

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 3.48.040, SUBSECTIONS A AND E OF SECTION 3.64.055, SUBSECTION A OF SECTION 3.68.090, SUBSECTION C OF SECTION 3.68.160, SECTION 3.80.427.1 AND SECTION 15.40.075, ALL RELATING TO REFUNDS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 3.48.040 of the Long Beach Municipal Code is amended to read as follows:

3.48.040 Refund - Conditions of payment.

The refund may be made to the person who paid the money under any of the following conditions:

A. If the amount paid is one thousand dollars or less and if the department head to which the money was paid authorizes the refund in accordance with prior written authorization of and subject to conditions imposed by the City Manager;

B. If the amount paid is ten thousand dollars or less and if the department head to which the money was paid, with the approval of the City Attorney, authorizes the refund provided, however, that refunds of one thousand dollars or less made in accordance with the provisions of Subsection 3.48.040.A of this Section shall not require the approval of the City Attorney;

C. If the amount paid is more than ten thousand dollars and the

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 department head to which the money was paid, with the approval of the
2 City Attorney and the City Council, authorizes the refund.

3
4 Sec. 2. Subsection A of Section 3.64.055 of the Long Beach Municipal
5 Code is amended to read as follows:

6 A. Where a tax has been collected based on rent for a period of
7 thirty (30) days or less and the occupant subsequently completes thirty-
8 one (31) consecutive days of occupancy, thereby qualifying as a
9 permanent lodger, the operator shall return to such occupant an amount
10 equivalent to the amount of the tax so collected either in cash or by
11 crediting his account unless, however, the tax has been paid over to the
12 business license section. In the latter case, the operator who collected
13 the tax may within one (1) year after the date of the payment to the
14 business license section, provided the operator has returned the
15 equivalent amount of the tax to the permanent lodger or credited the
16 lodger's account with that amount, either take credit for the amount so
17 reimbursed on a subsequent return or file a claim for refund of the tax.
18 Refund of the tax shall be made from the fund mentioned in Section
19 3.64.035 and Section 3.64.100 in the same percentage.

20
21 Sec. 3. Subsection E of Section 3.64.055 of the Long Beach Municipal
22 Code is amended to read as follows

23 E. No refund shall be paid under this Section unless the claimant
24 establishes claimant's right to the refund by written records showing
25 entitlement to the refund and unless claimant files the claim for refund
26 within one (1) year after the date of payment of the tax to the City.
27 Section 3.48.040 relating to the conditions of payment of refunds shall
28 apply.

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 Sec. 4. Subsection A of Section 3.68.090 of the Long Beach Municipal
2 Code is amended to read as follows:

3 A. Commencing January 1, 1977, any individual entitled to be
4 exempt from the taxes imposed by this Chapter who used electric, gas or
5 water services during the preceding calendar year and paid the taxes
6 required in this Chapter either directly or indirectly to the service user
7 rather than the service supplier may file an application for a refund on
8 forms provided by the City Treasurer. The application shall contain a
9 declaration of the facts, under oath, which qualify the applicant for the
10 refund. The application shall be filed on January 1 but not later than
11 March 1 of each year, for the preceding calendar year. Section 3.48.040
12 relating to the conditions for payment of refunds shall apply.

13
14 Sec. 5. Subsection C of Section 3.68.160 of the Long Beach Municipal
15 Code is amended to read as follows:

16 C. No refund shall be paid under this Section unless the claimant
17 establishes claimant's right to the refund by written records showing
18 entitlement to the refund and unless claimant meets the time limitations in
19 Section 3.48.060.

20
21 Sec. 6. Section 3.80.427.1 of the Long Beach Municipal Code is
22 amended to read as follows:

23 3.80.427.1 Refund - Application.

24 Application for refund made pursuant to this Chapter must be filed
25 with the City by the person entitled to the refund within one (1) year after
26 payment of the money to the City. Refunds are authorized to be made
27 payable only to the person or persons who paid the money and are
28 subject to the conditions for payment of refunds in Section 3.48.040.

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 Sec. 7. Section 15.40.075 of the Long Beach Municipal Code is amended
2 to read as follows:

3 15.40.075 Refund of gas utility charges.

4 Unless expressly prohibited by any other law applicable to the City,
5 money paid to the City by any person for gas service may be refunded to
6 that person if it is determined by the General Manager of the gas utility
7 that the refund is appropriate due to a billing error made by the City. The
8 refund may be made by direct payment to the person or by a credit on that
9 person's bill for gas service.

10 The conditions and time limitations for refunds in Chapter 3.48
11 apply to the refund of gas utility charges.

12
13 Sec.8. The City Clerk shall certify to the passage of this ordinance by the
14 City Council of the City of Long Beach and cause it to be posted in three conspicuous
15 places in the City of Long Beach, and it shall take effect on the thirty-first day after it is
16 approved by the Mayor.

17 I hereby certify that the foregoing ordinance was adopted by the City

18 //
19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28

1 Council of the City of Long Beach at its meeting on _____, 2006, by
2 the following vote:

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200