

RESOLUTION NO. RES-05-0086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADDING TRANSIENT OCCUPANCY TAX ADMINISTRATION FEES AND READOPTING AND RESTATING INVESTIGATION, REGULATORY, AND RELATED FEES AND CHARGES FOR CERTAIN BUSINESS ACTIVITIES IN THE CITY OF LONG BEACH SUBJECT TO THE PROVISIONS OF TITLE 3 AND TITLE 5 OF THE LONG BEACH MUNICIPAL CODE

WHEREAS, Title 3 and Title 5 of the Long Beach Municipal Code authorizes certain investigation and regulatory fees, and also other related fees and charges imposed thereunder to recover the City's costs of administering the existing business license provisions of Chapter 3.80 of Title 3 and investigative and regulatory provisions of Title 5 for such businesses that are regulated which are to be set by resolution; and

WHEREAS, on September 16, 2003, the City Council of the City of Long Beach adopted Resolution No. C-28252 adopting investigation, regulatory and related fees and charges for certain business activities in the City of Long Beach subject to the provisions of Title 3 and Title 5 of the Long Beach Municipal Code; and

WHEREAS, on June 7, 2005, the City Council of the City of Long Beach adopted Ordinance No. ORD-05-0010, amending Chapter 3.64 of the Long Beach Municipal Code relating to Transient Occupancy Tax and providing for administrative fees relating to the application, audit and issuance of a tax clearance certificate upon transfer, sale or change in ownership of a hotel property; and

WHEREAS, it is the purpose of this resolution to restate and readopt, without change in fees the provisions of Title 3 and Title 5 relating to business activities,

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1 and contained in Resolution No. C-28252, and further to add fees relating to transient
 2 occupancy tax administration as provided in Chapter 3.64; and

3 WHEREAS, prior to adoption of this resolution adding new fees relating to
 4 the administration of transient occupancy tax, public notice and hearing have been
 5 given in accordance with Section 66018 of the California Government Code;

6 NOW THEREFORE, the City Council of the City of Long Beach resolves
 7 as follows:

8 Section 1. That each of the following businesses paying a business
 9 license tax under the schedule for such taxes set forth in Chapter 3.80 of the Long
 10 Beach Municipal Code shall, in addition to such tax, pay the investigatory, regulatory,
 11 and administrative fees herein set forth and hereby imposed:

<u>Activity to be Investigated/ Regulated</u>	<u>Investigation Fee (First Year of Issuance Only)</u>	<u>Regulatory Fee</u>
Alarm System	-	\$ 25.00 Each Year for Business \$ 30.00 Every 3 Years for Residence
Arcade	\$ 250.00	
Auto Wrecking	\$ 20.00	
Boxing/Wrestling	\$ 350.00	
Closeout Sale	\$ 135.00 + \$ 20.00 Each Additional Day Over 3 Months	
Coin, Stamp Dealer	\$ 20.00	\$ 100.00 Annually
Fortune telling	\$ 20.00	\$ 525.00 Annually
Garage Sale	-	\$ 10.00 per Sale
Junk Collector	\$ 20.00	
Junk Dealer	\$ 20.00	\$ 75.00 Annually
Live Music Event	-	\$ 25.00 Each Event
Massage Parlor	\$ 250.00	\$ 100.00 Annually
Massagist	\$ 250.00	\$ 100.00 Annually
Patrol System	\$ 20.00	

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1	Activity to be Investigated/ 2 Regulated	Investigation Fee (First Year of 3 Issuance Only)	Regulatory Fee
3	Pawn Broker	\$ 1,070.00	\$ 1,070.00 Annually
4	Secondhand Dealer	-	\$ 15.00 Annually
5	Display/Selling Event Promoter	\$ 20.00	\$ 15.00 Annually
6	Swap Meets	\$ 20.00	
7	Peddler	\$ 20.00	
8	Publicly Accessible Exterior Pay Telephone	-	\$ 15.00 Each Phone (First Year of Issuance Only)
9	Public Bathhouse	\$1,000.00	\$ 1,000.00 Annually
10	Public Dances	\$ 500.00	\$ 1,065.00 Annually
11	Pool or Billiard Hall (1 or 2 Tables)	\$ 100.00	
12	Pool or Billiard Hall (3 or more Tables)	\$ 350.00	
13	Family Billiard Hall	\$ 350.00	
14	Card Room	\$ 1,100.00	\$ 100.00 Annually
15	Bowling Alley	\$ 450.00	
16	Entertainment (With Alcohol)		
17	Dancing	\$ 750.00	\$ 765.00 Annually
18	No Dancing	\$ 600.00	\$ 150.00 Annually
19	Entertainment (No Alcohol)		
20	General		
21	Dancing	\$ 750.00	\$ 315.00 Annually
22	No Dancing	600.00	150.00 Annually
23	Bonafide Non-Profit Organization		
24	Dancing	\$ 10.00	\$ 50.00 Annually
25	No Dancing	10.00	50.00 Annually
26	Entertainment (With or Without Alcohol) 120 Day Temporary Permit		
27	Dancing	\$ 225.00	
28	No Dancing	115.00	
	Sidewalk Sale	\$ 20.00	

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Activity to be Investigated/ Regulated	Investigation Fee (First Year of Issuance Only)	Regulatory Fee
Taxi Driver	\$ 20.00	\$ 20.00 Annually
Towing Operations	\$ 409.00	\$ 65.00 Annually
Social Club	\$ 350.00	\$ 250.00 Annually
Occasional Dance	-	\$ 25.00 Each Event
Adult Entertainment Business, as defined in Section 21.51.020 of Long Beach Municipal Code	\$ 250.00	
Escort Bureau Service	\$ 1,000.00	\$ 1,000.00 Annually
Escort Permit (Employee of Escort Bureau)	\$ 20.00	\$ 20.00 Annually
Transient Photographer	\$ 20.00	
Firearm Dealer	\$ 20.00	
Locksmith	\$ 20.00	
Selling Club	\$ 20.00	\$ 790.00 Annually

Sec. 2. The additional administrative fees and charges for miscellaneous services as provided in Title 3 and Title 5, and Chapter 3.64 relating to transient occupancy tax (TOT), as noted are hereby imposed:

<u>Service</u>	<u>Fee</u>
Returned Check Charge	See Section 3.44.030
Duplicate License	\$ 25.00
Notification Fee (Hearing)	\$ 0.84 Per Label
Duplicate Decal	\$ 10.00
Appeal Filing Fee (City Council)	\$1,050.00
Appeal Filing Fee (Director)	\$ 350.00
Endorsement of Change of Address	\$ 25.00
Application Fee for Tax Clearance Certificate Pursuant to Sec. 3.64.085, TOT	\$ 25.00

<u>Service</u>	<u>Fee</u>
Deposit for Audit Charges for TOT Tax Clearance Certificate (Refundable)	\$ 500.00
Cost of Audit for TOT Tax Clearance Certificate (Credited against the above TOT Refundable Deposit)	\$ 100.00/hour
Cost of Audit for TOT Underpayments Maximum Audit Reimbursement \$1,500.00 Pursuant to Sec. 3.64.110	\$ 100.00/hour

Sec. 3. The purpose of the fees herein imposed is to recover for the City its costs of administering the investigatory and regulatory provisions set forth in Title 3 and Title 5, in addition to the application and audit fees in Chapter 3.64 of the Long Beach Municipal Code. Regulatory fees are those charged in connection with regulatory activities which fees do not exceed the reasonable cost of providing services necessary to the activity for which the fee is charged and which are not levied for unrelated revenue purposes. The City's investigation and inspection fee is a regulatory fee.

Sec. 4. Resolution No. C-28252, adopted September 16, 2003, is hereby replaced in its entirety and rescinded.

Sec. 5. Constitutionality, Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. Additionally, the determination of an unconstitutional or invalid section, subsection, clause or phrase shall have the effect of reviving the prior section, subsection, sentence, clause, or phrase as previously set forth in Resolution

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1 No. C-28252, if by doing so the defect can be cured, as though it had never been
2 amended by this Resolution.

3 Sec. 6. This resolution shall take effect immediately upon its adoption by
4 the City Council, and the City Clerk shall certify the vote adopting this resolution.

5 I hereby certify that the foregoing resolution was adopted by the City
6 Council of the City of Long Beach at its meeting of September 13, 2005, by
7 the following vote:

8 Ayes: Councilmembers: Lowenthal, Colonna, O'Donnell,
9 Kell, Richardson, Reyes Uranga,
10 Gabelich, Lerch.

11 _____
12 Noes: Councilmembers: None.

13 _____
14 Absent: Councilmembers: Baker.

15 _____
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18 City Clerk

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