

ORDINANCE NUMBER 1037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AMENDING TITLE 5 OF THE PERRIS MUNICIPAL CODE PERTAINING TO BUSINESS LICENSE REQUIREMENTS AND REGULATIONS

WHEREAS, Title 5 of the Perris Municipal Code sets forth requirements governing business licensing and regulation; and

WHEREAS, in accordance with California Business and Professions Code Section 16000, as amended, the City is authorized to license businesses in the exercise of its police power for purposes of regulation; and

WHEREAS, in imposing regulatory license fees, the City is empowered to include all those costs incidental to the issuance of the license, as well as investigation, inspection, administration, regulation, maintenance of a system of supervision and enforcement; and

WHEREAS, in accordance with decisions rendered by California courts, in establishing the amounts of the regulatory license fees, the City is authorized to impose fees that allocate and take into consideration the burdens on or benefits derived from particular categories or types of businesses; and

WHEREAS, the current business license fees utilized by the City was enacted pursuant to Ordinance Number 346 adopted on July 13, 1970; and

WHEREAS, the City's current business license fees have not been reviewed or amended since the City's adoption of Ordinance Number 346 in 1970; and

WHEREAS, the City has reviewed the current business license fees to determine the adequacy of said fees set in light of the costs incurred by the City's building, planning, administration, finance and city attorney's departments in connection with business regulations; and

WHEREAS, the City proposes to amend Title 5 of the Perris Municipal Code and the business license fees by increasing business license fees for certain categories of businesses; and

WHEREAS, the proposed business license fee increases do not exceed and are consistent with the sum reasonably necessary to cover the City's costs of licensing businesses, including costs incidental to the issuance of the license, investigation, inspection, supervision, maintenance and enforcement; and

WHEREAS, in compliance with the California Environmental Quality Act of 1970, Public Resources Code Section 21000 et seq., as amended, and the Guidelines promulgated thereunder, an Initial Study of this ordinance was conducted by the City. As the initial Study did not identify any significant environmental impacts which would result from the adoption of this ordinance, a Negative Declaration has been prepared by the City; and

WHEREAS, the City Council has heretofore conducted a duly noticed public hearing concerning this ordinance and said public hearing was conducted prior to the adoption of this ordinance; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

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

Section 1. That the above recitals are true and correct.

Section 2. The City Council hereby finds that:

A. The adoption of this ordinance will not have a significant adverse effect on the environment.

B. Negative Declaration Number 2028 reflects the independent judgment of the City.

C. The proposed increases to certain business license fees are necessary to defray the City's costs of licensing businesses, including costs incidental to the issuance of the license, investigation, inspection, administration, regulation, maintenance of a system of supervision and enforcement.

D. The proposed business license fee increases to certain classifications of businesses do not exceed the sum reasonably necessary to cover the City's costs of licensing, investigating, inspecting, regulating and enforcing such businesses.

Section 3. The City Council hereby adopts Negative Declaration Number 2028.

Section 4. Section 5.04.030.A of Chapter 5.04 of Title 5 of the Perris Municipal Code is hereby amended to read as follows:

"A. Before any license is issued to any person, firm or corporation, such firm or corporation, or person shall make application therefor to the finance department. Such application shall require, to the extent relevant and possible, the following information:

1. Business name.
2. Business and mailing address.
3. Business phone number.
4. Type of business.
5. Business start date.
6. Owner's/corporate official's name.
7. Owner's/corporation's address.
8. Owner's driver's license number.
9. Owner's birthdate.
10. Owner's social security number.
11. State board of equalization number.
12. Employer identification number (both federal and state).
13. Description of business activity."

Section 5. Section 5.04.050.G of Chapter 5.04 of Title 5 of the Perris Municipal Code is hereby amended to read as follows:

"G. The annual license provided for in this title shall be due and payable to the city at the times specified herein respectively, or when not so specified, on the first day of January or July of each year, but the first annual license issued shall be for the unexpired period of such year at the prorata rate, except as herein otherwise provided."

Section 6. Section 5.04.050.H of Chapter 5.04 of Title 5 of the Perris Municipal Code is hereby amended to read as follows:

"H. The licenses provided for in this title, whether daily, monthly, quarterly, semiannually, or annually shall be due and payable to the city in advance, on the dates hereinabove specified, at the office of the finance department. The following penalties shall be added to the amount of each license remaining unpaid after it becomes due: twenty-five (25) percent for the first month; thirty-five (35) percent for the second month; and fifty (50) percent thereafter."

Section 7. Section 5.06.120 of Chapter 5.06 of Title 5 of the Perris Municipal Code is hereby amended to read as follows:

"5.06.120 License--Fees. A. At the time the application is filed with the finance department, the applicant shall pay a fee sufficient to cover the cost the city incurs for processing the application, including all costs incidental to the issuance of the license, as well as investigation, inspection, administration, regulation, maintenance of a system of supervision and enforcement.

B. The amount of the fee for this license shall be that amount established for businesses with no fixed location which amount shall be set by resolution of the city council, as amended from time to time.

C. Each individual peddler, hawker, transient or itinerant merchant, solicitor, drummer or canvasser, whether or not such person maintains or is employed by a business which has a business license from the city, must obtain his or her own individual license in order to engage in business in the city.

D. Senior citizens over the age of sixty-five, juveniles under the age of eighteen and veterans physically unable to obtain livelihood by manual labor who qualify under Sections 16001 and 16001.5 of the California Business and Professions Code shall be exempt from paying such fee."

Section 8. Section 5.12.020 of Chapter 5.12 of Title 5 of the Perris Municipal Code is hereby amended to read as follows:

"5.12.020 *License fees.* A. Every person, firm or corporation, not exempted by the laws of California or of the United States, engaged in or carrying on any business, shall pay to the city as a license fee the sum set forth in the business license fee schedule, which schedule is on file with the city's finance department, and may be amended from time to time in the manner provided in this chapter.

B. As used in this chapter, the term "contractor" includes any person who practices any building trade for compensation, whether pursuant to contract or as an employee, irrespective of having a permanent or fixed place of business within the city, other than as employee of a contractor licensed by the state, and any such person shall be deemed to be carrying on a business within the meaning of this chapter. The fee established for contractors shall not apply to any person, firm or corporation furnishing any supplies, materials or fixtures or appliances without fabricating the same into any building, structure or improvement.

C. The fees assessed hereunder shall be due from any arcade business applying for a permit."

Section 9. The business license fee schedule which establishes the amount of the business license fees for all categories of businesses, as set forth in Exhibit "A" attached hereto and incorporated herein by reference, is hereby adopted.

Section 10. The business license fee schedule set forth in Exhibit "A" shall be on file with and available for public inspection at the City's finance department.

Section 11. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect (30) days after its passage.

ADOPTED, SIGNED and APPROVED this 29th day of July, 1996.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 1037 was introduced at a regular meeting thereof held on July 8, 1996, and adopted by the City Council of the City of Perris at a regular meeting thereof held on the 29th day of July, 1996, by the following called vote:

Ayes: Torres, Denney, Yarbrough and Long
Noes: Landers
Absent: None

CITY CLERK

EXHIBIT "A"

**CITY OF PERRIS
BUSINESS LICENSE FEE SCHEDULE
(NON-REFUNDABLE)**

Classification	Quarterly	Annually	Pro-Rate
Class "C" Contractor	\$37.50	\$150.00	\$ 50.00
Class "A" & "B" Contractors	\$75.00	\$300.00	\$100.00
Unlicensed handyman	\$18.75	\$ 75.00	\$ 25.00

(Contractors may pay on a pro-rata basis only on the last month of the quarter, i.e., March, June, September, or December.)

No fixed location within the City Limits (i.e., Salesmen, janitorial services, solicitors, and security guards)	N/A	\$100.00	Add \$8.33 (per mo.)
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Individual peddlers, hawkers, transient or itinerant merchants, solicitors, drummers or canvassers (in addition to and separate from the license required by the business)	\$15.63	\$62.50	N/A
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Location within the City Limits with one type of operation	N/A	\$100.00	Add \$8.33 (per mo.)
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Location within the City Limits with more than one type of operation	N/A	\$100.00	Add \$8.33 (per mo.)
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Wholesale Deliveries Sodas, bakery, milk, etc. (delivery trucks only, excluding water trucks to retail outlets)	N/A	\$100.00	Add \$8.33 (per mo.)
Theater (movie houses)	N/A	\$50.00	Add \$4.16 per screen (per mo.; per screen)
Rental Units Living quarters being rented out (i.e., apartment houses, duplexes, etc.)	N/A	\$15.00 per unit [Maximum fee: \$300.00 per year]	N/A
Swap Meet	N/A	\$350.00	\$27.17 per mo. (first year only)
Fortunetelling, palmistry, etc.	N/A	\$100.00	N/A
Ambulance	N/A	\$100.00	Add \$8.33 (per mo.)
Bingo	N/A	\$50.00 ¹	N/A
Vending Machines, tangible and intangible (games)	Based on annual gross receipts and schedules, which are CONFIDENTIAL (Section 5.12.030 of the Perris Municipal Code)		

¹ A monthly gross receipts report is required in which a fee of 1% of the gross monthly receipts over \$5,000.00 derived from bingo games shall be collected monthly by the finance department.

Carnival, circus, amusement, show, radio, or similar business

For one (1) concession, show, or separate revenue-producing operation, \$5.00 per day. For each additional concession, show or separate revenue-producing operation, \$1.00 per day. City council may waive the fee if the concession, show or operation is under the control of an established nonprofit civic, social or educational organization and said business is conducted for a period of one week or less.

Any business not herein otherwise provided for

N/A \$100.00 Add \$8.33 (per mo.)

Late Fees:

Late fees will be assessed in accordance with the penalties provided in Section 5.04.050 of the Perris Municipal Code.

Other Charges:

Duplicate, re-issuance and/or replacement of business licenses: \$15.00