

## ORDINANCE NO. 4184

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 50 OF THE POMONA CITY CODE REGARDING BUSINESS LICENSE TAXES

**WHEREAS**, the City Council recognizes the valuable contribution made by local businesses to the continued economic health of the City of Pomona ("City"); and,

**WHEREAS**, pursuant to Section 50-415 of the City Code, certain business license taxes are in part determined by annual changes in the regional Consumer Price Index, and adjusted accordingly; and,

**WHEREAS**, the regional Consumer Price Index has increased by 1.04% at the close of the most recent quarter when compared to the same period of calendar year 2013.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Pomona as follows:

**SECTION 1.** That Sections 50-411 through 50-414 of Article VIII (Business License Tax), Division 3, (Tax Schedule) of the Pomona City Code are hereby amended to read as follows:

#### **DIVISION 3. TAX SCHEDULE**

##### **Sec. 50-411. - Businesses engaged in selling at retail; request for reclassification of business; hearing upon denial of request.**

(a) Every person engaged in the business of making sales at retail, where 75 percent of the gross receipts of such business are derived from such sales, shall pay an annual license fee based upon the annual gross receipts of the business at the following rates:

1. **\$111.50** for the first \$10,000.00 or fractional part thereof, plus \$0.50 for each additional \$1,000.00 or fractional part thereof;
2. Over \$1,000,000.00 - \$0.40 for each additional \$1,000.00 or fractional part thereof;
3. Over \$2,000,000.00 - \$0.30 for each additional \$1,000.00 or fractional part thereof;
4. Over \$3,000,000.00 - \$0.20 for each additional \$1,000.00 or fractional part thereof.

(b) Every person engaged in any business herein enumerated will pay an annual license tax on their annual gross receipts of **\$111.50** for the first \$10,000.00 or fractional part thereof plus \$1.00 for each additional \$1,000.00 or fractional part thereof; or, in the case of a business that does not receive direct revenues for business conducted, in the city, the following annual license tax shall apply:

- (1) Less than six employees - **\$111.50**
- (2) Seven to 15 employees - **\$217.50**
- (3) Sixteen to 30 employees - **\$335.00**
- (4) Thirty-one to 60 employees - **\$556.25**
- (5) Over 60 employees - **\$876.50**

Advertising agencies

Auto and appliance repair

Barbershops

Beauty shops

Cafes or restaurants

Child and family care

Dry Cleaners

Electronic data processing

Equipment rental, including auto and truck rentals

Gardening

Hospitals and rest homes

Hotels and motels

Kennels

Laundries

Medical and dental laboratories

Mobile home parks

Newspaper and magazine agency

Photo studios

Physical culture studios or gymnasiums

Public utilities, including gas, electric, telegraph and telephone

Trading stamp agencies

Training schools

Undertaking establishments

Any business which the city treasurer classifies as similar to those above mentioned.

(c) Every person engaged in any trade, occupation or profession herein enumerated will pay an annual license tax on their annual gross receipts of **\$111.50** for the first \$10,000.00 or fraction thereof, plus \$1.50 per additional \$1,000.00 or fractional part thereof; or, in the case of a business that does not receive direct revenues for business conducted, in the city, the following annual license tax shall apply:

- (1) Less than six employees - **\$111.50**
- (2) Seven to 15 employees - **\$217.50**
- (3) Sixteen to 30 employees - **\$335.00**
- (4) Thirty-one to 60 employees - **\$556.25**
- (5) Over 60 employees - **\$876.50**

Accountants, including public and certified public  
Attorney at law  
Chiropractors  
Engineers  
Medical and dental doctors, including osteopaths  
Psychologists  
Public bookkeeping  
Real estate brokers  
Veterinarians

Any trade, occupation or profession which the city treasurer classifies as similar to those above mentioned.

(d) Every person engaged in the business of renting residential units - **\$36.75** per rental unit.

(e) Every person engaged in the business of renting or leasing commercial property shall pay an annual license fee based upon the gross receipts derived at the following rates: **\$111.50** for the first \$10,000.00 or fraction thereof, plus \$1.00 per additional \$1,000.00 or fractional part thereof.

(f) Every contractor who performs construction work in the city and who is subject to the job fee described in this paragraph shall pay an annual license fee of **\$51.25** Such fee shall not be prorated and shall be considered an administrative fee for processing such license application as provided in section 14-5 of article I of this chapter. In addition, all contractors shall pay as part of the business license a job fee, which fee shall be a sum equal to 30 percent of the grading or building permit fee or other general contracting permit fee and/or a sum equal to 100 percent of the mechanical, electrical, or plumbing permit fee. The job fee shall be due and payable at the time of the issuance of the permit and shall be paid at the same time the permit fee is paid.

Exceptions:

(1) An owner-builder may be exempt from the payment of any job fee, at the discretion of the building official, if all work performed under a permit is done exclusively by such owner upon his own property.

(2) Permits for work within the public right-of-way or future right-of-way may be exempt from application of a job fee at the discretion of the director of public works.

Contractors not subject to the job fee referred to above in this subsection will pay an annual business license tax on their annual gross receipts of **\$111.50** for the first \$10,000 or fractional part thereof plus \$1.00 for each additional \$1,000.00 or fractional part thereof. The contractor, upon application of a business license, must indicate the date in which the job is to commence and estimate the date in which the job is to be completed and must indicate the gross amount of contract. The license fee shall be based on the gross amount of contract and the term of the business license will be that which is indicated on the application for expiration within that quarter. Within 30 days of the expiration of the business license, the contractor shall file a declaration of gross receipts report written under penalty of perjury or sworn to before a person authorized to administer oaths, on forms provided by the city treasurer, indicating the actual gross

receipts of the job or jobs for the period covered by the license. The city treasurer shall determine the balance due from revenues over that which is covered by the license fee paid for the previously licensed period. If the gross receipts of the license is less than the minimum gross receipt set forth in section 14-24, the license may be extended to cover the succeeding job or jobs unless the succeeding job or jobs exceeds one year from the commencement of the first job. If within the term of one year of commencement the contractor obtains additional jobs, he shall pay the amount over the minimum annual license fee; however, in no case shall the license exceed the one-year term from commencement. In each case the contractor must file a declaration of gross receipts report as provided for above. Failure to file such timely statements shall result in the accumulation of penalties as provided for by section 14-22.2

**Sec. 50-412. - Business providing entertainment; amusement machines, etc.**

Every person transacting or carrying on the business herein enumerated shall pay a license tax as follows:

- (1) Repealed by Ordinance No. 3262.
- (2) Auction house - **\$876.50** per year.
- (3) Auctioneer - **\$259.75** per year or **\$52.00** per day.
- (4) Billiard room, each table - **\$43.25** per year, including coin-operated.
- (5) Billboards - **\$175.25** per year, plus **\$15.50** per year for each panel of two hundred square feet or less.
- (6) Bowling alleys, each alley - **\$42.75** per year.
- (7) Boxing or wrestling exhibitions - **\$1,752.00** per day.
- (8) Circuses, carnivals or fairs - **\$1,049.00** per day.
  - a. If held as a trade stimulator at shopping centers or for recreational or entertaining events - **\$259.75** for seven days, plus **\$37.25** for each additional day.
- (9) Concert, or similar event - **\$525.75** per day.
- (10) Coin-actuated machine operator:
  - a. Electronic game machines which are run by an electronic rather than electromechanical mechanism - **\$33.00** per machine per year for the first ten machines, plus **\$18.50** per machine per year for each additional machine;
  - b. Machines vending any goods, wares or merchandise operated by coins by value greater than \$0.10 - **\$225.25** per year for the first twenty machines, plus **\$5.00** per year for each additional machine;
  - c. U.S. postage stamp machine - **\$52.00** per year, plus \$0.75 per year for each additional machine;
  - d. Coin-operated photo machines and phonographs - **\$262.25** per year for the first twenty machines, plus **\$6.75** per year for each additional machine;
- (11) Dance Studios - **\$60.25** per quarter.
- (12) Delivery or service trucks - **\$158.75** per year, plus **\$52.00** for each additional truck.

- (13) Dry cleaners, laundries, towel, linen, uniform and wiping rag supply trucks, if not operated from a local address - **\$158.75** per year for one truck, plus **\$52.00** per year for each additional truck. If the truck is used by business licensed under section 14-24(b) - **\$33.00** per year, per truck.
- (14) Junk and rubbish collectors - **\$262.25** per year per truck.
- (15) Junk dealers and auto dismantlers - **\$211.75** per year.
- (16) Manufacturing and processing, including product research and development, newspaper and job printing, and wholesaling, per year:
- a. Less than six employees - **\$111.50**;
  - b. Seven to 15 employees - **\$217.50**;
  - c. Sixteen to 30 employees - **\$335.00**;
  - d. Thirty-one to 60 employees - **\$556.25**;
  - e. Over 60 employees - **\$876.50**;
- (16A) Massage parlors - **\$2,101.25** per year.
- (17) Itinerant merchant, operating from one temporary location - **\$175.25** per day.
- (18) Pawnbroker - **\$262.25** per year.
- (19) Peddlers or solicitors:
- a. Each person peddling or soliciting on foot - **\$26.25** per day or **\$104.75** per quarter;
  - b. Each person peddling or soliciting with a vehicle - **\$43.25** per day or **\$229.75** per quarter; Each helper working in connection with a person licensed to peddle by vehicle - **\$13.75** per day or **\$52.00** per quarter.
- (20) Public dancing:
- a. One single dance - **\$52.00**;
  - b. One dance per week - **\$71.50** per quarter;
  - c. Each additional dance per week - **\$38.50** per quarter.
- (21) Route food merchant, selling food for human consumption over regularly established route - **\$218.00** per year per truck.
- (22) Secondhand dealer - **\$175.25** per year.
- (23) Stock and bond brokers, real estate and personal loan agents and savings and loan associations - **\$111.50** per year, plus **\$24.00** per employee.
- (24) Swap meet or trade fair - **\$704.00** per year, plus \$2.50 per day for each rented space, to be paid within five days after each event.
- (25) Reserved.
- (26) Filming of TV and motion pictures - \$500.00 per each seven-day period, or fraction thereof, up to a total of 14 days. For any days in excess of 14 days, an additional daily charge of \$100.00 shall apply.
- (27) Los Angeles County Fair concessionaires:
- a. Persons renting commercial spaces or concession spaces during the annual Los Angeles County Fair - **\$214.50** per year per space.
  - b. Persons operating carnival rides at the annual Los Angeles County Fair - **\$214.50** per year per ride.
  - c. Persons operating carnival games at the annual Los Angeles County Fair - **\$160.00** per year per game.

(28) The Los Angeles County Fair Association shall pay business license taxes for interim events held at the Los Angeles County Fairgrounds other than the annual Los Angeles County Fair based upon paid parking at the rate of \$0.25 per vehicle. The taxes imposed by this subsection shall be paid no later than 30 days after the end of the month in which the event is held.

**Sec. 50-413. - Delivery or service vehicles.**

Every person not having a fixed place of business within the city and for whom a license is not provided by section 50-411 or 50-412 and who delivers goods, wares or merchandise of any kind by vehicle or who provides any type of service by use of a vehicle in the city shall pay a license tax as set forth in section 50-412. Upon the payment of such tax and a fee that may be prescribed by the business license division representing the cost of manufacture, not to exceed the amount set by resolution of the city council per plate or tag, the business license division shall issue such plate or tag for every vehicle so licensed, showing the date of expiration of such license. Such plate or tag shall substantially contain the following wording: "Pomona, California, No. \_\_\_\_\_ expires \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_" Such metal license plate or tag shall be conspicuously displayed upon such vehicle on or near its rear bumper. Failure by the owner or operator of such vehicle to cause the unexpired license or tag to be so attached and displayed shall be a violation by such person of this article, and he shall be subject to its penalties.

**Sec. 50-414. - Farmers' markets; pedestrian malls.**

Farmers' markets, as defined by section 32-190, consisting of stands upon or immediately adjacent to a pedestrian mall established pursuant to the Pedestrian Mall Act of 1960 shall pay a license tax of **\$44.50** annually, plus one dollar per day such market is open and conducting business. Such farmers' markets shall be exempt from this tax if all produce sold from such market is grown or produced by the operator of such market. Furthermore, all farmers' markets, as defined by section 32-190, shall be exempt from the tax imposed by article III of chapter 14 of this Code. Space rental at \$2.25 per day.

**SECTION 2.** The City Clerk shall certify to the passage and adoption of this ordinance, causing it to be posted as required by law, and it shall thereafter be in full force and effect upon its adoption, pursuant to Pomona City Charter, Section 508.

**APPROVED AND ADOPTED THIS 2<sup>ND</sup> DAY OF JUNE 2014.**

**ATTEST:**

**CITY OF POMONA:**

\_\_\_\_\_  
Eva M. Buice, MMC, City Clerk

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Elliott Rothman, Mayor

**APPROVED AS TO FORM:**

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Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES)  
CITY OF POMONA            )

I, EVA M. BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at the Regular Meeting of the City Council of the City of Pomona held on the 19<sup>th</sup> day of May 2014, and adopted at a Regular Meeting on the 2<sup>nd</sup> day of June 2014 by the following vote:

AYES: Nolte, Robledo, Carrizosa, Lantz, Escobar, Martin, Mayor Rothman  
NOES: None  
ABSENT: None  
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this \_\_\_\_\_ of \_\_\_\_\_ 2014.

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Eva M. Buice, MMC, City Clerk