DIVISION 5

REGULATION OF PERMITTEES

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SEC. 103.13. RECORDS.

Permittees shall keep records on such forms and in the manner the Board deems necessary to carry out the purposes of this article. Such records shall be kept for five years.

SEC. 103.14. INSPECTION.

(Amended by Ord. No. 132,604, Eff. 8/8/66.)

(a) No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination or inspection, during all business hours, of any premises maintained by a permittee in the course of his business, for the purpose of determining whether the permittee is complying with all the rules and regulations of the Board and all provisions of the Los Angeles Municipal Code affecting said business.

(b) No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination, inspection or copy of any record kept by a permittee.

SEC. 103.15. REPORTS.

Permittees shall make such verified written reports to the Chief of Police concerning his business activities on such forms and in the manner the Board deems necessary to carry out the purposes of this article.

SEC. 103.16. PROPERTY.

No person shall interfere with, prevent, or refuse to permit a police officer or a representative of the Board to make an examination or inspection during all business hours of any property acquired by a permittee in the course of his business.

SEC. 103.17. ADVERTISING.

Permittees are responsible for the accuracy and truthfulness of their advertising whether placed in the advertising medium by themselves or by their agents or employees.

SEC. 103.18. PERMITTEE – RESPONSIBILITY.

Permittees are responsible for the actions of their agents or employees in the conduct of the permittee's business.

SEC. 103.19. SIGNS REQUIRED.

Permittees shall erect and maintain any signs required by rules and regulations of the Board.

SEC. 103.20. DISPLAY OF PERMIT.

(a) **Fixed Place of Business.** Every person engaging in, conducting, managing or carrying on, at a fixed location, a business for which a permit is required shall keep such permit posted and exhibited in some conspicuous part of the place of business.

(b) **No Fixed Place of Business.** Every person engaging in, conducting, managing or carrying on, at other than a fixed location, a business for which a permit is required shall carry such permit with him at all times while engaging in said business.

SEC. 103.21. CHANGE IN OWNER INFORMATION.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

Whenever any change in owner information occurs, the owner shall file a verified report with the Board within 30 days after the change occurs. Matters that shall be reported include, but are not limited to, name changes, change of business address, criminal convictions, the association of one or more new partners, associates, members, directors, or officers, or a substantial change of stock ownership, unless the change requires a new permit pursuant to Section 103.08.

SEC. 103.22. IDENTIFICATION CARDS.

The Board may require permittees or their employees to carry identification cards.

(a) **Issuance.** The Board may issue identification cards to permittees or their employees in such form as the Board deems necessary to identify the permittee or employee.

(b) **Surrender of Card. (Amended by Ord. No. 137,438, Eff. 11/7/68.)** Each permittee shall immediately surrender to the Board any identification card issued by the Board upon the revocation or suspension or cancellation of his permit. Each permittee shall immediately surrender any identification card issued by the Board to an employee of the permittee when any such employee leaves the permittee's employ or when such permittee's permit is revoked or suspended or cancelled.

(c) **Violation. (Amended by Ord. No. 137,438, Eff. 11/7/68.)** No person shall carry any identification card issued to him pursuant to this section after his permit or his employer's permit has been revoked or suspended or cancelled. No person shall use the identification card issued to another person.

SEC. 103.23. SURRENDER OF PERMITS.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

Each permittee shall immediately surrender his permit to the Board upon the revocation or suspension or cancellation of his permit by the Board.

SEC. 103.24. HOURS OF BUSINESS.

No person engaging in, managing, conducting or carrying on any business requiring a permit under this article shall purchase or receive any article, or carry on or transact such business at other than the hours or days the Board may allow by rule or regulation. All permittees engaging in more than one of the businesses requiring a permit shall observe the hours of business that are the most restrictive.

SEC. 103.25. DOING BUSINESS WITH MINOR.

No permittee engaging in, managing conducting or carrying on the business of a junk dealer, junk collector, secondhand dealer, secondhand dealer-jewelry, or pawnbroker, or his employee or agent shall receive, buy, trade, exchange, or otherwise acquire an interest in any goods or thing, from any person under the age of 18 years. Any statement made to such permittee, employee or agent by a person under the age of 18 years to the effect that he is over the age of 18 years shall not excuse such permittee or employee from any violation of this provision.

SEC. 103.26. TRUE NAME, AGE AND ADDRESS.

No person who sells or otherwise disposes of goods, wares or merchandise to a permittee conducting a business listed in Sec. 103.25 or to said permittee's employee or agent shall fail or refuse to give his true name, correct age, and correct address.

DIVISION 6

POWERS OF BOARD

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SEC. 103.27. ADMINISTRATION.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

The Board may adopt and enforce reasonable rules and regulations to carry out the purposes of this article. The Board may amend such rules and regulations from time to time. The Board shall cause such rules and regulations to be printed and distributed to permittees affected thereby.

SEC. 103.28. INVESTIGATION BY BOARD.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

The Board shall investigate applications for permits. The Board may examine any applicant, officer, partner or member of an applicant under oath to determine who is the real party in interest in the business for which a permit is sought.

SEC. 103.29. TIMING OF ACTION ON APPLICATION.

(Title and Section Amended by Ord. No. 181,776, Eff. 8/22/11.)

(a) **Decision on Application.** Subject to Section 103.29.01, the Board shall act to either grant a Police Permit or deny an application pursuant to the grounds set forth in Section 103.31:

(1) within 45 calendar days from receipt of a complete application for permits issued pursuant to Sections 103.101.1, 103.102 and 103.109;

(2) within 90 calendar days of receipt of a complete application for all other permits;

(3) if a hearing is requested, the time period in which the Board shall act is extended for a period of 15 calendar days.

(b) **Time Extension.** The time periods set forth above may be extended if mutually agreed upon by the Board and the applicant, or if a temporary permit has been issued.

SEC. 103.29.01. EXECUTIVE DIRECTOR ACTION ON APPLICATION.

(Added by Ord. No. 181,776, Eff. 8/22/11.)

The Executive Director is authorized to act on behalf of the Board to grant a Police Permit, except for applications made pursuant to Sections 103.101.1, 103.102 and 103.109, pursuant to the following:

(a) If the recommendation of the Department is to grant a Police Permit without conditions, or with conditions to which the applicant agrees, the Executive Director, or his or her designee, may grant the permit.

(b) If the recommendation of the Department is to grant a Police Permit with conditions over which the applicant disagrees, the permit application and a report prepared by the Department shall be forwarded to the Executive Director or his/her designee for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does not concur with the Department's recommendation, he or she may grant the permit without conditions.

(c) If the recommendation of the Department is to deny the permit application, the permit application and Department report setting forth the basis for the recommended denial shall be forwarded to the Executive Director or his or her designee, for review. If the Executive Director or designee concurs with the Department's recommendation, the application and Department report shall be forwarded to the Police Permit Review Panel for action. If the Executive Director or designee does not concur with the Department's recommendation, he or she may grant the permit.

SEC. 103.30. EFFECT OF GRANTING PERMIT.

(Amended by Ord. No. 176,907, Eff. 9/25/05.)

The granting of a permit by the Board is not to be considered as approving or condoning any act, conduct or condition of the applicant/permittee committed or existing prior to the grant of the permit.

The granting of a permit by the Board does not:

(a) Relieve the applicant/permittee from obtaining all appropriate permits or approvals required by the City of Los Angeles, or state or federal law;

(b) Relieve an applicant/permittee from compliance with all applicable local, state, and federal laws, including those related to building, zoning, fire, and other public safety regulations;

(c) Vest any development rights in the property or business; or

(d) Relieve the permittee from complying with conditions imposed upon the operation of a business pursuant to a discretionary land use permit or a nuisance abatement proceeding. In case of a conflict, the more restrictive conditions shall control.

SEC. 103.31. DENIAL OF APPLICATION.

(Amended by Ord. No. 179,836, Eff. 6/7/08.)

If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application. The Board may also deny a permit on any of the following grounds:

(a) **Grounds for Denial of Application Issued Subject to this Article. (Except Sections 103.101.1, 103.102, or 103.109.)**

1. The applicant made a false or misleading statement of a material fact or omission of a material fact in the application;

2. The applicant is under eighteen years of age;

3. The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;

4. The applicant has had a similar type of permit previously denied, suspended or revoked within five years immediately preceding the date of the filing of the application, and the applicant can show no material change in circumstances since the denial, suspension or revocation;

5. The business for which the permit is sought is prohibited by any local or state law, statute, rule or regulation, or prohibited in the particular location by the provisions of Chapter I of this Code;

6. The business for which the permit is sought has been or is a public nuisance;

7. The applicant has within five years immediately preceding the date of the filing of the application been convicted of a felony crime in any jurisdiction involving theft, fraud, violence, sale of a controlled substance as specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code, or any moral turpitude offense;

8. The applicant has within three years immediately preceding the date of the filing of the application been convicted of any offense listed in Section 103.31(a)(7) that has been made the subject of Section 17(b) of the California Penal Code;

9. The applicant has within five years immediately preceding the date of the filing of the application been found to have violated any law involving deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature of conduct of the business for which the application is made; **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**

10. The business for which the permit is sought has failed to comply with all City business tax and Parking Occupancy Tax laws; or **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**

11. The applicant has within five years immediately preceding the date of filing of the application been found to have violated any law involving wages or labor as a violation of the California Labor Code or the Los Angeles Minimum Wage Ordinance, Los Angeles Municipal Code, Article 7, of Chapter XVIII or the Los Angeles Municipal Code, Article 8 of Chapter XVIII. **(Added by Ord. No. 183,613, Eff. 7/19/15.)**

(b) **Grounds for Denial of Application Issued Subject to Sections 103.101.1, 103.102, or 103.109.** In addition to the grounds set forth in 103.31 (a)(1) - (6) above, an application under this article may be denied for the following reasons:

1. The applicant has within five years immediately preceding the date of the filing of the application been convicted of any misdemeanor or felony classified by the state as a sex-related offense, or of any offense described in California Penal Code Sections 266h, 266i, 315, 318, 653.22, or 647(a) or (b);

2. The applicant has within five years immediately preceding the date of the filing of the application been convicted of any offense described in California Penal Code, Part One, Title 9, Chapters 7.5 and 7.6;

3. The applicant has within five years immediately preceding the date of the filing of the application been convicted of a charge of violating any lesser included or lessor related offense, including California Penal Code Section 415, in satisfaction of, or as a substitute for, an original charge of any of the offenses listed in this section;

4. The applicant has been convicted of any offense that requires registration as a sex offender under California Penal Code Section 290; or

5. The business for which the permit is sought has failed to comply with all City business tax and Parking Occupancy Tax laws.

SEC. 103.31.1. FINAL DECISIONS.

(Added by Ord. No. 175,676, Eff. 1/11/04.)

If the Board denies an application pursuant to this article, then the Board action is final upon mailing of a copy of the Board action to the applicant. If the Board acts to deny an annual permit renewal application or to revoke or suspend a permit pursuant to this article the Board action is final ten days after mailing of a copy of the Board action to the owner.

SEC. 103.31.2. EFFECTIVE DATE OF NOTICES.

(Amended by Ord. No. 175,676, Eff. 1/11/04.)

All notices required by this article shall be deemed given upon the date they are either deposited in the United States mail or the date upon which personal service of the notice is provided.

SEC. 103.32. DENIAL – NOTICE TO APPLICANT.

(Amended by Ord. No. 177,412, Eff. 5/1/06.)

The Board shall notify the applicant of its intention to deny an application for a permit, stating the reasons for the denial. Service of such notice shall be made personally or by certified mail. The notice shall include or be accompanied by a statement that the applicant may request a hearing by filing a written request therefor within ten days after service upon him of the notice of intention to deny, and that failure to do so will constitute a waiver of his right to a hearing.

SEC. 103.33. HEARING ON DENIAL – REQUEST BY APPLICANT.

(Amended by Ord. No. 176,546, Eff. 5/2/05.)

Within ten days after service upon him of a written notice of the intention of the Board to deny his application for a permit, the applicant may file a request for a hearing with the Board. The request for a hearing shall be in writing and signed by or on behalf of the applicant and shall state his mailing address. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the applicant's right to a hearing. The Board, in its discretion, may nevertheless grant a hearing. No further notice other than notice of the date and place of hearing need be served on the applicant. Hearings granted under this section, except for permits subject to Sections 103.101.1, 103.102 and 103.109, shall be conducted substantially in compliance with the provisions of Article 2 of Chapter 2 of this Code. Hearings granted under this section for permits subject to Sections 103.101.1, 103.102 and 103.109 shall be conducted substantially in compliance with the provisions of Article 2, Chapter 10.

SEC. 103.34. SUSPENSION OR REVOCATION OF PERMITS ISSUED UNDER THIS ARTICLE.

(Title and Section Amended by Ord. No. 176,546, Eff. 5/2/05.)

The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any permittee and may temporarily suspend for a period not exceeding one year, revoke the permit, or impose conditions upon the retention of a permit of any permittee who commits any one or more of the acts or omissions constituting grounds for suspension, revocation or disciplinary action under this article. The procedure for suspension, revocation, or disciplinary action shall comply with the provisions of Article 2, Chapter 10.

SEC. 103.34.1. SUSPENSION OR REVOCATION OF PERMITS ISSUED PURSUANT TO SECTIONS 103.101.1, 103.102 AND 103.109.

(Added by Ord. No. 175,676, Eff. 1/11/04.)

The Board shall, upon its own motion or upon the verified complaint in writing of any person, suspend or revoke an existing permit issued pursuant to Sections 103.101.1, 103.102, or 103.109, or impose conditions upon the retention of the permit as the Board shall find to be necessary to assure the preservation of the public health and safety, if the evidence presented establishes that:

1. The business has been operated in violation of any of the applicable requirements of this article;

2. Any of the applicable requirements for issuance of a permit ceases to be satisfied;

3. **(Amended by Ord. No. 176,066, Eff. 8/8/04.)** The permittee, his or her employee, agent, partner, director, officer, or manager has been convicted by final judgment in a court of competent jurisdiction, which judgment has resulted from any trial or plea, including a plea of nolo contendere, of any of the following offenses occurring upon, or relating to the business premises:

   (a) The presentation, exhibition or performance of an obscene production or play;

   (b) The distribution of obscene material or material harmful to minors;

   (c) Sexual abuse, rape, and any offense classified by the State as an offense involving sexual crimes against children;

   (d) Prostitution or pandering;

   (e) Penal Code Sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316, or 647, or the violation of any crime requiring registration under California Penal Code Section 290, or violation of any successor sections;

(f) A court has declared the business to be a public nuisance.

4. The permittee, his or her employee, agent, partner, director, officer, or manager has knowingly allowed or permitted any act of sexual intercourse, sodomy, oral copulation or masturbation to be committed in or on the business premises, or has knowingly allowed or permitted prostitution, or solicitation of prostitution on the premises; or **(Amended by Ord. No. 176,066, Eff. 8/8/04.)**

5. The permittee, his or her employee, agent, partner, director, officer, or manager has knowingly made any false, misleading, or fraudulent statements of material fact in the application for permit, or in any report or record required to be filed with the Board, or has violated any rule or regulation duly adopted by the Board relating to the business. **(Amended by Ord. No. 176,066, Eff. 8/8/04.)**

SEC. 103.34.2. JUDICIAL REVIEW OF BOARD ACTION ON APPLICATIONS AND PERMITS SUBJECT TO SECTIONS 103.101.1, 103.102 AND 103.109.

(Amended by Ord. No. 176,066, Eff. 8/8/04.)

The following applies only to businesses subject to Sections 103.101.1, 103.102 or 103.109:

A permittee or applicant may, pursuant to California Code of Civil Procedure Section 1094.8, seek judicial review of any Board decision to deny a permit application, to suspend or revoke a permit or deny an annual renewal of a permit. If the decision was based on a violation of Subdivisions 1, 2, 4 or 5 of Section 103.34.1, and an action is timely filed pursuant to Code of Civil Procedure Section 1094.8(d)(3), the Board's final action is stayed for 75 days from the filing of court action.

SEC. 103.35. DISCIPLINARY ACTION – GROUNDS.

It shall be a ground for disciplinary action if any permittee, his agent or employee or any person connected or associated with the permittee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the permittee has:

(a) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit, or in any report or record required to be filed with the Board; or

(b) Violated any provision of this article or of any statute relating to his permitted activity; or

(c) Been convicted of a felony or any crime involving theft, embezzlement or moral turpitude; or

(d) Committed any act constituting dishonesty or fraud; or

(e) A bad moral character, intemperate habits or a bad reputation for truth honesty or integrity; or

(f) Committed any unlawful, false, fraudulent, deception or dangerous act while conducting a permitted business; or

(g) Published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of a permitted business; or

(h) Violated any rule or regulation adopted by the Board relating to the permittee's business; or

(i) Willfully failed to comply with the terms of any contract made as a part of the exercise of the permitted business; or

(j) Conducted the permitted business in a manner contrary to the peace, health, safety, and general welfare of the public; or

(k) Demonstrated that he is unfit to be trusted with the privileges granted by such permit; or **(Amended by Ord. No. 183,613, Eff. 7/19/15.)**

(l) Been found to have violated any law involving wages or labor as a violation of the California Labor Code or the Los Angeles Minimum Wage Ordinance, Los Angeles Municipal Code, Article 7, of Chapter XVIII or the Los Angeles Municipal Code, Article 8 of Chapter XVIII. **(Added by Ord. No. 183,613, Eff. 7/19/15.)**

SEC. 103.36. SUSPENSION OR REVOCATION WITHOUT HEARING.

(a) **Conviction**. If any person holding a permit under this article is convicted in any court of the violation of any law relative to his permit, the Board may revoke said permit forthwith without any further action thereon other than giving notice of revocation to the permittee.

(b) **Failure to Comply with Order in Regard to Stolen Property**. The Board may, without a hearing, suspend or revoke the permit of a permittee who fails to comply with an order of the Board made pursuant to Sec.103.42.

SEC. 103.37. SUSPENSION OR REVOCATION – EFFECT ON OTHER PERMITS.

The Board may make any order suspending or revoking the permit of a permittee applicable with equal force and effect to all permits issued to such permittee pursuant to this article.

SEC. 103.38. NEW PERMIT APPLICATION AFTER DENIAL OR REVOCATION.

When the permit of any person is revoked for cause, no new or other application for a permit from the same person shall be accepted within one year after such revocation. When an application for a permit is denied for cause, no new or other application for a permit from the same person shall be accepted within one year after denial, unless the applicant can show a material change in his situation which would justify the issuance of such permit.

SEC. 103.39. CANCELLED OR SUSPENDED PERMIT – JURISDICTION OF THE BOARD.

(Amended by Ord. No. 137,438, Eff. 11/7/68.)

The cancellation or suspension of a permit by operation of law, or by order or decision of the Board or a court of law, voluntary withdrawal of the application, or the voluntary surrender of a permit by a permittee shall not deprive the Board of jurisdiction to proceed with any investigation of, or disciplinary proceedings against, such permittee or to render a decision denying, suspending or revoking such permit.

SEC. 103.40. PENDING REVOCATION OR SUSPENSION PROCEEDINGS – EFFECT ON PERMITTEE.

(a) **Continuing Business.** Pending the final determination of a proceeding for revocation or suspension of a permit, a permittee may continue to engage in the business until the Board makes such final determination. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(b) **Annual Police Permit Fee – Application.** A permittee may submit the required police permit fee pursuant to Section 103.07 during the pendency of a proceeding to revoke or suspend his permit. Such payment shall continue such permit in full force and effect until the entry of the final order by the Board terminating the proceedings. Failure of the Board to revoke, suspend, limit or condition the permit shall have the effect of continuing in full force said permit. **(Amended by Ord. No. 137,438, Eff. 11/7/68.)**

(c) **Change of Location or Additional Locations – Application**. A permittee may file an application for a change of location or additional locations during the pendency of a proceeding to suspend or revoke his permit. The Board may authorize the change of location or additional locations.

(d) **Board Action on Applications**. Approval by the Board of applications pursuant to this section shall not be construed as having any effect on proceedings relative to revocation or suspension of the permit.

SEC. 103.40.1. POWER OF BOARD TO LIMIT AND/OR CONDITION A PERMIT.

(Added by Ord. No. 140,007, Eff. 2/20/70.)

The Board may place reasonable limits and/or conditions upon any permit in any of the following situations:

(a) In any proceeding concerning the issuance, denial or revocation of a permit if the Board finds that grounds exist for the denial or revocation of the permit which grounds may be removed by the imposition of such limitations or conditions.

(b) In any proceeding concerning the suspension or revocation of a permit, if findings are made which would justify such suspension or revocation, and where the imposition of such limitations or conditions are reasonably related to such findings. In the case of a suspension, the conditions may be in lieu of or in addition to such suspension.

(c) Where, after proceedings to suspend or revoke a permit, the Board issues an order suspending or revoking only a portion of the activities to be exercised under such permit.

(d) In any proceeding concerning the issuance, denial or revocation of a permit, if the Board finds the imposition of such limitations or conditions is necessary for the public welfare.

SEC. 103.40.2. SUBJECT MATTER OF LIMITATIONS AND/OR CONDITIONS TO A PERMIT.

(Added by Ord. No. 140,008, Eff. 2/20/70.)

The limitations and/or conditions authorized by Section 103.40.1 of the Los Angeles Municipal Code may cover any matter relating to the activities to be exercised under the permit, the conduct of the business or the condition of the premises, which will protect the public welfare including but not limited to the following:

(a) Restrictions as to hours during which the permitted activity may occur.

(b) The employment of designated persons including the number and the manner in which said persons are to be employed.

(c) Necessary sanitary facilities.

(d) Necessary parking facilities.

(e) Minimum seating and/or audience capacity.

(f) The manner and time within which the public is to pay in order to gain access to the permitted activity.

(g) Where the Board has determined that the cost of City services incident to the staging of the permitted activity will be increased because of the permitted activity, the Board may require the permittee to make payment into the general fund of the

City of Los Angeles of an amount equal to the increased cost for the City Services.

(h) Where the Board determines there is a substantial danger of injury or damage to the public and/or property because of the permitted activity, the Board may require a policy of insurance naming the City of Los Angeles as an additional insured together with its agents, servants and employees as a co-insured and/or bond to cover the damage and/or injury which may occur. The amounts of the insurance and/or bond, if any, and type of coverage, are to be determined by the Board after it has determined the nature and extent of probable danger of injury or damage to the public.

SEC. 103.41. PRIOR ACTS NO BAR TO BOARD ACTION.

The Board may take disciplinary action against a permittee as provided in this article even though the grounds for disciplinary action arose prior to the granting of the permit.

SEC. 103.42. STOLEN PROPERTY – INVESTIGATION.

(a) **Determination of Validity of Claims**. Persons claiming ownership of property in the possession of a permittee or his agent shall file a verified report with the Board setting forth their ownership therein and the fact that such property was stolen. The Board may, after a hearing upon notice to all parties, determine the validity of such claim, and the ownership of such property.

1. **Hearing Examiners**. The Board may designate a hearing examiner or any member of the Police Department to hear the evidence at the hearing provided above. The hearing examiner shall report his findings on the evidence to the Board.

2. **Order of Board**. If the Board determines that the property was stolen, that the claimant is the owner thereof, and that there was no collusion between the thief and the claimant, the Board may direct that such property be returned forthwith to the claimant without payment of compensation. The Board shall take no summary action to recover property on behalf of a claimant who, in the course of his business, parted voluntarily with the possession thereof on a conditional sale, lease contract, deferred payment or rental basis.

3. **Failure to Comply with Order**. The Board may suspend or revoke without further hearing, the permit of a permittee who fails to comply with an order of the Board made pursuant to Subdivision 2 hereof.

4. **Effect of Suit to Determine Ownership**. If an action at law is brought by or against the person in possession of the alleged stolen property to establish the ownership of said property prior to a determination of the question by the Board, the Board shall suspend proceedings upon the claim when notified of such suit.

SEC. 103.43. RECORD SEARCH – CHARGE AUTHORIZED.

The Police Department may furnish information shown upon records kept pursuant to this article to persons asserting legal title to the property forming the subject matter of such records. A charge of $1.10 shall be collected as to each article of property for which such record information is requested by any person engaged in the business of selling property on conditional sales contract basis or by other deferred payment plan where such request is made in the regular course of such business and is an incident thereto. **(Amended by Ord. No. 137,137, Eff. 9/29/68.)**

SEC. 103.44. INSTRUCTIONAL MATERIALS – CUSTODY – FEES FOR RENTAL OR SALE.
(Amended by Ord. No. 146,898, Eff. 3/ 3/75.)

(a) The Board may authorize the sale or rental of any instructional materials, including, but not limited to, films, tapes, recording, photographs, printed matter, or any other audio or visual-aid equipment produced as a police training or educational aid by the Department to any bona fide law enforcement agency or organization engaged in the training or education of law enforcement officers, or other qualified public or private organizations approved by the Board, upon the payment of fees to be established by the Board in accordance with Subsection (b) of this section.

(b) The Board shall establish a fee schedule for the rental and sale of such instructional materials based upon and not to exceed the entire pro rata cost to the City of the production, rental or sale of such materials. Such fee schedule shall be revised from time to time in order to adjust the fees to be charged to the costs incurred.

(c) The fees to be charged for such sale or rental shall be collected by the Department and remitted to the General Fund.

(d) The Chief shall have the care, custody and control of such instructional materials and shall perform such duties in connection with the custody rental or sale thereof as the Board may direct.

(e) The provisions of this section are not to be construed as making or extending to make such instructional materials public records.

SEC. 103.204. TOWING OPERATION.

(Added by Ord. No. 139,363, Eff. 11/23/69.)

(a) **Towing Operation Defined**. As used in this article, "**towing operation**" means the activity of towing vehicles for compensation within the City of Los Angeles. Towing operation includes the storing of vehicles and all other services performed incident to towing.

EXEMPTIONS:

The provisions of this section shall not apply to any towing operation:

(1) That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization;

(2) That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing tow service;

(3) That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a non-profit basis or said fee is a part of the rent or lease agreement or contract;

(4) That, being located in another city, enters the City of Los Angeles on a non-emergency towing assignment for the purpose of towing a disabled vehicle back to said city for repair.

A non-emergency towing assignment includes towing of vehicles that have been involved in a collision, but have been removed from the scene, that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. All non-emergency towing assignments require prior authorization by persons listed in (f)(1), (2), (3) or (4). Persons soliciting for such non-emergency towing assignments within the City of Los Angeles shall be deemed to come within the provisions of this article and are required to have a permit as specified herein.

(b) **Permit Required**. No person shall engage in, manage, conduct or operate a towing operation business without a written permit from the Board.

(c) **Business Location**. Any person conducting a towing operation-business shall maintain a physical location from which said business is conducted. Such physical location shall provide an office with an adjacent yard for vehicle storage. Such location shall be approved by the Board prior to the permit being issued.

(d) **Change of Location**. A change of location may be endorsed on a permit by the Board upon an application by the permittee accompanied by the change of location fee prescribed by Section 103.12 of this Code.

(e) **Towing Authorization**. A permittee shall not attach a vehicle to a tow unit without first receiving written authorization to do so by the registered owner, legal owner, driver, or other person in control of said vehicle. Such authorization shall list the services offered and the rates and charges required therefor. A copy of such authorization shall be furnished to the person authorizing the tow. Such copy shall list the name, address and telephone number of the towing operation business and the days and hours the business is open for release of vehicles. Such copy shall also be signed by the tow unit operator performing the authorized service.

(f) **Itemized Statement – When Required**. A permittee shall hereunder furnish an itemized statement to the person authorizing the towing service, or his agent. Such permittee shall furnish an itemized statement of services performed, labor and special equipment used in completing tow of vehicle and of the charges made therefor upon the request of:

(1) The registered owner; or

(2) The legal owner; or

(3) The insurance carrier of either (1) or (2); or

(4) The duly authorized agent of (1), (2), or (3).

Such permittee shall furnish a copy of the statement to any person authorized to receive the statement without demanding payment as a condition precedent.

(g) **Vehicle Repair or Alteration – When Permitted**. A permittee hereunder shall refrain from making any repairs or alterations to a vehicle without first being authorized by one of the persons listed in (f) (1), (2), (3), or (4). Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or

accessories removed shall be listed on the itemized statement and stored in the business office. This section shall not be construed to prohibit permittees from making emergency alterations necessary to permit the removal by towing of such vehicle.

(h) **Disciplinary Action – Additional Grounds**. The following acts committed by a permittee hereunder shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35 of this Code.

(1) The permittee, his agents or employees, obtained a tow contract by use of fraud, trick, dishonesty or forgery; or

(2) The permittee, his agents or employees, stopped on any street, highway or other public thoroughfare to render assistance to a person or disabled vehicle without first being requested to do so; or

(3) The permittee, his agents or employees, towed a vehicle to a location other than listed as the business address of such permittee without first receiving authorization to do so by the person authorizing the tow; or

(4) The permittee, his agents or employees, after towing a vehicle to the business location of permittee, without authorization, towed such vehicle to another location for storage; or

(5) The permittee, his agents or employees, have conspired with any person to defraud any owner of any vehicle, or any insurance company, or any other person financially interested in the cost of the towing or storage of any vehicle, by making false or deceptive statements relating to the towing or storage of any vehicle; or

(6) The permittee, his agent or employees, removed a vehicle involved in a collision prior to arrival by police, and; a person, as a result of such collision, suffered death or injury, or the driver of an involved vehicle, or a party to such collision, was under the influence of an intoxicant of any nature, or there is evidence that such vehicle was involved in a hit and run collision; or

(7) The permittee, his agent or employees, have charged for services not performed, equipment not employed or used, services or equipment not needed, or have otherwise materially misstated the nature of any service performed or equipment used.

(8) Failure of the permittee, his agent or employees, while on duty as an Official Police Garage Tow Unit Operator to wear the uniform of an Official Police Garage Tow Unit Operator as specified by the Board. **(Amended by Ord. No. 143,624, Eff. 8/24/72.)**

(i) **Prerequisite to Application**.

(1) **Insurance Required**. Before an application for a permit to operate a towing operation will be received or acted upon, the applicant must file with the City Attorney satisfactory evidence of insurance written by an insurance company admitted to do business in this State.

(2) **Insurance Coverage – Minimum Required**. Applicants are required to have minimum coverage as follows:

(**A**) Bodily injury – $100,000 any one person, $300,000 covering two or more persons in any one accident.

(**B**) Property damage – $25,000 each accident.

(**C**) Comprehensive fire and theft covering auto and contents.

(j) **Release of Vehicle**. Permittees shall provide for release of vehicles Monday through Friday from 9:00 a.m. to 4:00 p.m., excluding officially recognized holidays. Permittees may additionally release vehicles on other days and hours.

Upon the application to the Board and a showing of hardship by the permittee, the Board may permit an adjustment in the days and hours during which vehicles are to be released.

(k) **Rates and Charges – Signs – Change of**.

(1) Permittees shall maintain a sign listing the rules and charges of all services offered. Such sign shall be conspicuously placed in the office or other place where customer financial transactions take place. The letters on such sign shall be a minimum of one inch high with one quarter inch stroke. The letters shall be a contrasting color from the background.

(2) Applicants for towing operation permits shall file a schedule of rates and charges for each service offered with their application. No charge other than the rates and charges specified in such schedule shall be made except as herein provided.

Changes in rates and charges shall be made by written notice containing the new schedule of rates and charges to the Board at least 10 days prior to becoming effective. A duplicate copy of such notice shall be posted for a period of 10 days in the office next to the posted schedule of the existing rates and charges. Upon the expiration of the 10-day period the rates and charges shall be changed in accordance with such notice.

The Board may, upon a showing of hardship, permit a revision of the rate and charge schedule within the 10-day period.

(l) **Notification to the Police Department – When Required**. The Board may require a permittee to make notification to the Police Department whenever a vehicle is towed under the provisions of this article. Such notification shall be made as prescribed by the Board.

(m) **Tow Unit Operator – Identification**. A tow unit operator shall wear his name insignia attached in a conspicuous place on his clothing. A tow unit operator shall identify himself by giving his full, correct name to any patron of the towing operation upon request.

(n) **Tow Unit – Identification**. A tow unit shall have the permittee's Police Commission identification number on both sides of the unit in a conspicuous place. Such marking shall be in addition to those required by the California Vehicle Code and shall meet the same requirements.

(o) **Investigation**. Upon the filing of such application the Board shall make investigation as it deems necessary, and if the Board finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare, and that the applicant is of good character and of good business repute, and has not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and is otherwise a fit and proper person to conduct a towing operation, or if the applicant is a corporation, its officers, directors and principal stockholders are of good character and of good business repute, and have not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and are otherwise fit and proper persons to conduct such business, issue the permit, otherwise, the application shall be denied only after the Board shall conduct a hearing on said application.

SEC. 103.204.1. TOW UNIT OPERATORS.

(Amended by Ord. No. 152,905, Eff. 10/19/79.)

(a) **Permit Required. (Amended by Ord. No. 158,406, Eff. 11/20/83.)**

(1) No person shall operate or drive a tow unit nor shall any person be employed as a tow unit operator until such time as said person has received a written permit from the Board to act as a tow unit operator except that any person employed as a tow unit operator may operate a tow truck without permit while under the immediate and direct supervision of a permitted tow unit operator for a period of not to exceed seven consecutive calendar days from the initial date of employment.

(2) In addition to or in lieu of a Board-issued temporary permit authorized by 103.06(b), a temporary permit not to exceed 45 days may be issued to an applicant by the Secretary of the Board provided the following conditions are met:

a. An application for permit is on file at the main office of the City Clerk and all permit fees have been paid; and

b. A preliminary investigation by Commission staff does not reveal information which would normally constitute grounds for denial; and

c. The applicant possesses a valid California Driver's license.

The Secretary of the Board may suspend such temporary permit at any time if the Secretary has reason to believe that any of the above conditions have not been met. The Secretary shall notify the applicant in writing of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this Code and any applicable rules and regulations of the Board.

(b) **Identification Card**. Every person possessing either a temporary or permanent permit to act as a tow unit operator shall at all times while directly engaged in the operation of a tow unit carry upon his or her person an identification card issued by the Board identifying the bearer as a tow unit operator and shall display such card to any police officer upon request. The identification card shall bear the name, physical description, business address, and photograph of the permittee and the name and address of the garage employing the permittee.

The identification card shall be returned to the Board immediately upon suspension, revocation or termination of employment.

(c) **Official Police Garage Tow Unit Operator**. As used in this article, Official Police Garage Tow Unit Operator means the driver of a tow unit employed by an Official Police Garage to respond to police-initiated requests for tow service. No person shall operate as tow unit bearing an Official Police Garage insignia without written permission from the Board.

(d) **Change of Location**. A change of location may be endorsed on a permit by the Board upon a written application by the permittee accompanied by a change of location fee prescribed in Section 103.12 of this Code.