

ORDINANCE NO. 1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING CHAPTER 5.48 OF THE CITY OF PERRIS MUNICIPAL CODE REGULATING FORTUNETELLING TO REPEAL BOND REQUIREMENT AND IMPLEMENT MORE THOROUGH INVESTIGATION OF APPLICANTS AND POLICE INVESTIGATION FEE.

WHEREAS, Chapter 5.48 of the Perris Municipal Code as it exists requires an applicant for a fortunetelling business license to post a bond in the principal amount of fifty thousand dollars; and

WHEREAS, the California Supreme Court has determined that fortunetelling is a form of speech that is protected under the First Amendment and the California Constitution; and

WHEREAS, the Perris City Council wishes to remove the bond requirement from the application process; and

WHEREAS, in light of its removal of the bond requirement for such applications, the Perris City Council desires to require a more extensive disclosure and investigation of applicants for a license for a fortunetelling business in the interest of the public health and safety; and

WHEREAS, Perris City Council wants to reclaim from applicants the cost to the police department of a more thorough investigation of fortunetelling license applicants,

NOW THEREFORE, THE City Council HEREBY FINDS AND DETERMINES THAT:

SECTION 1. Chapter 5.48 of the Perris Municipal Code is amended to read as follows:

Section 5.48.010 License required for fortunetelling. It is unlawful for any person, in exchange for any fee or consideration, to practice the art or business of fortunetelling, predicting or foretelling the future, or to furnish any information not

otherwise obtainable by the ordinary process of knowledge, by means of analyzing any animate or inanimate objects including but not limited to celestial bodies, crystal balls, tea leaves, or playing or other cards, or through the exercise of any purported psychic, mediumistic, prophetic, occult, clairvoyant, or supernatural power without having first applied for and received the city license as hereinafter provided.

Section 5.48.020 License application –contents and fees.

A. Every person desiring to obtain a license, or renew an existing license, to practice or engage in the conduct described in Section 5.48.010 shall make application to the City Manager, or his or her designee, upon a form issued by the Finance Department. The application shall be verified or sworn under penalty of perjury by the applicant. Prior to submitting such application for a license, a nonrefundable fee of \$114.00, or any other amount as established by resolution of the City Council, shall be paid to the Finance Department to defray the cost of the investigation and report required in this Chapter by the Police Department. Prior to submitting such application for renewal of a license, a nonrefundable fee of \$57.00, or any other amount established by resolution of the City Council, shall be paid to the Finance Department to defray cost of the requisite investigation and report. Such license investigation fee shall be in addition to any license or permit fee required under any other provision or Chapter of the Perris Municipal Code.

- B. Each applicant for a license as provided herein, or renewal thereof, shall furnish the following information:
1. The full and true name of the applicant, including aliases, nicknames, maiden names, and any other names used by the applicant;
 2. The present addresses and telephone numbers of the applicant's residence and business;
 3. The previous residential addresses of applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.
 4. The Social Security number and a California Driver's License or California Identification Card number or other satisfactory government issued identification number of the applicant;
 5. The applicant's height, weight, hair and eye colors, and any distinguishing marks, scars, or tattoos;
 6. The date and place of birth of the applicant;
 7. Business, occupation or employment history of the applicant for a period of the five (5) years preceding the date of the application;
 8. The name or names under which the applicant proposes to conduct the proposed profession, art, or business of fortunetelling and the business address of the premises where such fortunetelling is to be carried on, by itself or in connection with a similar or other kind of business;

9. The name or names, both true and fictitious, and addresses of any and all persons, associations, partnerships or corporations holding an interest or involvement in said profession, art, or business;
10. Two copies (2) of a photograph, at least two inches by two inches in size, taken of the applicant within the six-month period immediately preceding the date of the filing of the application;
11. The fingerprints of the applicant on a form provided by the Riverside County Sheriff's Department acting as the City of Perris Police Department. Any fees for fingerprint analysis by the Department of Justice must be paid by the applicant at the time of printing and is in addition to any investigation or license fees charged hereunder. This fee may vary and is controlled by the Department of Justice;
12. A list of fortunetelling or similar licenses currently or previously held by the applicant and whether any such license had been revoked or suspended and the reason therefor;
13. A statement of any and all criminal convictions, except minor traffic infractions, including the nature thereof, where they occurred, and the sentence imposed therefor;
14. A list of at least three character references unrelated to the applicant by blood or marriage, all of whom are bona fide residents of the state and are known to the applicant for at least five years, who will attest that the applicant is of good moral character. The list shall include true and fictitious names and current addresses and telephone numbers of said character references;
15. Such other identification and information as reasonably may be required to discover the validity of the matters herein above specified as required to be set forth in the application.

Section 5.48.030 Investigation. Upon filing, the application shall be referred to the Police Department for investigation to verify the facts contained in the application and any supporting data. The Police Department shall report its findings to the Finance Director, or his or her designee, and shall recommend approval or denial of the license. A report recommending denial shall set forth the grounds for the recommendation, and a copy shall be provided to the applicant.

Section 5.48.040 Approval of license. The Finance Director or his or her designee shall approve the issuance of the business license upon the determination that:

- A. All the information contained in the application and supporting data are true;
- B. The applicant has not, within the previous two years, been convicted of any violation of this Chapter or any law relating to fraud or moral turpitude.

Section 5.48.050 (Repealed)

Section 5.48.060 Annual Fee. The applicant shall pay an annual license investigation fee in addition to any other business license or permit fee required under any other provision or Chapter of the Perris Municipal Code for practicing fortunetelling and related activities as described herein in an amount established by the City Council.

Section 5.48.070 Permitted zones. Fortunetelling and related activities as described herein may be conducted only within the C-1 retail commercial zone of the city.

SECTION 2. Severability. If any part or subpart, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate and such holding shall not affect the validity of the remaining sections. The City Council declares it would have passed this Ordinance, and all parts of it, irrespective of the fact that any part, subpart, clause or portion may have been invalidated.

SECTION 3. Effective Date. This Ordinance shall be effective thirty (30) days from the date of its adoption.

SECTION 4. The City Clerk of the City of Perris shall certify to the passage and adoption of this Ordinance and shall cause the same to be posted and published in the manner required by law.

Ordinance No. 1077 ADOPTED, SIGNED, and APPROVED this 9th of November, 1999.

MAYOR OF THE CITY OF PERRIS

ATTEST:

CITY CLERK
CITY OF PERRIS, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF RIVERSIDE } §
CITY OF PERRIS }

I, Margaret Rey, City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 1077 was introduced for first reading on October 26th, 1999 and duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 9th day of November, 1999, by the following called vote:

Ayes: 4 Larios, Torres, Yarbrough, Landers
Noes:
Absent: 1 Larragoitiy

City Clerk