Ordinance No. 008-05 C.S.

AN ORDINANCE AMENDING THE STOCKTON MUNICIPAL CODE BY AMENDING CHAPTER 6, LICENSES AND PERMITS, PART I, BUSINESS LICENSES, DIVISION 2, LICENSES, SECTIONS 6-007, 6-008, AND 6-009; DIVISION 3, PROCEDURE FOR LICENSE, SECTIONS 6-021 AND 6-022; DIVISION 5, LICENSE TAXES, SECTIONS 6-029, 6-029.1, AND 6-034.1; DIVISION 7, MISCELLANEOUS AND ENFORCEMENT, SECTION 6-039; AND REPEALING SECTION 6-010, ALL RELATING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS.

SECTION I. AMENDMENT OF CODE.

Chapter 6 of the Stockton Municipal Code is hereby amended by amending Sections 6-007, 6-008, 6-009, 6-021, 6-022, 6-029, 6-029.1, 6-034.1 and 6-039 to read as follows:

Part 1
BUSINESS LICENSES

Division 2
LICENSES

SEC. 6-007. TERMS OF LICENSES — DELINQUENCY:

All license taxes due hereunder shall be due and payable, and delinquent as follows:

1. Daily License. Due on its effective date and delinquent at 5:00 p.m. on due date.

2. Monthly License. Due on the first day of each month for which license is sought and delinquent at 5:00 p.m. on the tenth day of the month.

3. Quarterly License. Due on the first day of January, April, July, and October. Delinquent at 5:00 p.m. on the last day of the first month in which the quarterly license is due.

4. Semi-annual License. Due on the first day of January and July. Delinquent at 5:00 p.m. on the last day of the first month in which the semi-annual license is due.

5. Annual License. Due on the first day of the month following the expiration date and delinquent at 5:00 p.m. on the last day of that month.
To all delinquent licenses there shall be added a penalty of fifteen percent (15%) of the amount of the tax due for the period, and an additional fifteen percent (15%) for each month delinquent thereafter, providing that the amount of such penalty to be added shall in no event exceed sixty percent (60%) of the amount of the license tax due.

The Director of Finance for good cause may extend for more than thirty (30) days the time for paying any sum required to be paid hereunder provided a written request therefor is filed with the Director of Finance prior to the delinquency date.

SEC. 6-008. PRORATION:

Proration of any license tax due hereunder shall be made for any portion of the period for which a license tax is payable. Any portion of a month will be considered a full month for prorating license tax due.

SEC. 6-009. DURATION OF LICENSE:

Licenses will be issued according to the rules and regulations approved by resolution of the City Council. The expiration date will be printed on each business license.

Division 3
PROCEDURE FOR ISSUANCE

SEC. 6-021. APPLICATION FOR FIRST LICENSE:

Every person making application for a first license shall estimate the gross receipts or other applicable basis for the period to be covered by the license to be issued. Such estimate, if accepted by the Director of Finance as being reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only, and such person shall, within thirty (30) days after the expiration of the period for which such license was issued, furnish the Director of Finance with a sworn statement upon a form, to be provided by the Director of Finance, setting forth such information as may be therein required and showing, during the period of such license, the gross receipts or other applicable basis. The license tax shall be ascertained and paid upon such applicable basis, credit being given for the tentative license tax previously paid.

SEC. 6-022. APPLICATION FOR RENEWAL OF LICENSE:

In all cases, the applicant for the renewal of a license shall submit to the Director of Finance a written statement upon a form to be provided by the Director of Finance, written under penalty of perjury, or sworn to before a person authorized to administer oaths. Said form shall set forth such information concerning the type of the applicant's business and the gross receipts derived therein or other applicable basis during the
preceding licensing period as may be required by the Director of Finance to ascertain the amount of the license tax to be paid by said applicant pursuant to the provisions of this Part.

The Director of Finance shall determine the average monthly gross receipts or other applicable basis and compute the license fee payable for the next license period. For the purpose of this Section a fractional part of a month shall be considered as a full month.

Division 5
LICENSE TAXES

SEC. 6-029. LICENSE TAX:

The amount of license taxes to be paid to the City of Stockton by any person engaged in or carrying on any profession, trade, calling, occupation or business is hereby fixed and established as hereinafter in this Part provided. Such license tax shall be paid by every person engaged in carrying on or maintaining any such profession, trade, occupation, calling or business in the City of Stockton.

For every person engaged in carrying on or maintaining any profession, trade, occupation, calling or business, the license tax shall be as set forth in the following Sections.

SEC. 6-029.1. ANNUAL REGISTRATION TAX:

Any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated shall pay an annual registration tax of twenty-four dollars ($24.00). All license taxes provided for herein for the privilege of engaging or carrying on any profession, trade, calling, occupation or business are imposed in addition to the annual registration tax. The annual registration tax shall be non-refundable but shall be prorated for that portion of a license period to which the tax applies. The annual registration tax is due and payable at the same time as the license taxes.

Notwithstanding other provisions of this Part, an annual registration tax shall not be charged for branch establishments of licensed businesses as set forth in Section 6-011, provided the business transacted by said branch is classified hereunder in the same category as the primary or principal licensed business.

SEC. 6-034.1. GENERAL CONTRACTORS, SUBCONTRACTORS AND SPECIALTY CONTRACTORS:

(a) Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer, pipeline, trenching, excavating contractor or conducting or carrying on the business of general contractor constructing, altering,
repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects or improvements shall pay a license tax of seventy-five dollars ($75.00) per annum plus one-half (1/2) of one (1) mill for each dollar of gross receipts or twenty-five dollars ($25.00) per quarter plus one-half (1/2) of one (1) mill for each dollar of gross receipts.

(b) Every person conducting or carrying on the business of electrical, plumbing, painting, masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other contractor or subcontractor not specifically mentioned in this Section, shall pay a license tax of forty-five dollars ($45.00) per annum plus one-half (1/2) of one (1) mill for each dollar of gross receipts or twenty dollars ($20.00) per quarter plus one-half (1/2) of one (1) mill for each dollar of gross receipts.

This Section shall apply to any person who for himself shall engage in the business of erecting or constructing houses for the purpose of leasing, renting, or selling the same, and who does not employ a contractor who shall act as superintendent.

Any contractor conducting or carrying on the business of selling goods, wares, or merchandise as a retailer in addition to his contracting business shall in addition to the contractor's license provided therein, secure a license for each retail business as required under this Part.

Division 7
MISCELLANEOUS AND ENFORCEMENT

SEC. 6-039. CONSTITUTIONAL APPORTIONMENT:

None of the license taxes provided for by this Part 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 Constitution 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 be violative of such constitutional clauses, he may apply to the Director of Finance for an adjustment of the tax. Such application may be made before, or within six (6) months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show this method of business and the gross volume or estimated gross volume of business and such other information as the Director of Finance may deem necessary in order to determine the extent if any, of such undue burden or violation.

The Director of Finance 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 non-discriminatory, 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 Director of Finance 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 business of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this Part.

Should the Director of Finance 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 license 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 (1) calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this Part.

SECTION II. AMENDMENT OF CODE.

Chapter 6 of the Stockton Municipal Code is hereby amended by repealing Section 6-010, Limitations.

SECTION III. SEVERABILITY.

If the event any section or portion of this Section shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall become effective and be in full force from and after thirty (30) days from its passage.

ADOPTED: JUN 28 2005

EFFECTIVE: JUL 28 2005

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

EDWARD J. CHAVEZ, Mayor of the City of Stockton