Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

5.06 Portable Food Vendors

5.08 Mechanical Amusement Devices

5.10 Business Licenses

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Chapter 5.06

PORTABLE FOOD VENDORS

Sections:

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5.06.010 Definitions.

The following words are defined as set forth in this section:

A. "Catering trucks" means any mobile unit howsoever propelled, upon which or from which any food or beverage is vended, displayed or given away.

B. "Pedestrian food vendor" means any person vending, displaying or giving away any food or beverage from any wagon, cart, stand, portable box, tray, bag, or similar container, not a vehicle as defined in the California Vehicle Code.

C. "Portable food vendors" means catering trucks and pedestrian food vendors as defined in this chapter.

(Ord. 704 (part), 1995: Ord. 592 (part), 1984.)

5.06.012 Portable food vendors—License required.

No portable food vendor shall sell or offer for sale any food or beverage on any street, sidewalk or parkway, or on any unenclosed area held open to the general public without having first obtained

a business license as provided in Section 5.06.022. (Ord. 704 (part), 1995.)

5.06.020 Number of licenses (benefit zones).

The council finds that the reasonable regulation of the streets, sidewalks and parkways within benefit zone A boundaries requires that the number of portable food vendor licenses shall be limited to five, and within benefit zone B (all areas within the city other than zone A), shall be limited to eight. Only one license shall be issued per applicant per zone. Food catering truck (vehicle) licenses are considered separate from portable food vendors and will be limited to three permits within the incorporated city limits. (Ord. 725 (part), 1997: Ord. 704 (part), 1995.)

5.06.022 Applications.

Applicants for a portable food vendor license must comply with and be subject to all of the provisions of this chapter as well as Chapter 5.12, with respect to the licensing of intermittent vendors. (Ord. 704 (part), 1995: Ord. 623 (part), 1986: Ord. 599 § 2 (part), 1984.)

5.06.024 Term of license.

The term of any license issued hereunder shall be for a period of one year commencing on January 1st of each year and ending on December 31st. Licensees may apply in person for renewal of their license not more than thirty days prior to the expiration date. (Ord. 704 (part), 1995.)

5.06.040 Vendor location and hours.

A. No portable food vendor shall have any exclusive right to any location within the area authorized for portable food vendor sales, nor shall any such licensee be permitted to operate in any

congested area where his/her operations might impede or inconvenience the public. For the purposes of the ordinance codified in this chapter, the decision of a peace officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. All sales by portable food vendors pursuant to this chapter shall be made from one location. Once a portable food vendor has chosen a sale location, he/she must remain stationary for the remainder of the business day.

C. Location. No person shall engage in the portable food vending business within one hundred feet or less of a restaurant, or like business, open to the public, without written permission of the business owner(s). Distances provided for in the ordinance codified in this chapter shall be measured by airline from the closest edge of the restaurant, or like business, to the closest edge of the portable vending machine.

D. Hours. Portable food vendors may operate between the hours of seven a.m. and nine p.m.

(Ord. 704 (part), 1995.)

5.06.050 Trash containers required.

At the site of each sale the vendor must place a trash container beside the food vending vehicle prior to making any sale. The trash container must remain in position until all purchasers have departed. All trash accumulating in the container must be removed from the sale site by the vendor. (Ord. 704 (part), 1995: Ord. 592 (part), 1984.)

5.06.060 Portable food vehicle construction.

Vehicles used by portable food vendors for carrying, transportation, storage and serving of food shall be in accordance with all city, county and state health codes and licensing. (Ord. 704 (part), 1995.)

5.06.070 License fee.

Every person engaged as a portable food vendor or operating a catering truck (vehicle) shall pay a license fee of two hundred dollars per calendar year, plus the city's applicable benefit zone charge. (Ord. 725 (part), 1997.)

5.06.080 Increase in fee.

Fees, interest, penalties and the license tax shall be amended by resolution. (Ord. 725 (part), 1997.)

5.06.090 Business license provisions.

When not specifically identified in Chapter 5.06, Chapter 5.10 (business licenses) shall be the applicable authority relating to portable food vendors and catering trucks (vehicles), however, should the provisions of this ordinance conflict with any provisions of Chapter 5.10, Sections 5.06.070 through 5.06.090 shall be controlling. (Ord. 725 (part), 1997.)

Chapter 5.08

MECHANICAL AMUSEMENT DEVICES

Sections:

5.08.010 Definitions.
5.08.020 Permit—Required.
5.08.030 License—Revocation.
5.08.040 License—Fee.
5.08.050 Unlawful use.
5.08.060 Unlawful use allowed—Forfeiture of license and fees.
5.08.070 Violation—Penalty.

5.08.010 Definitions.

For the purpose of this chapter, a "mechanical amusement device" means any machine, device, or contrivance designed, constructed and operated for the playing of any game or contest or the exhibiting of any display or picture for amusement, (devices for music only are excepted) the use, operation or playing of which machine, apparatus, device or contrivance is dependent upon or is commenced, permitted or allowed by the deposit of any coin, slug or token, in any slot or receptacle attached thereto or connected therewith. (Ord. 564 § 1 (part), 1982: Ord. 216 § 1.)

5.08.020 Permit—Required.

It is unlawful for any person, firm or corporation to operate, maintain or to permit to be operated or maintained in any place of business or premises open to the public and under his, her or its control, any mechanical amusement device, as hereinbefore defined, without having first applied to the city council and having received from the city council a permit for a license therefor. Upon the granting of such permit by the city council, a license may be issued to the applicant upon a form to be provided by the city clerk. The city council may refuse to grant a permit for a license to any person or persons, or for the operation of such mechanical device in any place, whenever the

city council may believe that the public welfare may make the refusal of such permit proper. (Ord. 564 § 1 (part), 1982: Ord. 216 § 2.)

5.08.030 License–Revocation.

The city council may revoke any license issued under this chapter, after a public hearing. Written notice of the time and place of such hearing shall be given to the holder of such license not less than five days prior to the date fixed by the city council for such hearings. Evidence shall be sufficient to warrant the revocation of such license, if such evidence shall cause said city council to believe that the holder of such license has violated some provision of this chapter. (Ord. 564 § 1 (part), 1982: Ord. 216 § 3.)

5.08.040 License–Fee.

Every person, firm or corporation, who or which maintains or operates, or permits the maintenance or operation of any mechanical amusement device hereinbefore mentioned, shall pay, monthly, a license fee equal to one percent of the gross receipts of each such mechanical amusement device. Each licensee shall, upon demand, provide the city with a copy of the State Sales and Use Tax returns filed relative to such machines and shall, upon demand, submit for audit the books and records of receipts for each such device or machine and provide copies of any other tax statement filed with any government entity by such licensee or firm owning, renting, leasing, or operating such machines disclosing the gross receipts received from owning, renting, leasing, or operating such machines or devices. (Ord. 564 § 1 (part), 1982: Ord. 216 § 4.)

5.08.050 Unlawful use.

It is unlawful for the holder of any license issued under this chapter to use or permit the use of such device for any purpose or in connection with any purpose which constitutes a violation of law. (Ord. 564 § 1 (part), 1982: Ord. 216 § 5.)

5.08.060 Unlawful use allowed—Forfeiture of license and fees.

Any holder of such license who uses or permits the use of such device for any such unlawful purpose or in connection with such unlawful purpose, or in violation of any provision of this chapter shall forfeit such license and all license fees paid by such holder to the city. (Ord. 564 § 1 (part), 1982: Ord. 216 § 6.)

5.08.070 Violation—Penalty.

Every violation of the provisions of this chapter shall be a misdemeanor and, if the offense be a continuing one, from day to day, shall constitute a new violation for each calendar day on which such violation may occur or continue. Every such violation shall be punishable by fine not exceeding three hundred dollars nor less than fifty dollars, or by imprisonment for a period not exceeding sixty days, or by both such fine and imprisonment. No sentence imposed for a violation of this chapter shall be suspended. (Ord. 564 § 1 (part), 1982: Ord. 216 § 7.)

Chapter 5.10

BUSINESS LICENSES[2]

(RESERVED)

Chapter 5.12

INTERMITTENT VENDORS

Sections:

5.12.010	Definitions.
5.12.020	Intermittent vendor event coordinator—Permission to conduct business.
5.12.030	Letter of acknowledgement required.
5.12.040	Application for letter of acknowledgement.
5.12.050	Letter—Issuance.
5.12.060	Letter and business license—Nontransferable.
5.12.070	Business license issuance and display.
5.12.080	Revocation or suspension of business license.
5.12.090	Immunity from chapter.
5.12.100	Engaging in business upon streets and highways prohibited.
5.12.110	Violation—Penalty.
5.12.120	Tax—Increases.

5.12.010 Definitions.

As used in this chapter:

A. "Business" means professions, trades, occupations of all and every kind of calling, carried on for profit.

B. "Event coordinator" means any intermittent person who is organizing an event in which two or more individuals are participating.

C. "Intermittent vendor" means any individual who has no permanently established place of business in the city nor is part of a specific event, and who goes from place to place, or from door to door, or sets up a temporary stand or place, for the purpose of selling any goods, wares, merchandise or service, or one who solicits orders for the sale of goods, wares, merchandise or services to be delivered at some future time or date.

TITLE 5 FOOTNOTES

1. At the time of original publication of this code, the city of Sonora was preparing a new ordinance dealing with business taxes, licenses and regulations. It was decided not to include any of the previous provisions in this code. When the new ordinances are available, they will be included in this code. In the meantime, copies of the existing business taxes, licenses and regulations are on file in the office of the city clerk; or statutory provisions authorizing cities to license businesses for purposes of revenue or regulation, see Gov. Code § 37101, for provisions authorizing cities to license business in the exercise of the police power, see Bus. and Prof. Code § 16000 et seq.
2. The business license ordinance, Ord. 654 is on file in the office of the city clerk. Copies are available, upon request, for a fee. Ord. 654 amended by Ord. 659, passed November 19, 1990; by Ord. 661, passed January 7, 1991; by Ord. 662, passed February 19, 1991; by Ord. 673, passed December 16, 1991; by Ord. 681, passed September 8, 1992; and by Ord. 688, passed January 18, 1994.

D. "Intermittent vendor business license" means the license issued to either an intermittent vendor or an event coordinator which authorizes them to do business in the city for a specific period of time.
E. "Intermittent vendor letter of acknowledgement" means a letter issued by the city police department authorizing city administration to issue an intermittent vendor business license.
F. "Non-Profit" means any intermittent vendor who has organized for charitable or religious purposes engaging in fundraising activities for such organization, providing the proceeds do not inure to the benefits of any private person for the personal gain of the individual, firm or organization.
G. "Participant" means any individual/person coming under the business license of an event coordinator, including the event coordinator. It does not mean a booth or concession.

(Ord. 696 (part), 1994.)

5.12.020 Intermittent vendor event coordinator—Permission to conduct business.

A. Those business activities that are conducted in a group setting (two or more individuals/persons) will be permitted to conduct business under one business license. The event coordinator is required to obtain a letter of acknowledgement from the chief of police or his/her designee authorizing such business. All other individuals associated with said event are not required to have a separate business license or letter of acknowledgement.
B. Applicant must have written proof from the property or business owner that they are authorized to conduct business in the location indicated on application.

(Ord. 696 (part), 1994.)

5.12.030 Letter of acknowledgement required.

It is unlawful for any intermittent vendor or event coordinator

to engage in business in any area of the city, whether for themselves or as agent or employee of some person, firm, corporation or association, without having received from the chief of police or his/her designee a letter of acknowledgement for such purpose. (Ord. 696 (part), 1994.)

5.12.040 Application for letter of acknowledgement.

Before the chief of police or his/her designee will issue a letter of acknowledgement, the applicant must provide information on a city form which shall include the name of applicant, their address, their physical description and complete information regarding the goods, wares, merchandise or services which he/she intends to sell and location where such business will be transacted. The application shall also include the description and license numbers of any vehicles used in applicant's business. The application shall be accompanied by a recent three inch by five inch colored portrait-style photograph of applicant. If the applicant does not have an appropriate photograph, the police department personnel will take a polaroid photo for a fee of five dollars. If the applicant is other than self-employed, the application shall include the name and address of the person, firm or corporation by which he/she is employed, or which he/she represents, and the nature of the business carried on by such person, firm or corporation. (Ord. 696 (part), 1994.)

5.12.050 Letter—Issuance.

The chief of police or his/her designee may delay the issuance of a letter of acknowledgement for such time as is reasonably needed to verify the contents of the application. Upon acceptance, the Chief of police or his/her designee shall issue a letter of acknowledgement. (Ord. 696 (part), 1994.)

5.12.060 Letter and business license—Nontransferable.

A. No letter issued under this chapter shall be transferable and shall

be used only by the person to whom it was issued. The letter shall include the name and description of the business, address, the name and address of principal place of business and where they will be conducting business in the city, and the nature of the business for which the letter was issued. The letter of acknowledgement shall be valid through the calendar year in which it was issued.

B. No business license issued under this chapter shall be transferable.

(Ord. 696 (part), 1994.)

5.12.070 Business license issuance and display.

A. Once a letter of acknowledgement has been issued, the intermittent vendor must obtain a city business license from the city administration office.

B. Every person issued a intermittent vendor business license shall, while engaged in the business for which issued, keep in their possession and display at all times said license.

(Ord. 696 (part), 1994.)

5.12.080 Revocation or suspension of business license.

The chief of police or his/her designee is authorized to revoke, or temporarily suspend, the business license of any person whenever it appears that the intermittent vendor has engaged in any unlawful business or activities. The intermittent vendor may appeal any such revocation or suspension to the city council who shall hold a hearing on the matter and shall affirm, modify or rescind such revocation or suspension. The licensee shall be given notice by certified mail of the time, date of such hearing and may appear and present evidence in their own behalf. No such determination by the council shall conflict with any substantive provision of this chapter. The council shall make findings thereon, which shall be final. (Ord. 696 (part), 1994.)

5.12.090 Immunity from chapter.

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

A. Merchants having an established place of business in the city;

B. Members of an organization, organized for charitable or religious purposes, engaged in fund-raising activities for such organization, provided the proceeds from such activities do not inure to the benefits of any private person, firm or corporation. Such organizations maybe required to show proof of non-profit status.

(Ord. 696 (part), 1994.)

5.12.100 Engaging in business upon streets and highways prohibited.

Notwithstanding any other provision of this chapter, it is unlawful for any intermittent vendor to engage in business upon any of the streets, highways, and roads within the city without approval from the city council. (Ord. 696 (part), 1994.)

5.12.110 Violation—Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon convictions shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail of Tuolumne County for a period not to exceed six months, or both such fine and imprisonment. (Ord. 696 (part), 1994.)

5.12.120 Tax—Increases.

A. The following business license taxes shall apply to intermittent vendors:

Tax	Type of Vendor	Number of Days Covered
$ 30.00	Individual	One to four consecutive days
60.00	Event coordinator participants (30 or less)	One to four consecutive days
100.00	Event coordinator Participants (31 or more)	One to four consecutive days
150.00	Carnival, circus, etc.	One day

B. Increases to business license taxes shall be amended by resolution.

(Ord. 696 (part), 1994.)

Chapter 5.14

TAXICABS

Sections:

5.14.010 Definitions.
5.14.020 Certificate of registration required.
5.14.030 Rates of fares.
5.14.040 Maintenance.
5.14.050 Operating regulations.
5.14.060 Commercial advertising on taxicabs.
5.14.070 Taxicab drivers—Permits.
5.14.080 Public liability.
5.14.090 Stand for taxicabs.

5.14.100 Fees for taxicab licenses.
5.14.110 Violation—Penalty.
5.14.120 Increase in fees.

5.14.010 Definitions.

As used in this chapter:

"Chief" means the chief of police of the Sonora police department or his/her designee.

"City" means the city of Sonora.

"Driver" means every person in charge of or operating, any taxicab or limousine, either as owner or employee or under the direction of owners or employees.

"Limousine" means a motor-propelled vehicle used for the transportation of passengers for hire along public streets, not over a defined route, but as to route and destination in accordance with and under the direction of the person hiring such vehicle. A limousine bears no distinguishing color markings or lights, operates from a fixed location and is hired on an hourly contract basis only.

"Owner" means every person who in any manner has the proprietary use, ownership or control of any passenger carrying motor-propelled vehicle.

"Stand" means a place designated for the use, while awaiting employment, of the particular taxicabs authorized to utilize the same.

"Taxicab" means a passenger vehicle designed for carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. This is a vehicle of a distinctive color or colors and which is of such public appearance as is customary for taxicabs in common usage in this country, and which is operated at rates per mile or upon a waiting time basis or both, and which motor-propelled vehicle is used for the transportation of passengers for hire over and along the public streets, not over a defined route, but as to route and destination, in accordance with, and under the direction of the person hiring such vehicle. (Ord. 726 (part), 1997.)

5.14.020 Certificate of registration required.

It is unlawful for any person to engage in the business of operating any taxicab in the city without first having obtained from the police chief a certificate of registration. All persons applying for the certificate shall file with the chief a verified application which shall set forth:

A. Name and address of person making application;

B. If, at the time of making application, the person is actually operating a taxi service in the city, the number of taxicabs owned and operated by applicant;

C. The number of vehicles for which a certificate of registration is desired;

D. The make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate is made;

E. A description of the proposed scheme, insignia, or any other distinguishing characteristics of the taxicab;

F. Other information as the chief may require;

G. The provisions of this section shall not affect the number of taxicabs with valid permits on the effective date of the ordinance codified in this chapter;

H. If the service permitted hereunder is for any reason discontinued for a period of forty-five calendar days, the certificate granted shall be automatically canceled and shall not be restored until compliance is made with this section;

I. If the owner sells or transfers title to a taxicab for which a certificate has been issued, or in the event a taxicab for which a certificate has been issued has been destroyed, the owner is entitled, as a matter of right, upon written application to the chief made within fifteen days after the sale, transfer or destruction, to have a new certificate issued, but for no greater number than sold, transferred or destroyed, and provided the owner has complied with all the provisions of this chapter;

J. The chief may, at any time, revoke or suspend the certificate granted:
   1. If the owner's record is unsatisfactory,
   2. If the owner fails to operate the taxicabs in accordance with the provisions of this chapter,
   3. If the owner discontinues or suspends operations of the taxicab for a period of forty-five days without the permission first obtained from the chief,
   4. If taxicabs are operated at the rate of fare other than that registered with the city per Section 5.14.030,
   5. All certificates which shall have been suspended or revoked by the chief, shall be surrendered to the chief, and the operation of all taxicabs covered by the certificate shall cease and be unlawful. Any owner who shall retire and not replace any taxicab for a period of forty-five days shall immediately surrender to the chief the certificate granted for the taxicab;

K. Any person who has had a certificate suspended, revoked or denied may make an appeal by written notice to the city administrator no more than ten calendar days after the chief's decision. The decision of the city administrator shall be final.

(Ord. 758 (part), 2003: Ord. 726 (part), 1997.)

5.14.030 Rates of fares.

Rates of fares will not be regulated by the city. Taxicab operators may charge fares by either a flat rate or by a meter. Meters shall be subject to an audit upon a request made by the chief of police. Taxicab operators must comply within five calendar days from the date of the request made by chief of police. Taxicab operators must submit a certificate from a State of California or Tuolumne County Weights and Measures Office certifying that the meter is operating within performance standards established by the manufacturer. If there is noncompliance in performing an audit or the meter is found to be defective as a result of the audit,

the certificate to operate will be suspended until the taxicab operator complies. If taxicab operator does not comply within thirty days of the notice of noncompliance, the certificate to operate will be revoked.
(Ord. 773, 11-20-2006; Ord. 726 (part), 1997.)

5.14.040 Maintenance.

A. All passenger vehicles for hire shall be under the supervision and control of the chief of police, and he/she shall not permit any driver to operate any taxicab in the city, while same or any equipment used thereon, or therewith, shall be unsafe, defective or unsanitary condition, and every taxicab shall be at all times subject to the inspection of any officer of the city. Should an officer determine that a taxicab is unsafe, defective or unsanitary, that officer shall require that the taxicab be taken to a licensed automotive repair shop for the necessary corrections to be made. The affected taxicab shall not be permitted to operate until which time the needed repairs have been made.

B. The chief of police is authorized and directed to revoke and cancel, without previous notice, any permit granted hereunder, whenever an owner or driver violates any of the provisions of

this chapter. The owner of the permit thus revoked may, within ten days thereafter, appeal from such order or revocation to the city administrator, who shall, after due notice to the owner, hear and determine the matter and their decision therein, shall thereupon become final. Any person whose permit is thus revoked shall not be entitled to apply for another for a period of one year from the date of such revocation.

(Ord. 726 (part), 1997.)

5.14.050 Operating regulations.

A. Any driver employed to transport passengers to a definite point shall take the most direct route that will take the passenger to their destination safely and expeditiously.

B. If requested every driver shall give a receipt upon payment of the correct fare. In case of a dispute the matter shall be determined by the officer in charge at the police department. Failure to comply with such determinations shall subject the offending party to a charge of misdemeanor.

C. It is unlawful for any person, except where credit is extended, to refuse to pay the lawful fare, as fixed herein, for the use of any taxicab, after hiring same.

D. It is unlawful for any driver operating under a permit issued pursuant to the terms of this chapter, to refuse, when the vehicle is in service and not otherwise engaged, to transport any person who presents himself for carriage in a sober and orderly manner and for a lawful purpose.

E. Each taxicab shall be clearly marked with the taxicab company's name displayed on the left and right front doors of the cab. The taxicab name shall be of letters large enough to read from a distance of one hundred feet.

F. Each taxicab shall be clearly numbered in consecutive order. The cab number shall be located on both front fenders of the cab as well as on the right rear corner of the trunk or rear of the cab. Cab numbers shall be large enough to read from a distance of one hundred feet.

G. The driver of any taxicab operated in this city shall securely attach and clearly display in view of the passenger at all times, the taxi driver permit which shall include the following information:
   1. The name of the driver;
   2. The name, address and telephone number of the Sonora police department, describing them as the agency regulating the operation of taxicabs in the city;
   3. The name, address and telephone number of the taxi company licensed by the agency regulating the operation of the taxicab. (Ord. 726 (part), 1997.)

5.14.060 Commercial advertising on taxicabs.

Advertising on taxicabs is permitted. Signs displaying any immoral or illegal activity are expressly prohibited. Signs shall be limited to painted signs on the vehicle or one sign on the trunk of the vehicle that does not impair the visibility of the taxi, or other, drivers. No signs will be allowed on the roof of the vehicle. (Ord. 758 (part), 2003: Ord. 726 (part), 1997.)

5.14.070 Taxicab drivers—Permits.

A. It is unlawful for any person to operate or drive a taxicab in the city without having first obtained a permit from the chief of police. Such permit shall not be transferable.

B. The chief of police shall not issue a permit and must revoke a permit previously granted:
   1. If the applicant is under twenty-one years of age; or
   2. If the applicant is not a citizen of the United States; or
   3. If the applicant has not resided in the county of Tuolumne for thirty days immediately prior to their application; or
   4. If the applicant does not possess a valid driver's license issued by the state of California; or

5. If the applicant is a reckless driver or has been convicted of reckless driving or driving while under the influence of intoxicating liquors or narcotics; or
6. If the applicant is guilty or has been convicted of a felony or crime involving moral turpitude; or
7. If the applicant violates any provision of this chapter.

C. Upon satisfying the foregoing requirements, the applicant shall be fingerprinted and photographed, and thereupon a permit shall be issued, which permit shall be fixed in a conspicuous place in the taxicab so as to be seen from the passenger's compartment as described in Section 5.14.050(G).

D. When issued, the driver's permit shall be valid for one year from the date of issuance, unless the same has been revoked for any of the causes herein set forth. The driver, in making application for a renewal of his/her permit, shall follow the same procedure as set forth in making his original application, except he/she shall not be required to be fingerprinted or furnish photographs.

E. If any driver changes employment to a different taxi cab owner operating in the city, he/she shall, within twenty-four hours, thereafter, notify the chief of police for the purpose of having his/her driver's certificate changed so as to properly designate the name of the new employer. A transfer fee shall be paid at the time the transfer of the permit is made. The newly issued permit shall expire one year from the date of transfer. The driver, in making application for a transfer of his/her permit, shall follow the same procedure as set forth in making his/her original application, except he/she shall not be required to be fingerprinted or furnish photographs.

F. All fees associated with the provisions of this ordinance shall be established by resolution of the city council.

(Ord. 726 (part), 1997.)

5.14.080 Public liability.

A. It is unlawful for any owner or operator to drive or operate a

taxicab or cause the same to be driven or operated in the city, and no license for the operation thereof shall be granted unless and until there is on file with the city clerk, and in full force and effect at all times while such taxicab is being operated a policy of insurance with a company licensed and authorized to do business in the state of California, insuring the owner of such taxicab against loss by reason of injury or damages that may result from the negligent operation or defective construction of such taxicab, or for any other cause. Insurance coverage must meet the minimum requirements for the city, established by the city council at one million dollars.

B. The policy of insurance shall guarantee the payment to any and all persons suffering injury or damage to person or property, or any final judgement rendered against such owner or driver, irrespective of the financial condition of any acts or omissions of such owner, or driver, and shall inure to the benefits of such persons.

C. If, at any time, such policy of insurance is canceled by the company issuing the same, or the authority of the company to do business in the state of California shall be revoked, the chief shall require the owner to replace such policy with another policy meeting the same requirements as outlined above in default thereof the owner's license to operate shall be revoked.

D. The city and the Sonora police department shall require of each insurance company issuing a policy covering a taxi to advise the chief in writing should the insurance terminate for any reason.

(Ord. 726 (part), 1997.)

5.14.090 Stand for taxicabs.

A. The chief of police shall designate, in writing, stands upon public streets to be occupied by taxicabs, after the permit has been issued as in this chapter provided, the stands to be designated by the chief.

B. Before any designation of stands is made, the written consent must be obtained of the tenant of the ground floor fronting the

space where such stand is to be located. In the event the ground floor is not occupied, the written consent of the owner must be first obtained.

C. The stand permit shall specify the name and address of the permittee and the number of vehicles authorized thereunder, and it is unlawful for the owner or operator of any vehicle for hire, other than the permittee, to use the stand designated under such permit, and when such stand is occupied, no other vehicle shall loiter or wait nearby.

D. Any designated, as herein provided, may be revoked by the chief, and it shall be unlawful for any taxicab to occupy the stand after such revocation.

E. It is unlawful for any operator of a taxicab, while awaiting employment, to drive so as to interfere with vehicular traffic.

F. It is unlawful for any person to park a vehicle in a space which is marked off or reserved for a taxicab under the provisions of this chapter.

(Ord. 726 (part), 1997.)

5.14.100 Fees for taxicab licenses.

Each owner of each taxicab license granted hereunder, shall pay to the city at the time he/she makes application for the license the business license tax as authorized in the city business license ordinance (Chapter 5.04). (Ord. 726 (part), 1997.)

5.14.110 Violation— Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed one thousand dollars, or be imprisoned in the county jail of Tuolumne County, California, for a term not to exceed six months, or by both such fine and imprisonment. (Ord. 726 (part), 1997.)

5.14.120 Increase in fees.

Fees, penalties, etc., shall be amended by resolution of the city council. (Ord. 726 (part), 1997.)

Chapter 5.16

FILMING PERMIT

Sections:

5.16.010 Title.
5.16.020 Purposes and authority.
5.16.030 Definitions.
5.16.040 Permit—Required.
5.16.050 Permit—Exemptions.
5.16.060 Permit—Rules and regulations.
5.16.070 Permit—Application and issuance.
5.16.080 Liability provisions.

5.16.010 Title.

This chapter shall be known as and may be referred to in all proceedings as the "City of Sonora Filming Permit Ordinance" (Ord. 748 §1 (part), 2002.)

5.16.020 Purposes and authority.

This chapter is enacted pursuant to California Government Code Section 14999.21, for the purpose of regulating the making of motion pictures, television, and/or still photography for commercial purposes in the incorporated city limits upon city streets or on property or in buildings owned by the city of Sonora or under the jurisdiction of the city of Sonora. (Ord. 748 §1 (part), 2002.)

5.16.030 Definitions.

Whenever in this chapter the following terms are used they shall have the meanings respectively ascribed to them in this section:

A. "Charitable films" means commercials, motion pictures, television, video tapes, or still photography produced by a nonprofit organization, which qualifies under Section 501 (c)(3) of the Internal Revenue Code as a charitable organization, or by a theater company for purposes of advertising the run of a local production. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes or photos.

B. "Motion picture, television, and/or still photography" means and includes all activity attendant to staging or shooting commercial motion pictures, television shows or programs, and commercial advertisements.

C. "News media" means the filming or video taping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.

D. "Private-Family use" means the filming or videotaping of motion pictures solely for the purpose of private-family use.

E. "Still photography" means photography shot in conjunction with a commercial, motion picture, television show, video taping, and/or for use as commercial advertising.

F. "Student filming project" means commercials, motion pictures, television, video tapes, or still photography produced by a student in the course of completing a school project.

(Ord. 748 §1 (part), 2002.)

5.16.040 Permit—Required.

No person shall use any public or private property under the jurisdiction of the city of Sonora for the purpose of taking commercial motion pictures or television pictures or still photography without first applying for and receiving a permit from the city's planning and

building department through the Tuolumne County Film Commission. In addition to the permit required in this section, the applicant may be required to obtain additional permits (i.e., use, environmental, pyrotechnics, special, etc) as required by other statutes and city ordinances. (Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.050 Permit—Exemptions.

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

B. Private-Family Use. The provisions of this chapter shall not apply to the filming or video taping of motion pictures solely for private-family use.

C. Charitable Films Projects. The provisions of this chapter shall not apply to charitable films projects as defined in this chapter.

D. Student Filming Project. The provisions of this chapter shall not apply to commercials, motion pictures, television, video tapes, or still photography produced by a student in the course of completing a school project.

E. The provisions of this chapter shall not apply to filming, video taping or still photography of commercials for businesses located in the incorporated city limits.

(Ord. 748 §1 (part), 2002.)

5.16.060 Permit—Rules and regulations.

A. Change of Date. Upon the request of the applicant, the planning and building department through the Tuolumne County Film Commission shall have the power, upon a showing of good cause, to change the date for which the permit has been issued

provided established limitations are complied with in respect to time and location.

B. Rules. The planning and building department is hereby authorized and directed to promulgate rules and regulations governing the form, time, and location of any film activity set forth within the city. The planning and building department shall also provide for the issuance of permits. The rules and regulations shall be based upon the following criteria:
   1. The health and safety of all persons;
   2. Avoidance of undue disruption of all persons within the affected area;
   3. The safety of property within the city, and
   4. Traffic congestion at particular locations within the city.

(Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.070 Permit—Application and issuance.

A. Issuing Authority. The issuing authority shall be the planning and building department through the Tuolumne County Film Commission.

B. Applications. The following information shall be included in the application:
   1. The name of the owner, the address, and telephone number of the place at which the activity is to be conducted;
   2. The specific location at such address or place;
   3. The inclusive hours and dates such activity will transpire;
   4. A general statement of the character or nature of the proposed filming activity;
   5. The name, address and telephone number of the person or persons in charge of such filming activity;
   6. The exact number of personnel to be involved;
   7. The use of any animals or pyrotechnics;
   8. The exact amount/type of vehicles/equipment to be involved;

9. The description of any necessary road closures or traffic control measures to be done;
10. The description of any necessary set construction work to be done;
11. The name of any entity that will be providing food service during the shoot; and
12. The description of other public lands to be used during the shoot (i.e., county, state, etc.).

C. Permit Fees. There may be a permit fee established by resolution by the city council.

D. Reimbursement for use of City Personnel. The production company shall reimburse the city for any personnel provided to the company (i.e., Police, Fire, Public Works, etc.) for the purpose of assisting the production.

(Ord. 751 (part), 2002; Ord. 748 §1 (part), 2002.)

5.16.080 Liability provisions.

A. Liability Insurance. Before a permit is issued, a certificate of insurance will be required in an amount not exceeding one million dollars naming the city as an additional insured for protection against any and all claims of third persons for personal injuries, wrongful deaths, and property damage. The city officers and employees shall be named as additional insured. The certificate shall not be subject to cancellation or modification until after thirty days written notice to the city. A copy of the certificate shall be attached to the application for a permit and shall remain on file in the planning and building office.

B. Workers' Compensation Insurance. An applicant shall conform to all applicable Federal and State requirements for workers' compensation insurance for all persons operating under a permit.

C. Hold Harmless Agreement/Waiver of Liability. An applicant shall execute a hold harmless agreement and/or waiver of liabil

ity as provided by the city prior to the issuance of a permit as required under this ordinance.

D. Faithful Performance Bond. To ensure cleanup and restoration of the site, an applicant may be required to post a refundable faithful performance bond (amount to be determined at the sole discretion of the city) at the time application is submitted. Upon completion of filming and inspection of the site by the city, the bond may be returned to the applicant.

(Ord. 748 §1 (part), 2002.)

TITLE 5 FOOTNOTES

1. At the time of original publication of this code, the city of Sonora was preparing a new ordinance dealing with business taxes, licenses and regulations. It was decided not to include any of the previous provisions in this code. When the new ordinances are available, they will be included in this code. In the meantime, copies of the existing business taxes, licenses and regulations are on file in the office of the city clerk; or statutory provisions authorizing cities to license businesses for purposes of revenue or regulation, see Gov. Code § 37101, for provisions authorizing cities to license business in the exercise of the police power, see Bus. and Prof. Code § 16000 et seq.

2. The business license ordinance, Ord. 654 is on file in the office of the city clerk. Copies are available, upon request, for a fee. Ord. 654 amended by Ord. 659, passed November 19, 1990; by Ord. 661, passed January 7, 1991; by Ord. 662, passed February 19, 1991; by Ord. 673, passed December 16, 1991; by Ord. 681, passed September 8, 1992; by Ord. 688, passed January 18, 1994; by Ord. 700, passed November 21, 1994.