

001-98 C.S.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 5, 6, 8 AND 9 OF THE STOCKTON MUNICIPAL CODE BY AMENDING SECTIONS 5-131.6, 6-034.6, SUBSECTION (i), 6-034.7, SUBSECTION (h), 6-086, 6-087.5, 8-002.3, SUBSECTION (10), 8-016.9, 8-031.3, 8-031.4, 9-005, SUBSECTION (2), 9-005.2, 9-005.3, 9-005.4, AND 9-038.1, RELATIVE TO REPLACING CERTAIN REFERENCES TO THE CITY AUDITOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. AMENDMENT OF CODE.

Section 5-131.6 of Chapter 5 of the Stockton Municipal Code is hereby amended and shall read as follows:

SEC. 5-131.6. DEPOSIT OF FUNDS:

Any money received from the sale shall be turned over to the Finance Department and placed in the general fund of the City of Stockton.

SECTION II. AMENDMENT OF CODE.

Sections 6-034.6, subsection (i), 6-034.7, subsection (h), 6-086, and 6-087.5 of Chapter 6 of the Stockton Municipal Code are hereby amended and shall read as follows:

SEC. 6-034.6. ADVERTISING ON VEHICLES:

(i) The Chief of Police of the City of Stockton shall monitor the operation of vehicles with sound devices and shall report to the City Manager violations of the above regulations. If the City Manager reasonably finds that a licensee has violated the regulations he shall direct the Director of Finance to refuse the issuance of a new license to the licensee until the further order of the City Manager and he may revoke the license already granted.

SEC. 6-034.7. LOUD SPEAKERS--AMPLIFYING DEVICES, ETC. ON AIRPLANES:

(h) The Chief of Police of the City of Stockton shall monitor the operation of airplanes with sound devices and shall report to the City Manager violations of the above regulations. If

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the City Manager reasonably finds that a licensee has violated the regulations, he shall direct the Director of Finance to refuse the issuance of a new license to the licensee until the further order of the City Manager, and he may revoke the license already granted.

SEC. 6-086. LICENSE TO ACT AS AUCTIONEER - FEE - BOND:

A license to act as an auctioneer pursuant to the provisions hereof shall be granted by the Director of Finance upon compliance with Section 6-085.1 hereof and the following condition: The depositing with the City Manager of a penal bond in the sum of one thousand dollars (\$1,000.00) with surety or sureties to be approved by the City Manager, conditioned that upon the failure to comply with any of the conditions or provisions set forth herein that said auctioneer or his sureties will pay any fine which may be imposed upon said auctioneer for such violation, and further conditioned that said auctioneer or his sureties will pay to any person aggrieved by any act of said auctioneer in violation of any term or terms hereof any amount which a court of competent jurisdiction may determine that such person is entitled to because of said violation.

SEC. 6-087.5. GENERAL REQUIREMENTS:

Any auctioneer who shall sell or offer for sale at public auction in the City of Stockton, any stock of merchandise which said auctioneer, in any manner or by any means represents as being a whole or part of goods belonging or kept in the business of another, shall, before offering said goods for sale at public auction, file with the Director of Finance ten (10) days before the opening of any auction, a verified detailed inventory of this stock of merchandise which said verification shall state that the inventory as filed is, in all respects, true and that no goods not thus inventoried will be sold. No goods other than the goods listed in said inventory may be sold at said auction. Said inventory shall be kept by the Director of Finance as a part of his records and shall be open for inspection to the public.

SECTION III. AMENDMENT OF CODE.

Sections 8-002.3, subsection (10), 8-016.9, 8-031.3, and 8-031.4 of Chapter 8 of the Stockton Municipal Code are hereby amended and shall read as follows:

SEC. 8-002.3. WORDS AND PHRASES DEFINED:

10. "Director of Finance" or "Finance Director" means the chief accounting officer of the City, by whatever title he may be known.

SEC. 8-016.9. STATUTE OF LIMITATIONS IN RE UNPAID, UNSECURED TAXES:

If, after the expiration of four (4) assessment years from the lien date for the year for which assessment of unsecured property was made, there remain upon the unsecured roll any unpaid assessments for said year, the Assessor shall immediately proceed to cancel all such unpaid assessments, together with any penalties or costs attaching thereto. The Assessor shall notify the Director of Finance of the total of the amounts so canceled for the year upon which the limitation for action had run. The Director of Finance shall thereupon apply the amount thereof as a credit to the unpaid balance of unsecured property taxes, penalties and costs thereon, and the unsecured roll for that year shall be considered closed.

SEC. 8-031.3. WRITTEN STATEMENT NOT CONCLUSIVE:

No such statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City of Stockton from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the Director of Finance, who is hereby authorized to examine, audit and inspect such books and records of any licensee or applicant for license as may be necessary in his judgment to ascertain the correct amount of license due.

SEC. 8-031.4. FAILURE TO FILE STATEMENT OR CORRECTED STATEMENT:

If any person fails to file any statement required hereby within the time prescribed herein, or if after demand therefor made by the City Tax Collector, fails to file a corrected statement, the City Tax Collector may determine the amount of license fee due from such person from such information as he may be able to obtain and if necessary may estimate the fee required to be paid hereunder upon the basis of external indices such as dividends paid, sales or other taxes paid, or by considering other facts. In case such a determination is made, the City Tax Collector shall give notice of the amount so assessed by serving the same personally or by depositing same in the United States Post Office at Stockton, California, postage prepaid thereon, addressed to the person so assessed at his last known address. Such person may, within ten (10) days after the mailing or serving of such notice, make application in writing to the City Tax Collector for a hearing on the amount of the tax. If such application is not so made within the time prescribed the assessment shall become final. If such an application is filed, the City Tax Collector must cause the matter to be set for hearing within fifteen (15) days before a Board consisting of the City Manager, the Director of Finance and the Mayor of the City, and the City Attorney, or the duly appointed deputy of each. Such Board shall consider all evidence produced and shall make written findings thereon, a copy of such findings to be served upon the applicant, in the manner prescribed above for the service of notice of assessment. Such findings shall become final at the expiration of five (5) days from the date of service within which time exceptions may be filed by the applicant. If filed, the Board so appointed shall consider same and make such modification as may be deemed necessary; there upon the final assessment shall be made.

SECTION IV. AMENDMENT OF CODE.

Sections 9-005, subsection (2), 9-005.2, 9-005.3, 9-005.4, and 9-038.1 of Chapter 9 of the Stockton Municipal Code are hereby amended and shall read as follows:

SEC. 9-005. REPAIR BY SUPERINTENDENT OF STREETS OR BY PRIVATE CONTRACT-DAMAGE BY CITY TREES - DEFAULT OF PROPERTY OWNER:

2. All bids shall be accompanied by cash or a cashier's check of a responsible bank or a check certified by a responsible bank, payable to the order of the City of Stockton for an amount not less than ten percent (10%) of the proposal, or a bidder's bond executed as surety by some corporation authorized to issue surety bonds in the State of California, made out in favor of the City for an amount not less than ten (10%) per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or bidder's bond.

SEC. 9-005.2. FORM, EXECUTION AND CONTENTS OF CONTRACT:

The form, execution and contents of the contract shall be as set forth in Section 3 of Article XXIII of the Charter of the City of Stockton. No contract shall be binding unless the Director of Finance shall endorse thereon his certificate that there remains a balance of the appropriation for and applicable thereto sufficient to pay the estimated expense of fulfilling such contract.

SEC. 9-005.3. BOND FOR FAITHFUL PERFORMANCE:

At the same time as the execution of the contract, the contractor shall execute to the City and deliver to the Director of Finance a bond in the amount named in the notice inviting proposals, conditioned for the faithful performance of the contract with sureties to be approved by the Director of Finance, or shall deposit with the Director of Finance a certified check upon some solvent bank for the amount of said bond.

SEC. 9-005.4. BOND FOR LABOR AND MATERIALS:

At the same time as the execution of the contract, the contractor shall execute and file with the Director of Finance a good and sufficient bond with sureties to be approved by the Director of Finance, in a sum not less than one half of the total amount payable by the contract, which bond must provide that if the contractor fails to pay for any materials, provisions, provenders, or other supplies or teams used in, upon, for, or about the

performance of the work contracted to be done or for any work or labor thereon of any kind, that the surety or sureties will pay the same in an amount not exceeding the sum specified in the bond; provided that such claim shall be filed as hereinafter required.

1. Any materialmen, person, company, or corporation furnishing materials, provisions, provenders, or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company, or corporation renting or hiring teams for or contributing to said work to be done, or any person who performed work or labor upon the same, or any person who supplied both work and materials and whose claim has not been paid by the contractor shall, within thirty (30) days from the time such contract is completed, file with the City Council and the Director of Finance a verified statement of such claims, together with a statement that the same has not been paid.

SEC. 9-038.1. DISPOSAL OF FEES WHEN COLLECTED:

All fees collected in accordance herewith shall be delivered to the Director of Finance and be placed by him to the credit of the General Fund.


SECTION V. EFFECTIVE DATE.

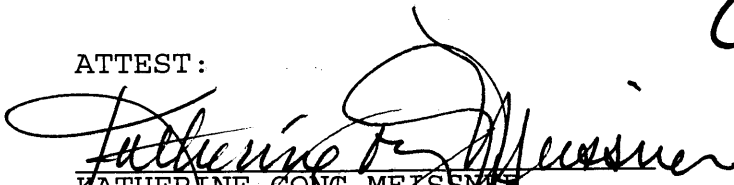
This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: **JAN 13 1998**

EFFECTIVE: **FEB 12 1998**

ATTEST:


GARY A. PODESTO, Mayor
of the City of Stockton


KATHERINE GONG MEISSNER
City Clerk
of the City of Stockton