

ORDINANCE NO. 1010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 5 OF THE LANCASTER MUNICIPAL CODE BY REPEALING ARTICLES I AND V OF CHAPTER 5.04 AND ADDING A NEW ARTICLE I OF CHAPTER 5.04, RELATING TO BUSINESS LICENSES

WHEREAS, the City Council of the City of Lancaster finds and declares that Chapter 5.04 of the Lancaster Municipal Code, relating to business licenses, require updating and revision; and

WHEREAS, the City Council further finds and declares that it is in the public interest to establish an appropriate level of review of business license applications to confirm compliance with applicable local and state laws; and

WHEREAS, the City Council further finds and declares that it is necessary to establish grounds for the denial, conditioning, suspension or revocation of a business license in order to protect public health, safety and welfare and to prevent dishonest business owners from gaining an unfair advantage over business owners who comply with local and state laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 5.04 of the Lancaster Municipal Code is hereby amended as follows:

5.04.010 Definitions.

For purposes of this chapter:

"Business" means professions, trades, occupations, and each and every kind of calling whether or not carried on for profit.

"City manager" means the city manager of the city or his or her designee(s).

"Finance director" means the finance director of the city or his or her designee(s).

"Person" means all domestic and foreign corporations, associations, syndicates, joint stock corporations, limited liability companies, partnerships of every kind, clubs, businesses, trusts, societies and individuals transacting and carrying on any business in the city other than as an employee.

"Sworn statement" means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury.

"Transact any business" or "transacting business" means engaging in any activity within the city in exchange for money or other material gain, or for which monetary or other compensation will be received, including, but not limited to providing goods or services, whether the business is physically located within the city or located outside the city.

5.04.020 License Required.

It is unlawful for a person to transact any business in the city without first having obtained a business license. A person must have a current and valid business license at all times such person is transacting business. A business license authorizes the licensee to transact business at the location designated on the license. Nothing herein shall signify any approval by the city of the qualifications of the holder of the business license to engage in their business nor shall it signify that such holder of the business license has obtained all other required licenses or approvals to engage in such business.

- A. Branch Establishments. Separate business licenses shall be obtained for each separate location in the city where a particular business is conducted. For purposes of this section, vending machines and games of skill and science including but not limited to video games, which are not owned by the person transacting a licensed business where such machines or games are located, shall constitute a separate business for which a separate business license shall be obtained by the owner of such machines or games. The owner of said machines shall obtain a business license, plus a branch license for each separate address where machines are placed. A separate business license shall not be required if such machines or games are owned and operated by the owner of the business where such machines are located and which are operated only as an incident to another licensed business conducted on the premises.
- B. Delivery and Sales from Vehicles. Every person not having a fixed place of business in the city who sells goods, wares or other merchandise, or provides services for a fee from a vehicle shall be required to obtain a business license for engaging in such sales, and shall be required to comply with the provisions regulating vendors and peddlers set forth in Article II of this chapter.
- C. Evidence of Transacting Business. Any person who uses signs, circulars, cards, telephone books, newspapers, internet advertising including but not limited to use of social media, or other form of advertisement to represent that he is transacting business in the city, or who holds an active license issued by another governmental agency indicating that such person is transacting business in the city, shall be deemed to be transacting business in the city for purposes of this chapter and shall be required to obtain a license, unless evidence is presented to the contrary to the city manager.

- D. Independent Contractors. Independent contractors shall each obtain a business license without regard to whether they are operating separately or together with other independent contractors at the same location. Notwithstanding the previous provision, any independent contractor who is legally obligated to operate under the supervision and control of another person for whom a business license is required shall not be required to obtain a business license pursuant to this chapter.

5.04.030 Application for License.

- A. It shall be the sole responsibility of every person required to obtain a business license to file an application with the City on a City-approved form and pay all applicable fees. The application must include a detailed, specific description of all activities to be conducted and/or services or goods to be provided at the business. An application for a new business license shall be filed a minimum of thirty (30) calendar days prior to the date the applicant intends to begin transacting business in the City. An application for a license renewal shall be filed a minimum of thirty (30) calendar days prior to the expiration date of the current license. Any person who knowingly makes a false statement in the application shall be guilty of a misdemeanor.
- B. If the applicant is not the owner of the premises where the proposed business will be conducted, the applicant shall submit a copy of a lease, rental agreement or other documentation that establishes the applicant has the property owner's authorization to conduct such business.
- C. The City Manager may request such other additional information and/or documentation as deemed necessary to determine whether the proposed business operations and premises comply with applicable local, state or federal laws. Applicants for businesses identified in Section 5.04.050 shall also be required to undergo a background check as set forth in that Section.
- D.
 1. Upon submittal of a complete application, the City Manager shall investigate the information provided in the application. The City Manager may coordinate with and obtain reports from City departments as well as other governmental entities as the City Manager may deem necessary to ensure compliance with all applicable laws, including but not limited to the Sheriff's Department, Fire Department, Animal Control, Public Health Department, the California Board of Equalization and the California Department of Alcoholic Beverage Control.
 2. City personnel designated by the City Manager may investigate and inspect the premises of the business for the purpose of assuring that the premises comply with all applicable local and state laws.
 3. The City Manager shall make a determination to approve, conditionally approve or deny the license within a reasonable period of time after submittal of a complete application.

5.04.040 Exemption.

Any business exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code or exempt under the United States or California Constitutions shall be exempt from paying City fees, but shall be required to pay any applicable State-imposed fees. Any person claiming an exemption pursuant to this section shall file a sworn statement with the finance director stating the facts upon which the exemption is claimed and shall furnish such information and verification as required. In the absence of a sworn statement, persons claiming an exemption shall be liable for payment of the business license fee. After giving notice and a reasonable opportunity for hearing, the city manager may revoke a business license granted pursuant to this section if it is determined that the licensee is not entitled to the exemption.

5.04.050 Additional Application Requirements of Specific Businesses.

- A. Upon submittal of a complete application for a new or renewal license for one of the following businesses, the City Manager shall conduct an investigation and criminal background check on the applicant(s):
 - 1. Massage establishment (owner/operator and any massage therapist who does not have a current and valid state certificate), as set forth in Chapter 5.34 of this Code.
 - 2. Towing operation (owner/operator and individual tow truck drivers), as set forth in Chapter 5.32 of this Code.
 - 3. Taxicab operation (owner/operator and individual taxicab drivers), as set forth in Chapter 5.28 of this Code.
 - 4. Liquor store, mini-mart or convenience market, as defined in Title 17 of this Code, that sells alcoholic beverages.
 - 5. Smoke shop, tobacco shop.
 - 6. Hookah lounge.
 - 7. Internet lounge or internet café.

- B. An applicant for any of the licenses identified in Subsection A shall be required to pay for and obtain electronic fingerprint scans, known as Live Scan, the results of which will be used in conducting the criminal background check.

- C. An applicant for a new or renewal license for any alcoholic beverage establishment, as defined in Title 17 of this Code, shall ensure that any employee who serves or sells alcoholic beverages undergoes and passes Responsible Alcoholic Beverage Server training at least once every three (3) years, and shall maintain and make available for City inspection a list of employees who serve or sell alcoholic beverages and records documenting each employee's compliance with the responsible server training. New employees who will serve or sell alcoholic beverages shall undergo and pass such training within thirty (30) days of commencement of employment.

- D. An applicant for a new or renewal license for any alcoholic beverage establishment, as defined in Title 17 of this Code, shall develop and implement practices and procedures to prevent the purchase and/or consumption of alcoholic beverages by underage persons.

5.04.060 Conditions of Approval.

- A. As an alternative to denial or revocation of a business license, as set forth in Section 5.04.070 the City Manager may impose conditions on a new or renewal license if he or she determines that the business may have or is having a detrimental impact on neighboring properties or the community at large and/or may require or is requiring a greater use of City law enforcement and other resources than other businesses, whether due to its location, type of business or other reason, and further determines that such conditions will mitigate these negative effects. Conditions of approval may be appealed in accordance with the appeal provisions of this chapter.

- B. The City Manager may eliminate or modify a condition previously placed on a license upon receipt of written request by the business owner if, after investigation, he or she makes the determination that the reason for the original imposition of a condition has been corrected or no longer exists. A denial of elimination or modification of a condition may be appealed in accordance with the appeal provisions of this chapter.

5.04.070 Denial, Suspension, Revocation.

- A. Every business license granted under Title 5 of the Code is granted and accepted by all parties with the express understanding that the City may revoke the license if it is in the best interest of the public health, safety or welfare to do so and if grounds for such revocation exist as described in this Section.

- B. An application for a new or renewed license may be denied and a license issued pursuant to this chapter may be revoked or suspended by the City Manager upon any of the following grounds:
 - 1. Conviction of a crime within the previous ten (10) years, if the crime is related to the qualifications, functions, or duties of the business, profession or trade for which the license was issued;
 - 2. Conviction of a felony within the previous ten (10) years;
 - 3. Commission of acts within the previous ten (10) years which would constitute a felony or which would constitute a crime if the crime is related to the qualifications, functions, or duties of the business, profession or trade for which the license was issued;
 - 4. The applicant or licensee has owned, leased, rented or used property and/or has operated any business in a manner that has been the subject of an administrative, civil or criminal action, and a court judgment or administrative determination has found the maintenance or use of the premises or business operation to be unlawful and/or a nuisance within the previous ten (10) years;

5. The applicant or licensee has operated the current or any previous business in a manner determined to constitute a threat or hazard to public health, safety or welfare;
 6. The applicant or licensee has sold, possessed for sale, served or distributed any controlled substance, as defined in the California Health & Safety Code, and/or any synthetic substance including cannabinoids, stimulants, opiates, depressants or hallucinogens in any form or compound.
 7. Knowingly making a false statement of fact or omitting a fact required to be revealed in the application for the license or in any documentation required to be submitted with or in supplement to the application;
 8. The premises on which the business will operate or is operating, or the proposed use for which the license is sought, is in violation of any building, zoning, health, safety, fire or other provision of this Code or of county, state or federal law;
 9. Violation of any condition of approval of the license;
 10. A license application has been denied or a license has been revoked by any state, county or local agency within the past twelve (12) months;
 11. The applicant or licensee has operated the current or any previous business in a manner that creates or results in a public nuisance, as defined in this Code, on or within one hundred fifty (150) feet of the business premises;
 12. The applicant has delinquent or otherwise unpaid City fees, citations or penalties of any kind.
- C. The City Manager shall develop guidelines for determining whether denial, suspension, revocation or the imposition of conditions is appropriate in a particular instance, and shall consider mitigating circumstances in making said determination.

5.04.080 Effect of Business License Denial.

If an applicant's license application has been denied, the City shall not process a new application by that applicant: (a) for a period of twelve (12) months after the date of the denial, unless the City Manager has determined that the reason for the denial has been cured and no longer exists; or (b) until the time period during which the conduct which was the basis for denial or revocation, set forth in Section 5.04.070 Subsections B.1 through 4, has elapsed.

5.04.090 Appeal.

- A. A business license applicant or licensee who is aggrieved by any decision of the City Manager regarding the issuance, conditioning, denial, suspension or revocation of a business license may contest the decision by filing a written appeal on a City-approved form, and paying the applicable fee, with the City Clerk within ten (10) calendar days from the date of the decision. The basis for the appeal must be specified in detail on the appeal form. If a timely appeal is filed, the effect of the decision shall be stayed pending the outcome of the appeal, unless the City Manager specifically finds that the public health and safety is endangered, in which case the decision shall take effect immediately.
- B. Failure of the City Manager to receive a timely appeal constitutes a waiver of the right to contest a decision; in this event, the decision is final and binding.
- C. As soon as practicable after a timely appeal is filed, the City Manager shall fix a date, time and place for a hearing. The hearing shall be conducted by an independent and impartial hearing officer. Written notice of the time and place for the hearing shall be served by first class mail, at the return address indicated on the appeal form, at least ten (10) calendar days prior to the date of the hearing.
- D. An appellant may request, in writing, that the City Manager reschedule the hearing if the request is made at least twenty-four (24) hours prior to the hearing. The City Manager shall grant one continuance of the hearing date.
- E. Failure of an appellant to appear at the scheduled hearing shall constitute the appellant's waiver of the right to appeal. In this event, the decision is final and binding.
- F. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The hearing officer shall accept testimony and consider any relevant evidence presented by the City Manager or his or her designee concerning the grounds for the contested decision. The hearing officer shall take the testimony of the appellant, and/or his or her witnesses, and will consider any other evidence the hearing officer deems reliable, relevant and not unduly repetitious. The appellant may represent himself or herself or be represented by anyone of his or her choice, including counsel, at his or her sole expense. The appellant may bring an interpreter to the hearing at his or her sole expense.
- G. The hearing officer shall make findings based on the record of the hearing, and shall prepare a written decision, based on those findings, to uphold, dismiss or modify the City Manager's decision concerning the issuance, conditioning, denial, suspension or revocation of the business license. A copy of the written decision shall be served on the appellant by first class mail within ten (10) days after the hearing.

- H. An appellant who is aggrieved by the hearing officer's decision may appeal to the city council following the uniform appeal procedures as outlined in Chapter 2.44 of this code. All inquiries regarding appeals shall be directed to the City Clerk's office. Failure of the City Clerk to receive a timely appeal constitutes a waiver of the right to further contest the decision; in this event, the hearing officer's decision is final and binding.

5.04.100 Informal Procedure for Resolution of an Imminent Threat.

- A. When the City Manager determines that the operation of a business poses an imminent threat to public health, safety or welfare requiring immediate action, the City Manager will attempt to informally contact the licensee by telephone, in-person meeting, or by such other means of communication that the City Manager deems satisfactory, to discuss with the licensee the circumstances resulting in the imminent threat to public health, safety or welfare. The City Manager will further attempt to obtain the licensee's commitment to implement immediate voluntary compliance measures that will, in the judgment of the City Manager, effectively abate the imminent threat to the public health, safety or welfare.
- B. The requirements set out in Subsection A shall not prohibit the City Manager from issuing a notice of summary suspension pursuant to Section 5.04.110 if:
1. The attempt to contact the licensee fails;
 2. The licensee fails or refuses to immediately implement voluntary compliance measures that the City Manager deems will effectively abate the imminent threat;
 3. The City Manager determines that the compliance measures the licensee immediately implements are insufficient to effectively abate the imminent threat; or
 4. The City Manager determines that the threat to the public health, safety or welfare is so urgent that compliance with the informal resolution procedures set out in this section will further jeopardize the public health, safety, or welfare.

5.04.110 Summary Suspension.

- A. If the City Manager determines there is an imminent threat to the health, safety or welfare of the public as set out in Subsection B, below, a license may be summarily suspended for a period of time not to exceed thirty (30) days.
- B. The City Manager's determination that there is an imminent threat to the public health, safety or welfare shall be based on one or more of the following:
1. There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within 150 feet of the licensed premises; or

2. There has been a violation of a license condition or other requirement of this Code or of any other applicable law that creates an imminent danger to the public health, safety or welfare on or within one hundred fifty (150) feet of the licensed premises; or
 3. The licensee has conducted the business in a manner that creates or results in a public nuisance, as defined in this Code, and that public nuisance creates an imminent danger to the public health, safety or welfare on or within one hundred fifty (150) feet of the licensed premises.
- C. The summary suspension shall take effect immediately upon service of a written notice of suspension by the City Manager. Notice given to the licensee shall include the following information:
1. The effective date and time period of the summary suspension;
 2. The grounds and reasons upon which the summary suspension is based;
 3. The licensee who wishes to challenge the summary suspension may request a hearing before the City Manager or his or her designee;
 4. The method for requesting a hearing before the City Manager or his or her designee; and
 5. The notice of summary suspension shall become final unless the City Manager receives a written request for a hearing from the licensee within the time period specified in Subsection E.
- D. The summary suspension shall remain in effect unless and until the City Manager either:
1. Amends the notice of summary suspension to shorten the time period provided in the earlier notice of summary suspension; or
 2. Issues a decision after holding a hearing pursuant to the requirements of this Section that modifies or overrules the summary suspension.
- E. If the licensee wishes to challenge the summary suspension, the licensee must file a written request for a hearing before the City Manager within three (3) business days after service of the notice of summary suspension. If the City Manager does not receive a request for a hearing from the licensee within this time period, the notice of summary suspension shall become final.
- F. The City Manager or his or her designee must respond to the licensee's request for a hearing by holding a hearing to affirm, modify or overrule the summary suspension within five (5) business days of the licensee's request for a hearing, unless the licensee requests an extension of the time within which the City Manager can hold the hearing.

- G. The City Manager shall serve a written notice of hearing on the licensee not later than two (2) business days after receiving the licensee's written request for a hearing. The notice of hearing shall contain the date, time and place at which the hearing shall be conducted.
- H. At the hearing before the City Manager or his or her designee, the licensee shall be given the opportunity to present evidence that either rebuts the ground(s) for which the summary suspension was issued or demonstrates that the reason or reasons leading to the summary suspension have been mitigated or corrected.
- I. The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence that the City Manager deems reliable, relevant and not unduly repetitious may be considered.
- J. Following the conclusion of the hearing, the City Manager shall issue a decision, as specified in Subsection K, which affirms, modifies or overrules the summary suspension. If the City Manager affirms or modifies the summary suspension, the City Manager may impose additional conditions upon the license if those conditions were reviewed at the hearing and the conditions are intended to protect the health, safety or welfare of the public or prevent the conduct or condition that led to the summary suspension.
- K. The City Manager shall issue an oral decision upon the close of the hearing or may communicate the decision by telephone, within twenty-four (24) hours of the close of the hearing. The City Manager shall also serve the licensee with a written decision within three (3) business days of the close of the hearing.
- L. The decision of the City Manager is final and conclusive, subject only to review by the superior court in accordance with the time limit set forth in Code of Civil Procedure Section 1094.6.

5.04.120 Method of Service.

- A. All written notices and decisions required by this Chapter shall be served via first class mail or personal service. Alternatively, any written notice required by this Chapter may be served by conspicuously posting a copy of the written notice at the licensed premises.
- B. The failure of any licensee to receive any notice required under this part shall not affect the validity of any proceedings taken under this part.

5.04.130 Term of License.

Licenses shall be for a term of twelve (12) months commencing on the first day of the month when the business began operating in the City or when the City issued the business license, whichever is earlier. Business owners who began operating before applying for and receiving a business license will be subject to the penalty provisions set forth in section 5.04.160 of this chapter.

5.04.140 Fees.

Each application shall pay all applicable fees when application for a new or renewal license is made, unless exempt under Section 5.04.040. The city's issuance of a receipt to the business license applicant for payment of the fees shall not constitute the receipt of a business license. The fees shall be refunded only if the license is denied. Applicable fees are those that have been established by resolution of the city council and may be amended from time to time.

- A. Error in Calculating Fees. In no case shall any error in calculating or in stating the amount of fees prevent the collection of the correct amount due from any person transacting business in the city.
- B. License Fees a Debt. The amount of any fee and penalty imposed by this chapter shall constitute a debt to the city.
- C. Refunds. Upon approval of the finance director, the city treasurer may refund any fee or penalty erroneously collected. However, no fee shall be refunded if the applicant engaged in the business for which the license is sought prior to application for the license. License fees shall not be refunded for any fraction of a year that business is not conducted.

5.04.150 Due Date for License Fees.

All license-related fees are due upon application for a new or renewal license, in accordance with the time period set forth in section 5.04.030 of this chapter. Business owners who began operating before applying for and receiving a business license will be subject to the penalty provisions set forth in section 5.04.160 of this chapter.

5.04.160 Penalty.

- A. Failure to Obtain License. If a person fails to obtain a business license, the fees due shall be that amount due and payable from the first date the person began transacting business in the city, in accordance with Sections 5.04.010 and 5.04.020C of this Chapter, together with the penalty described in subsection B of this section.
- B. Failure to Pay Fees. For failure to pay fees when due, the finance director shall add a penalty of twenty (20) percent of the applicable fees on the first date of the month following the due date and ten (10) percent of each month thereafter while the fees remain unpaid, provided that the amount of the penalty shall not exceed fifty (50) percent of the amount of the fees due.

5.04.170 Issuance of License.

Upon the approval of an application for a business license and payment of the required fees, the finance director shall issue a business license to the applicant within fourteen (14) calendar days.

5.04.180 Contents of License.

Each license issued shall contain:

- A. The name and mailing address of the person to whom the license is issued;
- B. The name of business;
- C. The address of the business;
- D. The expiration date of the license;
- E. Telephone number of business;
- F. Exact nature of business (business code);
- G. Such other information as deemed necessary and established by resolution of the city council.

5.04.190 Amendment of Licenses.

A license may be amended to reflect a change in business name and, for businesses based outside City limits a change in business address, upon filing a statement of such fact and payment of a fee to the finance director, which shall be established by resolution of the city council. The unexpired business license previously issued shall be returned to the finance director prior to the issuance of the amended license. A license may be amended, without fee, to reflect a change in business phone number or mailing address. A license may not be amended to reflect a change in the person(s) transacting the business, the ownership type, the business address for a Lancaster-based business or the type of business transacted; a new business license must be obtained as provided herein.

5.04.200 Transfer of Licenses.

Licenses are non-transferable.

5.04.210 Duplicate License.

A duplicate license may be issued to replace any business license previously issued which has been lost or destroyed upon filing a statement that the license has been lost or destroyed and paying a fee to the finance director, which shall be established by resolution of the city council.

5.04.220 Posting Licenses.

- A. Fixed Location. Any licensee transacting business at a fixed location in the city shall post their business license in a conspicuous location on the premises, open to public view and available for inspection where such business is transacted.
- B. Not at Fixed Location. Any licensee who does not transact business at a fixed location in the city shall keep his or her business license upon his person at all times while transacting business. Any licensee who does not transact business at a fixed location in the city and uses a vehicle for the purpose of transacting such business shall display his or her business license on the rear of such vehicle, in public view, to indicate that business license fees have been paid for that period of time. Persons using a vehicle solely for the purpose of delivering goods, wares or merchandise are not required to display a business license on their vehicle.

5.04.230 Regulatory Measure.

Persons required to pay fees for transacting business under this chapter shall not be relieved from the payment of any applicable fee under any other provision of this code, and shall remain subject to the regulatory provisions set forth in this chapter and all other applicable provisions in the Lancaster Municipal Code.

5.04.240 Compliance with Other Laws.

The payment of fees and the issuance of a license shall not entitle the licensee to transact any business unless the licensee has complied with all requirements of this chapter and any other applicable federal, state or local regulations pertaining to such business including, but not limited to all applicable provisions of the Lancaster Municipal Code.

5.04.250 Information Confidential.

Any statement or information filed pursuant to this chapter shall be confidential and shall not be subject to public inspection except for the following information provided in the business license application: business name, business telephone, business owner, ownership type, business mailing and street address, the nature of the business for which the license is required (business code), and license expiration date.

5.04.260 Enforcement; Entry to Inspect.

- A. 1. The City Manager is hereby authorized and directed to enforce the provisions of this chapter.
 2. The City Manager is authorized to designate certain City personnel to assist in the enforcement of this chapter. The designees shall have such enforcement powers as are delegated by the City Manager.
 3. The City Manager is authorized to promulgate rules, regulations, policies and procedures to implement the provisions of this chapter.
- B. The City Manager and any other person empowered to enforce the provisions of this chapter shall have the power and authority to enter into a business, free of charge and at any reasonable time, to see the business license posted in a conspicuous place upon the premises.

5.04.270 Violation.

- A. Any person violating this chapter shall be guilty of a misdemeanor.
- B. The business owner/licensee shall be liable for every violation of the requirements of this Chapter, whether committed by the licensee or his or her manager(s) or employee(s). The City Manager shall have the discretion to take enforcement action against the licensee, the licensee's employee, the manager who was present at the business at the time the employee committed the violation, or against any combination of them.

5.04.280 Penalty.

In accordance with Chapter 1.12, any person convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period not exceeding six months, or both such fine and imprisonment. Each day or any portion thereof that a person violates any provision of this chapter shall constitute a separate offense.

5.04.290 Administrative Citations.

The City Manager may issue an administrative citation to any person who causes, allows or permits the violation of any provision of this Chapter. Issuance of a citation shall be in accordance with and as provided in Chapter 1.16 of this Code.

5.04.300 Remedies Not Exclusive.

Any administrative citation issued pursuant to this Chapter shall not prejudice or adversely affect any other civil, administrative or criminal action that may be brought to address any violation of this Chapter. A civil or criminal action may be brought concurrently with any other process regarding the same violation.

5.04.310 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 2. The City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2015, and placed upon its second reading and adoption at a regular meeting of the City Council on the _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss
CITY OF LANCASTER }

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1010, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
