

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 3.80.146.J AND SECTION 3.80.150, ALL RELATING TO REAL ESTATE AGENTS

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

Section 1. Subsection 3.80.146.J of the Long Beach Municipal Code is amended to read as follows:

J. "Services" means any business conducted or carried on by any person engaged in the business of providing services, repairs or improvements to or on real and personal property; renting or leasing personal property to businesses or persons; providing services to persons such as, but not limited to, laundries, cleaning and dyeing, shoe repair, barber and beauty shops, and photographic studios; or involving the operation of a hotel or motel. "Services" includes, but is not limited to, the business of:

1. Auto repair, services (transportation) and garages, including, but not limited to, aircraft for hire, aircraft repair, auto parking space, auto repair, auto wrecking, boats/common carrier, boats/pleasure, motorcycle rental, tow truck, and trailer rental;
2. Health service, including, but not limited to, hospital, hospital/convalescent and residential care home, or outpatient clinic;
3. Miscellaneous repair services, including, but not limited, general servicing;

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1 4. Personal and business services, including, but not
2 limited to, advertising agency, alarm installation/sales, animal kennel,
3 barbershop, beauty shop, bathhouse/health parlor/spa, beach equipment
4 rental, business trade school, cleaner, cleaning plant, collection agency,
5 commission broker, dance instructor, day nursery/school, dog grooming,
6 employment agency, fortuneteller, hotels, income tax, large volume
7 transfer stations, linen supply, livery stable/riding academy, loan business,
8 locksmith, manicurist, massage parlor, massager, miscellaneous rental,
9 motels, nurses registry, offal collection, photographer solicitor/transient,
10 photographer/studio, physical fitness, printing, private investigator, private
11 patrol system, private waste collection, processing station, public
12 relations, real estate broker, real estate agent, repossessing agency,
13 tattoo artist, undertaker and wedding chapel; provided, however, that
14 nothing in this Section shall be deemed to impose a separate business
15 license tax upon an employee of any business which is otherwise subject
16 to payment of the prescribed tax imposed by this Section including any
17 tax which is based on the number of employees of such business.

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19 Section 2. Section 3.80.150 of the Long Beach Municipal Code is
20 amended to read as follows:

21 3.80.150 Employee.

22 As used in this Chapter, "employee" means either: (1) each and
23 every person engaged in the operation or conduct of any business, whether
24 as owner, member of the owner's family, partner, associate, agent, manager
25 or solicitor, and each and every other person employed or working in such
26 business for a wage, salary, commission or room and board; or (2) any
27 person who is regarded as an employee of a business for purposes of the
28 workers' compensation laws of the State of California (including, without

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limitation, a real estate agent working for, or engaged by, a real estate broker) and which business is subject to the provisions of this Chapter. Notwithstanding the above, the owner of a sole proprietorship shall not be deemed to be an "employee" for purposes of this Chapter.

Section 3. The provisions of this ordinance relating to the obligations for payment of business license taxes by businesses with employees is intended as a clarification and restatement of existing taxing provisions of Title 3 of the Long Beach Municipal Code and not as an imposition of a new or increased tax.

Section 4. Neither the adoption of this amendment nor the repeal or amendment of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which were committed prior to the effective date thereof, nor be construed as a waiver of any tax, license or penalty or of the penal provisions applicable to any violations thereof. The provisions of this amendment, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor