

ORDINANCE NO. 2022-482

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN AMENDING THE ARVIN MUNICIPAL CODE SECTIONS 5.04.090 AND 5.040.120; AND REMOVING SECTION 5.04.100; AND SECTIONS 5.04.140 THROUGH 5.04.180 OF CHAPTER 5.04 OF TITLE 5 BUSINESS TAXES, LICENSES AND REGULATIONS.

WHEREAS, in 1961 the City Council adopted Ordinance No. 12, codified as Chapter 5.04 of Title 5 – Business Taxes, Licenses and Regulations in the Arvin Municipal Code; and

WHEREAS, Chapter 5.04.040 of the Arvin Municipal Code establishes that it is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city to do so or without complying with any and all applicable provisions of this chapter; and

WHEREAS, several sections of Chapter 5.04 are outdated and no longer provide reasonable or feasible licensing fees and regulations; and

WHEREAS, the City desires to continue its established policy of recovering the full costs reasonably borne, as established by Chapter 3.32 Fee and Services Charge Revenue/Cost Comparison System and desires to increase certain existing fees to more accurately reflect the current costs of providing such services; and

WHEREAS, pursuant to Government Code Sections 66014, 66016, 66017, and 66018, the specific fees to be charged for certain regulations, services and products may be adopted by ordinance or by resolution, following notice and public hearing; and

WHEREAS, City staff proposes that business license fees, authorized under this title, are to be determined from time to time in the amount prescribed by resolution of the City Council; and

WHEREAS, on September 27, 2022 and October 25, 2022, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public; and

WHEREAS, after the above-mentioned City Council public hearing, the City Council now desires to amend Sections 5.04.090 and 5.040.120; and remove Sections 5.04.100; and Sections 5.04.140 through 5.04.180 of Chapter 5.04 of Title 5 – Business Taxes, Licenses and Regulations of the Arvin Municipal Code; and

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NOW, THEREFORE, the City Council of the City of Arvin does hereby ordain as follows:

Section 1. The Recitals set forth above are true and correct and incorporated herein.

Section 2. Amendment to Chapter 5.04. Section 5.04.090 – License – Nontransferable – Fee is hereby amended to read as follows:

5.04.090 - License—Nontransferable—Fee.

~~No license issued pursuant to this chapter shall be transferable; provided that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee of one dollar (\$1.00.00) have the license amended to authorize the transacting and carrying on of such business under such license at some other location to which the business is or is to be moved.~~

Section 3. Amendment to Chapter 5.04. Section 5.04.120 – License – Fees is hereby amended to read as follows:

5.04.120 - License—Fees.

All fees payable authorized under this title shall be determined from time to time in the amount prescribed by resolution of the city council.

~~All license fees payable under this chapter shall be due and payable in full as follows:~~

- ~~A. Annual License. In advance on the first day of January;~~
- ~~B. Quarterly License Taxes. In advance on the first day of January, April, July and October of each year.~~
- ~~C. Monthly Licenses. On the first day of each and every month in advance;~~
- ~~D. Daily Licenses. In advance each day.~~

Section 4. Amendment to Chapter 5.04. Sections 5.04.100; 5.04.140; 5.04.150; 5.04.160; 5.04.170; and 5.04.180 of Chapter 5.04 are hereby removed from the Arvin Municipal Code.

5.04.100—License—Duplicate.

~~A. A duplicate license may be issued by the city clerk to replace any license previously issued under this chapter which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the city clerk a duplicate license fee of one dollar (\$1.00)~~

5.04.140—License tax—Flat rate.

~~Every person transacting and carrying on the business enumerated in this section shall pay a license tax in the amount following the description of the business:~~

- ~~A. Auctioneer, except one limited to auctioning real estate, without a fixed place of business in the city, ten dollars (\$10.00) per day;~~
- ~~B. Bus for transportation of passengers for hire where such operation has a terminal point for receiving or discharging passengers in the city or an office therein, ten dollars (\$10.00) per year;~~

- C. Fire sales, damaged goods sales, closing out sales, twenty-five dollars (\$25.00) per day;
- D. Hotels, motels, lodgingshouses, trailer courts, cabins or courts, five dollars (\$5.00) per quarter;
- E. Peddlers as per Chapter 5.05 of this title;
- F. Packing houses, processing houses, cotton gin and similar establishments, twenty-five dollars (\$25.00) per year;
- G. Palmist, fortuneteller, clairvoyant, one hundred dollars (\$100.00) per quarter;
- H. Shows, theaters, carnivals or exhibitions not having a fixed place of business in the city, two hundred dollars (\$200.00) per day;
- I. Skating rink, five dollars (\$5.00) per quarter;
- J. Skee ball or other mechanical contrivance wherein and whereby balls are manually thrown at objects or into slots or holes, or shuffleboard or bowling machines or similar devices, or for operating or offering for use any jukebox or any mechanical device wherein and whereby the public is invited to insert coins to secure the playing of musical selections, two and one-half dollars (\$2.50) per quarter for each machine, device or contrivance;
- K. Trading stamps: The selling to any person in the city of any stamps, coupons, tickets, cards or other devices to be issued by the vendee to the vendee's customers, and which stamps or other devices entitle said customers to procure from the issuer or any other person, any goods, wares or merchandise free of charge upon the presentation of one (1) or a number of such stamps, coupons, tickets, cards or other devices, twenty-five dollars (\$25.00) per quarter;
- L. 1. Arcades. Every person engaged in the business of an arcade, shall pay the city a license tax of two (2) cents for each dollar of gross receipts realized and returned to such person from such business. The license tax shall be paid annually within thirty (30) days from the end of the city's fiscal year, and each such person shall place and have on deposit with the city a security deposit of one hundred dollars (\$100.00). The security deposit shall be returned to the licensee upon a termination of the license, provided that at the time all license taxes of such person payable to the city have been fully paid;
2. Amusement Machine. The term "amusement machine," as used in this chapter, means any mechanical, electrical, electronic or other machine, apparatus, contrivance or device which may be operated or played by the placing or deposit therein of a coin, check, slug, ball, token, card or other article, or by paying for the use thereof in advance or after use, involving in its operation or play either skill or chance, including but not limited to pinball machines, bowling game machines, shuffleboard machines, marble game machines, video game machines, or any other similar machine or device. The term "amusement machine" does not include phonographs, jukeboxes or other music machines;
3. Arcade. The word "arcade," for purposes of this chapter, means any business with a fixed place of business which maintains on the business premises two (2) or more amusement machines available for use and play by the public generally or by patrons of such business, whether the business of arcade is conducted as a single business or in conjunction with another business.

5.04.150 License tax — Other fixed businesses.

Every person who engages in business at a fixed place of business within the city and is not subject to the provisions of Section 5.04.140 shall pay an annual license tax of thirty dollars (\$30.00) per year.

~~5.04.160 – License tax – Wholesale delivery by vehicle.~~

~~Every person not having a fixed place of business in the city who is not subject to the provisions of Section 5.04.140 and who delivers, for wholesale purposes, goods, wares or merchandise or any kind by vehicle in the city shall pay a license tax of five dollars (\$5.00) per quarter.~~

~~5.04.170 – License tax – Other outside businesses.~~

~~Every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of Section 5.04.140 or Section 5.04.160 shall pay a license tax of forty five dollars (\$45.00) per year.~~

~~5.04.180 – License tax – Procurement.~~

~~Whenever a business is first commenced during the year, the license tax shall be prorated for the number of months remaining in the year after the first day of the month in which such business is commenced provided, however, that the minimum license fee in any event under any proration shall be equal to one half (1/2) of the yearly license fee for such business. There shall be no proration of quarterly, monthly or daily license fees.~~

Section 5. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a newspaper of general circulation.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 27th day of September 2022, and adopted the Ordinance after the second reading at a regular meeting held on the 25th day of October 2022, by the following roll call vote:


AYES: CM Reyes, CM Horton, CM Franetovich, MPT Borreli

NOES: _____

ABSTAIN: _____


ABSENT: Mayor Trujillo

ATTEST



CECILIA VELA, City Clerk

CITY OF ARVIN

By: 
~~OLIVIA TRUJILLO, Mayor~~
Daniel Borreli, Mayor Pro Tem

APPROVED AS TO FORM:

By: 

NATHAN HODGES, City Attorney
Hodges Law Group

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.