

RESOLUTION NO.

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. 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,

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

Robert E. Shannon
 City Attorney of Long Beach
 333 West Ocean Boulevard
 Long Beach, California 90802-4664
 Telephone (562) 570-3200

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>
14	Alarm System	-	\$ 25.00 Each Year for Business
15		-	\$ 30.00 Every 3 Years for Residence
17	Arcade	\$ 250.00	
18	Auto Wrecking	\$ 20.00	
19	Boxing/Wrestling	\$ 350.00	
20	Closeout Sale	\$ 135.00 + \$ 20.00 Each Additional Day Over 3 Months	
21	Coin, Stamp Dealer	\$ 20.00	\$ 100.00 Annually
22	Fortune telling	\$ 20.00	\$ 525.00 Annually
23	Garage Sale	-	\$ 10.00 per Sale
24	Junk Collector	\$ 20.00	
25	Junk Dealer	\$ 20.00	\$ 75.00 Annually
26	Live Music Event	-	\$ 25.00 Each Event
27	Massage Parlor	\$ 250.00	\$ 100.00 Annually
27	Massagist	\$ 250.00	\$ 100.00 Annually
28	Patrol System	\$ 20.00	

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

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

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

<u>Activity to be Investigated/ Regulated</u>	<u>Investigation Fee (First Year of Issuance Only)</u>	<u>Regulatory Fee</u>
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

16 Sec. 2. The additional administrative fees and charges for miscellaneous
 17 services as provided in Title 3 and Title 5, and Chapter 3.64 relating to transient
 18 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

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

<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

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

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

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

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

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 _____, 2005, by
7 the following vote:

8 Ayes: Councilmembers:

9 _____

10 _____

11 _____

12 Noes: Councilmembers:

13 _____

14 Absent: Councilmembers:

15 _____

16 _____

17 _____

City Clerk

18
19
20
21
22
23
24 CAS:sek (7-20-05)
25 L:\APPS\CtyLaw32\WPDOCS\D019\P004\00077040.WPD
#05-03238
26
27
28