



Planning Services Division

3675 Mt. Diablo Boulevard, Suite 210

Lafayette, CA 94549-1968

Tel. (925) 284-1976 • Fax (925) 284-1122

<http://www.ci.lafayette.ca.us>

Chapter 4-1

FORTUNETELLING

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Article 1. General Provisions

4-101 Purpose.

The purpose of this chapter is to prescribe a means of licensing practitioners who engage in fortunetelling for profit so that information about those so engaged is available to the public and the city government. (Ord. 154 § 2 (part), 1976)

4-102 Fortunetelling.

“Fortunetelling” means engaging for profit, directly or indirectly, in the act of:

- (a) Foretelling, foreseeing or influencing a future act, event, condition or situation, or finding or restoring a lost or hidden thing, condition or situation, whether physical, spiritual, emotional or social; or
- (b) Persuading or procuring another to transfer, pledge, give or deposit anything of value by means of astrology, augury, card reading, clairaudience, clairvoyance, contacting spirits, crystal gazing, divination, handwriting or character reading, life reading, magic mediumship, necromancy, numerology, palmistry, phrenology or the reading of other anatomical features, seership, or by any occult, mystical, psychic or supernatural means, or by means similar to any of these;
- (c) Making or selling a charm, talisman, potion or other magic thing, or anything purporting to be a magic thing.

(Ord. 154 § 2 (part), 1976)

4-103 Exemption.

This chapter does not normally apply to the bona fide, nonprofit activity of any bona fide nonprofit religious or educational organization, including a charity registered with the California Attorney General. (Ord. 154 § 2 (part), 1976)

4-104 Regulations.

The city manager may prescribe regulations governing the form of applications, licenses and notices; the issuance, replacement and display of licenses; the determination of exempt organizations pursuant to Section 4-103; and concerning his other functions under this chapter. When approved by the city council, these regulations are enforceable as though set forth in this chapter. (Ord. 154 § 2 (part), 1976)

Article 2. Licenses

4-111 Application.

A person who desires a fortunetelling license shall file an application with the city manager on a form furnished by the city.

- (a) The applicant shall furnish the following information:
 - (1) Name of applicant;
 - (2) Applicant's permanent home address and present business address;
 - (3) The names and addresses of the applicant's businesses or employers for the five years preceding the application;
 - (4) A brief description of the nature of the proposed fortunetelling, and the location and premises where the activity will be conducted;
 - (5) Fingerprints and photograph of the applicant;

- (6) A statement as to whether the applicant has ever been convicted of a crime or of a violation of a local agency ordinance, the nature of each such offense and the penalty imposed for each; and
 - (7) Such other information as the city manager may reasonably require.
 - (b) If there are any persons other than the applicant who will be financially interested in the proposed fortunetelling business, the applicant shall furnish the following information about each of them:
 - (1) Name;
 - (2) Permanent home address and present business address;
 - (3) Nature and amount of his financial interest in the business;
 - (4) A statement as to whether he has ever been convicted of a crime or of a violation of a local agency ordinance, the nature of each such offense and the penalty imposed for each; and
 - (5) Such other information as the city manager may reasonably require.
- (Ord. 154 § 2 (part), 1976)

4-112 Application fee.

At the time of filing an application, the applicant shall pay a fee of \$100.00 for cost of processing the application. This fee is not refundable and is in addition to all other fees prescribed by the city. (Ord. 154 § 2 (part), 1976)

4-113 Investigation of applicant.

On receipt of an application, the city manager shall have an investigation made of the applicant's character. The city manager may refer the application to the chief of police for a report and recommendation. (Ord. 154 § 2 (part), 1976)

4-114 Action upon application.

- (a) If the city manager finds that either the applicant's character or his business responsibility is unsatisfactory, or that he has been convicted of a crime involving moral turpitude, the city manager shall refuse to issue the license. The city manager shall notify the applicant of his decision in writing not more than 45 days after the application is filed. The decision is final ten days from the date that notice of denial is given.
 - (b) If the city manager finds that both the applicant's character and his business responsibility are satisfactory, that neither the applicant nor his operation is likely to be injurious to the public welfare, and that he complies with applicable laws and regulations, he shall announce his intent to issue the license. The decision shall be made within 45 days after the application is filed.
 - (c) The city manager shall send the written notice of intent to issue the license to the applicant, to each owner of property located within 300 feet of the exterior boundaries of the parcel of land upon which the fortunetelling business is to be conducted, and to any other persons who have made written requests to the city manager to be so notified.
 - (d) Ten days after mailing the notice of intent to issue the license, if no appeal has been filed pursuant to Section 4-116, the city manager shall issue the license.
- (Ord. 154 § 2 (part), 1976)

4-115 Term of license.

The first license issued to an applicant shall expire on December 31st of the year in which it is issued. (Ord. 154 § 2 (part), 1976)

- 4-116 Renewal of license.
The holder of a valid fortuneteller's license may renew such license for each calendar year by paying to the city a renewal fee of ten dollars. The renewal fee shall be due on January 10th of the year for which renewal is desired. (Ord. 154 § 2 (part), 1976)
- 4-117 Additional terms and conditions of license.
The city manager may impose additional terms and conditions upon the issuance of a license, if he finds that it is necessary to do so in order to protect the general public from the threat of fraud or misrepresentation or public nuisance. (Ord. 154 § 2 (part), 1976)
- 4-118 Appeal procedure and fee.
Any person who wishes to challenge the decision of the city manager on any application shall file a letter of appeal within ten days of (a) the written notice of denial, or (b) the written notice of intent to issue the license. The letter shall be addressed to the city council and be accompanied by an appeal fee of fifty dollars. (Ord. 154 § 2 (part), 1976)
- 4-119 Notice of hearing.
- (a) Upon receipt of a letter of appeal accompanied by the appeal fee, the city manager shall arrange for a hearing on the application before the city council and shall have notice given to the applicant, the appellant and the public. The notice shall state the applicant's name and address, the address of the subject premises, and the time and place for the public hearing before the city council, at which hearing the applicant will present his case and any other interested person may present testimony for or against the issuance of the license.
 - (b) The city manager shall cause a copy of this notice to be posted conspicuously in front of the subject premises and conspicuously at two other public places within 500 feet of those premises; and shall cause copies to be mailed to the applicant, the appellant, property owners whose land is within 300 feet of the subject premises, and other persons who have asked in writing to be so notified.
 - (c) The notice shall be posted and mailed at least ten days before the hearing date.
(Ord. 154 § 2 (part), 1976)
- 4-120 Hearing and decision.
- (a) At the time and place specified in the notice, or at such later time to which the hearing may be continued, the city council shall hear the appeal.
 - (b) The applicant has the burden of presenting all necessary evidence from which findings required by this section may be made. The city council may order a license granted to the applicant if it finds that all of the following conditions are satisfied:
 - (1) The application has been fully and truthfully completed;
 - (2) Neither the applicant nor any person financially interested in the business to be operated on the premises has been convicted of a felony or of any crime involving moral turpitude or dishonesty, and that all are of good moral character;
 - (3) Neither the applicant nor his operation is likely to be injurious to the public welfare; and
 - (4) All applicable laws and ordinances, including the zoning ordinance, are complied with.
 - (c) If the city council does not make all of these findings, it shall deny the appeal. Its decision is final.

(d) The city council may impose reasonable conditions to the issuance of a license which is granted upon appeal.

(Ord. 154 § 2 (part), 1976)

4-121 Revocation of license.

A fortunetelling license may be revoked for any of the following reasons:

- (a) Nonpayment of the renewal fee;
- (b) Conviction of the licensee of a crime related to the conduct of the fortunetelling business;
- (c) Violation of a special condition imposed upon the license pursuant to Sections 4-117 or 4-120(d) of this chapter; or
- (d) Violation by the licensee of the zoning or sign ordinances in connection with the operation of the fortunetelling business.

(Ord. 154 § 2 (part), 1976)

4-122 Procedure for revocation.

If the city manager finds cause, pursuant to Section 4-121, to revoke a fortunetelling license, he shall notify the licensee in writing that his license will be revoked, giving the reason for the revocation and advising the licensee of his rights to have the city manager's revocation decision reviewed by the city council. Unless appealed as provided in Section 4-124, the revocation shall be effective ten calendar days after the date of the city manager's notice of revocation. (Ord. 154 § 2 (part), 1976)

4-123 Request of revocation.

Any person may request the city manager to revoke a fortunetelling license. Such request shall be in writing and shall state the reason for the proposed revocation. The city manager shall act upon the request within 30 days after receiving it. If the city manager does not revoke the license pursuant to such request, he shall so notify in writing the person making the request, and that person then has the right to appeal that decision pursuant to Section 4-124. (Ord. 154 § 2 (part), 1976)

4-124 Appeal of revocation.

Either the licensee whose license is revoked, or the person unsuccessfully requesting such revocation, may appeal the city manager's decision to the city council. The appeal shall be in writing, shall be submitted within ten days after notification of the decision, and shall be accompanied by an appeal fee of \$50.00 payable to the city. The city manager shall arrange for the hearing and give notice thereof as prescribed in Section 4-119. The burden of proof at the hearing shall be on the city manager in the event of a decision to revoke, or on the appellant in the event of a decision not to revoke. The decision of the city council on the appeal is final. (Ord. 154 § 2 (part), 1976)

Article 3. Prohibited Acts

4-131 Certain activity prohibited.

No person may engage in the activity of fortunetelling:

- (a) Without a license to do so;
- (b) In violation of this chapter; or
- (c) In violation of a term or condition of the license.

(Ord. 154 § 2 (part), 1976)