Subchapter Six: Fortune-Telling

4.06.010 Fortune-Telling.

No person shall conduct, engage in, carry on, participate in or practice fortune-telling or cause the same to be done for pay without having first obtained a permit therefore, and without having posted and maintained in full force and effect a surety bond as required by this subchapter.

(a) No person shall violate any of the terms and conditions of a permit issued pursuant to this subchapter nor any of the regulations and provisions within this subchapter. Each day such a violation or violations occur shall constitute a separate offense.

(b) No person shall conduct a fortune-telling business in any zone of the City except in a C Zone.

(c) No person shall conduct a fortune-telling business at any address or location other than the address or location listed on the application and for which the permit is issued.

[*History*: formerly § 4.601; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.020 Definitions.

For the purpose of this chapter the following words shall have the meanings as hereinafter set forth:

(a) *Fortune-telling* shall mean telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic of any kind or nature.

(b) *For Pay* shall mean for a fee, reward, donation, loan or receipt of anything of value.

[*History*: formerly § 4.602; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.030 Permit Application.

Every natural person who, for pay, actively conducts, engages in, carries on, or practices fortune-telling shall file a separate verified application for a permit with the License Collector. The application shall contain:

(a) The name, home and business address and home and business telephone numbers of the applicant.

(b) The record of conviction for violation of the law, excluding minor traffic violations, including date of conviction, the court in which said conviction was rendered.

(c) The fingerprints of the applicant on a form provided by the Police Department.

(d) The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others.

(e) Address or location where the business will be conducted, if different than as set forth in subsection 1 above.

(f) An application fee of $100 and a check or money order of the current Department of Justice fingerprint fee.

[*History*: formerly § 4.603; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.040 Business License.

At the time of application for a permit, applicant shall also apply for and furnish the information necessary to obtain a business license as required by Subchapter One of Chapter Four. No business license shall be issued until the investigation is completed and a permit to operate is approved, and then it shall be issued upon payment of the business license fee as provided in Subchapter One of Chapter Four of this Code.

[*History*: formerly § 4.604; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.050 Investigation.

Upon the filing of this application, it shall be referred to the Police and Planning Departments for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the City Tax Collector within sixty (60) days after the filing of the application.

[*History*: formerly § 4.605; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.060 Issuance or Denial of Permit.

Upon receipt of the investigation reports from each of the departments to whom the application has been referred, the City Tax Collector shall issue such permit if all required information has been furnished and the Tax Collector finds that:

(a) All the information contained in the application and supporting data is true;

(b) That applicant has not, within the previous twelve (12) months, been convicted of any violation of this chapter or any law relating to fraud or moral turpitude; and

(c) The applicant has posted with the City Clerk surety bond in the principal amount of $10,000 executed as surety by a good and sufficient corporate surety authorized to do a surety business in the State of California and as principal by the applicant. The form of the bond shall have been approved by the City Attorney and shall have been given to insure good faith and fair dealing on the part of the applicant and as a guarantee of indemnity for any and all loss, damage, theft or other unfair dealings suffered by any patron of the applicant within the City during the term of the permit and for a period of five years from and after the date of the permit issued, or any renewal thereof. The permit shall be denied if all of the above findings cannot be made or if all of the information required is not supplied to City. If denied, the reasons therefore shall be endorsed upon the application and the license collector shall notify the applicant of the disapproval with a copy of the application upon which the reasons have been endorsed, by first class mail.

[*History*: formerly § 4.606; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.070 Appeal.

In the event a permit has been denied, applicant shall have ten (10) days from the date of mailing the notice within which to appeal to the City Council by filing a written application for a public hearing with the City Clerk. Notice and a public hearing shall be given as follows:

(a) Upon receipt of the appeal, the City Clerk shall set the matter for hearing before the Council, at a regular meeting thereof, within thirty (30) days from the date of filing the appeal, and shall give written notice of such hearing to the applicant at his address set forth in the appeal by first class mail at least ten (10) days prior thereto.

(b) On the date set, the Council shall hear the matter and may continue it from time to time before reaching a decision. If the Council finds that the applicant has satisfactorily met all of the requirements of this chapter, it shall order the issuance of the permit and the business license. If it finds that the requirements have not been met satisfactorily, it shall deny the permit and the license.

(c) All findings of the Council shall be final and conclusive upon the applicant.

[*History*: formerly § 4.607; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.080 Permit Revocation.

Upon the discovery of any false or misleading statement in the application or any misrepresentation by the applicant in procuring the permit or upon termination of the bond required hereunder or upon the applicant's violation of any provision of this chapter, the City Council may conduct a hearing upon ten (10) days' written notice to the applicant to determine whether the permit should be revoked.

[*History*: formerly § 4.608; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.090 Exceptions.

(a) The provisions of this section shall not apply to any person solely by reason of the fact that he or she is engaged in the business of entertaining the public by demonstrations of mind-reading, mental telepathy, thought conveyance or the giving of horoscopic 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.

(b) No person shall be required to pay any fee or take out any permit for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer or clairvoyant, hereinafter collectively referred to as minister, from any bona fide church or religious association maintaining a church and holding regular services and having a creed or set of religious principals that is recognized by all churches of like faith; provided that:

(1) Except as provided in 3 hereof, the fees, gratuities, emoluments and profits hereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this subsection (b).

(2) The minister holding a certificate of ordination from such bona fide church or religious association, as defined in this subsection (b) shall file with the License Collector a certified copy of the minister's certificate of ordination with the minister's name, age, street address and phone number in this City where the activity set forth in this subsection (a) is to be conducted.

(3) Such bona fide church or religious association, as defined in this subsection (b), may pay to its ministers a salary or compensation based upon a percentage basis pursuant to an agreement between the church and the minister who is embodied in a resolution and transcribed in the minutes of such church or religious association.

[*History*: formerly § 4.609; ORD. 328, 01/08/86; ORD. 638, 12/14/05]

4.06.100 Use Permit.

Nothing herein contained shall relieve the applicant from any requirement to obtain a use permit as provided in the Zoning Code of the Town of Colma.

[*History*: formerly § 4.610; ORD. 328, 01/08/86; ORD. 638, 12/14/05]