ~~be amended from time to time.~~
- 24 ~~I. Any withdrawal of an appeal or the surrender of the entertainment permit will be deemed a~~
25 ~~revocation of that entertainment permit.~~
- 26 ~~J. Failure of any person to file a timely appeal in accordance with the provisions of this section~~
27 ~~shall constitute an irrevocable waiver of the right to an administrative hearing and a final~~
28 ~~adjudication of the notice and order, or any portion thereof.~~

1 Section 18: Section 5.90.060 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 5.90.060 Pawnshop and secondhand dealer establishment permit required.**

4 A. No person shall own, operate, or manage any pawnshop establishment in any location within
5 the city without first having obtained a pawnshop business establishment permit from the chief
6 of police. No person shall own, operate, or manage any secondhand dealer establishment in any
7 location within the city without first having obtained a secondhand dealer establishment permit
8 from the chief of police.

9 ...

10 E. Each permit issued under this section shall expire ~~two one~~ years from the date of issuance.

11 F. An unrevoked permit may be renewed for ~~two one~~ years by filing, under penalty of perjury, a
12 written application on forms provided by and submitted to the chief of police. The renewal
13 fees accompanied with the application may be established by resolution of the city council.

14 ...”

15 Section 19: Section 5.90.070(B) of the Riverside Municipal Code is hereby amended as
16 follows:

17 **“Section 5.90.070 Refusal to issue a pawnshop or secondhand dealer establishment permit.**

18 B. Denial of a pawnbroker or secondhand dealer establishment permit shall be given to the
19 applicant in writing and shall specify the grounds for such denial. Notice of the denial shall be
20 deemed to have been served upon personal service or when deposited in the United States Mail
21 with postage prepaid and addresses to the applicant at the address listed on the application.”

22 Such refusal to issue a permit may be appealed ~~as set forth below in Section 5.90.140.” to the~~
23 ~~city council's public safety committee pursuant to section 5.90.150 of this chapter.”~~

24 Section 20: Section 5.90.130(C) of the Riverside Municipal Code is hereby amended as
25 follows:

26 **“Section 5.90.130 Revocation of a pawnshop or secondhand dealer establishment permit.**

27 C. To revoke an establishment permit, the chief of police shall serve upon the holder thereof,
28 either by personal service or by United States Mail sent to address(es) listed on the

1 establishment permit application, a written notice that said permit shall be revoked on a date
2 specified in said notice. The cause or causes for revocation may be appealed as set forth below
3 in Section 5.90.140. to the city council's public safety committee pursuant to the procedures
4 set forth in section 5.90.150 of this chapter. All pawning and secondhand dealing or work
5 activity by an employee shall cease following issuance of the notice of revocation and no
6 activity for which the permit is required shall be conducted.

7 ...”

8 Section 21: Section 5.90.140 of the Riverside Municipal Code is hereby amended as
9 follows:

10 **“Section 5.90.140 Appeal.**

- 11 A. A denial or revocation of a pawnbroker or secondhand dealer establishment permit may be
12 appealed as set forth in Section 1.17.121 of this Code.” An appeal to the chief of police's
13 decision to deny or revoke an establishment permit pursuant to this chapter must be filed with
14 the city clerk, in writing, within ten calendar days after denial of the application or revocation
15 of the establishment permit has been served. The appeal shall clearly state the applicable basis
16 for the appeal. Service is deemed complete upon personal service or date of mailing.
- 17 B. The scope of the appeal hearing pursuant to this section shall be limited to those issued raised
18 by appellant in the written appeal, as submitted pursuant to subdivision (A) above.
- 19 C. Should an appeal of a revocation of an establishment permit be filed, the revocation decision
20 will remain in effect and no activity for which the permit allows may occur on the property
21 until such time as the public safety committee has rendered a final decision.
- 22 D. Upon filing of the appeal, the city clerk shall set the matter for hearing before the Public Safety
23 Committee, which hearing will be set at the next available Public Safety Committee meeting.
24 The committee may uphold, reverse, or modify the decision of the chief of police.
- 25 E. Any withdrawal of an appeal or the surrender of the establishment permit will be deemed a
26 revocation of that permit.

27 Section 22: Section 5.95.120 of the Riverside Municipal Code is hereby amended as
28 follows:

1 **“Section 5.95.120 Suspension or revocation of firearm dealer’s license.**

2 A. Subject to the procedures set forth in this section, the Chief of Police may revoke or suspend a
3 firearm dealer’s license issued pursuant to this chapter whenever any of the following has
4 occurred:

- 5 1. The holder of a firearm dealer’s license is acting in a manner contrary to, or has
6 violated, any of the provisions of this Code or other applicable state or federal statutes.
- 7 2. The holder of a firearm dealer’s license is acting in a manner that constitutes a public
8 nuisance.
- 9 3. The holder of a firearm dealer’s license is acting in a manner that is detrimental to the
10 health, safety or welfare of the city or its inhabitants.
- 11 4. The holder of a firearm dealer’s license or their officers, employees or agents has
12 violated any laws in connection with the operation of this business or failed to
13 cooperate with the Riverside Police Department.
- 14 5. Upon any circumstances constituting a ground for denial of a permit set forth in this
15 chapter.

16 ...

17 C. Any firearm dealer's license may be revoked or suspended by the Chief of Police upon
18 determination that the holder of said license has directly or indirectly allowed or has violated
19 any regulation set forth in this chapter or state/federal law. To revoke or suspend a firearm
20 dealer's license, the Chief of Police shall serve upon the holder thereof, either by personal
21 service or by United States Mail sent to the last known address, a written notice that said license
22 shall be revoked or suspended on the tenth day from the date of said notice. If, however, the
23 license holder files a timely request for a hearing as set forth below in Section 5.95.130, the
24 revocation or suspension of the license shall be stayed pending a determination by an
25 Administrative Hearing Officer~~the Chief of Police~~ at the hearing. Failure to timely request a
26 hearing ~~with the Chief of Police~~ shall deem the firearm dealer's license revoked.

27 ~~D. Request for hearing procedures.~~

- ~~1. Upon personal service or mailing of said revocation or suspension notice, the firearm dealer's license holder shall have ten calendar days to file a written appeal to the Chief of Police of the intent to contest the proposed Permit revocation or suspension. If the tenth day is a weekend or holiday, the following weekday will be the tenth day. The written appeal shall state the basis for the appeal.~~
- ~~2. If a timely appeal is made to the Chief of Police, the Chief of Police shall fix the time and place of the hearing to be held no less than five business days and not more than 15 business days following the notice of appeal of the proposed license revocation or suspension.~~
- ~~3. The appellant shall be given notice of such hearing at least five calendar days prior to the hearing. Notice may be given by personal service, mail, email or telephone.~~
- ~~4. At the time and place fixed in the hearing notice, the Chief of Police shall hear testimony of all competent persons or any other evidence regarding the firearm dealer's license revocation or suspension.~~
- ~~5. If, from the evidence introduced at the hearing, the Chief of Police finds grounds exist for revocation or suspension of the license, the license shall be revoked or suspended. If, following the hearing, the Chief of Police determines no grounds exist for revocation or suspension of the license, then the Chief of Police shall grant the appeal and no revocation or suspension shall be applied. The Chief of Police shall notify the appellant of the decision, in writing, within ten calendar days following the close of the hearing.~~
- ~~6. An appeal of a revoked or suspended firearm dealer's license may be made pursuant to Section 5.95.130 of this chapter.~~

~~E.D. _____~~ A revoked license shall be immediately surrendered to the Chief of Police.”

Section 23: Section 5.95.130 of the Riverside Municipal Code is hereby amended as follows:

“Section 5.95.130 Appeal.

- A. ~~A denial, revocation, or suspension of a firearm dealer's license may be appealed as set forth in Section 1.17.121 of this Code.” An appeal of the Chief of Police's decision to deny, revoke,~~

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~~or suspend a firearm dealer's license must be filed with the City Clerk, in writing, within ten calendar days after denial of the application or revocation or suspension of the firearm dealer's license has been served. The appeal shall clearly state the applicable basis for the appeal. The City Manager shall cause the matter to be set for a hearing before an Administrative Hearing Officer to hear such matters.~~

~~B. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by appellant in the written appeal, as submitted pursuant to subdivision (A) above.~~

~~C. Should an appeal of a denial of a firearm dealer's license, or revocation or suspension of a firearm dealer's license be filed, the denial, revocation, or suspension decision made by the Chief of Police will remain in effect and no firearm sales/transfer activity may occur on the property until such time as the Administrative Hearing Officer has rendered a decision.~~

~~D. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no sooner than ten days from the date when the notice of hearing is served on the appellant.~~

~~E. At the time fixed in the notice of hearing, the Administrative Hearing Officer shall review all relevant evidence and hear the testimony of all competent persons desiring to testify respecting the incident or alleged violation.~~

~~F. The general evidentiary procedures for all administrative hearings shall be governed by Chapter 1.17.130 of this Code. However, evidence may include, but is not limited to, police reports, criminal citations, photographs, videos, audio recordings, and the like.~~

~~G. At the conclusion of the hearing, the Administrative Hearing Officer shall determine whether the appellant violated Chapter 5.95 of this Code or any other relevant law, statute, or code. If the Hearing Officer concludes the appellant was in violation of the law, the Administrative Hearing Officer shall revoke or suspend the firearm dealer's license.~~

~~H. The decision of the Administrative Hearing Officer on the determination of a violation of this Code or other relevant law is final. Any appeal of the Administrative Hearing Officer's decision shall be governed by California Code of Civil Procedure section 1094.6 or such section as may be amended from time to time.~~

1 ~~I. Any withdrawal of an appeal or the surrender of the license will be deemed a revocation of~~
2 ~~that license.~~

3 Section 24: Section 6.24.120 of the Riverside Municipal Code is hereby amended as
4 follows:

5 **“Section 6.24.120 Suspension or revocation of tobacco retail establishment permit.**

6 A. Subject to the procedures set forth in this section, the Chief of Police may revoke or suspend
7 a tobacco retail establishment permit issued pursuant to this chapter whenever any of the
8 following has occurred:

9 ...

10 C. Any tobacco retail establishment Permit may be revoked or suspended by the Chief of Police
11 upon determination that the holder of said permit has directly or indirectly allowed or has
12 violated any regulation set forth in this chapter or state law. To revoke or suspend a tobacco
13 retail establishment permit, the Chief of Police shall serve upon the holder thereof, either by
14 personal service or by United States Mail sent to the last known address, a written notice that
15 said permit shall be revoked or suspended on the tenth day from the date of said notice. If,
16 however, the permit holder files a timely request for a hearing as set forth below in Section
17 6.24.130, the revocation or suspension of the permit shall be stayed pending a determination
18 by an Administrative Hearing Officer~~the Chief of Police~~ at the hearing. Failure to timely
19 request a hearing ~~with the Chief of Police~~ shall deem the tobacco retail establishment permit
20 revoked.

21 ~~D. Request for hearing procedures.~~

22 ~~1. Upon personal service or mailing of said revocation or suspension notice, the tobacco~~
23 ~~retail establishment permit holder shall have ten calendar days to file a written appeal~~
24 ~~to the Chief of Police of the intent to contest the proposed permit revocation or~~
25 ~~suspension. If the tenth day is a weekend or holiday, the following weekday will be the~~
26 ~~tenth day. The written appeal shall state the basis for the appeal.~~

27 ~~2. If a timely appeal is made to the Chief of Police, the Chief of Police shall fix the time~~
28 ~~and place of the hearing to be held no less than five business days and not more than~~

1 ~~15 business days following the notice of appeal of the proposed permit revocation or~~
2 ~~suspension.~~

3 ~~3. The appellant shall be given notice of such hearing at least five calendar days prior to~~
4 ~~the hearing. Notice may be given by personal service, mail, email or telephone.~~

5 ~~4. At the time and place fixed in the hearing notice, the Chief of Police shall hear~~
6 ~~testimony of all competent persons or any other evidence regarding the tobacco retail~~
7 ~~establishment permit revocation or suspension.~~

8 ~~5. If, from the evidence introduced at the hearing, the Chief of Police finds grounds exist~~
9 ~~for revocation or suspension of the permit, the permit shall be revoked or suspended.~~
10 ~~If, following the hearing, the Chief of Police determines no grounds exist for revocation~~
11 ~~or suspension of the permit, then the Chief of Police shall grant the appeal and no~~
12 ~~revocation or suspension shall be applied. The Chief of Police shall notify the appellant~~
13 ~~of the decision, in writing, within ten calendar days following the close of the hearing.~~

14 ~~6. An appeal of a revoked or suspended tobacco retail establishment permit may be made~~
15 ~~pursuant to Section 6.24.130 of this chapter.~~

16 E.D. A revoked permit shall be immediately surrendered to the Chief of Police.

17 F.E. *New permit after revocation.*

- 18 1. After revocation for a first permit violation of this chapter at a location within any 60-
- 19 month period, no new permit may be issued for the location until ten days have passed
- 20 from the date of the revocation.
- 21 2. After revocation for a second violation of this chapter at a location within any 60-month
- 22 period, no new permit may be issued for the location until 30 days have passed from
- 23 the date of the last revocation.
- 24 3. After revocation for a third violation of this chapter at a location within any 60-month
- 25 period, no new permit may be issued for the location until 90 days have passed from
- 26 the date of the last revocation.

1 4. After revocation for a fourth or subsequent violation of this chapter at a location within
2 any 60-month period, no new permit may be issued for the location until five years
3 have passed from the date of revocation.

4 ~~G.F.~~ Revocation of permit issued in error. A tobacco retail establishment permit shall be
5 revoked if the Department finds, after the permit holder is afforded a reasonable notice and
6 opportunity to be heard, that one or more of the basis for denial of a permit under Section
7 6.24.050 existed at the time application was made or at any time before the permit was issued.
8 The revocation shall be without prejudice to the filing of a new permit application.”

9 Section 25: Section 6.24.130 of the Riverside Municipal Code is hereby amended as
10 follows:

11 **“Section 6.24.130 Appeal.**

12 A. A denial, revocation, or suspension of a tobacco retail establishment permit may be appealed
13 as set forth in Section 1.17.121 of this Code.” ~~An appeal of the Chief of Police's decision to~~
14 ~~deny, revoke, or suspend a tobacco retail establishment permit must be filed with the City~~
15 ~~Clerk, in writing, within ten calendar days after denial of the application or revocation or~~
16 ~~suspension of the tobacco retail establishment permit has been served. The appeal shall clearly~~
17 ~~state the applicable basis for the appeal. The City Manager shall cause the matter to be set for~~
18 ~~a hearing before an Administrative Hearing Officer to hear such matters.~~

19 ~~B. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised~~
20 ~~by appellant in the written appeal, as submitted pursuant to subdivision (A) above.~~

21 ~~C. Should an appeal of a denial of a tobacco retail establishment permit, or revocation or~~
22 ~~suspension of a tobacco retail establishment permit be filed, the denial, revocation, or~~
23 ~~suspension decision made by the Chief of Police will remain in effect and no retail tobacco~~
24 ~~sales activity may occur on the property until such time as the Administrative Hearing Officer~~
25 ~~has rendered a decision.~~

26 ~~D. Notice of the date of hearing shall be given in writing. The date of the hearing shall be no~~
27 ~~sooner than ten days from the date when the notice of hearing is served on the appellant.~~

1 ~~E. At the time fixed in the notice of hearing, the Administrative Hearing Officer shall review all~~
2 ~~relevant evidence and hear the testimony of all competent persons desiring to testify respecting~~
3 ~~the incident or alleged violation.~~

4 ~~F. The general evidentiary procedures for all administrative hearings shall be governed by~~
5 ~~Chapter 1.17.130 of this Code. However, evidence shall include, but is not limited to, police~~
6 ~~reports, criminal citations, photographs, videos, audio recordings, and the like.~~

7 ~~G. At the conclusion of the hearing, the Administrative Hearing Officer shall determine whether~~
8 ~~the appellant violated Chapter 6.24 of this Code or any other relevant law, statute, or code. If~~
9 ~~the Hearing Officer concludes the appellant was in violation of the law, the Administrative~~
10 ~~Hearing Officer shall revoke or suspend the tobacco retail establishment permit.~~

11 ~~H. The decision of the Administrative Hearing Officer on the determination of a violation of this~~
12 ~~Code or other relevant law is final. Any appeal of the Administrative Hearing Officer's decision~~
13 ~~shall be governed by California Code of Civil Procedure section 1094.6 or such section as may~~
14 ~~be amended from time to time.~~

15 ~~I. Any withdrawal of an appeal or the surrender of the Permit will be deemed a revocation of that~~
16 ~~Permit.~~

17 Section 26: The Table of Contents for Chapter 9.40 of the Riverside Municipal Code
18 entitled "Adult-Oriented Businesses" is hereby amended to read as follows:

19 **"Chapter 9.40 – Adult-Oriented Businesses**

20 **Sections:**

21 **9.40.010 Legislative Purpose**

22 ...

23 **9.40.110 Suspension or revocation of adult-oriented business regulatory permits and adult-**
24 **oriented business performer permits.**

25 **9.40.120 Appeal of denial; ~~suspension or revocation; Administrative appeal to the Safety,~~**
26 **~~Wellness and Youth Committee; expedited review of free speech claim; automatic stay of~~**
27 **~~enforcement.~~**

28 **9.40.130 Adult-oriented business development and performance standards.**

1 ...

2 **9.40.200 Severability.”**

3 Section 27: Section 9.40.110 of the Riverside Municipal Code is hereby amended as
4 follows:

5 **“Section 9.40.110 Suspension or revocation of adult-oriented business regulatory permits and
6 adult-oriented business performer permits.**

7 An adult-oriented business regulatory permit or adult-oriented business employee permit may be
8 suspended or revoked in accordance with the procedures and standards of this section.

9 A. On determining that grounds for permit revocation exist, the Police Chief shall furnish written
10 notice of the proposed suspension or revocation to the permittee. Such notice shall set forth ~~the~~
11 ~~time and place of a hearing, and~~ the ground or grounds upon which the suspension or
12 revocation~~hearing~~ is based, the pertinent Code sections, and a brief statement of the factual
13 matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last
14 known address of the permittee, or shall be delivered to the permittee personally or to the
15 person effectively in control of the adult-oriented business at the time of delivery, ~~at least ten~~
16 ~~calendar days prior to the hearing date. Hearings shall be conducted in accordance with~~
17 ~~procedures established by the Police Chief, but at a minimum shall include the following:~~

- 18 1. ~~All parties involved shall have a right to offer testimonial, documentary, and tangible~~
19 ~~evidence bearing on the issues; may be represented by counsel; and shall have the right~~
20 ~~to confront and cross-examine witnesses. Any relevant evidence may be admitted that~~
21 ~~is the sort of evidence upon which reasonable persons are accustomed to rely in the~~
22 ~~conduct of serious affairs. Any hearing under this section may be continued for a~~
23 ~~reasonable time for the convenience of a party or a witness. The Police Chief’s decision~~
24 ~~may be appealed in accordance with Section 9.40.120.~~

25 B. A permittee may be subject to suspension or revocation of his permit, or be subject to other
26 appropriate disciplinary action, for any of the following causes arising from the acts or
27 omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager
28 of an adult-oriented business:

- 1 1. The permittee has knowingly made any false, misleading or fraudulent statement of
2 material facts in the application for a permit, or in any report or record required to be
3 filed with the City.
- 4 2. The permittee, employee, agent, partner, director, stockholder, or manager of an adult-
5 oriented business has knowingly allowed or permitted, and has failed to make a
6 reasonable effort to prevent the occurrence of any of the following on the premises of
7 the adult-oriented business, or in the case of an adult-oriented business performer, the
8 permittee has engaged in one of the activities described below while on the premises
9 of an adult-oriented business:
 - 10 a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or
11 masturbation.
 - 12 b. Use of the establishment as a place where unlawful solicitations for sexual
13 intercourse, sodomy, oral copulation, or masturbation openly occur.
 - 14 c. Any conduct constituting a criminal offense which requires registration under
15 Section 290 of the California Penal Code.
 - 16 d. The occurrence of acts of lewdness, assignation, or prostitution, including any
17 conduct constituting violations of Sections 315, 316, or 318 or Subdivision b
18 of Section 647 of the California Penal Code.
 - 19 e. Any act constituting a violation of provisions in the California Penal Code
20 relating to obscene matter or distribution of harmful matter to minors,
21 including but not limited to Sections 311 through 313.4.
 - 22 f. Any conduct prohibited by this chapter, including, but not limited to, allowing
23 any person to engage in or participate in any live performance depicting
24 specified anatomical areas or involving specified sexual activities in an adult-
25 oriented business, without a valid performer permit pursuant to Section
26 9.40.090.
- 27 3. Failure to abide by any disciplinary action previously imposed by an appropriate City
28 official.

1 C. ~~After hold the hearing in accordance with the provisions of this section, i~~If the Police Chief
2 finds and determines that there are grounds for disciplinary action, based upon the severity of
3 the violation, the Police Chief shall impose one of the following:

- 4 1. A warning.
- 5 2. Suspension of the permit for a specified period not to exceed six months.
- 6 3. Revocation of the permit.

7 Section 28: Section 9.40.120 of the Riverside Municipal Code is hereby amended as
8 follows:

9 **“Section 9.40.120 Appeal of denial; suspension or revocation; Administrative appeal to the**
10 **Safety, Wellness and Youth Committee; expedited review of free speech claim; automatic stay**
11 **of enforcement.**

12 A. A denial of an application for an adult-oriented business permit, a denial of a permit’s renewal,
13 a suspension of a permit, or a revocation of a permit may be appealed as set forth in Section
14 1.17.121 of this Code.~~After denial of an application for an adult-oriented business regulatory~~
15 ~~permit or an adult-oriented business performer permit, or after denial of renewal of a permit,~~
16 ~~or suspension or revocation of a permit, the applicant or person to whom the permit was granted~~
17 ~~may seek review of such administrative action by the Safety, Wellness and Youth Committee~~
18 ~~of the City of Riverside. An administrative appeal must be filed with the City Clerk within ten~~
19 ~~calendar days of a denial, suspension or revocation of a permit. The hearing before the Safety,~~
20 ~~Wellness and Youth Committee shall be held no less than five business days from the date of~~
21 ~~the filing of the appeal or at the next regularly scheduled meeting of the Safety, Wellness and~~
22 ~~Youth Committee. The Committee shall issue its decision within ten calendar days of the~~
23 ~~hearing. The decision of the Safety, Wellness and Youth Committee shall be final. If the denial,~~
24 ~~suspension or revocation is affirmed on review, the applicant, permittee may seek expedited~~
25 ~~judicial review of such administrative action pursuant to California Code of Civil Procedure~~
26 ~~Section 1094.8 because the permits regulate expressive conduct protected by the First~~
27 ~~Amendment to the United States Constitution. The petitioner shall be responsible for~~

1 ~~reimbursing the City for its actual costs for transcribing, copying, or otherwise preparing the~~
2 ~~administrative record.~~

3 B. ~~There shall be an automatic stay of enforcement of a permit suspension or revocation~~
4 ~~throughout the administrative and/or judicial appeal process.~~

5 Section 29: The Table of Contents for Chapter 9.42 of the Riverside Municipal Code
6 entitled “Fortunetelling and Occult Arts” is hereby amended to read as follows:

7 **“Chapter 9.42 – Fortunetelling and Occult Arts**

8 **Sections:**

9 **9.42.010 Definitions.**

10 ...

11 **9.42.060 Notification of change.**

12 ~~**9.42.065 Investigation.**~~

13 **9.42.070 Refusal to issue license.**

14 ...

15 **9.42.115 Severability.”**

16 Section 30: Section 9.42.035 of the Riverside Municipal Code is hereby amended as
17 follows:

18 **“Section 9.42.035 License application and renewal: fees.**

19 An application for a license to practice fortunetelling and occult arts shall be made to a duly authorized
20 representative of the Chief of Police under penalty of perjury on forms provided by the Chief of Police.

21 ~~The application to practice fortunetelling and occult arts shall be accompanied by an investigation~~
22 ~~filing fee of \$500.00, plus the fee charged by Department of Justice for fingerprint processing.~~

23 ~~Said f~~ees are not refundable in the event such application is denied.

24 ~~Each license under this chapter shall expire on June 30th of the current year.~~

25 ~~An unrevoked license may be renewed for one year on written application to the Chief of Police, made~~
26 ~~on or before May 15th of each year, accompanied by the required fees. Said application for renewal~~
27 ~~shall be made on a form provided by the Chief of Police.~~

1 ~~The renewal application shall be accompanied by an investigation filing fee of \$250.00. The first~~
2 ~~renewal fee for a license issued during the months of January, February or March shall be one half the~~
3 ~~normal renewal fee. Licenses issued April, May or June of the current year shall expire June of the~~
4 ~~following year.~~

5 Licenses and fees required under this chapter shall be in addition to any license, permit or fee required
6 under any other chapter of this Code.

7 Each permit issued under this section shall expire one year from the date of issuance.

8 The Chief of Police shall complete an investigation of the qualifications and moral character of the
9 applicant and either grant or deny the permit within 90 days after the submission of the completed
10 application; provided, however, if good cause exists, the Chief of Police may extend the period of
11 investigation for an additional 30 days, provided the applicant is mailed notification or verbally
12 notified that the investigation has not been completed.”

13 Section 31: Section 9.42.065 of the Riverside Municipal Code is hereby deleted as follows:

14 ~~**“Section 9.42.065 Investigation.**~~

15 ~~The Chief of Police, or his authorized representative, shall conduct and complete an investigation of~~
16 ~~the moral character and reliability of the applicant and either grant or deny the license within a period~~
17 ~~of 30 days after the submission of the completed applications, except as provided by the following~~
18 ~~exceptions:~~

19 ~~A. If good cause exists the Chief of Police may extend the period of investigation for a period of~~
20 ~~time not to exceed 30 days, provided that applicant is notified in writing that the investigation~~
21 ~~has not been completed;~~

22 ~~B. If good cause exists the applicant may appear in person and submit a written request for a 30~~
23 ~~day extension on a form provided by the Chief of Police. Said request must be submitted no~~
24 ~~later than five working days prior to the last day of the 45 day period. Said request may or may~~
25 ~~not be granted by the Chief of Police.”~~

26 Section 32: Section 9.42.080 of the Riverside Municipal Code is hereby amended as
27 follows:

28 **“Section 9.42.080 Appeal.**

1 ~~A denial of an application or revocation of a license may be appealed as set forth in Section 1.17.121~~
2 ~~of this Code.” A notice of appeal must be deposited with the City Clerk within 30 days after denial of~~
3 ~~the application or revocation of the license has been served. Upon the filing of a notice of appeal, the~~
4 ~~revocation of a license shall remain in effect until such time as a decision has been rendered.~~
5 ~~Upon the filing of the written notice of appeal, the City Clerk shall set the matter for hearing before~~
6 ~~the Safety, Wellness and Youth Committee, which hearing shall be within 30 days after the date of~~
7 ~~said notice. The Safety, Wellness and Youth Committee shall receive a copy of the denial or revocation~~
8 ~~notice and shall conduct a hearing to determine whether or not the license should be granted or~~
9 ~~reinstated. The scope of evidence presented to the Safety, Wellness and Youth Committee shall be~~
10 ~~limited to evidence regarding the reasons for denial or revocation. The burden of proof shall be upon~~
11 ~~the appellant/applicant.~~
12 ~~The decision of the Safety, Wellness and Youth Committee shall be final with no right of further~~
13 ~~appeal to the City Council.~~

14 Section 33: The Table of Contents for Chapter 9.60 of the Riverside Municipal Code
15 entitled “Liability for False Report of an Emergency or of a Criminal Offense and for Extraordinary
16 Police Services or Responses” is hereby amended to read as follows:

17 **“Chapter 9.60 – Liability for False Report of an Emergency or of a Criminal Offense and for**
18 **Extraordinary Police Services or Responses**

19 **Sections:**

20 **9.60.010 Findings.**

21 ...

22 **9.60.070 Payment of City’s costs and penalties.**

23 **9.60.080 Appeal.**

24 **9.60.0980 Severability.”**

25 Section 34: Section 9.60.080 is a proposed addition to the Riverside Municipal Code and is
26 hereby written as follows:

27 **“Section 9.60.080 Appeal.**

1 A bill for the cost of the extraordinary police service or response may be appealed as set forth in
2 Section 1.17.400 et seq.”

3 Section 35: The City Council has reviewed the matter and, based upon the facts and
4 information contained in the staff reports, administrative record, and written and oral testimony,
5 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)
6 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter
7 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the
8 environment nor have a significant impact on the environment.

9 Section 36: The City Clerk shall certify to the adoption of this ordinance and cause
10 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
11 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
12 adoption.

ADOPTED by the City Council this _____ day of _____, 2024.

13
14
15 PATRICIA LOCK DAWSON
Mayor of the City of Riverside

16 Attest:

17
18 DONESIA GAUSE
City Clerk of the City of Riverside

19
20 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
21 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
22 _____ day of _____, 2024, and that thereafter the said ordinance was duly and regularly
23 adopted at a meeting of the City Council on the _____ day of _____, 2024, by the
24 following vote, to wit:

Ayes:

Noes:

Absent:

27 Abstain:
28

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this _____ day of _____, 2024.

DONESIA GAUSE
City Clerk of the City of Riverside

24-0232 JJC 11/20/24