

AN ORDINANCE REPEALING AND REENACTING
CHAPTER 23 OF THE SACRAMENTO CITY CODE
RELATING TO BUSINESS LICENSE TAXES AND
REPEALING SECTION 46.13 OF CHAPTER 46
ESTABLISHING BUSINESS LICENSE FEES FOR
USED CAR DEALERS.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 23 of the Sacramento City Code is repealed and re-enacted to read as follows:

CHAPTER 23

BUSINESS LICENSE TAX

ARTICLE I. General Provisions

Sec. 23.101. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section, unless otherwise specifically provided:

(a) "Administrator" shall mean the Revenue and Collection Officer or his designee.

(b) "Business" shall mean any business, commercial enterprise, trade, calling, vocation, profession or any means of livelihood, whether or not carried on for gain or profit.

(c) "City" shall mean the City of Sacramento, a municipal corporation, in the State of California.

(d) "Director of Finance" shall mean the Director of the Department of Finance of the City of Sacramento or his designee.

(e) "Engaged in business", "Carrying on business", or "transacting business", herein used interchangeably, shall mean commencing, conducting, operating, managing, engaging in or carrying on of a business by any person, whether done as owner or by means of an officer, agent, manager, employee, servant, or lessee of any of them, whether operating from a fixed location in the City or coming into the City from an outside location to engage in said activities.

When any person shall sell or offer to sell any goods, wares, merchandise, service, or other thing of value in the City; or when he shall by use of signs, circulars, cards, telephone book, newspaper, radio or television, advertise, hold out or represent that he is commencing, engaging in, conducting, operating, managing, carrying on, or soliciting any business in the City; or when any person holds an active license or permit issued by a governmental agency indicating he is in business in the City and such person fails to deny by a sworn statement that he is conducting a business in the City, after having been requested to do so by the Administrator; then these facts shall be considered prima facie evidence that he is conducting or engaging in business in the City.

(f) "Gross Receipts" except as otherwise in this chapter specifically provided, shall mean the gross receipts of the preceding calendar year or part thereof, and is defined as follows:

The total amount actually received or receivable from all sales; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise; and gains realized from trading in stocks or bonds, interest discounts, rents, royalties, fees, commissions, dividends, or other emoluments, however designated. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

- (1) Cash discounts allowed and taken on sales.
- (2) Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as "gross receipts".
- (3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser.
- (4) Such part of the sale price of property returned by purchasers upon rescission of a contract of sale as is refunded either in cash or by credit.
- (5) Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded.
- (6) Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee has furnished the Administrator with the names and addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustee.
- (7) As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under Part 2 of Division 2 of Revenue and Taxation Code of the State of California.

- (8) As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser.
- (9) Cash value of sales, trades or transactions between departments or units of the same business.
- (10) As to suppliers of vending machines, amounts collected by said suppliers taxed under subsection (a) of Section 23.609 of this chapter that are paid by said suppliers as rent for location of said machines to persons in control of machine locations.
- (11) As to a person licensed under Section 23.612 of this Chapter, amounts attributable to the sales of motor vehicles to other persons engaged in the business of selling or leasing of used or new motor vehicles.

(g) "Manufacturer" or "Process" shall embrace all the activities of a commercial or industrial nature wherein labor or skill is applied, by hand or **machinery**, to materials so that as a result thereof of a new, different, or useful article of tangible personal property or substance of trade or commerce is produced. Manufacture shall include the production or fabrication of specially made or custom made articles.

(h) "Person" shall include all domestic and foreign corporations; associations; syndicates; joint stock corporations, partnerships of every kind; clubs, Massachusetts, business or common law trusts; societies, and individuals, transacting and carrying on any business in the City, other than strictly as a salaried employee.

(i) "Sale" or "Sell" shall be deemed to include and refer to the making of any transfer of title, in any manner or by any means whatsoever, to tangible personal property or other property for a consideration; and to the serving, supplying or furnishing, for a consideration, of any tangible personal property or other property fabricated or made at the special order of consumers who do or do not furnish directly or indirectly the specifications therefor. A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in, a sale within the contemplation of law. "Sale" shall include both wholesale and retail and sales by vending machines dispensing tangible personal property.

(j) "Solicitor" shall be deemed to be any person who goes from residence to residence or place to place within the City selling or offering to sell any goods, wares, merchandise, service, or other thing of value for future delivery; or any person who by telephone or by mail or by any other means sells or offers to sell any goods, wares, merchandise, service or other thing of value for future delivery.

(k) "Sworn Statement" shall mean a written statement sworn to be before the Administrator, his deputies, or any other person authorized to take oaths, or a declaration or certification made under penalty of perjury.

(l) "Utility" or "Public Utility" shall mean any person furnishing the public with communication, water, light, heat or power, subject to regulation by the Public Utilities Commission of the State of California.

(m) "Valid License" shall mean a City business license which complies with all the requirements set forth under in this chapter, and any license which does not comply with said requirements shall not be deemed to be a valid license for the purposes of this chapter or any of its sections.

(n) "Vendor, Itinerant" for the purposes of this chapter shall mean and include any person who engages in any of the occupations generally referred to as 'peddling', 'hawking', 'selling as a transient merchant' or 'vending'; and shall include any person who, as an agent for another or on his own behalf, goes from place to place within the City, selling or offering for sale any goods, wares, merchandise, service, or other thing of value, other than a 'solicitor' as hereinabove defined. One who engages in the business of selling any goods, wares, merchandise, service, or other thing of value from any fixed location within the City for a period of less than 90 days shall be considered an 'itinerant vendor' hereunder.

Sec. 23.102. Revenue Measure Only.

The taxes prescribed by this chapter constitute taxes for revenue purposes only, and are not regulatory permit fees. Such taxes shall be in addition to any regulatory permit fee imposed by the City Code or ordinances adopted by the City.

Sec. 23.103. Effect on other ordinances.

The payment of a license tax required by the provisions of this chapter and its acceptance by the City, and the issuance of such license to any person, shall not entitle the holder thereof to carry on any business unless he has complied with all other applicable laws of the City, or to carry on any business in any building or on any premises designated in such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of the City Code. The payment of such license tax and its acceptance by the City shall in no way relieve the licensee from complying with the applicable laws of the City, nor shall it be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner, nor as requiring a license or the payment of a license tax for the doing of any act which would constitute an unlawful burden upon or an unlawful interference with interstate or foreign commerce, or which would be in violation of the Constitution of the United States or of the State of California.

Secs. 23.104 to 23.200. Reserved.

ARTICLE II. Administration

Sec. 23.201. Enforcement.

It shall be the duty of the Administrator, his deputies, agents, and employees, and they and each of them are hereby directed, to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the City Manager. Each department of the City which issues permits or entitlements of use shall require the production of a valid unexpired license prior to the issuance of such a permit. The immediately preceding sentence shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with the Constitution or applicable statutes of the United States or of the State of California.

Sec. 23.202. Violation.

In the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, the Administrator shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this chapter have been complied with. For the purposes of this paragraph, in the case of a person coming into the City to do business from a location outside the City, the "place of business" shall be deemed to be the place where such person is engaging in business or offering to engage in business in the City.

Any person so violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license herein provided for shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.

The conviction and punishment of any person for engaging in any business without a valid license to engage in such business shall not relieve such person from paying the license taxes and penalties due and unpaid at the time of such conviction, nor shall the payment

of any license tax or penalty prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed in this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

Any sum required to be paid under the provisions of this chapter shall be deemed a debt owed to the City, and any person who engages in any business required to be licensed under the provisions of this chapter without obtaining and paying for a valid license to do so shall be liable to an action by and in the name of the City in any court of competent jurisdiction for recovery of any such sum.

Sec. 23.203. Determination of Type or Class of Business.

The determination of the type or class of business or businesses a taxpayer is engaged in or about to engage in shall be an administrative function of the Administrator.

In cases where a taxpayer believes he is placed in the wrong business or class of business or businesses he may apply in writing to the Administrator for a change in his classification, setting forth in full his reason for requesting such change. The Administrator shall conduct an investigation and shall thereupon render his decision in writing as to the proper classification or classifications.

If the taxpayer is aggrieved by the Administrator's decision, he shall have the right of appeal to the Director of Finance.

Sec. 23.204. License Inspector, Appointment, Authority, Duties.

Subject to appropriate action by the Civil Service Board and the City Manager, the Administrator may appoint one or more License Inspectors as members of his staff, whose duty it shall be to administer and enforce all provisions of this chapter, and all other sections of the City Code relating to the licensing of businesses or occupations.

The City Council may, upon the recommendation of the City Manager and the Chief of Police, appoint the License Inspectors as special policemen for the purpose of so enforcing the provisions of this chapter. Any License Inspector so appointed shall be deemed to be a special policeman as defined by Article III of Chapter 30 of the Sacramento City Code and shall, pursuant to Section 830.6 of the Penal Code of the State of California, be vested with the powers and immunities of a peace officer for the specific purpose of enforcing this chapter, or of other sections of the City Code relating to licensing of businesses.

It shall be the duty of the License Inspector to examine places of business and to investigate business activities engaged in within the City to ascertain whether the provisions of this chapter have been complied with.

Sec. 23.205. Records to be Kept; Information Confidential.

(a) Records.

All persons subject to the provisions of this chapter shall keep complete records of business activities and transactions including sales, receipts, purchases, expenditures and any other record and data relevant to establishing and verifying tax liability hereunder;

and shall retain all such records and data for examination by the Administrator for a period of at least three years. No person required to keep records under this section shall refuse to allow authorized representatives of the Administrator to examine said records at reasonable times and places for the purpose of administering and enforcing this chapter.

(b) Confidentiality.

The Administrator or any of his deputies or authorized representatives shall not make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a license or pay a license tax under the provisions of this chapter or to divulge the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any other document relating thereto which contains specific information as to the amount or source of income or expenditures of any person obtaining a license to be seen or examined by any person; provided that nothing in this section shall be construed to prevent the disclosure to or examination of records by another City agent for the sole purpose of administering or enforcing any of the provisions of this chapter or auditing of accounts of the Administrator; Federal or State officials; a grand jury or court of law, upon subpoena, or in a proceeding to determine the existence or amount of any license tax liability of the particular licensee to the City; nor shall the disclosure of the names and addresses of persons to whom licenses have been issued and the general type of their business be prohibited hereunder, together with general statistics regarding business taxes collected or business done in the City.

Sec. 23.206. Rules and Regulations - Apportionment.

The Administrator may make such rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement.

When, by reason of the provisions of the Constitution of the United States or the Constitution of California, the business tax imposed by this chapter cannot be enforced without there being an apportionment according to the amount of business done in the City of Sacramento, or in the State of California, as the case may be, the Administrator may make such rules and regulations for the apportionment of the tax as are necessary or desirable to overcome the constitutional objections.

Such rules and regulations shall be known as "Business License Rules and Regulations", shall be placed in written form and numbered consecutively, and shall be approved by the City Attorney before becoming effective. A copy of each such "Business License Rules and Regulations" shall be filed with the City Manager and with the City Clerk.

Secs. 23.207 to 23.300. Reserved.

ARTICLE III. Business License Requirements & Exemption

Sec. 23.301. License Tax Payment Required.

Subject to the provisions of this chapter, there are hereby imposed upon all businesses, trades, professions, callings, occupations and gainful activities engaged in or carried on in the City, business license taxes in the amounts prescribed in Article VI of this chapter.

It shall be unlawful for any person to commence, transact, engage in or carry on any business, trade, profession, calling, occupation or gainful activity in the City without first having obtained a valid license and paid the license tax therefor, or without complying with any and all applicable provisions of this chapter. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or occupation within the City where the imposition of such a condition precedent would be contrary to law.

Sec. 23.302. Businesses Without Fixed Place of Business in City.

Every person not having a fixed place of business within the City who engages in business within the City shall pay a license tax at the same rate prescribed herein for persons engaged in the same type of business from and having a fixed place of business within the City.

Sec. 23.303. Separate License Required.

(a) A separate license must be obtained for each branch establishment or separate place of business in which the trade, calling, profession or occupation is carried on, and each license shall authorize the person obtaining it to carry on, pursue or conduct only that trade, calling, profession or occupation described in such license and only at the location or place of business indicated thereon. Where more than one kind of classification of business is conducted by any person at any one business establishment, the license fee shall be paid and a separate license obtained for each such classification.

Notwithstanding the above provisions, however, where the business engaged in within the City is from one or more locations outside the City, only one license for each classification of business need be obtained by the person so engaging in that business in the City from all such outside locations; and warehouses and distributing plants located in the City and used in connection with and incidental to a business licensed at a location in the City shall not be deemed to be branch establishments or separate locations, provided all receipts from any sales made at such warehouses or distributing plants are included in the gross receipts reported by the business licensed at a location in the City, if such business is licensed under the gross receipts classification.

(b) Whenever the business tax is measured by the number of vehicles, devices, machines, or other pieces of equipment used, the Administrator shall be required to issue only one license to the licensee, but shall for each license period issue one identifying sticker or symbol for each vehicle, device, machine, or piece of equipment used in said business.

Sec. 23.304. Exemptions.

(a) General.

License taxes imposed by Article VI of this chapter do not apply to a person transacting and carrying on a business exempt by the constitution or statute of the United States or of the state from the payment of the tax prescribed.

Any other person claiming an exemption under subsections (b), (c) or (d) of this section shall file a sworn statement with the Administrator stating the facts upon which exemption is claimed. In the absence of such statement substantiating the claim, the person is liable for the payment of the taxes imposed by this ordinance.

Upon a proper showing contained in the sworn statement, the Administrator shall issue a license to a person claiming exemption under subsections (b), (c) or (d) of this section without payment to the City of the license tax required by this chapter.

The Administrator, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke a license granted under this section upon information that the licensee is not entitled to the exemption as provided.

(b) Charitable and non-profit organizations.

Except as otherwise provided in this chapter, the following organizations and activities are exempt from payment of the business license tax:

- (1) Business conducted by a charitable, non-profit or eleemosynary corporation, association or organization if the net proceeds of said business are used exclusively by such corporation, association or organization for a purpose which would qualify as a charitable deduction under section 17214 of the Revenue and Taxation Code of the State of California if said net proceeds were received as a gift by said organization.

- (2) The conduct of entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts are for a religious, educational or charitable purpose.
- (3) The conduct of entertainment, dance, concert, exhibition or lecture by a religious, charitable, fraternal, educational, amateur theatrical group, military, state, county or municipal organization or association, whenever the receipts are for the purpose and objects for which the organization or association is formed, and from which profit is not derived, directly or indirectly, by any individual.

(c) Limited Income.

A person doing business whose gross receipts do not exceed the maximum income allowed by U.S. law to persons drawing full Social Security benefits as provided by Title 42, U.S. Code, Sections 403(f) (3), as presently written or as amended is exempt from the payment of a business license tax under Article VI of this chapter.

(d) Disabled Veterans.

A disabled veteran holding an honorable discharge from a branch of the military service of the United States is exempt from the payment of the business license tax prescribed in Article VI of this chapter, if he is physically unable to earn a livelihood by other means.

(e) Permit Requirements.

The exemption from payment of license tax granted by this section does not exempt the person conducting the business from complying with the permit requirements of the City Code or ordinances of the City.

Sec. 23.305. Constitutional Apportionment.

None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the State of California.

In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or to be violative of such constitutional clauses, he may apply to the Administrator for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Administrator may deem necessary in order to determine the extent, if any, of such undue burden or violation. The Administrator shall then conduct an investigation, and after having first obtained the written approval of the City Attorney, shall fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the Administrator shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed shall be uniform with that assessed

on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter.

Should the Administrator determine the gross receipts measure of license tax to be the proper basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City, or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor, provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this chapter.

Sec. 23.306. Business or activity not specified.

The license fee applicable to a business or activity not expressly set forth herein shall be that license fee applicable to the business or activity expressly set forth herein which is most nearly comparable in the opinion of the Administrator. The Administrator may, in addition, require compliance with any other provision of this code regulating the licensing of the particular business or activity determined to be most nearly comparable.

ARTICLE IV. Terms & Conditions of Business License

Sec. 23.401. Contents of License.

All business licenses shall be prepared and issued by the Administrator upon payment of the sum required by the provisions of this chapter to be paid therefor. Each license so issued shall contain the following:

- (a) The name of the person to whom it is issued and the name under which the business is to be operated.
- (b) The type of business licensed and the business classification number.
- (c) The address of the location from which the business is conducted, or where no fixed place of business is maintained, the mailing address of the person to whom the license has been issued. A post office box shall not be a sufficient address for this purpose. The mailing address so appearing shall be the address to which all notices required or authorized in this chapter shall be sent unless the registrant shall request in writing that another address be used for such purpose.
- (d) A receipt for the amount of license tax paid.
- (e) The date of expiration of the license.

Sec. 23.402. Validity of License.

A license shall be valid only after the Administrator's stamp or endorsement has been affixed thereto indicating payment has been received of the amount of the license tax and penalties thereon, if any. A license, however, which has been paid for by a check or bank draft which was subsequently dishonored by the bank upon which it was drawn shall not be a valid license even though the Administrator's stamp or endorsement appears thereon, and the person operating the business for which the license was issued shall be deemed to be operating without a valid license and shall be subject to the penalties provided in this chapter for so operating.

Sec. 23.403. Transferability.

Any license issued under the provisions of this chapter shall be valid only for the person to whom it is issued to conduct the business specified thereon and at the location for which it was issued and for the period of time indicated on the license. No license granted or issued under any provision of this chapter shall

in any manner be transferred or assigned without the written consent of the Administrator endorsed thereon. A fee of Five Dollars (\$5.00) shall be paid to the Administrator for obtaining the Director's consent to transfer or assignment of the license for such transfer or assignment.

Where a license is issued authorizing a person to transact and carry on a business at a particular location, such licensee may upon application therefor and subject to the provisions of Section 23.303 of this Chapter have the license amended to authorize the transacting and carrying on of the same business under the same ownership at another location. Where two or more partners are licensed to operate a business, a new application shall be filed to add or remove the name of one or more partners as the owners of an existing business. A fee of \$5.00 shall be paid to the Administrator for the amendment of an existing license.

Any person who shall use or attempt to use any license which has been issued to another person or for a different type of business or at another location or which has expired shall be guilty of a misdemeanor and shall be subject to the penalties provided in this chapter for such violation.

Any person holding a City business license shall notify the Administrator if he ceases to operate the business licensed or proposes to move it to another location.

Sec. 23.404. Posting and Keeping License.

(a) Every person engaged in a business subject to tax under the provisions of this chapter and which business is conducted at or from a fixed place of business in the City shall keep the license issued therefor posted in a conspicuous place upon the premises at or from which the business is conducted at all times during business hours.

(b) Every person engaged in a business subject to tax under the provisions of this chapter but not operating from a fixed place of business shall keep the license issued therefor upon his person at all times while engaging in the business for which it is issued.

(c) Whenever identifying stickers or symbols have been issued for each vehicle, device, machine or other piece of equipment included in the measure of a business tax

the person to whom such stickers or symbols have been issued shall keep firmly affixed upon each such vehicle, device, machine or other piece of equipment the identifying sticker or symbol which has been issued therefor. Such sticker or symbol shall not be removed from any such vehicle, device, machine, or piece of equipment kept in use, during the period for which the sticker or symbol is issued.

(d) It shall be a misdemeanor for any person to fail to post and keep posted or fail to carry upon his person, as the case may be, any license or licenses required by the provisions of this section to be so posted or carried upon his person, or to fail to affix as required hereunder any identifying sticker or symbol to the vehicle, device, machine or piece of equipment for which it has been issued, or to give away, sell, or transfer such identifying sticker or symbol or any license or permit issued to any other person, or to permit its use by another person.

Sec. 23.405. Issuance of Duplicate License.

A duplicate license or sticker or symbol may be issued by the Administrator to replace any license or sticker or symbol previously issued hereunder which has been lost or destroyed if the person to whom it was issued shall file a sworn statement attesting to the fact of such loss or destruction and shall at the time of filing such statement pay to the Administrator a duplicate license fee of \$2.00.

Sec. 23.406. Cancellation of License.

(a) Grounds for Cancellation.

Any license granted or issued pursuant to the provisions of this chapter may be cancelled at any time for the following reasons:

- (1) A material false statement contained in the application.
- (2) Failure to comply with the requirements of this chapter.

(b) Procedure for Cancellation.

The Administrator may recommend to the Director of Finance the cancellation of any license issued pursuant to this chapter. Upon receipt of such recommendation the Director shall set the matter for hearing and cause notice of the time and place of the hearing to be given to the licensee not less than five days prior to such hearing. At such hearing the Director shall determine whether such license shall be revoked.

(c) Appeals.

Any person aggrieved by any decision of the Director made pursuant to this section may appeal therefrom to the City Council within fifteen days after notice thereof by filing with the City Clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the City Clerk shall cause the matter to be set for hearing before the Council within thirty days from the date of receipt of such notice of appeal, giving the appellant not less than ten days notice in writing of time and place of hearing. The findings and determination of the Council at such hearing shall be final and conclusive, and within three days after such findings and determination are made, the City Clerk shall give notice thereof to the appellant.

In the event no appeal is taken by the licensee, the decision of the Director shall become final and conclusive on expiration of the fifteen days fixed in this section for appeal.

Sec. 23.407. License Withheld.

(a) Pending Action.

The Administrator is hereby prohibited from issuing a license to any person for conducting any business when there are pending before the Director of Finance charges preferred by the Administrator against the holder of any license at the same location until such charges have been disposed of by the Director.

(b) Debt to City.

No license for any ensuing, current or unexpired license period shall knowingly be issued to any person who at the time of making application therefor is indebted to the City for any unpaid license fee.

(c) Checks returned.

If any person shall have upon two or more occasions made payment for his license with a check which was returned by the bank upon which it was drawn because of insufficient funds, the Administrator may thereafter require that such person make payment for his license by cash payment or by money order or certified check.

Sec. 23.408. When and how payable.

(a) Quarterly Payment Periods Established.

For purposes of this chapter, the annual calendar shall be divided into four quarters consisting of three-month periods commencing on January 1, April 1, July 1 and October 1 of each year. All annual and quarterly licenses shall be due and payable in advance on the first day of a quarter.

(b) New Annual Licenses.

If a person engages in a business on or after July 1, 1974, for which an annual license tax is payable, his first license period shall commence on the day when he first engages in said business and shall terminate on the last day of third quarter following the quarter in which he first engaged in said business. If the first license period is less than 12 full calendar months, the annual license tax payment for that period shall be reduced on a proportionate basis by the Administrator. Thereafter, the annual license period shall be for 12 full months and the full annual tax shall be due and payable on the first day of the new annual period.

(c) New Quarterly Licenses.

If a person engages in a business on or after July 1, 1974, for which a quarterly license tax is payable his first license period shall commence on the day when he first engages in said business and shall terminate on the last day of the quarter in which he first engaged in said business. If the first license period is less than 3 full months, the quarterly license tax for that period shall be reduced on a proportionate basis by the Administrator. Thereafter, the quarterly license period shall be for 3 full months and the full quarterly tax shall be due and payable on the first day of the new quarter.

(d) Existing Annual and Quarterly Licenses.

Existing annual and quarterly licenses which are renewed on or after July 1, 1974, may be issued by the Administrator for less than a full license period if the Administrator deems it necessary to do so: (i) to assure that existing quarterly licenses fall due and payable on the first day of the quarters established by (a) above, and (ii) to equalize the total number of annual licenses which fall due and payable on the first day of each quarter. The applicable license tax for reduced license periods shall be reduced proportionately by the Administrator.

(e) Monthly, weekly and daily licenses.

All monthly licenses shall be due and payable in advance on the first business day of each and every month. Weekly license taxes shall be due and payable in advance on the first business day of each and every week. Daily license taxes are due and payable in advance.

(f) Notices not required.

The Administrator is not required to send a renewal, delinquency or other notice or bill to any person subject to the provisions of this chapter, and failure to send such notice or bill shall not affect the validity of any license tax or penalty due under the provisions of this chapter.

Sec. 23.409. Payment of annual license taxes on quarterly basis.

Unless elsewhere in this chapter specifically prohibited, any person subject to payment of an annual business license tax, may upon application to the Administrator be authorized to make payment of said annual license tax on a quarterly basis, but shall pay as his quarterly tax 30% of the applicable annual business license tax.

Sec. 23.410. Penalties for delinquency.

On the first day of the month following the month in which any annual, quarterly or monthly license tax become due and payable, the Administrator shall add to any unpaid tax a penalty of twenty-five percent of the unpaid amount. In addition, a penalty of one percent of said license tax shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent penalty if said tax on said date shall remain unpaid.

Any daily license tax which has not been paid by 5:00 p.m. on the day due, or any weekly license tax which has not been paid by 5:00 p.m. on the first business day of the week in which it is due shall have added to the amount thereof a penalty of twenty-five percent, together with interest at the rate of one percent per month or portion thereof until paid.

If any person has failed to apply for and secure a valid license to operate a business, the business license tax due shall be that amount due and payable from the first date on which the person was engaged in business in the City of Sacramento together with applicable penalties and interest.

Sec. 23.411. Refunds.

No license tax collected under the provisions of this chapter shall be refundable in any manner, except that if the licensee shall establish to the satisfaction of the Administrator he has overpaid his license tax and shall, within a period of one year from the day on which the overpayment was made, file with the Administrator a claim for refund of such overpayment, the Administrator may refund the amount so overpaid.

In the event of the cancellation for cause of any business license issued by the City, the license tax paid by the licensee for such license shall be forfeited to the City, and the licensee shall not be entitled to any refund.

Sec. 23.412. Conversion to New Rate Structure.

The business license tax rates specified in Article VI of this chapter shall apply to all new licenses issued or existing licenses renewed on or after July 1, 1974. To facilitate conversion of records to the new rates, annual and quarterly licenses existing on the effective date of this chapter, which would have been due on July 1, 1974, under the former provisions of this chapter, shall be due and payable on September 1, 1974. Thereafter, said license shall be due and payable at the times specified in Section 23.408 of this chapter.

Secs. 23.413 to 23.500. Reserved.

ARTICLE V. Application & Issuance

Sec. 23.501. Application for first license.

A person making application for the first license to be issued hereunder, or for a newly established business or for a new ownership of a previously established business shall furnish to the Administrator a sworn statement, on a form provided by the Administrator, setting forth the following information:

(a) The exact nature or kind of business for which a license is requested;

(b) The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of same;

(c) The fictitious name or names under which the business will be operated, if any;

(d) The names and places of residence of all owners of the business; or in the event such owner is a corporation or partnership, the application shall set forth the names and places of residence of the officers or partners thereof;

(e) In all cases where the amount of license tax to be paid is measured by gross receipts or by the number of employees or by the number of machines or vehicles or other devices, the applicant

shall set forth such information as may be necessary to determine the amount of license tax to be paid by the applicant;

(f) In all cases where the amount of license tax to be paid is measured by the number of years a person has been licensed to practice a profession, the applicant shall set forth such information as may be necessary to establish how many years he has been so licensed;

(g) Such further information as the Administrator may deem necessary to enable him to issue the type of license applied for.

If the amount of the license tax to be paid by the applicant is measured by gross receipts, he shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the Administrator as reasonable, shall be used in determining the amount of license tax to be paid by the applicant. If the Administrator finds such estimate to be unreasonable, it shall be adjusted by the Administrator. Any applicant aggrieved by such changed estimate shall have the right to appeal to the Director of Finance.

Such license shall, however, upon its expiration, be subject to the same provisions as all other renewal licenses.

Sec. 23.502. Written statement for renewal licenses.

(a) In all cases, the applicant for renewal of a business license shall, upon request of the Administrator, submit a sworn statement in the form approved and provided by said Administrator, setting forth such information concerning the applicant's business during the preceding year as may be required by the Administrator to determine the amount of the license tax to be paid by said applicant pursuant to the provisions of this chapter.

(b) No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action such sum as is actually due and payable hereunder. Any statement filed and each of the several items contained therein shall be subject to audit and verification by the Administrator, his deputies, or authorized employees of the City, who are hereby authorized to examine, audit and inspect such books and records of any licensee or applicant for license as may be necessary in their judgment to verify or ascertain the amount of license fee due.

(c) If any person fails to file any required statement within the time prescribed by the Administrator, or if after demand therefor made by the Administrator he fails to file a corrected statement, or if any person subject to the tax imposed by this chapter fails to apply for a license, the Administrator may determine the amount of license tax due from such person by means of such information as he may be able to obtain. If the Administrator is not satisfied with the information supplied in statements or applications filed, he may determine the amount of any license tax due by means of any information he may be able to obtain. If such determination is made, the Administrator shall give notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Sacramento, California, postage prepaid, addressed

to the person so assessed at his last known address. Such person may within 15 days after the mailing or serving of such notice, make application to the Administrator for a hearing on the amount of the license tax. If such person and the Administrator are able to resolve the matter to their mutual satisfaction, no further action need be taken; but if no accord is reached between them such person may appeal to the Director of Finance. The Director shall consider all evidence produced, and shall determine the amount of license tax due, which determination shall be final.

Secs. 23.503 to 23.600. Reserved.

ARTICLE VI. Business License Tax

Division 1. Gross Receipts Tax

Sec. 23.601. Auction houses, pawnbrokers, secondhand dealers.

Every person engaging in or conducting the business of auction house, pawnbroker, or dealer in secondhand goods, wares or merchandise shall pay an annual business license tax as set forth below. Nothing in this section shall be deemed or construed as applying to dealers in used or secondhand automobiles, motorcycles, trailers, or mobile homes, nor shall it apply to those persons who are licensed to engage in retail sales business operations who as a part of their normal operation accept secondhand or used articles as partial payment for new merchandise, provided such secondhand or used articles constitute a minor portion of said retail sales business.

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$24,000	\$110.00
\$24,000 but less than \$60,000	195.00
\$60,000 but less than \$120,000	300.00
\$120,000 but less than \$180,000	435.00
\$180,000 but less than \$240,000	570.00
\$240,000 but less than \$300,000	705.00
\$300,000 but less than \$360,000	840.00
\$360,000 but less than \$420,000	975.00
\$420,000 but less than \$480,000	1,110.00
\$480,000 but less than \$540,000	1,245.00
\$540,000 but less than \$600,000	1,380.00
\$600,000 but less than \$720,000	1,520.00
\$720,000 but less than \$840,000	1,660.00
\$840,000 but less than \$960,000	1,800.00
\$960,000 but less than \$1,080,000	1,940.00
\$1,080,000 and over	2,080.00

Sec. 23.602. Packing, Canning, etc.

Every person engaged in the business of packing, canning or preparing vegetables, fresh or dried fruits, or processing any nuts, for hire or otherwise, for shipment or otherwise, or for sale upon commission or otherwise, shall pay an annual business license tax based on section 23.610 of this chapter.

Sec. 23.603. Groceries, meat and fish markets, bakeries and delicatessens.

Every person selling at retail or wholesale baker products, delicatessen items, groceries, or fresh meats or fish shall pay an annual business license tax as set forth below:

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$60,000	\$15.00
\$60,000 but less than \$480,000	65.00
\$480,000 but less than \$960,000	130.00
\$960,000 but less than \$1,440,000	200.00
\$1,440,000 but less than \$1,920,000	270.00
\$1,920,000 but less than \$2,400,000	340.00
\$2,400,000 but less than \$2,880,000	410.00
\$2,880,000 but less than \$3,360,000	485.00
\$3,360,000 but less than \$3,840,000	560.00
\$3,840,000 but less than \$4,320,000	635.00
\$4,320,000 but less than \$4,800,000	710.00
\$4,800,000 but less than \$5,280,000	785.00
\$5,280,000 but less than \$5,760,000	860.00
\$5,760,000 but less than \$6,240,000	935.00
\$6,240,000 but less than \$6,720,000	1,010.00
\$6,720,000 but less than \$7,200,000	1,085.00
\$7,200,000 and over	1,160.00

Sec. 23.604. Newspapers, periodicals, radio or television stations.

Every person engaging in the business of conducting or operating a newspaper, magazine, periodical, radio station or television station shall pay a business license tax in accordance with the fee schedule set forth in section 23.610 of this chapter.

Sec. 23.605. Restaurants, caterers.

Every person engaging in the restaurant or catering business shall pay an annual license tax as set forth below:

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$20,000	\$20.00
\$20,000 but less than \$50,000	35.00
\$50,000 but less than \$80,000	70.00
\$80,000 but less than \$110,000	100.00
\$110,000 but less than \$140,000	130.00
\$140,000 but less than \$170,000	160.00
\$170,000 but less than \$200,000	190.00
\$200,000 but less than \$300,000	290.00
\$300,000 but less than \$400,000	390.00
\$400,000 but less than \$500,000	490.00
\$500,000 but less than \$750,000	690.00
\$750,000 but less than \$1,000,000	890.00
\$1,000,000 but less than \$2,000,000	1,000.00
\$2,000,000 but less than \$3,000,000	1,120.00
\$3,000,000 but less than \$4,000,000	1,240.00
\$4,000,000 but less than \$5,000,000	1,360.00
\$5,000,000 but less than \$6,000,000	1,480.00
\$6,000,000 but less than \$7,000,000	1,600.00
\$7,000,000 but less than \$8,000,000	1,720.00
\$8,000,000 but less than \$9,000,000	1,840.00
\$9,000,000 but less than \$10,000,000	1,960.00
\$10,000,000 but less than \$11,000,000	2,080.00
\$11,000,000 and over	2,200.00

Sec. 23.606. Retail sales.

Every person conducting or carrying on any business consisting of selling at retail any goods, wares, merchandise, commodities, services or things of value, or conducting, maintaining or carrying on any trade, occupation, calling or business at a fixed place of business within the City of Sacramento and not otherwise specifically licensed by other sections of this chapter, shall pay an annual business license tax as set forth below:

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$6,000	\$15.00
\$6,000 but less than \$12,000	20.00
\$12,000 but less than \$24,000	30.00
\$24,000 but less than \$60,000	50.00
\$60,000 but less than \$120,000	70.00
\$120,000 but less than \$180,000	105.00
\$180,000 but less than \$240,000	140.00
\$240,000 but less than \$300,000	175.00
\$300,000 but less than \$360,000	210.00
\$360,000 but less than \$420,000	245.00
\$420,000 but less than \$480,000	280.00
\$480,000 but less than \$540,000	315.00
\$540,000 but less than \$600,000	350.00
\$600,000 but less than \$720,000	385.00
\$720,000 but less than \$840,000	420.00
\$840,000 but less than \$960,000	455.00
\$960,000 but less than \$1,080,000	490.00
\$1,080,000 but less than \$1,200,00	525.00
\$1,200,000 but less than \$1,320,000	560.00
\$1,320,000 but less than \$1,440,000	595.00
\$1,440,000 but less than \$1,560,000	630.00
\$1,560,000 but less than \$1,680,000	665.00
\$1,680,000 but less than \$1,800,000	700.00
\$1,800,000 but less than \$1,920,000	735.00
\$1,920,000 but less than \$2,040,000	770.00
\$2,040,000 but less than \$2,160,000	805.00
\$2,160,000 but less than \$2,280,000	840.00
\$2,280,000 but less than \$2,400,000	875.00
\$2,400,000 but less than \$2,520,000	910.00
\$2,520,000 but less than \$2,640,000	945.00
\$2,640,000 but less than \$2,760,000	980.00
\$2,760,000 but less than \$2,880,000	1,015.00
\$2,880,000 but less than \$3,000,000	1,050.00
\$3,000,000 but less than \$4,000,000	1,160.00
\$4,000,000 but less than \$5,000,000	1,270.00
\$5,000,000 but less than \$6,000,000	1,380.00
\$6,000,000 but less than \$7,000,000	1,490.00
\$7,000,000 but less than \$8,000,000	1,600.00
\$8,000,000 but less than \$9,000,000	1,710.00
\$9,000,000 but less than \$10,000,000	1,820.00
\$10,000,000 but less than \$11,000,000	1,930.00
\$11,000,000 and over	2,040.00

Sec. 23.607. Transportation of Members of Public.

Every person engaged in the business of transporting members of the public, including but not limited to transportation by air, train or bus, other than by taxicab or limousine, and excluding the Sacramento Regional Transit District, shall pay an annual business license tax in accordance with the fee schedule set forth in section 23.610 of this chapter.

Sec. 23.608. Utilities, public.

Every person engaged in the business of providing gas, electric, telephone, telegraph or water service in the City shall pay an annual business license tax in accordance with the fee schedule set forth in section 23.610 of this chapter.

(a) For the purposes of this section, "gross receipts" shall have the same meaning as in subsection (f) of section 23.101, except that only those receipts derived from providing service within the City of Sacramento shall be included, and further excepting that in the case of telephone service, only receipts resulting from intra-state telephone services shall be included.

(b) For the purpose of this section, a "person engaged in the business of providing gas, electric, telephone, telegraph, or water service" shall mean the same as those terms are used in Article XIII, Section 14 of the Constitution of California.

(c) This section shall not be construed to apply to any utility which pays a franchise tax to the City or is a publicly-owned corporation.

Sec. 23.609. Vending machines.

(a) Suppliers of machines.

(1) Every person engaged in the business of furnishing coin-operated vending machines which sell tangible property or services for use on property of others shall pay an annual business license tax as set out in section 23.606 of this chapter.

(2) Every person engaged in the business of furnishing coin-operated amusement or music machines for use on the property of others shall pay an annual business license tax as set forth below:

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$20,000	\$30.00
\$20,000 but less than \$50,000	50.00
\$50,000 but less than \$80,000	105.00
\$80,000 but less than \$110,000	150.00
\$110,000 but less than \$140,000	195.00
\$140,000 but less than \$170,000	240.00
\$170,000 but less than \$200,000	285.00
\$200,000 but less than \$300,000	435.00
\$300,000 but less than \$400,000	585.00
\$400,000 but less than \$500,000	735.00
\$500,000 but less than \$750,000	1,035.00
\$700,000 but less than \$1,000,000	1,335.00
\$1,000,000 and over	1,635.00

(3) All such persons shall provide the Administrator annually with a written list of the numbers, varieties and locations of all such machines. All such machines shall bear the name, address and business telephone number of the owner.

(b) Persons in control of machine locations.

(1) Every person whose income includes gross receipts from coin-operated vending machines selling tangible property or services which are located at his place of business shall:

a. include this income in his gross receipts for the purpose of calculating the license tax owed, or

b. report these gross receipts separately and apply the rate established by section (a) (1) above.

(2) Every person who receives gross income from coin-operated amusement or music machines operated in his place of business shall include this income in his gross receipts for the purpose of calculating the license tax owed.

(3) Every person who receives gross income from any coin-operated machine in his place of business whose business license tax is not based on gross receipts shall report the amount of such gross income and shall pay a business license tax at the rate established by section (a) (2) above.

Sec. 23.610. Wholesale sales and manufacturing.

Every person manufacturing, packing, processing, or selling any goods, wares, merchandise, services or things of value at wholesale and not otherwise specifically licensed by this chapter or any other ordinance of the City, shall pay an annual license tax as set forth below:

<u>ANNUAL GROSS RECEIPTS</u>	<u>ANNUAL LICENSE TAX</u>
Less than \$24,000	\$15.00
\$24,000 but less than \$60,000	25.00
\$60,000 but less than \$120,000	35.00
\$120,000 but less than \$240,000	70.00
\$240,000 but less than \$360,000	105.00
\$360,000 but less than \$480,000	140.00
\$480,000 but less than \$600,000	175.00
\$600,000 but less than \$840,000	210.00
\$840,000 but less than \$1,080,000	245.00
\$1,080,000 but less than \$1,320,000	280.00
\$1,320,000 but less than \$1,560,000	315.00
\$1,560,000 but less than \$1,800,000	350.00
\$1,800,000 but less than \$2,040,000	385.00
\$2,040,000 but less than \$2,280,000	420.00
\$2,280,000 but less than \$2,520,000	455.00
\$2,520,000 but less than \$2,760,000	490.00
\$2,760,000 but less than \$3,000,000	525.00
\$3,000,000 but less than \$4,000,000	630.00
\$4,000,000 but less than \$5,000,000	735.00
\$5,000,000 but less than \$6,000,000	840.00

ANNUAL GROSS RECEIPTS

ANNUAL LICENSE TAX

\$6,000,000 but less than \$7,000,000	\$945.00
\$7,000,000 but less than \$8,000,000	1,050.00
\$8,000,000 but less than \$9,000,000	1,155.00
\$9,000,000 but less than \$10,000,000	1,260.00
\$10,000,000 but less than \$11,000,000	1,365.00
\$11,000,000 but less than \$12,000,000	1,470.00
\$12,000,000 but less than \$13,000,000	1,575.00
\$13,000,000 but less than \$14,000,000	1,680.00
\$14,000,000 but less than \$15,000,000	1,785.00
\$15,000,000 but less than \$16,000,000	1,890.00
\$16,000,000 but less than \$17,000,000	1,995.00
\$17,000,000 and over	2,100.00

Whenever a person engages at the same location, under the same business name, and under the same ownership, in the business of selling or manufacturing and selling, or processing and selling goods, wares, or merchandise or services at both retail and wholesale, his business license tax shall be determined in accordance to subsection (a) of section 23.303 of this chapter.

Sec. 23.611. Rental of Commercial, Industrial and Agricultural Real Property.

(a) Definitions.

For the purposes of this section, the terms hereinafter defined shall have the following meanings:

Lessor shall include a licensor and a person granting a concession.

Tenant and Tenancy shall include tenants and tenancies of all types, and persons occupying and the occupation of a building or structure, or space in a building or structure under any license or any concession agreement with a lessor. The right to use or possess such space shall be deemed to be the same as actual occupation. Tenant shall also include any lessee or sublessee of industrial or agricultural property whether within or without a building.

Casual Tenant and Casual Tenancy shall mean any tenant or tenancy where the consideration paid or agreed to be paid consists exclusively of services; or where, after examining all the facts, the Administrator determines that the only tenancy is that of one or more tenants paying to a sub-lessor primarily on a cost-sharing basis for the space used involving less than 25% of the space under the control of the sub-lessor, and is terminable at will.

Gross Receipts shall have the same meaning as in Section 23.101, and shall specifically include all amounts paid by a tenant to a lessor for services performed, or materials used, or utilities or facilities furnished by the lessor on the premises or in connection with the tenant's use, possession, or the right to possess the premises. Gross receipts shall also include any receipts paid by a tenant to a lessor for the use or possession of land, or the right to use or possess land other than that upon which the building or structure is located but which is used or possessed or is available for use or possession by a tenant for purposes related to his tenancy. Gross receipts shall also include all amounts paid as pre-paid rent.

(b) Every person engaging in the business of renting commercial, industrial, or agricultural real property as a lessor or sublessor shall pay an annual business license tax on the rental income he receives in accordance with the fee schedule set forth in section 23.606 of this chapter.

(c) For the purposes of this section, the business described in subsection (b) shall, unless an exemption or partial exemption is provided herein, include renting and letting of every kind and character, whether by an owner, lessee or sublessee, and licensing and the granting of a concession by any of them, without regard to the length of the term of the tenancy, the date of its commencement,, expiration or renewal, without regard to the number of tenants a lessor may have, or the number of buildings or structures, or the quantity of space in the buildings or structures a lessor may have available for renting or letting to a tenant. A lessor otherwise subject to the tax described in subsection (b) shall not be exempt

therefrom by reason of the fact that one or more persons may reside within the building or structure where either the primary purpose of the particular tenancy or the primary use or right of use by the particular tenant is for some purpose other than dwelling, sleeping or lodging. Nor shall a lessor otherwise subject to the tax described in subsection (b) be exempt therefrom by reason of the fact that his tenant proposes to operate or does in fact operate the building or structure as a premise for a business subject to tax under this chapter.

(d) Exemptions.

The following persons, when engaged in the described activity, shall not be deemed to be engaged in the business described in subsection (b):

1. Persons engaged in the business of maintaining a storage or warehouse and required to pay a tax for that business under other provisions of this article.

2. Persons engaged in the business of operating a theater, exhibition hall or any similar place of public assemblage or entertainment, to the extent that his receipts are charges collected by him from patrons for admission to the premises.

3. To the extent that his business activity includes renting to casual tenants, a person is otherwise subject to the tax under subsection (b).

4. To the extent that his gross receipts are received as compensation for permitting coin-operated machines and devices to be placed, or to remain on or within the premises under the control of the lessor.

(e) The provisions of Section 23.303 to the contrary notwithstanding a lessor required by this section to pay a tax need obtain only one registration certificate by reason thereof but he shall include in the measure of the tax the gross receipts derived from all businesses taxed by this section engaged in by him within the City, whether at one or more than one location. At the time the tax provided herein is remitted, the Administrator may require the registrant to furnish a statement of the number of such businesses conducted by him giving the street address of each location, the amount of gross receipts attributable to each location, and designating a location at which the registration certificate issued shall be posted as provided in Section 23.404. The location so designated shall be considered the location of the business for the purposes of Section 23.404.

(f) Taxes imposed upon a person described in subsection (b) shall be measured by his gross receipts received during the previous year if he engaged in the described business during all or part of the previous year.

Sec. 23.612. New and Used Motor Vehicles; Leasing Motor Vehicles, Parts and Accessories; Fleet Sales.

(a) Every person engaged in the business of selling or leasing new or used motor vehicles, or parts and accessories thereof, shall pay an annual business license tax as set forth below:

ANNUAL GROSS RECEIPTS

ANNUAL LICENSE TAX

Under \$500,000	\$250.00
\$500,000 but less than \$1,000,000	300.00
\$1,000,000 but less than \$2,000,000	405.00
\$2,000,000 but less than \$3,000,000	510.00
\$3,000,000 but less than \$4,000,000	615.00
\$4,000,000 but less than \$5,000,000	720.00
\$5,000,000 but less than \$6,000,000	825.00
\$6,000,000 but less than \$7,000,000	930.00
\$7,000,000 but less than \$8,000,000	1,035.00
\$8,000,000 but less than \$9,000,000	1,140.00
\$9,000,000 but less than \$10,000,000	1,245.00
\$10,000,000 but less than \$11,000,000	1,350.00
\$11,000,000 but less than \$12,000,000	1,455.00
\$12,000,000 and over	1,560.00

(b) Notwithstanding subsection (a) above, that portion of the total annual gross receipts of any person subject to the tax imposed by said sub-section shall be reduced by an amount which equals seventy percent (70%) of the gross receipts received by said person from the following:

- (i) Sale of fleet vehicles, and
- (ii) Wholesale sales of motor vehicles, and
- (iii) Wholesale sales of automotive parts and accessories.

(c) The term "motor vehicle" shall be defined in the same manner and shall have the same meaning as said term is defined in the Vehicle Code of the State of California.

(d) The term "fleet vehicle" shall mean any motor vehicle sold to a person or governmental entity if said person or governmental entity continually maintains for its use in business or governmental activities a fleet of motor vehicles having in excess of ten motor vehicles.

Secs. 23.613 to 23.649. Reserved.

Division 2. Tax on Other Categories

Sec. 23.650. Auctioneer.

For every individual person who as an employee or as an independent contractor, engages in the business of auctioneer, the business license tax shall be \$115.00 per year. At his option, however, the licensee may secure a license for a lesser period of time by payment of the following:

- (a) For a quarter, 30% of the annual license tax;
- (b) For a month, 15% of the annual license tax;
- (c) For one day, 3% of the annual license tax.

The business license tax payable under this section shall be in addition to any tax payable for operating an auction house.

Sec. 23.651. Bowling alleys.

Public bowling alley, the annual business license tax shall be eighty dollars per year for the first alley and thirty dollars per year for each additional alley.

Sec. 23.652. Boxing, wrestling, other athletic events.

For promoting or staging any boxing or wrestling or other athletic event or exhibition in a structure having a seating capacity of fewer than 2,500 seats, the business license tax shall be \$35.00 for each such exhibition; in a structure having a seating capacity of more than 2,500 seats, the business license tax shall be \$60.00 for each such exhibition.

Sec. 23.653. Reserved.

Sec. 23.654. Card rooms.

- (a) Public card rooms.

For the purposes of this section a "public card room" shall be any card room subject to the provisions of Sections 5.1 through 5.3-11 of the City Code. The business license tax for such public card room shall be \$600.00 per year for the first table, and \$60.00 per year for each additional table, in addition to any other license tax required for such place of business.

(b) Short card rooms.

For the purposes of this section a "short card room" shall be any card room which allows the playing of short card games only, such as pinochle, hearts, whist, bridge, or any rummy game or similar card game. The business license tax for such short card rooms shall be \$70.00 per year for the first table, and \$35.00 per year for each additional table, in addition to any other license tax required for such place of business.

Sec. 23.655. Carnivals or fairs.

(a) Generally.

For every person operating or conducting any carnival or fair in the City, the business tax shall be \$200.00 for the first day and \$150.00 for each additional day, for the first 10 or fewer concessions; plus \$30.00 for the first day and \$20.00 for each additional day for each concession in excess of 10. For the purposes of this section a "concession" shall be any amusement ride, booth, exhibit, stall, tent, trailer, or stand which charges any fee for the ride, service, or product offered.

(b) Children's shows or carnivals.

For every person operating or conducting in the City any carnival-type show designed especially for young children, where the amusement rides are "kiddie rides" only, the business license tax shall be \$30.00 for the first day and \$15.00 for each additional day for the first 10 or fewer concessions; plus \$5.00 for the first day and \$2.50 for each additional day for each concession in excess of 10. A business taxed under this subsection shall not be liable for the business tax imposed by section 23.609 of this chapter.

Sec. 23.656. Christmas trees.

Every person engaged in the business of selling or offering for sale Christmas trees at retail, where such sales are not from a fixed place of business dealing in other goods or services for the selling of which the operator is already paying a business tax based on his annual gross receipts, shall pay a business license tax of \$27.50 per year for the first 5,000 square feet of space so used, plus \$3.00 for each additional 1,000 square feet. There shall be no exemption granted under Section 23.304 of this chapter from the payment of this license tax.

Sec. 23.657. Collection agencies.

Every person engaging in the business of collection agency shall pay a business license tax of \$185.00 per year for the first 4 officers or employees engaged in said business, plus \$25.00 per year for each additional officer or employee over 4.

Sec. 23.658. Contractors.

(a) Every person engaged in business as a contractor shall pay an annual business license fee of \$75.00.

(b) In addition to the amount provided in subsection (a) of this section, each contractor shall pay a quarterly business license fee of one-quarter (1/4) of one (1) mill for each dollar of quarterly gross receipts received after July 1, 1974.

(c) The term "contractor" shall mean any person licensed by the State of California under the provisions of Division III, Chapter 9 (commencing with Section 7000) of the Business and Professions Code of the State of California.

(d) The meaning of the term "gross receipts" as used in this section shall be that as set forth in subsection (f) of Section 23.101; provided, however, the term shall include only receipts from jobs or projects located within the limits of the City. In addition, contractors may deduct from gross receipts that portion of said receipts paid to their subcontractors if said subcontractors were subject to taxation under this section as contractors.

(e) The quarterly business license fee provided in subsection (b) above shall be due and payable on the first day of the month next following the last month of the quarter for which said license fee is due and payable. At the time of payment, Contractor shall provide Administrator with a certificate of the gross receipts received by him during the quarter for which payment is made and the names, addresses and amounts paid to each subcontractor for which a deduction is claimed under subsection (d) above.

(f) The maximum quarterly business license fee payable under this section shall be the sum of \$375.00.

Sec. 23.659. Credit agencies, money lenders.

Every person engaged in the business of lending money, advancing credit or loaning credit, whether security of any kind is taken for such loan or advance or not, purchasing or discounting of any obligation of money due or to become due, or any evidence of any obligation of money due or to become due, whether such obligation is secured, guaranteed or not, shall pay an annual business license tax of \$350.00 for the first 4 officers or employees engaged in such business, plus \$25.00 per year for each officer or employee over 4.

Nothing in this section shall be deemed or construed to apply to any person conducting a banking business under the laws of the state or to the holder of a pawnbroker's license, or to real estate brokers separately covered.

Sec. 23.660. Dances, public; Dances, taxi.

(a) Held fewer than four nights a week.

For public dances where dances are held fewer than 4 nights a week, the license tax shall be \$160.00 per year when the dance floor area does not exceed 3,000 square feet; \$200.00 per year when the dance floor area is more than 3,000 square feet but less than 7,000 square feet; and \$320.00 per year when the dance floor area exceeds 7,000 square feet.

(b) Held four nights a week or more.

For public dances where dances are held 4 nights a week or more, the license tax shall be \$300.00 per year when the dance floor area is less than 3,000 square feet; \$420.00 per year when the dance floor area is more than 3,000 square feet but less than 7,000 square feet; and \$600.00 per year when the dance floor area exceeds 7,000 square feet.

(c) Taxi dance hall.

Any person operating a taxi dance hall shall pay \$850.00 per year business license tax in addition to any other license required to be paid under any other sections of the City Code.

(d) Additional fee where beverages are served.

Where alcoholic beverages are licensed to be sold or whenever alcoholic beverages are dispensed, sold, served or given away, the applicable fees set forth in subsections (a), (b) and (c) of this section shall be increased by 50%.

(e) Occasional public dances.

Any person conducting an occasional public dance shall pay a business license tax of \$15.00 per day where no alcoholic beverages are dispensed, and \$20.00 per day where alcoholic beverages are dispensed.

Sec. 23.661. Exhibitions.

For any exhibitions not otherwise in this Chapter provided for, where admission is charged, the business license tax shall be \$20.00 for the first day and \$15.00 for each succeeding day.

Sec. 23.662. Fireworks stands.

Every person selling fireworks at retail during all or a portion of the period between June 28 to midnight of July 5 shall pay a license tax of \$60.00 for each stand or location from which such sales are made. There shall be no exemption granted under section 23.304 of this chapter from the payment of this license tax.

Sec. 23.663. Flea markets; Outdoor markets; Similar operations.

Every person who, as owner or operator, conducts a business of the nature or similar to a "Flea Market", wherein such person for a fee makes available to the other persons a space, room, area, table, booth, enclosure or other fixed location from which such person can sell such goods, wares and merchandise as he desires to sell, shall collect and transmit to the Administrator in the manner and at the times established by the Administrator as the license tax for each of the persons to whom such space is let the following amounts:

(a) For permanent tenants, where the rental is not more than \$50.00 per week, the license tax shall be 5% of said rental fee.

(b) For permanent tenants, where the rental is more than \$50.00 per week, the license tax shall be 2 1/2% of said rental fee.

(c) For all others the license tax shall be 10% of any rental fees charged.

The Administrator shall not be required to issue an individual license to each of the persons so licensed, but shall for each day issue one license for the total amount collected and transmitted to him.

Notwithstanding the above provisions, if any person shall occupy a space, room, booth or enclosure in such market on a regular basis, he may at his option, be classed as a retail business and shall secure and maintain payment on his own business license in the same manner as any other retail merchant.

In addition to the license taxes collected from the occupants of the various spaces, booths, etc., and transmitted by the person conducting the business, such person shall also secure a business license or licenses in accordance with other provisions or sections of this Chapter or any other Chapters of the Code.

Sec. 23.664. Hotels, motels.

Every person engaging in the hotel or motel business, where the living units are rented out substantially on a transient occupancy basis, shall pay an annual business license tax as follows:

<u>Lodging units</u>	<u>Per Year</u>
3 to 6	\$ 12.00
7 to 10	21.00
11 to 20	35.00
21 to 40	70.00
41 to 60	105.00
61 to 80	125.00
81 or more,	\$125.00 per year, plus 40 cents per
	year for each unit in excess of 80.

Sec. 23.665. Itinerant vendors.

(a) Every person who shall engage in business in the City as an itinerant vendor, where no motorized vehicle is used in the business, shall pay a business license tax of \$7.50 per quarter or \$4.00 per month or \$2.50 per day for each individual person so engaged.

(b) Every person who shall engage in business in the City as an itinerant vendor, where a motorized vehicle is utilized in the business, shall pay a business license tax of \$15.00 per quarter or \$7.50 per month or \$3.50 per day for each such vehicle and one occupant. Each additional occupant shall be required to be licensed under subsection (a) of this section.

(c) Every person engaging in the business commonly known as "Transient Merchant", or who engages in the business of selling or offering for sale any goods, wares, merchandise, service, or other thing of value from any fixed location within the City for a period of less than 90 days shall pay a business license tax of \$50.00 per month for each location used for such business.

Sec. 23.666. Junk dealers.

(a) Dealing in used rags or paper.

Every person engaged in the business of buying or selling, or otherwise dealing in used or secondhand rags or paper, at a fixed place of business in the City, shall pay a business license tax of \$265.00 per year or fractional part thereof.

(b) Dealing in scrap metal, bottles, other junk. Every person engaged in the business of buying or selling scrap metals, or in buying and wrecking or salvaging scrap automobiles or other vehicles, and every person engaged in the business of buying or selling or otherwise dealing in articles commonly known and referred to as junk, excepting only rags or paper, and including but not limited to old or secondhand sacks, cans, bottles, or metals, at a fixed place of business in the City, shall pay a business license tax of \$525.00 per year or fractional part thereof; provided that a person taxed under the provisions of this subsection may deal in the commodities or materials mentioned in the preceding subsection without obtaining an additional business license under the provisions of said preceding subsection.

Sec. 23.667. Laundry, cleaning and dyeing, agent, collector, linen supply.

Every person engaged in the business of washing, drying, cleaning, dyeing, sizing, blocking, or pressing any clothing

wearing apparel, garment, linen, fabric or similar material or similar article of personal property, whether accomplished by hand, machine, or any coin-operated machine operated by such person, or his employee, or furnishing or letting the use of any towels, linens, aprons, bedding, napkins, table covers, or any other article or personal property of a similar nature, or collecting or delivering any such article as an agency or otherwise, for a fee or charge, shall pay a yearly business license tax as follows:

(a) For the plant at which such operation is carried on.

Less than 5 employees	\$80.00 per year
5 to 10 employees	105.00 per year
11 to 15 employees	135.00 per year
16 to 20 employees	170.00 per year
21 to 25 employees	210.00 per year
26 to 30 employees	250.00 per year
31 to 35 employees	305.00 per year
36 to 40 employees	355.00 per year
41 to 45 employees	410.00 per year
46 to 50 employees	460.00 per year
51 to 55 employees	515.00 per year
56 to 60 employees	565.00 per year
61 or more employees	620.00 per year

(b) Branch or agency at which no actual processing or cleaning is carried on, shall pay an annual business license tax of \$37.50.

Sec. 23.668. Poolrooms or billiard rooms.

Public poolroom or billiard room shall pay an annual business license tax of eighty dollars per year for the first table, and thirty dollars per year for each additional table.

Sec. 23.669. Professions.

(a) License tax for medical, dental and legal professions.

Every person engaged in the profession of attorney, patent attorney, dentist, optometrist, osteopath, physician and surgeon shall pay a business license tax determined by the number of years he has been licensed by the State of California to practice such profession:

Three years or less: \$50.00

More than three years but less than seven years: \$100.00

Seven years or more: \$200.00

Every person who employs an individual who would be subject to an annual license tax under this section if the individual was not exempt from the payment of said tax by the first sentence of section (d) of this section shall pay an annual license tax of \$12.00 for each such exempt individual in his employ.

(b) License tax for other professions.

Every person engaged in the profession of accountant, audiologist, architect, certified public accountant, bacteriologist, civil engineer, consulting engineer, electrical engineer, mechanical engineer, chemical engineer, hydraulic engineer or mining engineer, designer, geologist, landscape architect, mortician, physical therapist, psychologist, speech therapist, registered lobbyist and veterinarian shall pay a business license tax determined by the number of years he has been licensed or registered by the State of California to practice such profession.

Three years or less: \$40.00

More than three years but less than seven years: \$80.00

Seven years or more: \$120.00

Every person who employs an individual who would be subject to an annual license tax under this section if the individual was not exempt from the payment of said tax by the first sentence of section (d) of this section shall pay an annual license tax of \$12.00 for each such individual in his employ.

(c) Any professional person subject to the tax imposed by this section who is also carrying on a business of selling any goods, wares, merchandise, service, or other thing of value as a retailer or wholesaler, shall secure a license for such retail or wholesale business as required elsewhere in this chapter, in addition to the license required by this section.

(d) Nothing, however, in this section shall be construed or deemed to apply to any person engaged in any of the professions or occupations enumerated in the preceding subsection solely as the employee of any other person conducting, carrying on or managing such businesses, occupations or professions in the city; except however, that each employee of any person, who has a contractual right to participate in the income or profits of the business, or is a shareholder of a professional corporation organized pursuant to sections 13400 et seq. of the California Corporations Code must pay the fee.

(e) Nothing contained in this chapter shall be construed as giving the city council, or any of the officers of the city in charge of administration of this chapter, any regulatory powers over any licensee who is engaged in the practice of a profession, trade or calling, and is one whose privilege to so engage in such profession, trade or calling is granted by the state, or any of its agencies. As to such persons, and as indicated in Section 23.102, this chapter shall be construed as a license chapter for revenue purposes only.

Sec. 23.670. Real Estate; Insurance; Stock Brokers.

(a) Every person engaged in the business of real estate; insurance broker; or stock broker as a principal, whether whole or part-time, shall pay a business license tax of \$82.50 per year, plus \$12 per year for each employee, agent, representative or independent contractor subject to supervision by a principal who devotes time to the handling of rents, listing property, collecting or selling property, soliciting or writing insurance policies, or working as a salesman or floorman.

(b) If any person licensed under the provisions of this section shall make application to the Administrator in writing so requesting, he may be allowed to secure a business license under the provisions of Section 23.606.

(c) For the purpose of this section the term "principal" shall mean any person who is a sole practitioner, a member of a partnership or a stockholder in a professional corporation organized pursuant to

Sections 13400 et seq. of the California Corporations Code, who has a contractual right to participate in the income and profits of the business.

(d) Nothing contained in this chapter shall be construed as giving the city council, or any of the officers of the city in charge of administration of this chapter, any regulatory powers over any licensee who is engaged in the practice of a profession, trade or calling, and is one whose privilege to so engage in such profession, trade or calling is granted by the state, or any of its agencies. As to such persons, and as indicated in Section 23.102, this chapter shall be construed as a license chapter for revenue purposes only.

Sec. 23.671. Rental of residential real property.

Every person engaging in the business of renting residential real property, including apartment houses, boarding houses, rooming houses, dormitories, lodging houses, convalescent hospitals or nursing homes caring for physically or mentally afflicted persons for a profit, or any other residential real property which is leased or rented, where the rental units are under the same ownership, shall pay a business license tax of \$10.00 per year for the first such units and \$1.15 per year for each additional such unit. Each such person shall file with the Administrator a list of the addresses and number of units at each address and shall receive one license for all such units upon payment of the appropriate license tax. There shall be no proration of the annual tax set forth under this section, and the Administrator may issue such identifying insignia as he finds necessary or desirable to designate payment of the license taxes.

Sec. 23.672. Rubbish and trash collectors.

Every person engaging in the collecting of rubbish and trash as defined in Section 19.27 of this Code, shall pay an annual business license tax of \$150.00 for the first truck and \$300.00 for each additional truck. This tax shall be in addition to any tax which may be required by section 23.666 of this chapter.

Sec. 23.673. Rummage or antique sale, occasional.

Any person engaging in the business of operating an occasional rummage or antique sale shall pay a business license tax of \$5.50 per day. Such person shall be limited to 10 days in any one year. If he shall engage in such business for more than 10 days in a year, he shall secure a license under section 23.601 of this chapter.

Sec. 23.674. Services, semi-professions, occupations.

(a) Any person engaging in the services, semi-professions, or occupations listed below may pay an annual business license tax of \$80.00, or he may pay the business license tax as set forth in Section 23.606, at the written option of the licensee: Advertising agency or counselor, appraiser, assayer, barber, beautician, blue-printer, consultant, chiropodist, chemist, chiropractor, court reporter, detective agency, draftsman, drugless practitioner, electrologist, engraver, illustrator or show card writer, insurance or claim adjuster, lithographer, public stenographer, surveyor, certified shorthand reporter, taxidermist, X-ray technician, X-ray laboratory or X-ray inspection service, travel agency, ticket brokers.

(b) Every person who employs an individual who would be subject to an annual license tax under this section if the individual was not exempt from the payment of said tax by the first sentence of section (c) of this section shall pay an annual license tax of \$12.00 for each such exempt individual in his employ.

(c) Nothing, however, in this section shall be construed or deemed to apply to any person engaged in any of the professions or occupations enumerated in the preceding subsection solely as the employee of any other person conducting, carrying on or managing such businesses, occupations or professions in the city; except however, that each employee of any person, who has a contractual right to participate in the income or profits of the business, or is a shareholder of a professional corporation organized pursuant to sections 13400 et seq. of the California Corporations Code must pay the fee.

(d) Nothing contained in this section shall be construed as giving the city council, or any of the officers of the city in charge of administration of this chapter, any regulatory powers over any licensee who is engaged in the practice of any of the above-listed semi-professions, profession, trade or calling, and is one whose privilege to so engage in such profession, trade or calling is granted by the state, or any of its agencies. As to such persons, and as indicated in Section 23.102, this chapter shall be construed as a license chapter for revenue purposes only.

Sec. 23.675. Solicitors, accepting payment in advance - Master Solicitor's license, Class I.

(a) Any person regularly employing the services of solicitors who accept or receive payment or deposit of money in advance of final delivery of the product being sold may secure a "Master

Solicitor's License, Class I" by payment of an annual fee of \$55.00.

(b) Any person soliciting for an organization which has obtained a valid "Master Solicitor's License, Class I" shall obtain an individual solicitor's license, valid only when representing the holder of the master license, upon payment of \$2.00 per week, or \$5.00 per quarter, or \$10.00 per year.

(c) Every person accepting payment or deposit of money in advance when soliciting, but not representing an organization with a master license, shall pay a license tax of \$5.00 per day or \$10.00 per week or \$25.00 per quarter for a Solicitor's License, Class I.

Sec. 23.676. Solicitors, not accepting payment in advance - Master Solicitor's License, Class II.

(a) Any person regularly employing the services of solicitors who do not at any time accept payment or deposit of money in advance of delivery of the product being sold may secure a "Master Solicitor's License, Class II" by payment of an annual fee of \$21.00.

(b) Any person soliciting for an organization which has obtained a valid "Master Solicitor's License, Class II" shall obtain an individual solicitor's license, valid only when representing the holder of the master license, upon payment of \$2.00 per week or \$5.00 per quarter or \$10.00 per year.

(c) Any person working as a solicitor but not accepting payment or deposit of money in advance of delivery of the product being sold, but not representing an organization with a master license, shall pay a license tax of \$2.50 per day or \$5.00 per week or \$10.00 per quarter or \$26.00 per year.

Sec. 23.677. Taxicabs and Limousines.

Every person operating a taxicab business shall pay an annual business license tax of \$75.00 for the first taxicab, and \$46.00 for each additional taxicab. Every person operating a limousine business shall pay an annual business license tax of \$115.00 for the first limousine and \$75.00 for each additional limousine.

Sec. 23.678. Theaters, legitimate or motion picture.

(a) Where performances are held not more than 3 days a week.

Every person operating a theater of any kind whatsoever, where performances are held not more than 3 days a week, shall pay a business license tax of \$100.00 per year for the first 300 seats, plus an additional \$35.00 per year for each 100 seats or portion thereof in excess of 300.

(b) Where performances are held more than 3 days a week.

Every person operating a theater of any kind whatsoever, where performances are held more than 3 days a week, shall pay a business license tax of \$220.00 per year for the first 300 seats, plus an additional \$70.00 per year for each 100 seats or portion thereof in excess of 300.

Sec. 23.679. Trucking; Delivery by vehicle.

Every person not having a fixed place of business within the City who makes wholesale or retail deliveries of goods or services by motor vehicle within the City or who maintains, installs or repairs goods, wares or merchandise or equipment inside the City, or who provides a service not otherwise covered in this chapter, shall pay a license tax as follows:

(a) Retail and/or service.

\$55.00 annually for the first vehicle, and \$32.50 annually for each additional vehicle;

(b) Wholesale.

\$45.00 annually for the first vehicle, and \$27.50 annually for each additional vehicle.

This section and this chapter shall not be construed as imposing a business license tax on any business subject to a license tax under the "Highway Carriers' Uniform Business License Tax Act", commencing with Section 4301 of the Public Utilities Code, provided said business presents sufficient proof that it has registered and is making payment of fees as provided by said Code.

Secs. 23.680 to 23.700. Reserved.

Article VII. Downtown Business Improvement Area.

Sec. 23.701. Authority.

This article is adopted pursuant to the "Parking and Business Improvement Area Law of 1965," being section 36000 et seq. of the California Streets and Highways Code, and Resolution of Intention No. 104, adopted by the city council on March 26, 1970, and titled "A Resolution of the City Council of the City of Sacramento, California, Declaring its Intention to Establish a Business Improvement Area, to Provide for the Levy of Additional Business License Tax on Specified Businesses Conducted Within Such Area Classifying Various Businesses for Such Purposes, Describing The Boundaries of the Proposed Area and Benefit Zones within the Area, the Authorized Uses to Which the Additional Revenue Shall be put, the Rate of Such Additional Levy of the License Tax, Fixing the Time and Place of a Hearing to be Held by the City Council to Consider the Establishment of Such an Area, and Directing the Giving of Notice of Such Hearing." Such resolution was published and mailed as provided by law, and hearings thereon were held by the city council at its regular meetings on April 16 and 23, 1970, at which all persons desiring to be heard, and all obligations made or filed, were fully heard. The city council duly concluded the hearing on April 23, 1970, and determined that protests objecting to the formation of the area have not been made by businesses in the proposed area which pay a majority of the taxes within the area under the general business license tax of this city, and that such protests are overruled and denied.

Sec. 23.702. Area established.

There is hereby established a business improvement area which shall be known as the "Downtown Business Improvement Area of the City of Sacramento," hereinafter referred to as "area" for brevity and convenience.

Sec. 23.703. Authorized uses.

The authorized uses to which the additional revenue shall be put are as follows:

- a. The general promotion of retail trade activities in the area.
- b. The promotion of public events which are to take place on or in public places in the area.
- c. Decoration of any public place in the area.
- d. Furnishing of music in any public place in the area.

Sec. 23.704. Area and benefit zones.

A description of the boundaries of the area, including the designation of separate benefit zones, is contained and shown upon a map entitled "Downtown Business Improvement Area", three copies of which are on file in the office of the City Clerk.

Sec. 23.705. Additional levy of license tax.

There is hereby imposed an additional levy of business license tax on businesses conducting their activities within the area, which is in addition to the general business license tax imposed upon such businesses by article VI of this chapter 23 to carry out the aforesaid purposes. Such additional tax is imposed at the rates hereinafter set forth for the specified business classifications located within each of the benefit zones of the area, regardless of whether the business is taxed upon a flat rate or gross receipts or other basis under the provisions of article VI hereof.

Sec. 23.706. Classification of businesses.

Businesses conducted in the area are classified as follows for the purpose of the equitable imposition of the additional tax provided hereunder in relation to the relative benefits to be derived:

CLASSIFICATION	INCLUDES
Barber shops and beauty salons	
Card game establishments	
Entertainment	Arcades Bowling establishments Dancing establishments Movie theatres Theatres
Finance	Financial and investment counsellors Loan companies Pawnbrokers Securities dealers
Hotels and apartments	Apartments Boarding houses Dormitories Hotels Motels Rooming houses
Medical-dental supplies	Hearing aid centers Medical/dental laboratories Optical suppliers Opticians Surgical companies

Professional

Accountants
Appraisers
Architects
Attorneys
Chiropractors
Contractors
Decorators
Dentists
Engineers
Optometrists
Physicians
Private Investigators
Process servers

Real Estate

Escrow companies
Real Estate agencies

Restaurants and bars

All food and/or drink serving establishments

Retailers

All establishments selling merchandise at retail

Service and repairs

Advertising agencies
Cleaners
Collection agencies
Dressmakers
Electric shaver shops
Employment agencies
Equipment and merchandise rentals
Massage parlors
Photo engravers
Photographers
Printing and duplication services
Repair services
Schools and colleges
Security services
Shoe repair shops
Shoe shine services
Travel agencies
Upholstering services
Watch repair services

Service stations and auto parking establishments

Wholesalers

Sec. 23.707. Rate of levy.

The rates of additional levy--over and above the general business license tax--that is hereby imposed on the businesses within the area, by benefit zone within which each business is

situated, and by business classification, are the following percentages applied to the amount of general business license tax payable under article III of this Chapter as said article read on May 9, 1970. The Administrator shall issue regulations pursuant to Section 23.206 of this Chapter which contain the schedule of business license tax payable under Article III on said date.

BUSINESS CLASSIFICATIONS	Percentage of Additional Tax in Terms of Former General Business License Tax	
	ZONE 1	ZONE 2
Barber shops and beauty salons	50%	50%
Card game establishments	25%	25%
Entertainment	50%	50%
Finance	33%	33%
Hotels and apartments	66%	66%
Medical-dental supplies	50%	50%
Professional	25%	25%
Real estate	33%	33%
Restaurants and bars	231%	165%
Retailers	350%	250%
Service and repairs	175%	125%
Service stations and auto parking establishments	66%	66%
Wholesalers	0%	0%

Sec. 23.708. Exemption; voluntary contribution.

Any business, person or institution located in the area which is exempt from the payment of the ordinary business license tax of the city by reason of the provisions of the United States or California Constitutions, is not taxed under this article, but may make a voluntary contribution to the city. Such contributions shall be used for the purposes provided in this article.

Sec. 23.709. Modification or disestablishment of area.

The city council, by ordinance, may modify the provisions of this article, and may disestablish the area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the area, and shall state the time and place of a hearing to be held by the city council to consider the proposed action.

If businesses in the area that pay a majority of the additional levy of business license tax imposed pursuant hereto file a petition with the city clerk requesting the council to adopt a resolution of intention to disestablish the area, the council shall adopt such resolution and act upon it as hereinafter provided. Signatures

on such petition shall be those of a duly authorized representative of businesses in the Area; and the petition shall be filed with the city clerk within six weeks of the date on which the first signature was affixed.

The city clerk shall cause such resolution to be published at least once in the official newspaper of the City of Sacramento, and shall also mail a complete copy thereof, postage prepaid, to each business in the area, or, if it is proposed to enlarge the boundaries of the area, to each business in the area as it is proposed to be enlarged. Such publication and mailing shall be completed at least thirty days prior to the date of the hearing.

In the event the resolution proposed to modify any of the provisions of the article, including changes in the existing benefit zones, or in the existing boundaries of the areas, such proceedings shall terminate if protest is made by businesses in the area, or in the area as it is proposed to be enlarged, which pay a majority of the taxes within the area pursuant to article III of this chapter providing for the general business license tax.

In the event the resolution proposed disestablishment of the area, the city council shall disestablish the area, unless at such hearing, protest against disestablishment is made by businesses in the area which pay a majority of the additional levy of business license tax hereunder.

At the hearing, the city council shall hear all protests and receive evidence for and against the proposed action; shall rule upon all protest, their determination in this regard being final; and may continue the hearing from time to time.

Sec. 23.710. Payment of tax.

The collection of the additional tax levied hereunder shall be made at the same time and in the same manner as the general business license tax under this chapter 23.

A special fund shall be created, known as the "Downtown Business Improvement Area Fund," and the collections of the additional tax shall be deposited or redeposited in such fund.

Sec. 23.711. Applicability of general business license provisions.

The provisions of articles I, II, III, IV and V of this chapter 23, insofar as they are relevant to the provisions hereunder, are made applicable to all businesses subject to the additional tax. No general business license shall be issued pursuant to this chapter unless the additional tax pursuant hereto is paid together with the applicable general business license tax.

Secs. 23.712 to 23.800. Reserved.

SECTION 2.

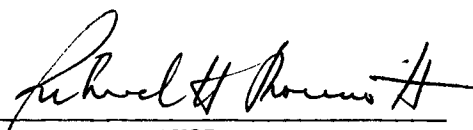
Section 46.13 of Chapter 46 of the Sacramento City Code is hereby repealed.

SECTION 3.

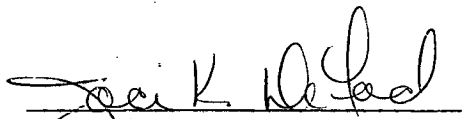
This ordinance shall be published once in the official newspaper of the City of Sacramento not later than ten days following its passage.

PASSED: May 30, 1974

EFFECTIVE: June 29, 1974


MAYOR

ATTEST:


CITY CLERK