

ORDINANCE NO. 13.22

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
ADDING ARTICLE IV, WAGE THEFT,
TO CHAPTER 42 OF THE MOUNTAIN VIEW CITY CODE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 42 of the Mountain View City Code is hereby amended to add Article IV, Wage Theft, to read as follows:

**“ARTICLE IV.
WAGE THEFT**

SEC. 42.50. – Title.

This Article shall be known as the “Wage Theft Ordinance.”

SEC. 42.51. – Affidavit requirement.

a. Every business operator required to obtain a business license under Chapter 18 of the city code shall be required to submit the sworn affidavit described below in Sec. 42.52 at the same time the application for a business license or business license renewal is submitted to the tax administrator. For purposes of this Article, the term “business operator” shall have the same meaning ascribed to that term in Chapter 18, Sec. 18.2.

b. **Exemption.** Business operators with no employees shall be exempt from compliance with this Section.

SEC. 42.52. – Information required.

The city’s tax administrator shall prepare an affidavit in which the business operator affirms under the penalty of perjury that:

a. The business operator has not been found to be in violation of any federal, state or local wage and hour laws, including, but not limited to, the Federal Fair Labor Standards Act, the California Labor Code and any local minimum wage, living wage or prevailing wage requirements by a court of law or any federal, state or local hearing officer or other adjudicatory body; or

b. The business operator is in compliance with or has fully satisfied any final judgment, order or administrative decision issued against the business operator for violation of applicable federal, state and local wage and hour laws, including, but not limited to, the Federal Fair Labor

Standards Act, the California Labor Code, and any local minimum wage, living wage or prevailing wage requirements.

c. For purposes of this Section, a final judgment, order or administrative decision shall mean any judgment, order or decision that is no longer subject to challenge by appeal or petition for review, whether due to the lapse of time to seek appellate review or the exhaustion of all rights to appellate review.

SEC. 42.53 - Violations.

It shall be a violation of this Article to:

- a. Fail to submit an affidavit as required by Sec. 42.51; or
- b. Submit an affidavit as required by Sec. 42.51 that is known, or reasonably should be known, to be false.

SEC. 42.54 - Penalties.

In addition to any other remedies provided by law, violation of this Chapter is an infraction punishable as set forth in Chapter 1, Sec. 1.7, of this Code and may be subject to administrative citations, fines and penalties as set forth in Chapter 1, Sec. 1.18, *et seq.*"

Section 2. The provisions of this ordinance shall be effective as of January 1, 2023.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as

defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 30th day of August 2022, and thereafter adopted at the Regular Meeting of said Council, duly held on the 13th day of September 2022, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Kamei, Lieber, Matichak, Showalter, Vice Mayor Hicks, and Mayor Ramirez

NOES: None

ABSENT: None

ATTEST: APPROVED:

HEATHER GLASER
CITY CLERK

LUCAS RAMIREZ
MAYOR

Date of Attestation: _____

Pursuant to Mountain View Charter § 709(b), I do hereby certify that the foregoing is an original or a correct copy of the ordinance passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 13th day of September 2022, by the foregoing vote, and was published in the *Daily Post* by reference on the 9th day of September 2022, and posted in three prominent places in said City.

City Clerk
City of Mountain View