

City of Hesperia

STAFF REPORT



DATE: July 16, 2019

TO: Mayor and City Council members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Tina Bulgarelli, Administrative Analyst

SUBJECT: Amendments to Title 5 of Hesperia Municipal Code

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-10 amending Title 5 of the Hesperia Municipal Code modifying the regulations for business licensing.

BACKGROUND

The City of Hesperia began issuing business licenses in 1993. To begin the program, staff adopted an ordinance regulating licensing that was borrowed from the County of San Bernardino. Since that time many new business types have opened in the City. Additionally, many businesses are regulated by other agencies, such as state, federal or county. Over the years, updates to specific sections have been made to continue to comply with state law, however, a major review has not occurred since adoption.

Staff is tasked with issuing business licenses and reviewing those licenses that require additional outside agency approval or certification prior to issuance.

The Title regulating licensing, Title 5, requires changes to update it to include the most recent state laws. Also, the system of license issuance is antiquated and does not represent the way the City issues a business license today. For instance, when the licensing program was initiated, the business license anniversary was based upon the name of the business, beginning alphabetically in January and the alphabetical system set the renewal date for the license. Today a business license is good for one year from issuance, regardless of the name of the business.

ISSUES/ANALYSIS

Staff has prepared revisions to Title 5 for the Council's review. The Title presented is a completely (in most chapters) re-written version. Staff worked with the City Attorney's during the nearly three year revision process to ensure that any new or updated sections represent current state law and the way the City does business today.

Below is a short summary of the changes to each chapter:

5.04 – Business Licenses Generally

This section received the most extensive changes. It contains the business practices related to issuing and maintaining a business license. The previous version was adopted from the County Code when the business license program was created and has not received an update since that time. The changes reflect the way the City conducts business today.

This chapter contains updates to the revocation, denial, and appeals procedures to comply with due process. Also included is a comprehensive list of the reasons a license may be revoked or denied. The changes made also reflect the process the City uses for DOJ compliance.

The entire Title was reorganized to move all revocation, denial, and appeal procedures to this chapter.

5.08- Bingo

Several minor changes were made to make the laws concerning Bingo games more clear and to define the regulations related to charitable organizations holding Bingo games using updated definitions of charitable organizations.

5.16 – Junk Dealers, Pawnbrokers, Secondhand Dealers and Salvage Collectors

This section was revised to follow state law regarding the requirement to report through the CA Pawn and Secondhand Dealer System (CAPPS).

5.20 – Massage Facilities

The massage facility regulations were updated to reflect current state law regarding the licensing of facilities and massage technicians. The regulations for non-CAMTC certified massage technicians were removed as the City no longer allows non-CAMTC certified massage technicians to practice in the City. The list of revocable offenses was also updated and the applicable penal code section added for reference.

5.22 – Body Art Facilities

This section was revised to comply with state law.

5.24 – Peddling, Soliciting, and Hawking

The main revision to this chapter was the movement of the Mobile Food Truck regulations to a newly created chapter, Chapter 5.26, which also contains the regulations for ice cream trucks and sidewalk vending.

5.26 - Mobile Food Vending, Ice Cream Trucks, Sidewalk Vending

This new chapter contains the regulations for mobile food trucks, ice cream vendors and sidewalk vending. The regulations are safety related. The sidewalk vending regulations comply with current state law and were presented to the City Council in January 2019.

5.28 – Pool and Billiard Halls

The regulations were shortened to create a more succinct section related to preventing illegal pool and gambling halls.

5.32 – Private Patrol Services and Private Patrolpersons

No changes.

5.36 – Taxicabs

This section was revised to follow newly adopted state law related to how cities must regulate taxicabs.

5.40 – Adult Theaters

This section was deleted as it is no longer applicable. This referred to “peep show” houses that are not relevant today. It is recommended that Adult Theaters are prohibited in the City.

5.44 – Home Occupations

Minor changes were made, including a limit on the percentage of the garage that can be used as the home office to prevent garage conversions to business space.

5.48 – Adult Businesses

Updates to the definitions were made to Title 16 to comply with current state law. Additional language regarding the appeal process and denial of a license were added. Adult theaters, adult motels, and adult motion picture houses are recommended to be prohibited within the City.

5.50 – Dispensing and Delivery of Medical Cannabis

Two minor changes are recommended. First, update the allowable hours of operation to match state law of 7:00 am to 10:00 pm, and second, update the vehicle insurance requirements at the direction of PERMA to allow for scheduled, hired, and non-owned autos, instead of any auto.

5.52 – Blinder Racks

No changes.

5.56 – Garage Sales

Updated prohibited conduct to include a general description of acceptable items for sale, and exclude new or bulk new items for sale.

5.60 – Non-Profit Car Washes

Minor changes made that do not affect policy and make the regulations easier to understand.

5.64 – Telecommunications Regulations

Deleted as the City no longer has any franchise telecommunications agreements and will not have any in the future.

5.68 – Service Animals

No changes.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2019-10
2. Exhibit “A” (Title 5, Business Licensing)
3. Exhibit “B” Updates to Chapter 16.08 – Definitions
4. Exhibit “C” Updates to Chapter 1.04 - Definitions