

ORDINANCE NO. 532
A N ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY
AMENDING CHAPTER 5.04 OF THE LINDSAY MUNICIPAL CODE
PERTAINING TO BUSINESS LICENSE VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

ARTICLE 1: Chapter 5.04 of the Lindsay Municipal Code shall be amended to read as follows:

Chapter 5.04

BUSINESS LICENSES AND TAXES

Sections:

5.04.010	Definitions.
5.04.020	Purpose.
5.04.030	Effect on other ordinances.
5.04.040	License-Required.
5.04.050	License-Not to permit prohibited activity.
5.04.060	Not to relieve from other tax measures.
5.04.070	Exemptions.
5.04.080	Exclusions.
5.04.090	Evidence of doing business.
5.04.100	License-Application.
5.04.110	License-Separate for each location.
5.04.120	Determination of classification.
5.04.130	License-When payable and delinquent.
5.04.140	License-Delinquency penalty and collection.
5.04.150	License-Prorating tax.
5.04.160	Declaration of gross receipts.
5.04.170	Closing or change of ownership.
5.04.180	License-With holding for verification on information.
5.04.190	Determination of amount of tax.
5.04.200	Appeal of amount of tax.
5.04.210	License-Posting and exhibition.
5.04.220	License-Nontransferable and new location.
5.04.230	License-Duplicate issuance.
5.04.240	License-Renewal.
5.04.250	License-Revocation.
5.04.260	Records examination.
5.04.270	Information confidential.
5.04.280	Revealing confidential material prohibited.
5.04.290	Right of entry for inspection.
5.04.300	Sales and use tax return filing.
5.04.310	Appeal of license issuance or denial.
5.04.320	Refunds.
5.04.330	Enforcement.
5.04.340	Tax amount constitutes debt to city.
5.04.350	Remedies cumulative.
5.04.360	Misrepresentation prohibited.
5.04.370	Fees-Classification A.
5.04.380	Fees-Classification B.

5.04.390	Fees-Classification C.
5.04.400	Fees-Classification D.
5.04.410	Christmas tree dealers.
5.04.420	Fire, quitting business, wreck or bankrupt sales.
5.04.430	Auctioneer for hire.
5.04.440	Outside businesses.
5.04.450	Advertising-Distribution of printed matter.
5.04.460	Advertising-Outdoor.
5.04.470	Boxing and wrestling matches.
5.04.480	Carnivals.
5.04.490	Circuses.
5.04.500	Musical performances.
5.04.510	Public dance.
5.04.520	Hawker, peddler, solicitor or canvasser.
5.04.530	Taxicab or bus.
5.04.540	Beer bar.
5.04.550	Cocktail bar.
5.04.560	Restaurant serving beer or wine.
5.04.570	Restaurant serving distilled spirits.
5.04.580	Fees for businesses not listed.
5.04.590	Use of vehicle with no fixed place of business.
5.04.600	Contractors.
5.04.610	Violations.

ARTICLE 2: Section 5.04.140 of the Lindsay Municipal Code shall be amended to read as follows:

5.04.140 License – Delinquency penalty and collection

A. Delinquency. To all delinquent license taxes there shall be added a penalty of twenty-five percent of the amount of taxes due.

B. If the director determines that the nonpayment of any license tax due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsection A of this section.

C. Penalties Merged with Tax. Every penalty imposed under the provisions of this section shall become a part of the tax required in this chapter to be paid. (Ord 356 § 14, 1978)

D. The provisions in this section are in addition to and shall not limit the provisions of section 5.04.610.

ARTICLE 3: Section 5.04.610 of the Lindsay Municipal Code shall be added to Chapter 5.04 and shall read as follows:

5.04.610 Violations

Any person violating this chapter or any provisions thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars (\$1000.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Each day that any provision of this chapter is violated is a separate and distinct offense and shall be punishable as a separate and distinct offense. Notwithstanding the classification of a violation of this chapter as a misdemeanor, at the time an action is commenced to enforce provisions of this chapter, the trial court, upon recommendation of the prosecuting attorney, may reduce the charged offense from a misdemeanor to an infraction. Any person convicted of an infraction under this chapter shall be punished by:

- A. A fine not exceeding fifty dollars (\$50.00) for a first violation;
- B. A fine not exceeding one hundred dollars (\$100.00) for a second violation of this article within one year; and
- C. A fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of this article within one year.

ARTICLE 4: The City Council declares that this ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a project pursuant to Section 15378 of the CEQA Guidelines.

ARTICLE 5: This ordinance shall be in full force and effect on or after the 30th day after its adoption by the City Council. Within 15 days after its adoption by the City Council, this Ordinance shall be published in full text or in summary in a newspaper of general circulation in the City of Lindsay.

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting on the 11th day of October, 2011.

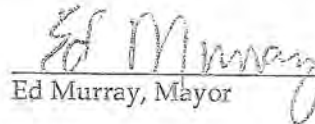
SECOND READING WAS APPROVED AND ADOPTED at a regular meeting of the City Council held on the 25th day of October, 2011.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY



Carmela Wilson, City Clerk



Ed Murray, Mayor

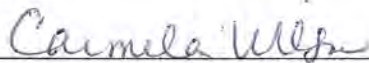
CITY OF LINDSAY)
STATE OF CALIFORNIA) CITY CLERK CERTIFICATION
COUNTY OF TULARE)

I, Carmela Wilson, City Clerk of the City of Lindsay, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 532 introduced at a Regular meeting of the City Council of the City of Lindsay held on the 11th day of October 2011, and adopted at a regular meeting on October 25, 2011 upon motion by KIMBALL, second of SALINAS, by the following vote, as the same appears of record and on file in my office:

AYES: KIMBALL, SALINAS, PADILLA, MURRAY.
NOES: None.
ABSTAIN: None.
ABSENT: VELASQUEZ.

WITNESS my hand and Corporate City Seal of Lindsay this 25th day of October, 2011.

OFFICE OF THE CITY CLERK OF LINDSAY



Carmela Wilson, City Clerk