

ORDINANCE NO. 508
(AS AMENDED THROUGH 508.2)
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REGULATING FORTUNETELLING

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. FINDINGS.

- A. The County of Riverside finds that the regulation of the practice of fortunetelling is a matter of public concern.
- B. The County of Riverside finds that the peace and safety of its citizens is served by regulating the practice of fortunetelling.
- C. The adoption of this ordinance is in consideration of the findings as are enumerated in Section 1, subsection A and B, of this ordinance.

Section 2. DEFINITIONS. Whenever in this ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this Section 2.

- A. **Establishment** means the premises, location or place advertised or used or proposed to be used for the practice of fortunetelling in exchange for payment.
- B. **Fortuneteller** means any person who advertises by sign, circular, handbill, newspaper, periodical, magazine or any other means whatsoever the practice of fortunetelling, or who engages in the practice of fortunetelling for payment and shall include any person who advertises or practices as a "psychic" or "spiritual reader" or "spiritual counselor".
- C. **Fortunetelling** means the telling of fortunes and forecasting of futures by means of the occult, psychic power, faculty, force, clairvoyance, clairaudience, contumacy, numerology, hypnosis, phrenology, spirits, tea leaves or other such reading, medium ship, seer ship, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, cunning or foresight, crystal gazing, mysteries or magic of any kind or nature, when such is performed in exchange for payment.
- D. **Payment** means a fee, reward, donation, gratuity, loan, compensation or the receipt of anything of value in exchange for the practice of fortunetelling.
- E. **Person** means any individual, firm, partnership, joint venture, corporation, association, club or organization.
- F. **Sheriff** means the Sheriff of the County of Riverside or his designated representative.

Section 3. LICENSE REQUIREMENT.

- A. No person shall conduct, own, operate or advertise for an establishment in the unincorporated area of the County of Riverside in which the practice of fortunetelling is carried out, if such person does not hold a valid license issued pursuant to this ordinance.
- B. No person shall engage in or hold himself or herself out as engaged in the practice

of fortunetelling in the unincorporated area of the County of Riverside, if such person does not hold a valid license issued pursuant to this ordinance.

- C. No person shall employ in return for payment any person who practices fortunetelling or who offers to or solicits to perform fortunetelling or who holds himself or herself out to be a fortuneteller, if such person does not hold a valid license issued pursuant to this ordinance.
- D. Each and every person engaged or who proposes to engage in the practice of fortunetelling shall obtain a separate and individual application and renewal fees therefor. This shall include persons who engage in the practice of fortunetelling less than one common establishment.
- E. No license shall be issued pursuant to this ordinance to any individual under the age of eighteen (18) years.
- F. No license issued pursuant to this ordinance, whether original or a renewal, shall be transferable to a person other than the person to whom issued.
- G. All licenses and fees required by this ordinance shall be in addition to any license, permit or fee required by any applicable provision of any statute, regulation, code or other ordinance.

Section 4. EXEMPTIONS FROM LICENSE REQUIREMENT. This ordinance shall not apply to:

- A. Any person solely by reason of the fact that he or she is in the business of entertaining the public by demonstrations of mind reading, mental telepathy, thought conveyance, or the giving of horoscopes readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers, when not conducted in connection with the business of fortunetelling.
- B. Any person who conducts or participates in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer or clairvoyant from any bona fide church or religious association maintaining a church and holding regular services, and having a creed or set of religious principles that is recognized by all churches of like faith, provided that any and all fees gratuities, donations, emoluments and profits thereof shall be regularly accounted for and paid solely to or for the benefit of said church or religious association.

Section 5. LAND USE AND BUILDING AND SAFETY REQUIREMENTS.

Every person who engages in fortunetelling and who holds a license issued pursuant to this ordinance shall maintain a fixed establishment for said practice, and shall conduct said practice only on the premises of such fixed establishment and such person and establishment shall comply in full with the applicable provisions of Riverside County Ordinance No. 348 as well as all other applicable land use, building, fire, health and safety statutes, regulations, codes and ordinances. Failure or refusal to so comply shall be grounds for the denial of an application for license under this ordinance, or as appropriate, the suspension or revocation of a license issued pursuant to this ordinance.

Section 6. LICENSE APPLICATION, FEES AND OTHER REQUIREMENTS.

- A.** An application for a license pursuant to this ordinance shall be made to the Sheriff on forms to be provided by the Sheriff. Said license application, when completed by the applicant, shall contain the following information submitted under penalty of perjury:
- a.** The fully name, present residence and business addresses and the present residence and business telephone numbers of the applicant.
 - b.** Any and all maiden, fictitious or other names ever used by the applicant.
 - c.** All residence and business addresses of the applicant for a five (5) year period prior to the date of application.
 - d.** The birth date and place of birth of the applicant.
 - e.** The Social Security number and California Driver's License or California Identification Card number, or other government-issued identifying item deemed satisfactory for such purpose by the Sheriff.
 - f.** The applicant's height, weight, hair and eye color, and a description of all distinguishing marks, scars and tattoos borne by the applicant.
 - g.** The business, occupation and employment history of the applicant for a period of five (5) years prior to the date of application.
 - h.** The name or names under which the applicant proposes to or does conduct the practice of fortune telling and the telephone number of the premises where such activity is to be carried on.
 - i.** The name or names, both true and fictitious, and addresses, of any and all persons holding any interest or having any involvement in the establishment wherein the applicant proposes to or does conduct the practice of fortunetelling.
 - j.** A statement of any and all criminal convictions, except minor traffic infractions, of the applicant, including the nature of such convictions, the date and place they occurred and the sentences therefor.
 - k.** A listing of all fortunetelling and similar licenses or permits currently and previously held by the applicant and information as to whether any such license or permit has ever been suspended or revoked or an application for such license or permit denied, and the details of such suspension, revocation or denial, including but not limited to the date, place and reasons therefor.
 - l.** The names and addresses of three (3) persons who have known the applicant for at least three (3) years and who will serve as character witnesses for the applicant.
 - m.** Such other identification and information as the Sheriff may, in his discretion, deem necessary to discover and establish the validity of the material hereinabove specified as required to be set forth in the application.
- B.** In addition to the completed application as specified in Section 6, subsection A of this ordinance, each applicant shall submit to the Sheriff, contemporaneously with the completed application, the following:
- a.** A California Driver's License or California Identification Card, or other valid

- c. Upon receipt by the Sheriff of evidence satisfactory to the Sheriff that the applicant has been convicted of or has entered a plea of guilty or nolo contendere to any violation of any provision of this ordinance or any other statute, regulation, code or ordinance relating to morals, theft, fraud or narcotics or other controlled substance, unless the Sheriff finds that the subject offense occurred more than five (5) years prior to the date of application.
- B. Notice of denial of an application for a license pursuant to this ordinance or a renewal thereof shall be given to the applicant, in writing, and shall specify the grounds for such denial. Such notice shall be deemed to have been served upon personal delivery to the applicant, or five (5) days from the date such notice is deposited in the United States mail with prepaid postage affixed thereon and addressed to the applicant at his or her last known address.

Section 10. SUSPENSION AND REVOCATION OF LICENSE.

- A. The Sheriff shall revoke any license issued pursuant to this ordinance upon any grounds for which he may have denied the application for said license or upon the conviction of or upon the entry of a plea of guilty or nolo contendere for any violation of any provision of this ordinance or where the operation of the establishment or the licensee's conduct of fortunetelling does not comport with the peace, health, safety or general welfare of the public.
- B. The Sheriff may suspend any license for a period up to ninety(90) days, upon any grounds for which he may have denied the application for said license or upon the conviction of or upon the entry of a plea of guilty or nolo contendere for any violation of any provision of this ordinance or where the operation of the establishment or the licensee's conduct of fortunetelling does not comport with peace, health, safety or general welfare of the public; provided, however, that the sole purpose of such suspension shall be to afford the licensee an opportunity to correct or remedy the grounds upon which such suspension is based. In the event said grounds are not so remedied within the time afforded by the suspension, or where the Sheriff determines that such remediation cannot or will not occur in a timely manner, the Sheriff shall have discretion to terminate the suspension forthwith and revoke the subject license.
- C. To revoke or suspend a license issued pursuant to this ordinance, the Sheriff shall serve upon the licensee a notice, in writing, of such suspension or revocation, specifying the grounds for such suspension or revocation and in the case of suspension, the duration of such suspension. Such notice shall be deemed to have been served upon personal delivery to the licensee, or five (5) days from the date such notice is deposited in the United States mail with prepaid postage affixed thereon and addressed to the licensee at his or her last known address.
- D. A revoked permit shall be surrendered to the Sheriff not later than ten (10) days following receipt by the licensee of notice of revocation.
- E. A licensee whose license has been revoked may not re-apply for a new license pursuant to this ordinance for a period of one (1) year from the date of revocation unless the Board of Supervisors, upon the written request of the licensee and for good cause shown, shall determine that some shorter period shall apply. Such request shall be made in conjunction with and as part of an appeal pursuant to Section 11 of this ordinance and the procedural provisions of said Section 11 shall be applicable thereto.

Section 11. APPEALS FROM SUSPENSIONS AND REVOCATIONS OF LICENSES AND DENIALS OF LICENSE APPLICATIONS.

- A. Within thirty (30) days of the service of notice of suspension or revocation of a license issued pursuant to this ordinance or a notice of denial of an application for a license issued pursuant to this ordinance or a notice of denial of an application for a license pursuant to this ordinance or renewal thereof, the licensee or applicant may appeal said suspension, revocation or denial by filing a notice of appeal, in writing, with the Clerk of the Board of Supervisors. Said notice of appeal shall set forth the reason or reasons the appellant believes the suspension, revocation or denial is improper. The Clerk shall give written notice to the appellant of the time and place of the appeal hearing, said notice to be given in the manner specified in Sections 9 and 10 of this ordinance for the service of notices of suspension, revocation and denial. The appeal shall be heard by the Board of Supervisors and such hearing shall be scheduled by the Clerk of the Board for a time not later than thirty (30) days from the receipt by the Clerk of the notice of appeal, except that upon a request made prior to said hearing, in writing, and directed to the Clerk, said hearing may be continued to a later date. The Board of Supervisors may, after hearing said appeal, affirm, amend or reverse the suspension, revocation or denial, and may take such other action as it deems appropriate. In conducting the appeal hearing, the Board of Supervisors shall not be bound by the formal rules of evidence. To be admissible, evidence shall be of the type upon which responsible persons are accustomed to rely in the conduct of serious affairs.

Section 12. NOTIFICATION OF CHANGES.

- A. Any person who holds a valid license issued pursuant to this ordinance or whose application for a license under this ordinance is pending, shall report to the Sheriff, in writing, of any change in the ownership of the establishment owned or operated by such person or where such person is employed in an establishment, any change in the geographical location of such establishment, or any material change in any of the information contained in the license application or the application for renewal thereof. Such report shall be made not later than ten (10) days after the licensee or applicant learns of such change.
- B. Such change shall be approved by the Sheriff upon his determination that the provisions of this ordinance and all other applicable statutes, regulations, codes and ordinances have been fully met and upon the payment by the licensee or applicant of a non-refundable change fee in the amount of fifty dollars (\$50.00).
- C. Failure to make such report as required by this Section 12, shall be grounds for the suspension or revocation of a license issued pursuant to this ordinance or the denial of an application for a license or the renewal thereof pursuant to this ordinance.

Section 13. DISPLAY OF LICENSE. A license issued pursuant to this ordinance to a fortuneteller or to a person who owns, operates, conducts or maintains an establishment shall be prominently displayed at the establishment thus licensed and at such establishment where the person thus licensed engages or proposes to engage in fortunetelling.

Section 14. HOURS PERMITTED. It shall be unlawful to keep open to the public any establishment or to conduct any fortunetelling activity on any day of the week between the hours of 12:00 midnight and 7:00 a.m.

Section 15. RECORDS. Every person operating an establishment under a license issued pursuant to this ordinance shall keep accurate business records. Said records shall

be maintained and open for inspection for a period of three (3) years and shall be kept on the premises of the establishment. Failure or refusal to keep and maintain such records as provided herein shall be grounds for the suspension or revocation of a license issued pursuant to this ordinance.

Section 16. INSPECTIONS. The Sheriff shall have the right to enter the establishment from time to time as deemed appropriate by the Sheriff and not less than once per year for the purpose of conducting therein a reasonable inspection to insure that all of the applicable provisions of law are being complied with therein. Such inspections shall be made during reasonable hours, and such inspections may, in the discretion of the Sheriff, be made without prior notice to the owner or operator of the establishment. As a condition of the issuance of a license pursuant to this ordinance, each owner and operator of an establishment shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Failure or refusal on the part of the owner or operator of an establishment to allow such inspection shall be grounds for denial of an application for a license pursuant to this ordinance or for suspension or revocation of a license issued pursuant to this ordinance.

Section 17. ADJUSTMENTS OF FEES. All of the fees set forth in this ordinance shall be in effect until the Board of Supervisors shall, by resolution, fix some other fees upon the basis of a cost-analysis as determined by the Riverside County Auditor-Controller.

Section 18. VIOLATIONS

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- C. Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than two hundred fifty dollars (\$250.00).
- D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed, continued or permitted by any such person, and such person shall be punishable accordingly.

Section 19. OTHER REMEDIES. The provisions of Section 18 of this ordinance are to be construed as added remedies and not in conflict or derogation of any other actions or proceedings or remedies otherwise provided by law.

Section 20. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application, and to

this end, the provisions of this ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall take effect 30 days after the date of its adoption.

Adopted: 508 11/18/1986 (Eff: 12/18/1986)

Amended: 508.1 Item 3.36 of 11/18/1987 (Eff: 12/18/1987)

(Amended by Ord. 802 – Violation Provisions) 03/14/2000 (Eff: 04/13/2000)

508.2 Item 9.12 of 07/13/2010 (Eff: 08/12/2010)