

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLES 1, 5, 6, AND 9 OF THE RIVERSIDE MUNICIPAL CODE.

Section 1: Section 1.17.121(G) of the Riverside Municipal Code is amended as follows:

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

...

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

Section 2: Section 1.17.122 of the Riverside Municipal Code is added as shown in Exhibit

“A” attached hereto and incorporated herein.

Section 3: Section 5.28.040 of the Riverside Municipal Code is amended as follows:

“Section 5.28.040 Permit procedures.

A. *Granting of permit.* After a reasonable period of time to verify the information on the application and to conduct an investigation, the Chief of Police shall issue the permit, provided that ~~he~~the Chief determines the following:

1. None of the offenses listed in Section 1.17.122 of this Code are present in a background check;

12. The application is complete and truthful;

23. The applicant, if a business entity, is an entity organized and conducted for a lawful purpose;

34. The persons interested in the business, including, but not limited to, the applicant, his or her employee, agent, partner, director, officer, or manager, has not been convicted or has not pled nolo contendere or guilty to any violation of the provisions of this chapter or any law or ordinance related to theft, fraud, gambling, controlled substances, prostitution, or other crime involving moral turpitude, or any felony within the last ten years;

45. The applicant has obtained a business tax certificate pursuant to Chapter 5.04 of this Title.

1 ...”

2 Section 4: Section 5.40.180 of the Riverside Municipal Code is amended as follows:

3 “Section 5.40.180 Driver’s permit, regulations, identification card, renewal of driver’s permit.

4 A. It is unlawful for any person to operate a vehicle for hire, animal-drawn vehicle, or taxicab in
5 the City without having first obtained a driver's permit issued in writing by the Chief of Police.
6 Such driver's permit shall be carried by every person while operating a vehicle for hire, animal-
7 drawn vehicle, or taxicab, and such permit holder shall exhibit the permit to any police officer,
8 code enforcement officer, animal control officer, or the Chief Financial Officer upon demand.

9 ...

10 D. The Chief of Police may deny or revoke the issuance of a driver's permit under any of the following
11 circumstances:

12 1. Existence of any of the offenses listed in Section 1.17.122 of this Code;

13 12. The applicant or driver's permit holder has been convicted of reckless driving or of driving
14 a vehicle while under the influence of any alcoholic beverage or drug, or under the combined influence
15 of any alcoholic beverage or drug;

16 23. The applicant or driver's permit holder has been convicted of a crime, the nature of which
17 would endanger public health, welfare, or safety if such person were issued a permit;

18 34. The applicant or driver's permit holder is facing pending criminal charges of reckless
19 driving, of driving while under the influence of any alcoholic beverage or drug, or under the combined
20 influence of any alcoholic beverage, or of a crime, the nature of which would endanger the public
21 health, welfare, or safety if such were issued a permit;

22 45. The applicant or driver's permit holder has falsified, misrepresented, or omitted
23 pertinent information in the application; or

24 56. The applicant or driver's permit holder is otherwise determined to be presently or
25 potentially unfit to perform the functions authorized by the driver's permit in a manner consistent with
26 the public health, welfare, or safety.

27 ...”

28 Section 5: Section 5.52.050 of the Riverside Municipal Code is amended as follows:

“Section 5.52.050 Refusal to issue massage establishment permit.

1 A. The Chief of Police may not issue or allow a transfer of a massage establishment permit to an
2 applicant under any of the following conditions.

3 1. The applicant fails to or refuses to furnish the information or documents required by this
4 chapter or submits false, misleading, or incomplete information on the application.

5 ...

6 4. The applicant has received a conviction or final judgment/order for~~been convicted of~~ any of
7 the following offenses, unless the Chief of Police finds the offense was so remote in time and that the
8 applicant has been rehabilitated:

9 a. Any of the offenses listed in Section 1.17.122 of this Code;

10 ab. A sexually-related crime, including but not limited to California Penal Code Sections 266h,
11 266i, 314, 315, 316, 318, 647(a), 647(b), and 647(d); or

12 b. A crime involving dishonesty, fraud, deceit, or moral turpitude;

13 c. A crime committed while engaged in the ownership or operation of a massage establishment
14 or the practice of massage;

15 dc. Health and Safety Code Section 11550 or any crime involving the illegal sale, distribution
16 or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055,
17 11056, 11057 or 11058;

18 e. Any crime involving conduct reasonably related to the occupation being regulated;

19 f. Attempt to commit or conspiracy to commit any of the above mentioned offenses; or

20 g. Any crime in any other state which is the equivalent of or substantially similar to any of the
21 above mentioned offenses.

22 5. The applicant has been subjected to a permanent injunction against the conducting or
23 maintaining of a nuisance pursuant to Sections 11225 through 11235 of the California Penal Code, or
24 any similar provisions of law in a jurisdiction outside the State of California.

25 ~~6. The applicant has had a massage establishment permit or other similar license or permit~~
26 ~~denied, suspended or revoked for cause by any city, county, state, local agency, or other licensing~~
27 ~~authority, or has had to surrender a permit or license as a result of pending criminal charges or in lieu~~
28 ~~of said permit or license being suspended or revoked.~~

76. Pursuant to any provision set forth in Section 5.52.145 of this Chapter.

1 ...”

2 Section 6: Section 5.77.080 of the Riverside Municipal Code is amended as follows:

3 “Section 5.77.080 Cannabis owners and employee criminal background.

4 A. Any person who is an owner, employee or who otherwise works within a cannabis business must
5 be legally authorized to do so under applicable state law.

6 ...

7 D. The City shall conduct criminal background checks which must, at a minimum, identify the
8 following:

9 1. All of the offenses listed in Section 1.17.122 of this Code;

10 12. Whether the owner or employee has ever been convicted of a violent felony as defined by
11 California Penal Code 667.5 or equivalent offense in other states;

12 23. Whether the owner or employee has ever been convicted of a serious felony, as defined by
13 California Penal Code 1192.7 or equivalent offense in other states;

14 34. Whether the owner or employee has ever been convicted of a felony for hiring, employing,
15 or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any
16 controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish,
17 administering, or giving any controlled substance to a minor;

18 45. Whether the owner or employee has ever been convicted of a felony for drug trafficking
19 with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code, ~~or~~

20 ~~5. Whether the owner or employee has ever been convicted of a felony involving fraud, deceit,~~
21 ~~or embezzlement.~~

22 E. In addition to the offenses listed in Section 1.17.122 of this Code, Eevidence of a conviction or final
23 judgment/order foref any the offenses enumerated in Section 5.77.080(eD) of this Code shall be
24 grounds for denial or revocation of a cannabis business permit, and/or employment with a cannabis
25 business permittee in the City of Riverside.”

26 Section 7: Section 5.80.070 of the Riverside Municipal Code is amended as follows:

27 “Section 5.80.070 Issuance of entertainment permit.

28 A. The Chief of Police shall approve the issuance of the entertainment permit if he/she finds:

1 1. That none of the offenses listed in Section 1.17.122 of this Code are present in a background
2 check.

3 42. That issuance of the entertainment permit and conduct of the entertainment at the proposed
4 location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any
5 existing special permit(s).

6 23. That issuance of the entertainment permit at the proposed location, as conditioned, will not
7 constitute an undue burden on the neighborhood because of its proximity to residences, inadequate
8 parking or other neighborhood circumstances and will not interfere with the reasonable use and
9 enjoyment of the neighborhood by its residents.

10 34. Neither the permittee or any responsible person or principal of the permittee has, within
11 the past five years, been convicted of a felony or other crime of moral turpitude that is substantially
12 related to the qualifications, functions or duties of a proprietor of premises upon which the
13 entertainment activities are conducted.

14 45. Neither the permittee or any responsible person or principal of the Permittee has a history
15 of committing, permitting or failing to prevent significant violations of the city code, or any license or
16 permit, in connection with an entertainment establishment for which he or she was a responsible
17 person.

18 56. It does not appear, based upon the information before the Chief of Police, that the permittee
19 has provided false or misleading material information in the application.

20 67. That the application is complete.

21 78. The permittee does not owe the City a fee or an administrative penalty for violation of a
22 provision of this chapter or a condition of an entertainment permit issued pursuant to this chapter.

23 ...”

24 Section 8: Section 5.85.130 of the Riverside Municipal Code is amended as follows:
25 “Section 5.85.130 Refusal to issue junk dealer and/or recycler establishment permit.

26 A. The Chief of Police shall not issue or allow a transfer of a business permit pursuant to this chapter
27 to an applicant under any of the following conditions:

28 1. Existence of any of the offenses listed in Section 1.17.122 of this Code;

12. The applicant fails to or refuses to furnish the information or documents required by this chapter or submits false, misleading, or incomplete information on the application;

23. The business does not comply with the minimum requirements set forth within this chapter or within the city's code, building, fire, health, and/or zoning regulations;

34. The operation of the business will not comport with the peace, health, safety, convenience, good morals, and general welfare of the public;

~~4. The applicant has been convicted of any of the following offenses, unless the Chief of Police finds the offense was so remote in time and that the applicant has been rehabilitated:~~

~~a. A crime involving dishonesty, fraud, deceit, or moral turpitude;~~

~~b. A felony committed while engaged in the ownership or operation of a junk dealer and/or recycler business;~~

~~c. Any crime involving conduct reasonably related to the occupation being regulated where that crime demonstrates a pattern of conduct;~~

~~d. Attempt to commit or conspiracy to commit any of the above mentioned offenses; or~~

~~e. Any crime in any other state or jurisdiction which is equivalent of or substantially similar to any of the above mentioned offenses.~~

~~5. The applicant has had a junk dealer and/or recycler establishment permit or license denied, suspended, or revoked, for cause, by any city, county, state, local agency, or other licensing authority, or has had to surrender a permit or license as a result of pending criminal charges or in lieu of said permit or license being suspended or revoked.~~

65. The property has had a prior revocation of a junk dealer and/or recycler establishment permit, or a state license, where the applicant has a current or prior personal or business relationship with the prior permittee/licensee, or the property owner was associated with criminal activity related to junk dealer and/or recycler activity.

...

Section 9: Section 5.90.070 of the Riverside Municipal Code is amended as follows:

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

A. The chief of police shall not issue or allow a transfer of a business permit pursuant to this chapter to an applicant under any of the following conditions:

1 1. Existence of any of the offenses listed in Section 1.17.122 of this Code;

2 12. The applicant fails to or refuses to furnish the information or documents required by this
3 chapter or submits false, misleading, or incomplete information on the application;

4 23. The business does not comply with the minimum requirements sets forth in the chapter or
5 with the city's code, building, fire, health, and zoning regulations;

6 34. The operation of the business will not comport with the peace, health, safety, convenience,
7 good morals, and general welfare of the public;

8 4. The applicant has been convicted of any of the following offenses, unless the chief of police
9 finds the offense was so remote in time and that the applicant has been rehabilitated:

10 a. A crime involving dishonesty, fraud, deceit, or moral turpitude;

11 b. A felony committed while engaged in the ownership or operation of a pawnshop or
12 secondhand dealer business;

13 c. Any crime involving conduct reasonably related to the occupation being regulated where
14 that crime demonstrates a pattern of conduct;

15 d. Attempt to commit or conspiracy to commit any of the above mentioned offenses; or

16 e. Any crime in any other state or jurisdiction which is equivalent of or substantially similar to
17 any of the above mentioned offenses.

18 5. The applicant has had a pawnbroker or secondhand dealer establishment permit or license
19 denied, suspended, or revoked, for cause, by any city, county, state, local agency, or other licensing
20 authority, or has had to surrender a permit or license as a result of pending criminal charges or in lieu
21 of said permit or license being suspended or revoked.

22 65. The property has had a prior revocation of a pawnbroker or secondhand dealer
23 establishment permit, or a state license, where the applicant has a current or prior personal or business
24 relationship with the prior permittee/licensee, or the property owner was associated with criminal
25 activity related to pawn-broking or secondhand dealing activity.

26 ...”

27 Section 10: Section 5.95.050 of the Riverside Municipal Code is amended as follows:
28 “Section 5.95.050 Denial of a firearm dealer license application.

1 Upon receipt of an application for a firearm dealer license and the license fee required by this chapter,
2 the police department shall issue a license unless substantial evidence demonstrates that any of the
3 following factors exists:

4 1. Existence of any of the offenses listed in Section 1.17.122 of this Code.

5 42. The application is incomplete, inaccurate, or false. The gross negligent or intentional supplying of
6 inaccurate or false information shall be a violation of this chapter.

7 23. The application seeks authorization for firearm sales at a location for which this Code or this
8 chapter prohibits issuance of a firearm dealer license.

9 34. The application seeks authorization for firearm sales for a proprietor to whom this chapter prohibits
10 a license to be issued.

11 45. The application seeks authorization for firearm sales that is prohibited pursuant to this chapter,
12 that is unlawful pursuant to this Code, or that is unlawful pursuant to any other law.

13 56. The applicant has previously been issued a license that is suspended or revoked for violating any
14 provisions of this Code, state law, or federal law.

15 67. The application is for a license or renewal of a license for a dealer location that is the same dealer
16 location as that of a dealer whose license was revoked or is subject to revocation proceedings for
17 violation of any provision of this Code, state law, or federal law, unless:

18 a. It has been more than one year since a previous firearm dealer license was revoked or
19 suspended; or

20 b. The applicant provides the police department with documentation demonstrating the
21 applicant is acquiring the premises or business in an arm's length transaction.

22 78. The applicant does not possess all required certificates, permits or licenses required under
23 California Penal Code section 26700.”

24 Section 11: Section 6.24.050 of the Riverside Municipal Code is amended as follows:
25 “Section 6.24.050 Permit issuance; standards.

26 A. No permit may be issued to authorize tobacco retailing at a place other than a fixed location. For
27 example, including, but not limited to, tobacco retailing by persons on foot and tobacco retailing from
28 vehicles are prohibited.

1 B. Upon the receipt of an application for a tobacco retail establishment permit and the permit fee,
2 required by this chapter, the Department shall issue a permit unless substantial evidence demonstrates
3 that one of the following factors exists:

4 1. Existence of any of the offenses listed in Section 1.17.122 of this Code.

5 42. The application is incomplete, inaccurate, or false. The gross negligent or intentional
6 supplying of inaccurate or false information shall be a violation of this chapter.

7 23. The application seeks authorization for tobacco retailing at a location for which this Code
8 or this chapter prohibits issuance of tobacco retail establishment permits.

9 34. The application seeks authorization for tobacco retailing for a proprietor to whom this
10 chapter prohibits a permit to be issued.

11 45. The application seeks authorization for tobacco retailing that is prohibited pursuant to this
12 chapter, that is unlawful pursuant to this Code, or that is unlawful pursuant to any other law.

13 56. The applicant has previously been issued a permit that is suspended or revoked for violation
14 any provisions of this Code, state law, or federal law.

15 67. The application is for a permit or renewal of a permit for a retail location that is the same
16 retail location as that of a retailer whose permit was revoked or is subject to revocation proceedings
17 for violation of any provision of this Code, state law, or federal law, unless:

18 a. It has been more than five years since a previous permit for tobacco retail location was
19 revoked or suspended; and

20 b. The applicant provides the department with documentation demonstrating the applicant is
21 acquiring the premises or business in an arm's length transaction.

22 78. The applicant has been convicted of a felony pursuant to Section 30473 of the California
23 Revenue and Taxation Code.

24 89. The applicant does not possess all required permits or licenses required under the California
25 Revenue and Taxation Code and this Code.”

26 Section 12: Section 9.40.70 of the Riverside Municipal Code is amended as follows:

27 “Section 9.40.070 Permit denial.

28 The Police Chief shall deny the application for any of the following reasons:

A. Existence of any of the offenses listed in Section 1.17.122 of this Code.

1 AB. The building, structure, equipment, or location used by the business for which an adult-oriented
2 business regulatory permit is required do not comply with the requirements and standards of the health,
3 zoning, fire and safety laws of the City and the State of California, or with the locational or
4 development and performance standards and requirements of these regulations.

5 BC. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has
6 knowingly made any false, misleading or fraudulent statement of material fact in the application for
7 an adult business regulatory permit.

8 CD. An applicant is under 18 years of age.

9 DE. The required application fee has not been paid.

10 EF. The adult-oriented business does not comply with the zoning ordinance locational standards,
11 Chapter 19.61 of Title 19.

12 FG. The applicant or his or her agent, partner, director, officer, shareholder or manager has, within the
13 previous 12 month period, had a permit for an adult-oriented business denied or revoked or is applying
14 for a new permit within the period in which the existing permit has been suspended.

15 GH. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has
16 been convicted of any of the offenses set forth in Section 313, 315, 316, 266(a), 266(b), 266(c), 266(e),
17 266(f), 266(h), 266(i), 647(a), 647(b) and 674(d) of the California Penal Code as those sections now
18 exist or may hereafter be amended or renumbered.

19 ...”

20 Section 13: Section 9.40.100 of the Riverside Municipal Code is amended as follows:

21 “Section 9.40.100 Investigation and action on application for performer permit.

22 A. Within ten business days after receipt of the properly completed application, the Police Chief
23 shall issue a 45 day temporary permit. The Police Chief shall grant or deny the annual permit within
24 45 calendar days and so notify the applicant as follows:

25 ...

26 D. The Police Chief shall deny the application for any of the following reasons:

27 1. Existence of any of the offenses listed in Section 1.17.122 of this Code.

1 ~~42~~. The applicant has knowingly made any false, misleading, or fraudulent statement of a
2 material fact in the application for a permit or in any report or document required to be filed with the
3 application.

4 ~~23~~. The applicant is under 18 years of age.

5 ~~34~~. The adult-oriented business employee permit is to be used for performing in a business
6 prohibited by State or City law.

7 ~~45~~. The applicant has been registered in any State as a prostitute.

8 ~~56~~. The applicant has been convicted of any of the offenses enumerated in
9 Section 9.40.090 D.5. or convicted of an offense outside the State of California that would have
10 constituted any of the described offenses if committed within the State of California. A Permit may be
11 issued to any person convicted of the described crimes if the conviction occurred more than five years
12 prior to the date of the application.

13 ~~67~~. The applicant or his or her agent, partner, director, officer, shareholder or manager has,
14 within the previous 12 month period, had a permit for an adult-oriented business denied or revoked or
15 is applying for a new permit within the period in which the existing permit has been suspended.

16 ...”

17 Section 14: Section 9.42.070 of the Riverside Municipal Code is amended as follows:
18 “Section 9.42.070 Refusal to issue license.

19 The Chief of Police shall not issue or grant a license if any of the following occurs:

20 A. Existence of any of the offenses listed in Section 1.17.122 of this Code;

21 AB. An applicant fails to or refuses to furnish the information and documents required by this chapter
22 or who submits false or misleading information on said application;

23 BC. The fortunetelling establishment does not comply with the City's building, fire, health or zoning
24 regulations;

25 CD. Upon receiving satisfactory evidence that the applicant has been convicted of, or has entered plea
26 of guilty or nolo contendere to any violation of the provisions of this chapter or any other law or
27 ordinance relating to morals, theft, fraud or narcotics or other restricted drugs, unless the Chief of
28 Police finds that the offense regulated occurred more than five years or more before the date of
application.

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DONESIA GAUSE
City Clerk of the City of Riverside

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