

ORDINANCE NO. ²¹² 212

AN ORDINANCE IMPOSING LICENSE FEES ON BUSINESSES, PROFESSIONS, CALLINGS, TRADES OR OCCUPATIONS, TRANSACTED OR CARRIED ON WITHIN THE TOWN OF SAN ANSELMO.

* * *

The City Council of the Town of San Anselmo do ordain as follows:

Section 1. For the purpose of this ordinance certain terms, phrases and words, and their derivatives, shall be construed as set forth in this section, unless the sense in which they are used in any part of this ordinance requires a different construction. Words used in the singular include the plural and the plural includes the singular. Words used in the masculine gender include the feminine and the feminine includes the masculine.

"Person" shall include person, firm, association, company and corporation, and any officer, agent or employee thereof.

"Peddler" shall refer to any person who, not having a fixed place of business in the Town of San Anselmo, regularly kept open with someone in charge for the transaction of the particular business conducted therein, travels from place to place in said Town and offers for sale and sells, barter or exchanges, or solicits and delivers at the same time, any personal property then in his possession, or has a stand or station on any public street or sidewalk, or in any doorway of any unoccupied building, and there offers for sale or sells any personal property then in his possession.

"Merchant" shall include any person engaged in one

or more of the following kinds of business, or selling any one or more of the commodities mentioned in this section:

Automobiles, automobile accessories, building supplies, blacksmith supplies, bicycles, bicycle and motorcycle supplies, butcher, baker, brewery, books, cash registers, candy, coal, clothing, coffee, creamery, cigar stores, beer, delicatessen, dry-goods, drugs, dairy products, non-intoxicating drinks, eggs, electric supplies, feed, flowers, fruit, fish, fruit packages, furniture (new or second hand), groceries, gravel, gasoline, oil, grain, garage, hardware, haberdashery, hay, harness, ice, ice-cream, jewelry, job printing, newspapers, laundry, junk, lumber, live or dressed poultry, milk, meat, meat market, lime, crushed rock, magazines, musical instruments, musical merchandise, mill work, millinery, machine shop, market, photographers, photographic supplies, plumbers, gas fitters, nurseries, paints, radio and radio supplies, stationery, soda water, shoes, sewing machines, sand, storage batteries, tobacco, tea, vegetables, wood, oils, varnishes, wall papers.

"Resident merchant" shall include any person who, as owner, and for the purpose of livelihood or profit, engages in any one or more enterprises in which any of the personal property mentioned in this section is sold or offered for sale in the Town of San Anselmo, either personally or through agents or employees, and who has an established place of business within said Town.

"Non-resident merchant" shall include any person who, as owner, and for the purpose of livelihood or profit, engages in any one or more enterprises in which any of the personal property mentioned in this section is sold or offered

for sale in the Town of San Anselmo personally or through agents or employees, and who has not an established place of business within said Town, but has an established place of business outside of said Town.

Provided, however, that the foregoing definitions of merchant, resident merchant and non-resident merchant shall not include peddler.

"Year" shall mean the fiscal year commencing July 1 in one year and ending June 30 of the following year.

Section 2. It shall be unlawful for any person, whether as principal or agent, owner or employee, to commence, engage in, transact or carry on, within the corporate limits of the Town of San Anselmo any business, profession, calling, trade or occupation, specified in this ordinance, without first procuring a license so to do, and paying the fees therefor, as herein provided.

Section 3. The City Clerk shall procure a book with blank licenses attached to stubs therein so that said licenses when issued may be detached leaving such stubs in said book. Such stubs, and the corresponding blank licenses attached thereto, shall be consecutively numbered and contain provision for insertion therein of the name of the person to whom the license is issued, a designation of the kind of business, profession, calling, trade or occupation, engaged in or conducted by such person, and the location or place where the same is carried on, the amount paid for said license and the period of time covered thereby. The Clerk shall deliver said book of blank licenses to the Chief of Police, who shall receipt therefor. At the end of each license year, and at such other times as the City Council shall direct, the Chief of

Police shall redeliver such book to the Clerk and shall at the same time account for all license blanks that have been detached therefrom.

Section 4. All licenses issued under this ordinance shall be signed and issued by the Chief of Police, but no such license shall be issued except upon payment of the fees, and penalties, if any, hereby required. All such license fees and penalties shall be paid to the Chief of Police at his office in the Town Hall in said Town, and shall be by him paid to the Town Treasurer within twenty-four hours after receiving same. Upon making such payment he shall receive from the Treasurer a receipt therefor which he shall exhibit to the Clerk when accounting for all license blanks as required by Section 3 of this Ordinance. The Chief of Police shall report to the City Council at its first regular meeting in each month the amount of license fees and penalties collected by him during the preceding month, together with the names of any persons who should pay license fees and are delinquent in such payments. A business license is not assignable nor transferable, and it shall constitute and be authority for the person named therein, and for no other, to transact the business mentioned therein at the location designated therein.

Section 5. The license year hereunder shall be from and including the first day of July of one year to and including the thirtieth day of June in the year following. All licenses issued hereunder shall be issued in the fiscal year for which they are issued and shall commence on the date of issuance thereof, and shall be for the balance of such fiscal year; provided, that any license issued on or before the fifteenth day

of July to a person who held a license in force at the end of the preceding fiscal year, shall be deemed to have commenced as of the first day of July.

Section 6. The entire annual license fee shall be paid upon the issuance of any license, except when issued for one day or quarterly as hereinafter provided.

Section 7. Should any person commence, engage in, transact or carry on, within said Town, without having obtained a license therefor, any business, profession, calling, trade or occupation, requiring such license, there shall immediately become due and payable from such person to the Town of San Anselmo the fee for such license and, subject to the provisions of Section 5 of this ordinance, a penalty of twenty-five per cent thereof for each quarter of a year or portion thereof such person so continues without a license. Should such person continue in default in the payment of said license fee for a period of thirty days, the Chief of Police, by appropriate proceedings, shall cause to be collected said license fee and penalties. Should such person apply for a license before legal proceedings shall have been commenced or thereafter and before the same have been finally determined, such license shall be issued to him upon payment of such license fee and any penalties due and all costs incurred in such legal proceedings.

Section 8. Every person having a license hereunder and carrying on a business, profession, calling, trade or occupation, at a particular place of business in said Town, shall keep such license, while in force, conspicuously posted and exhibited in said place of business. Every peddler shall carry his license with him at all times while engaged in peddling.

Section 9. Any person doing business in the Town of San Anselmo as a resident merchant, as such term is defined in this Ordinance, shall pay a license fee of Fifteen Dollars (\$15.00) per annum.

Section 10. Any person doing business in the Town of San Anselmo as a "Peddler" as such term is defined in this Ordinance shall pay a license fee of One Hundred Dollars (\$100.00) per annum.

Every solicitor or order agent who shall solicit or take orders for sale, barter, or exchange or delivery of any goods, wares or merchandise not then in his actual possession as a peddler (excepting newspapers, periodicals and publications, and excepting those who sell only to merchants and traders for resale, excepting those who have a fixed place of business in said Town), shall pay a license fee of Twenty-five Dollars (\$25.00) per quarter.

A non-resident merchant who personally, or through employees, servants or agents, transports into the Town of San Anselmo any goods, wares or merchandise, or personal property dealt with by him in his business, for the purpose of selling and delivering the same in said Town, or a broker, factor, or commission agent, who personally, or through employees, servants or agents, transports into said Town any goods, wares or merchandise for the purpose of selling or delivering the same in said Town, which said goods, wares or merchandise are transported into said Town by means that may be legally licensed for regulation or revenue by a municipal ordinance, shall pay a license fee of Twenty Dollars (\$20.00) per year for such trucks, vehicles, or other means of transportation used in transporting said goods, wares or merchandise into said Town.

Section 11. Any person engaged in any of the following businesses, professions, callings, trades or occupations shall pay license fees as follows:

Subdivision 1. Posting bills, posters or advertisements by means of billboards or advertising sign boards, or sign painting, \$15.00 per annum.

Subdivision 2. Conducting any amusement not herein specifically mentioned, \$15.00 per annum.

Subdivision 3. Architect, \$15.00 per annum.

Subdivision 4. Auctioneer for the sale of real or personal property, \$15.00 per day for each auction held.

Subdivision 5. Automobile taxi, or freight service, or intercity bus or freight service, \$15.00 per annum.

Subdivision 6. Banking, or lending money at interest, \$15.00 per annum.

Subdivision 7. Conducting a bowling alley, or pool or billiard parlor, \$15.00 per annum.

Subdivision 8. Conducting a boxing or wrestling exhibition - other than for educational, charitable, civic or religious purposes - \$15.00 per exhibition.

Subdivision 9. Conducting a circus parade or procession, and not having a license for conducting a circus within the limits of the Town of San Anselmo, \$50.00 for each parade or procession.

Subdivision 10. Clairvoyant, fortune teller, psychist, seer, palmist, or other person claiming to read the past, present or future, \$250.00 per quarter; and in addition to the license fee, satisfactory reference of previous business location.

Subdivision 11. Conducting an agency for collecting debts, claims or demands, \$15.00 per annum.

Subdivision 12. Contractor, as hereinafter defined, \$15.00 per annum.

A contractor within the meaning of this section is a person, firm, copartnership, association or corporation, or other organization, or any combination thereof, who, for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repairs, painting, addition to, or other improvements on, any building, street, sidewalk, place, railroad, excavation, or other structure, project, development or improvement, or any part thereof.

Subdivision 13. Insurance, acting as insurance broker or agent, building or loan agent, investment company agent, or surety company agent, \$15.00 per annum.

Subdivision 14. Buying or selling, at either wholesale or retail, old rags, rubber, sacks, bottles, cans, papers, metals, or other articles commonly called junk, \$25.00 per annum.

Subdivision 15. Conducting a massage, beauty, manicuring or hairdressing parlor, \$15.00 per annum.

Subdivision 16. Conducting a chemical, clinical, dental, or other laboratory, \$15.00 per annum.

Subdivision 17. Conducting an opera, theatrical performance or play, other than for educational,

charitable, civic or religious purposes, not given in a licensed theatre of permanent construction, \$25.00 per each day.

Subdivision 18. Printer, or publishing a newspaper, \$15.00 per annum.

Subdivision 19. Conducting a shooting gallery, \$25.00 per annum.

Subdivision 20. Veterinary, \$15.00 per annum.

Subdivision 21. Conducting a wash rack for automobiles, \$15.00 per annum.

Subdivision 22. Restaurant or cafe, \$15.00 per annum.

Subdivision 23. Surveyor or civil engineer, \$15.00 per annum.

Subdivision 24. Buying, selling or renting real estate or collecting rents, \$15.00 per annum.

Subdivision 25. Conducting a barber shop, \$15.00 per annum.

Subdivision 26. Physician, surgeon, optician, lawyer, dentist, Christian Science practitioner, chiropractic, osteopath or faith healer, \$15.00 per annum.

Subdivision 27. Undertaker, \$15.00 per annum.

Subdivision 28. Conducting a theatre containing a permanent stage upon which movable appliances are used, or in which moving or motion pictures are exhibited, where an admission fee is charged, except where the proceeds are to be donated to charity, \$50.00 per annum when seating capacity is 1000 persons or under, and \$100.00 per annum where seating capacity is over 1000 persons.

Subdivision 29. Conducting a public dance for profit, where an admission is charged or tickets are sold, \$5.00 per dance.

Subdivision 30. Conducting a circus, side-show, tent show or concession booth, \$50.00 per day, except where all receipts are donated to charity.

Subdivision 31. Conducting a public boarding house or hotel, \$15.00 per annum.

Subdivision 32. Transacting or carrying on a tailoring or dyeing and cleaning business, \$15.00 per annum.

Subdivision 33. Maintaining, operating or conducting a merry-go-round or carnival, \$10.00 per day, except where all receipts therefrom are to be donated to charity, or where no fee is charged for admission thereto or for riding thereon.

Subdivision 34. Any business, profession, calling, trade or occupation, not herein specifically mentioned, \$15.00 per annum.

Subdivision 35. Every person engaged in more than one of the businesses, professions, callings, trades or occupations herein required to be licensed shall secure a license, showing each thereof, but shall pay only one license fee, which fee shall be the license fee which is the greatest amount as herein fixed to be paid upon the respective businesses, professions, callings, trades or occupations in which he is engaged.

Section 12. Any person operating, in the Town of San Anselmo, any motor vehicle, or vehicles, or any vehicle used as a trailer, in connection with his business, when the same is not used in connection with a business already taxed by some other provision of this ordinance, shall pay a license fee of \$20.00 per annum for such vehicle or vehicles.

Section 13. Every person violating any of the provisions of this ordinance, or neglecting or refusing to pay the license fee required hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of \$50.00.

Section 14. The conviction of any person hereunder shall not affect, in any manner, or constitute any defense to any civil action brought to recover, the amount due for license fees or penalties, and the two remedies shall be considered by the Court as cumulative. A judgment that the defendant pay a fine may also direct that the defendant be imprisoned until such fine be satisfied, specifying the extent of the imprisonment which shall not exceed one day for every Two Dollars (\$2.00) of the fine so imposed.

The amount of any license fee or penalty due hereunder shall be deemed to be a debt to the said Town of San Anselmo, and the same may be recovered from the person from whom the same is due by an action in the name of the Town of San Anselmo in any court of competent jurisdiction, together with costs of suit; and in addition thereto a further penalty of Twenty-five Dollars (\$25.00) must be added to the

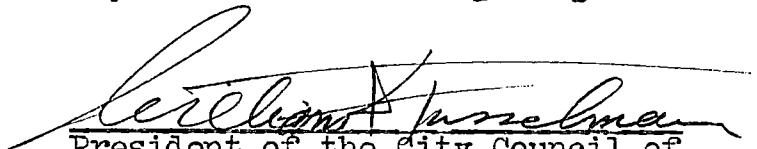
judgment as costs to be collected from the defendant in said action.

Section 15. The Chief of Police shall cause complaints to be filed against all persons violating any of the provisions of this ordinance.

Section 16. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed; provided, however, that any license in force at the time this ordinance goes into effect and for which all fees due therefor have been paid shall continue in force until and including the ~~30th~~ ^{9th} day of ~~July~~ ^{July} 1931, and any person who shall have paid the fee heretofore required for any license which license is also required under this ordinance shall be allowed a credit of fifty per cent upon the amount required to be paid by him for a license under this ordinance.

Section 17. The City Clerk is hereby directed to cause this ordinance to be published once in the "Marin Herald", a weekly newspaper of general circulation published and circulated in said Town of San Anselmo, and hereby designated for that purpose.

Section 18. This ordinance shall go into full force and effect thirty (30) days after its final passage.


President of the City Council of
the Town of San Anselmo.

Attest:


City Clerk.

I hereby certify that the foregoing ordinance

was regularly introduced at a regular meeting of the City Council of the Town of San Anselmo held on Monday the 7th day of June 1931, and was thereafter duly passed and adopted by said City Council at a regular meeting thereof held on Tuesday, the 9th day of June 1931, by the following vote:

AYES:

COUNCILMEN

*Siemens,
Jordan, Wright & Fasselman*

NOES:

COUNCILMEN

Stone

ABSENT:

COUNCILMEN

McKarray

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town this 9th day of June 1931.

A. Brown
City Clerk.