



Agenda Report

19-897

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Action on Adoption of Ordinance No. 2007 Amending Chapters 2.115 ("General Characteristics of License or Permit - Suspension Procedure"), 3.25 ("Transient Occupancy Tax"), 3.40 ("Business Tax"), 5.05 ("Solicitors and Peddlers"), 5.30 ("Pawnbrokers and Secondhand Dealers"), 5.35 ("Taxicabs and Pedicabs"), 5.61 ("Public Entertainment Generally"), 5.75 ("Bingo"), and 13.10 ("Sewers") of "The Code of the City of Santa Clara, California" to Streamline the Appeal Procedures for City Licenses And Permits

BACKGROUND

The Santa Clara City Code ("SCCC") contains provisions in which the City grants, approves, denies, revokes, or suspends a City license or permit. In the event the City decides that a license or permit shall be denied, revoked, suspended or not renewed, the license or permit applicant has the right to appeal the decision. Currently, the SCCC contains separate and varying processes for appealing decisions, depending upon the type of license or permit involved. This has led to inefficiencies in the appeals systems. Therefore, the City Attorney's Office recommended amendments to update the SCCC to: 1) ensure that applicants' due process interests in appeals continue to be properly protected; and 2) create uniformity in the appeals process.

DISCUSSION

The proposed Ordinance was passed for the purpose of publication on October 29, 2019.

The current license/permit appeal and hearing process, depending on the type of license or permit, is contained in different sections of the Santa Clara City Code. The proposed amendments to several sections of the SCCC improve language consistency throughout the City Code and streamline the City's appeal procedures. The Ordinance will establish a clear, streamlined process and designate an administrative hearing officer (rather than a City staff member) to preside over the hearings.

In the proposed Ordinance, the person who applied or who was the holder of the license or permit can appeal the City's decision through a uniform hearing process, utilizing a hearing officer, which is similar to the process used for administrative citations (SCCC Chapter 1.10). The City currently has an agreement with one hearing officer who hears the City's administrative citation appeals. If the City Council adopts this Ordinance, the City will begin the process to contract with additional hearing officers.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project within the meaning of a California Environmental Quality Act ("CEQA") pursuant to the CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

Funds for the existing hearing officer agreement are included in the FY 2019/20 Operating Budget (\$12,000). Additional funding required will be determined upon the completion of the procurement and selection process to support contracts with additional hearing officers. Necessary budget amendments will be brought forward to the City Council separately for approval.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

A summary of proposed Ordinance No. 2007 was published to the Santa Clara Weekly on November 6, 2019, and copies were posted in three public places and made available for public inspection at the City Clerk's Office.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt Ordinance No. 2007 Amending Chapters 2.115 ("General Characteristics of License or Permit - Suspension Procedure"), 3.25 ("Transient Occupancy Tax"), 3.40 ("Business Tax"), 5.05 ("Solicitors and Peddlers"), 5.30 ("Pawnbrokers and Secondhand Dealers"), 5.35 ("Taxicabs and Pedicabs), 5.61 ("Public Entertainment Generally"), 5.75 ("Bingo"), and 13.10 ("Sewers") of "The Code of the City of Santa Clara, California" to Streamline the Appeal Procedures for City Licenses And Permits.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Introduction Ordinance No. 2007

ORDINANCE NO. 2007

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTERS 2.115 ("GENERAL CHARACTERISTICS OF LICENSE OR PERMIT – SUSPENSION PROCEDURE"), 3.25 ("TRANSIENT OCCUPANCY TAX"), 3.40 ("BUSINESS TAX"), 5.05 ("SOLICITORS AND PEDDLERS"), 5.30 ("PAWNBROKERS AND SECONDHAND DEALERS"), 5.35 ("TAXICABS AND PEDI-CABS"), 5.61 ("PUBLIC ENTERTAINMENT GENERALLY"), 5.75 ("BINGO") AND 13.10 ("SEWERS") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO STREAMLINE THE APPEAL PROCEDURES FOR CITY LICENSES AND PERMITS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, "The Code of the City of Santa Clara, California" ("Santa Clara City Code" or "SCCC") contains provisions in which the City grants, approves, denies, revokes or suspends a City license or permit;

WHEREAS, currently these decisions provide for separate processes for appealing the decisions; and,

WHEREAS, the City desires to create a streamlined process for appealing City decisions set forth in the Santa Clara City Code and to have these appeals before an independent hearing officer designated by the City Manager.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That Chapter 2.115 (entitled "General Characteristics of License or Permit – Suspension Procedure") of Title 2 (entitled "Administration and Personnel") of "The Code of the City of Santa Clara, California" is amended to read as follows:

**“Chapter 2.115
LICENSE OR PERMIT – GENERAL
CHARACTERISTICS AND APPEAL PROCEDURE**

Sections:

- 2.115.010 License or permit – Defined.
- 2.115.020 License or permit – Denial, revocation, or nonrenewal – Appeal.
- 2.115.030 License or permit – Nontransferable.
- 2.115.040 License or permit – Grounds for denial, revocation, suspension, or nonrenewal.
- 2.115.050 Hearing request.
- 2.115.060 Hearing officer.
- 2.115.070 Hearing procedures.
- 2.115.080 Hearing officer’s judgment.
- 2.115.090 Judicial review.
- 2.115.100 License deemed debt.

2.115.010 License or permit - Defined.

For the purpose of this chapter, a license or permit means a license or permit issued by the City.

2.115.020 License or permit – denial, revocation, suspension, or nonrenewal – Appeal.

Unless the law, this Code, or an ordinance or resolution of the City prescribes a different procedure for appeal from denial, revocation, suspension or nonrenewal of a license or permit, or where it is prescribed that the action is final or that the issuance of the license or permit is in the original jurisdiction of the City Council, an appeal from such denial, revocation, suspension or nonrenewal may be made in accordance with this chapter.

2.115.030 License or permit – Nontransferable.

All licenses and permits are to be construed and held as licensing or permitting only the licensee or permittee named in the license or permit and are not transferable, severable or divisible unless the law, chapter of this Code, or ordinance of the City, fixing and requiring such license or permit specifically so provides.

2.115.040 License or permit – Grounds for denial, revocation, suspension, or nonrenewal.

The violation of any Federal statute, State statute, or City ordinance by any person holding a permit or license from the City, or by any of the employees of the holder of such permit or license, in connection with the operation of the business or activity for which such permit or license is issued, shall be grounds for the denial, revocation, suspension, or nonrenewal of such permit or license.

2.115.050 Hearing request.

(a) Any person who disputes a denial, revocation, suspension, or nonrenewal of a license or permit must file a request for hearing by completing a request for hearing form and returning it to the City Clerk's Office within thirty (30) calendar days from the date of the decision.

(b) A request for hearing form may be obtained from the City Clerk's Office.

(c) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

(d) The City's denial, revocation, suspension, or nonrenewal of a license or permit shall be stayed upon proper filing of a request for hearing under this Chapter, unless the City determines that the stay would constitute an immediate threat to public health, safety or welfare. In the event of such a determination, the license or permit holder shall be so informed in writing.

2.115.060 Hearing officer.

The City Manager shall designate a hearing officer for the appeal hearing.

2.115.070 Hearing procedures.

(a) A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The party contesting the City's denial, revocation, suspension, or nonrenewal of a license or permit may request one continuance for any reason; provided, that the hearing officer is given the request for continuance at least twenty-four (24) hours in advance of the scheduled hearing and that the deferred hearing shall not be deferred more than ninety (90) days after the request for hearing was made. A request for continuance made less than twenty-four (24) hours before the scheduled hearing may be granted by the hearing officer based upon exigency only.

(b) At the hearing, the party contesting the City's denial, revocation, suspension, or nonrenewal of a license or permit (the "contestant") and the City shall be given the opportunity to testify and to present evidence and cross-examine witnesses concerning the City's denial, revocation, suspension, or nonrenewal of a license or permit. That contestant may appear personally or through an attorney. Prehearing discovery is not authorized, but subpoena of witnesses and documents shall be permitted as authorized by law. The contestant and the City shall have the right to submit to the hearing officer a written statement setting forth the facts and their respective legal position at least five (5) business days before the hearing. Any written statement so submitted shall be contemporaneously served by mail on the other party. The hearing officer may conduct the hearing informally, both as to rules of procedure and admission of evidence, in any manner which will provide a fair hearing.

(c) The failure of the contestant to request a hearing, to appear at the hearing, or to present evidence, shall constitute a confirmation of the City's denial, revocation, suspension, or nonrenewal of a license or permit as well as a failure to exhaust administrative remedies that may bar judicial review.

(d) The hearing officer may continue the hearing and request additional information from the City or the contestant prior to issuing a written decision.

2.115.080 Hearing officer's decision.

(a) After considering all the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold, modify or cancel the City's denial, revocation, suspension, or nonrenewal of a license or permit and the reasons for that decision. The decision of the hearing officer shall be issued within thirty (30) days following completion of the hearing. The decision of the hearing officer shall be final upon service on the responsible party, subject only to judicial review as allowed by law.

(b) The hearing officer shall consider any written or oral evidence submitted at the hearing consistent with ascertainment of the facts regarding the City's denial, revocation, suspension, or nonrenewal of a license or permit.

(c) The hearing officer shall issue written findings and the findings shall be supported by evidence received at the hearing.

(d) The hearing officer shall determine from a preponderance of the evidence whether or not the City properly denied, revoked, suspended, or did not renew a license or permit that is the basis of the appeal.

(e) If the hearing officer determines that the City's denial, revocation,

suspension, or nonrenewal of a license or permit is not proper and should not be sustained, then the hearing officer shall issue direction on how the City and/or the contestant shall proceed.

(f) If the hearing officer determines that the City's denial, revocation, suspension, or nonrenewal of a license or permit is proper and should be upheld, the holder of the license or permit shall surrender same to the City immediately after service of the hearing officer's decision, unless some other time period is ordered by the hearing officer.

(g) The contestant shall be served with a copy of the hearing officer's written decision within ten calendar days following its issuance by personal delivery, or certified mail, return receipt requested, to the address designated by contestant or last known address.

2.115.090 Judicial review.

Any person subject to a judgment of the hearing officer may obtain review of the judgment in the appropriate court pursuant to the provisions of California Code of Civil Procedure §§ 1094.5 et seq. The administrative order shall provide notice of this right of judicial review and the time allowed therefore by law.

2.115.100 License deemed debt.

The amount of any license imposed by this Code or any ordinance shall be deemed a debt to the City and recoverable in any court of competent jurisdiction."

SECTION 2: That Section 3.25.130 of Chapter 3.25 (entitled "Transient Occupancy Tax") of Title 3 (entitled "Revenue and Finance") of "The Code of the City of Santa Clara, California" is amended to read as follows:

“3.25.130 Appeals from decisions of Director of Finance.

Any operator not in agreement with the decision of the Director of Finance with respect to the amount of such tax, interest, and penalties, if any, may appeal the decision under the procedures set forth in Chapter 2.115 SCCC.”

SECTION 3: That Section 3.40.062 of Chapter 3.40 (entitled “Business Tax”) of Title 3 (entitled “Revenue and Finance”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“3.40.062 Appeal process.

An appeal from denial of issuance of a business tax certificate may be made under the procedures set forth in Chapter 2.115 SCCC.”

SECTION 4: That Section 5.05.100 of Chapter 5.05 (entitled “Solicitors and Peddlers”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.05.100 Appeal from denial of permit.

The decision of the Chief of Police to deny, revoke or suspend a permit may be appealed under the procedures set forth in Chapter 2.115 SCCC.”

SECTION 5: That Section 5.30.060 of Chapter 5.30 (entitled “Pawnbrokers and Secondhand Dealers”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.30.060 Denial of permit.

Upon the Chief of Police's review of the application, the Chief of Police may refuse to issue or renew a permit to the applicant under this chapter for any of the following reasons:

(a) The investigation reveals that the applicant falsified information on the application, concealed a material fact or otherwise committed any fraud in the application.

(b) The applicant has been convicted of a misdemeanor/felony involving an offense against private property interests. Such property offenses include, but are not limited to, larceny, false pretense, fraud, grand theft, embezzlement and receipt of stolen property.

(c) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police that the reasons for such earlier denial no longer exist.

(d) The applicant may appeal the Chief of Police's decision to deny the issuance or renewal of, or to suspend or revoke, a permit under this chapter under the procedures set forth in Chapter 2.115 SCCC."

SECTION 6: That Section 5.35.100 of Chapter 5.35 (entitled "Taxicabs and Pedi-Cabs") of Title 5 (entitled "Business Licenses and Regulations") of "The Code of the City of Santa Clara, California" is amended to read as follows:

"5.35.100 Permit application appeal procedure.

The decision of the Chief of Police to deny an application for a permit under this chapter may be appealed under the procedures set forth in Chapter 2.115 SCCC."

SECTION 7: That Section 5.35.360 of Chapter 5.35 (entitled "Taxicabs and Pedi-Cabs") of Title 5 (entitled "Business Licenses and Regulations") of "The Code of the City of Santa Clara, California" is amended to read as follows:

"5.35.360 Grounds for denial.

The Chief of Police may deny an application for a taxicab driver's permit filed by any

person who:

- (a) Is under the age of eighteen (18) years;
- (b) Does not hold a valid driver's license issued by the California Department of Motor Vehicles for the type of vehicle the applicant proposes to use as a taxicab in the city;
- (c) Has a positive result in a controlled substance or alcohol test, as described in this chapter;
- (d) Within five years prior to the date of application, has been convicted of a crime that is substantially related to the qualifications, functions or duties of a taxicab driver including, but not limited to:
 - (1) Hit and run;
 - (2) An offense involving conduct which requires registration under California Penal Code Section 290;
 - (3) Any offense involving the use, possession, sale or transportation of controlled substances, where the commission of such offense involved the use of a motor vehicle; and,
 - (4) Reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death.
- (e) Any other fact or occurrence that renders it unsafe for the applicant to perform the functions or duties of a taxicab driver;
- (f) Does not demonstrate proficient knowledge of the traffic laws of the State and the City, the streets of the city, or to safely operate a public transportation vehicle in the city;
- (g) Has failed to furnish the information required for the application for the permit;

(h) Has made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;

(i) Has had a taxicab driver's permit revoked within three years prior to the date of application;

(j) Has failed to pay when due all applicable fees and taxes imposed by the City;

(k) The printed Department of Motor Vehicles driving record report indicates more than three chargeable vehicle accidents within the last three years or more than one such accident in the last one year; or,

(l) The Chief of Police may deny the granting of any permit to drive any taxicab in the city for any other reasonable cause that, within its discretion, renders the proposed operations unsafe to the City."

SECTION 8: That Section 5.35.460 of Chapter 5.35 (entitled "Taxicabs and Pedi-Cabs") of Title 5 (entitled "Business Licenses and Regulations") of "The Code of the City of Santa Clara, California" is amended to read as follows:

"5.35.460 Grounds for denial.

The Chief of Police may deny an application for a pedi-cab operator permit filed by any person who:

(a) Is under the age of eighteen (18) years;

(b) Does not hold a valid driver's license issued by the California Department of Motor Vehicles or other valid government issued identification;

(c) Within five years prior to the date of application, has been convicted of a crime that is substantially related to the qualifications, functions or duties of a pedi-cab operator including, but not limited to:

- (1) Hit and run;
- (2) An offense involving conduct which requires registration under California Penal Code Section 290;
- (3) Any offense involving the use, possession, sale or transportation of controlled substances, where the commission of such offense involved the use of a motor vehicle or pedi-cab; and,
- (4) Reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;
- (d) Any other fact or occurrence that renders it unsafe for the applicant to perform the functions or duties of a pedi-cab operator;
- (e) Does not demonstrate proficient knowledge of the traffic laws of the State and the City, the streets of the city, or to safely operate a pedi-cab in the city;
- (f) Has failed to furnish the information required for the application for the permit;
- (g) Has made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;
- (h) Has had a pedi-cab operator permit revoked within three years prior to the date of application;
- (i) Has failed to pay when due all applicable taxes imposed by the City;
- (j) The printed Department of Motor Vehicles driving record report, if the operator has a driver's license, indicates more than three chargeable vehicle accidents within the last three years or more than one such accident in the last one year; or,
- (k) The Chief of Police may deny the granting of any permit to operate any pedi-cab in the city for any other reasonable cause that, within its discretion, renders the

proposed operations unsafe to the City.”

SECTION 9: That Section 5.35.520 of Chapter 5.35 (entitled “Taxicabs and Pedi-Cabs”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.35.520 Suspension or revocation of permit.

The Chief of Police shall have the power to suspend or revoke a permit issued under this chapter, on any of the grounds stated in this chapter, or on any of the following grounds:

- (a) The violation by the owner of any of the terms, conditions or requirements of the permit.
- (b) Any act or omission of the owner or driver/operator of any fact or condition which, if it existed at the time the application for a permit was filed, would have warranted the denial of the application.
- (c) Cancellation or suspension of any insurance policy or coverage required of the owner under this chapter.
- (d) Failure of the owner or driver/operator to pay any judgment for personal injury or death, or property damage arising out of the conduct of business under the permit issued pursuant to this chapter, within thirty (30) days after the judgment has become final.
- (e) Voluntary written request by the owner or driver/operator to suspend the taxicab license for a definite period of time.
- (f) Overcharge of, or the attempt to overcharge, fares by the owner or driver/operator.
- (g) Failure of the owner or driver/operator to pay when due any applicable taxes

imposed by the City.

(h) Any activity that impairs the safety of passengers.

(i) Suspension, revocation or expiration of license to drive by the Department of Motor Vehicles or any other governmental agency.”

SECTION 10: That Section 5.35.530 of Chapter 5.35 (entitled “Taxicabs and Pedi-Cabs”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.35.530 Denial, nonrenewal, suspension and revocation appeals.

Appeal from the denial, nonrenewal, revocation or suspension of a permit under this Chapter shall be administered as follows:

(a) Except as provided in SCCC 5.35.540, a permit issued pursuant to this chapter shall be revoked or suspended only after the owner or driver/operator has been given reasonable notice and opportunity to be heard.

(b) Whenever the Chief of Police has reasonable cause to believe that grounds for the denial, nonrenewal, suspension or revocation of a permit exists, he/she shall give the holder of the permit written notice stating the grounds and the effective date, as applicable. The effective date shall be no less than thirty calendar days after the date of the notice. This notice will be sent by certified mail, return receipt requested, sent to the address shown on the last application or renewal, or by personal service. Notwithstanding the foregoing, the decision of the Chief of Police may be appealed in accordance with SCCC Chapter 2.115.”

SECTION 11: That Section 5.35.540 of Chapter 5.35 (entitled “Taxicabs and Pedi-Cabs”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa

Clara, California,” (“SCCC”) is amended to read as follows:

“5.35.540 Emergency suspension.

The Chief of Police may issue a notice suspending a permit for a period not exceeding ten days without having conducted a hearing therefor, if the Chief determines that the continued use of the permit will cause immediate hazard to public safety, health or welfare. The notice issued by the Chief of Police under this section shall contain a statement of the City’s intent to seek a permanent revocation or longer suspension, as applicable. The notice shall further state a hearing date, time and place, to be completed within ten days of the effective date of the notice, before a hearing officer designated by the City Manager, at which the owner may appeal the decision of the Chief of Police. Notwithstanding the foregoing, the hearing shall be conducted in accordance with SCCC 2.115.070 through 2.115.100.”

SECTION 12: That Section 5.61.120 of Chapter 5.61 (entitled “Public Entertainment Generally”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.61.120 Appeal from denial of permit.

The decision of the Chief of Police to deny the application for an entertainment permit may be appealed in accordance with the procedures set forth in Chapter 2.115 SCCC.”

SECTION 13: That Section 5.61.130 of Chapter 5.61 (entitled “Public Entertainment Generally”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.61.130 Suspension and revocation of permit.

The Chief of Police shall have the power to suspend or revoke an entertainment permit issued under this chapter, on any of the grounds stated in this chapter, or on any of the following grounds:

(a) The violation by the permittee of any of the terms, conditions or requirements of the entertainment permit, any other terms of this chapter, or the entertainment rules and regulations established by resolution.

(b) Any act or omission of the permit holder which, if it existed at the time the application for an entertainment permit was filed, would have warranted the denial of the application.

(c) That the building, structure, equipment or location of the proposed place of entertainment does not comply with, or fails to meet, all of the health, zoning, fire and safety requirements, or standards of all the laws of the State of California, or ordinances and resolutions of the City of Santa Clara applicable to such business operation.

(d) That the owners, operators or managers of the proposed place of entertainment have not taken reasonable crime prevention measures, or been able to control, crime and criminal conduct associated with the business, whether on the premises or immediately outside the premises.”

SECTION 14: That Section 5.61.140 of Chapter 5.61 (entitled “Public Entertainment Generally”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.61.140 Notice and hearing for suspension and revocation.

The decision of the Chief of Police to revoke or suspend an entertainment permit

may be appealed in accordance with the procedures set forth in Chapter 2.115 SCCC.”

SECTION 15: That Section 5.61.150 of Chapter 5.61 (entitled “Public Entertainment Generally”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.61.150 Emergency suspension of permit.

(a) The Chief of Police may issue an order suspending an entertainment permit for a period not exceeding ten calendar days without having conducted a hearing therefor, if the Chief determines that the continued use of the permit will cause immediate hazard to public safety, health or welfare.

(b) The notice issued by the Chief of Police under this section shall contain a statement of the City’s intent to seek a permanent revocation or longer suspension, as applicable. The notice shall further state a hearing date, time and place, to be completed within ten days of the effective date of the notice, before a hearing officer designated by the City Manager, at which the owner may appeal the decision of the Chief of Police. Notwithstanding the foregoing, the hearing shall be conducted in accordance with SCCC 2.115.070 through 2.115.100.”

SECTION 16: That Section 5.75.070 of Chapter 5.75 (entitled “Bingo”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.75.070 Application for license required – Appeals from denial.

A written application for a license is required and shall be signed by the principal officer of the applicant under penalty of perjury and filed with the Chief of Police, or designee. The application shall contain:

(a) The name of organization; names, social security number, birth date, driver's license (if current), phone number (business and home), addresses, and signatures of all the officers of the organization;

(b) Proposed days and hours of operation of bingo games;

(c) Copies of certificates or letters evidencing exempt status under the applicable section(s) of the California Revenue and Taxation Code from the Franchise Tax Board, as appropriate;

(d) Address of premises where bingo games will be conducted;

(e) Statement of ownership or a lease agreement relating to the proposed premises where the bingo game will be conducted;

(f) Purpose(s) for which premises are used by the organization;

(g) Statement of consent authorizing the Chief of Police, or a designee, to inspect the financial records required to be maintained by this chapter and/or any bank accounts containing profits derived from bingo games and the expenditures of said profits;

(h) Name(s), social security number, birth date, driver's license (if current), phone number (business and home), and addresses of the person(s) responsible for the operation of the bingo games, their capacity within the organization, and their responsibilities with respect to the bingo operations;

(i) Name(s), social security number, birth date, driver's license (if current), phone number (business and home), and addresses of the person(s) operating or assisting in the operation of the bingo game;

(j) A statement that the applicant agrees to conduct bingo games in strict accordance with provisions of Penal Code Section 326.5 and the provisions of this chapter,

as either may be amended from time to time; and,

(k) A financial statement of the organization, signed by a licensed certified public accountant, for the one-year period immediately preceding the application.

The Chief of Police, or designee, may refuse to issue a bingo license if, after consideration of the application and any other papers, records, and investigations he deems relevant, it is determined that the operation of a bingo game would be in violation of the California Penal Code, this chapter, or any City zoning or building law or regulation.

In the event of a denial of a license permit, the appeal procedures provided in Chapter 2.115 SCCC shall be applicable.

At all times that bingo games are played pursuant to the license granted hereunder, the organization so licensed shall maintain an affidavit under penalty of perjury which shall contain the current update of the information originally set forth in the application for the license.”

SECTION 17: That Section 5.75.280 of Chapter 5.75 (entitled “Bingo”) of Title 5 (entitled “Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” is amended to read as follows:

“5.75.280 Notice and hearing on suspension and revocation.

Suspensions and revocations shall be administered as follows:

(a) Except as provided hereinbelow in subsection (j) of this section (emergency suspension of permits), a bingo permit issued pursuant to this chapter shall be revoked or suspended only after the permittee has been given reasonable notice and an opportunity to be heard.

(b) Whenever the Chief of Police, or designee, has cause to believe that grounds

for the suspension or revocation of a permit exists, he/she shall give the holder of the bingo permit written notice stating the alleged grounds for the suspension or revocation and the effective date of the suspension or revocation. This notice will be sent by certified mail, return receipt requested, to the address shown on the last application or renewal, or by personal service. If the return receipt is not returned within one week after the City mails the notice, service will be deemed completed seven calendar days after notice is mailed by the City. The decision of the Chief of Police, or designee, to suspend or revoke a bingo permit may be appealed in accordance with the procedures set forth in Chapter 2.115 SCCC."

SECTION 18: That Section 13.10.510 of Chapter 13.10 (entitled "Sewers") of Title 13 (entitled "Public Services") of "The Code of the City of Santa Clara, California" is amended to read as follows:

"13.10.510 Permit appeals.

Any permittee or permit applicant may appeal a notice of revocation of a wastewater discharge permit, notice of denial of a permit, any term or condition of a permit, amendment of a permit, or notice of termination of service in accordance with the provisions of SCCC Chapter 2.115."

SECTION 19: Ordinances Repealed. With exception of the provisions protected by the savings clause, all ordinances (or parts of ordinances) in conflict with or inconsistent with this ordinance are hereby repealed.

SECTION 20: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any

prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 21: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 29TH day of OCTOBER, 2019, by the following vote:

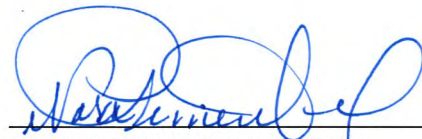
AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill and
Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 19TH day of NOVEMBER, 2019, by the following vote:

AYES: COUNCILORS: Davis, Hardy, Mahan, O'Neill and
Watanabe and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: Chahal

ABSTAINED: COUNCILORS: None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None.