

Attachment 1

An ORDINANCE of the City of San Leandro Amending Title 2, Chapter 2-2 of the San Leandro Municipal Code Relating to Business License Tax

The City Council of the City of San Leandro does ordain as follows:

SECTION 1. Amendments.

A. Section 2-2-220 is hereby amended to read as follows, with deletions in strikethrough and additions in underlined text:

Business classification shall mean the following general business categories:

(a) Automobile Wrecking. Any person engaged in the business of buying or trading used or wrecked motor vehicles and reselling the parts thereof or the building of motor vehicles from the salvaged parts of such motor vehicles.

(b) Bingo shall mean a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

(c) Carnival. Any person engaged in the business of operating a carnival, circus or other itinerant amusement concession, excluding an activity for which a permit has been obtained pursuant to the Zoning Code of the City of San Leandro and which is:

(1) An incidental part of an overall business promotional activity conducted by an organized group of merchants licensed to do business within the City.

(2) Carried on by or on behalf of a civic, religious, cultural, benevolent or similar nonprofit organization with a minimum of forty percent (40%) of the gross receipts of such activity to be received by such organization.

(3) A neighborhood carnival, exhibit, celebration or festival sponsored by an organized group of residents in the vicinity, provided that no mechanical rides are a part of such activity.

(4) A booth for charitable, welfare or patriotic purposes.

(d) Christmas Tree and Pumpkin Sales. Christmas tree and pumpkin sales shall mean the selling of Christmas trees and pumpkins at retail, excluding such sales by a licensee from a permanently established licensed place of business within the City.

(e) Coin-Operated Device. Coin-operated device shall mean laundry machine, video game machine, pinball machine, juke box, vending machine or other similar coin-operated electrical or mechanical device.

(f) Commercial Advertising. Commercial advertising shall mean the distribution of commercial advertising material, excluding distribution of such material advertising a permanently established licensed business within the City by the owner or employees of such business.

(g) Contractors. Any person who is licensed as a contractor by the State of California and who undertakes or offers to undertake or submits a bid to construct, alter, repair, improve, move, wreck or demolish any building, highway, excavation or other structure, project, development or improvement, or to do any part thereof. The term contractor includes subcontractor and specialty contractor.

(h) Dance Hall shall mean any establishment where dancing is permitted with or without charge, whether or not in conjunction with any other business.

(i) Firearms Dealer shall mean a person whose business substantially consists of the selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm capable of being concealed upon the person as defined by the Penal Code of the State of California.

(j) Fortunetelling. Any person engaged in the business of telling fortunes, forecasting futures or furnishing any information not otherwise obtainable by the ordinary process of knowledge.

(k) Itinerant Merchant. Any person engaged in the temporary business of exhibiting, selling and delivering goods, wares or merchandise and who for the purpose of carrying on such business hires, leases, uses or occupies any building, room, motor vehicle, tent or other place within the City.

(l) Second Hand Dealer. Any person engaged in the business of buying, selling, exchanging, trading, accepting for sale or consignment, secondhand personal property of whatever kind or description.

(m) Manufacturing. Any person conducting, managing or carrying on a business consisting mainly of manufacturing, ~~packing, processing, carrying or selling at wholesale~~ any goods, wares, merchandise or produce.

(n) Miscellaneous. Any person engaged in a business not specifically defined by other provisions of this Chapter and not otherwise exempt.

(o) Parking Lot means and includes, but is not limited to:

(1) Any outdoor space or uncovered plot, place, lot, parcel, yard or enclosure, or any portion thereof, where motor vehicles may be parked, stored housed or kept, for which any charge is made;

(2) Any building or structure, or any portion thereof, in which motor vehicles may be parked, stored, housed or kept, for which a charge is made.

(p) Pawnbroker. Any person engaged in the business of receiving goods in pledge as security for a loan.

(q) Peddler. Any person conveying or transporting goods, wares, merchandise, or provisions from place to place, from house to house or from street to street, offering and exposing the same for sale or making sales and delivering articles to purchasers.

(r) Public Utilities. Any person engaged in the business of providing utility services (whether or not regulated by the Public Utilities Commission) to the general public including, but not limited to, electricity, telephone, gas, cable television services, cellular phone service, and data transmission.

(s) Professional. Any person engaged in a profession or vocation requiring a period of specialized training such as, but not limited to the following:

Architect

Attorney-at-Law

Certified Public Accountant

Chiropractor

Dentist

Engineer (Chemical, Civil, Electrical, etc.)

Environmental Consultant

Geologist

Optician
Optometrist
Osteopath
Physician
Podiatrist
Psychologist
Public Accountant
Veterinarian

(t) Recreation and Entertainment. Any person engaged in the business of providing entertainment, recreation or amusement services.

(u) Nonresidential Property Rental. Any person engaged in the business of renting or letting a building or structure of any kind, including warehouses, mini-storage, industrial, commercial, and office buildings to a tenant for purposes other than dwelling, sleeping or lodging. For the purposes of calculating fees, when combining nonresidential and residential property rentals, all property must be under the same ownership.

(v) Residential Property Rental. Any person engaged in the business of conducting or operating an apartment house, single family house rental, duplex, condominium, townhouse, hotel/motel, mobile home park, rooming or boarding house having one or more residential units, excluding for purposes hereof the unit, if any, occupied by the taxpayer. For the purposes of calculating fees, when combining nonresidential and residential property rentals, all property must be under the same ownership.

(w) Retailing. Any person providing or carrying on a business consisting mainly of selling at retail any goods, including restaurants and establishments where meals or refreshments may be procured.

(x) Services. Any person 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:

Ambulance
Appraiser
Assayer
Bail Bond Broker
Barber and Beauty Shops
Bookkeeping Service
Claims Adjuster
Cleaning and Dyeing
Collection Agency
Commercial Artist
Consultant
Delivery of Goods
Designer or Decorator
Detective or Detective Agency
Draftsman
Employment Agency
Escrow Company
Finance/Loan Company

Gardener
Health Studio
Instruction (Dance, etc.)
Insurance Adjuster/Broker
Investment Advisor
Landscape Designer
Laundries
Locksmith
Manufacturer's Representative
Messenger
Mortician
Notary Public
Outdoor Advertising
Photographer
Photographic Processing
Photographic Studios
Physio-Therapist
Public Stenographer
Real Estate Broker/Agent
Repair Shops (Automobile, Machine, Tools, etc.)
Shoe Repair
Stock/Bond Broker
~~Storage Warehousing~~
Surveyor
Tax Counselor
Taxicabs
Taxidermist
Travel Agency
X-Ray Laboratory

(y) Solicitor. Any person taking or attempting to take orders from place to place, from house to house or from street to street, for sale of goods, wares and merchandise, personal property or services of any nature whatsoever for future delivery.

(z) Towing. Any person engaged in the business of towing or transporting any motorized or non-motorized vehicle.

(aa) **Warehousing/Storage**. Any person or firm engaged in providing and/or operating warehousing facilities primarily used for the storage and/or consolidating of items such as raw materials, private goods, and the intermediary storage of bulk goods intended for further distribution. This classification includes moving and furniture storage companies.

(aba) Waste Disposal Site. Any person engaged in the business of conducting or operating a landfill, transfer station or collection center for the receipt and processing of household, commercial and industrial solid waste materials.

(abc) **Wholesaling/Distribution - General**. Any person or firm primarily engaged in selling merchandise to retailers; to other wholesalers for resale to individual consumers; or to industrial users for their own consumption or resale to individual consumers. This

classification includes order-processing fulfillment centers, logistics businesses, and other facilities that provide for the repackaging and/or shipment of an on-site inventory of goods and products directly to retail/wholesale customers or retail stores. This classification also includes truck terminals, whose purpose is to provide for the consolidation, division and/or distribution of bulk goods through the use of large trucks and trailers, including cross-dock trucking uses.

(ad) Wholesaling/Distribution – Large Local Seller. Any person or firm which meets the parameters of Wholesaling/Distribution – General and contributes more than \$50,000 in sales tax payable to the City of San Leandro during the prior July 1 through June 30 time period.

B. Section 2-2-265 is amended to read as follows, with deletions in strikethrough and additions in underlined text:

For persons or firms within the Nonresidential Property Rental classification, sSquare feet shall mean all of the space within the exterior walls of the building regardless of use that is rented or intended to be rented. For persons or firms within the Warehousing/Storage or Wholesaling/Distribution classifications, square feet shall mean all of the space within the exterior walls of the building leased or owned by the business regardless of use as substantiated by a lease document, floor plan/blueprint, or other form of documentation approved by the Director of Finance. No business shall be deemed to be less than one unit fee.

C. Section 2-2-320 is amended to read as follows, with additions in underlined text:

Cannabis businesses will receive their annual business licenses upon payment of any and all applicable cannabis business tax as required by the Municipal Code.

D. The table in Title 2, Chapter 2-2, Section 2-2-500 shall be amended as follows, with deletions in strikethrough and additions in underlined text:

2-2-500 FEES BASED ON NATURE OF BUSINESS.

Business Classification	Annual Base Fee	Unit Fee	Unit Fee Basis
Retailing*	\$128.20	\$38.50	Per each Owner and each Employee
<u>Wholesaling/Distribution – Large Local Seller*</u>	<u>128.20</u>	<u>38.50</u>	<u>Per each Owner and each Employee</u>
<u>Wholesaling/Distribution – General</u>	<u>128.20</u>	<u>100.00</u>	<u>Per 1,000 Square Feet</u>
<u>Warehousing/Storage</u>	<u>128.20</u>	<u>100.00</u>	<u>Per 1,000 Square Feet</u>

Business Classification	Annual Base Fee	Unit Fee	Unit Fee Basis
Manufacturing*	128.20	38.50	Per each Owner and each Employee
Peddler/Solicitor*	128.20	38.50	Per each Owner and each Employee
Services*	128.20	77.10	Per each Owner and each Employee
Professional*	128.20	96.40	Per each Owner and each Employee
Contractors*	128.20	77.10	Per each Owner and each Employee
Recreation and Entertainment*	128.20	77.10	Per each Owner and each Employee
Residential Property Rental	128.20	11.60	Per Unit or Space
Nonresidential Property Rental	128.20	19.20	Per 1,000 Square Feet
Dance Hall	642.30	-	Flat/Annual
Automobile Wrecking	642.30	-	Flat/Annual
Christmas Trees/Pumpkin Patch	642.30	-	Flat/Annual
Commercial Advertising	642.30	-	Flat/Annual
Fortunetelling	642.30	-	Flat/Annual
Secondhand Dealer	642.30	-	Flat/Annual
Pawnbroker	642.30	-	Flat/Annual
Itinerant Merchant	128.20	39.80	Flat/Weekly
Carnival	128.20	231.10	Flat/Daily
Coin-Operated Device	128.20	1.20	Per \$1,000 of Gross Receipts
Public Utilities*	128.20	38.50	Per each Owner and each Employee
Miscellaneous*	128.20	38.50	Per each Owner and each Employee
Bingo	128.20	-	Flat/Annual
Waste Disposal Site	128.20	1.73	Per Ton
Towing	128.20	1.20	Per \$1,000 of Gross Receipts

Business Classification	Annual Base Fee	Unit Fee	Unit Fee Basis
Firearms Dealer	128.20	3.90	Per \$100 of Gross Receipts attributable to the sales of firearms capable of being concealed upon the person and ammunition for such firearms, excluding sales to public agencies
Parking Lot	128.20	<u>100.00</u>	Per <u>\$1,000 of Gross Receipts</u> Parking Space
Mobile Food Vendors	128.20	-	Flat/Annual

The business license fees established by this section shall continue to be adjusted annually by an amount equal to the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-San Jose metropolitan area, as published by the U.S. Department of Labor, Bureau of Statistics.

* Businesses with locations in the City of San Leandro with three (3) or fewer owners and/or employees that are in business classifications that are charged a per employee/owner unit fee must pay only the annual base fee and no per employee unit fee.

E. Section 2-2-303 is amended as follows, with deletions in strikethrough and additions in underlined text:

A separate license must be obtained for each separate business on the same premises. Each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in that license ~~;~~ ~~provided, however, that w~~Warehouses and distributing plants used in connection with, and incidental to, a business licensed under this Chapter are deemed to be separate businesses for the purposes of this section.

SECTION 3: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of

the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 4: Publication and Effective Date. This Ordinance shall take effect immediately after approval of the ballot measure related hereto..