

ORDINANCE NO. 533

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE
AMENDING TITLE 5—BUSINESS LICENSES AND REGULATIONS OF THE BLUE
LAKE MUNICIPAL CODE**

WHEREAS, Title 5 of the Blue Lake Municipal Code currently regulates business licenses issued by the City of Blue Lake;

WHEREAS, by way of this Ordinance No. 533, the City Council desires to amend certain provisions of Title 5 of the Blue Lake Municipal Code as set forth below.

NOW THEREFORE, the City Council of the City of Blue Lake does ordain as follows:

Section 1. Code amendment. Section 5.04.050 of Title 5 of the Blue Lake Municipal Code is hereby amended by deleting the section and replacing the section as follows:

5.04.050 Exemptions

A. The provisions of this chapter shall not be deemed or construed to require the payment of a license fee to conduct, manage, or carry on the following businesses or occupations:

1. Any charitable institution, organization, or association organized and conducted for charitable purposes only, where the receipts, if any are derived therefrom, are to be used solely for charitable or benevolent purposes and not for the private gain of any person in whole or in part.
2. Any corporation or organization qualifying as a non-profit corporation or organization under state and federal law, where the receipts, if any are derived therefrom, are to be used solely for non-profit purposes and not for the private gain of any person in whole or in part.
3. Any person engaged in interstate commerce when a license fee casts a burden upon such interstate commerce to the extent that the City may not tax under the provisions of the State constitution.
4. Any public utility which makes payments to the City under a franchise or similar agreement.
5. Insurers (as that term is defined in Article XIII, Section 28(a) of the California Constitution) to the extent that the City may not levy a license tax or fee upon such insurers under the provisions of Article XIII, Section 28 of the California Constitution.

6. Any person under age sixteen (16) conducting business within the City if the juvenile is and remains the sole proprietor of the business. A business license shall be required once the juvenile reaches the age of seventeen.

7. Any Person conducting no more than one yard sale per quarter of the City's fiscal year. For purposes of this exemption, a "yard sale" is defined to mean the sale of personal or household items by the owner or occupant of residential property on the owner's or occupant's residential property. A "yard sale" does not include the sale of personal, household, or other items on commercial, industrial, or other non-residential property.

8. Any person who rents residential space to a family member where the family member actually resides in the rented unit and the expense of maintaining the rental unit is not listed as an expense on the person's personal income taxes. For purposes of this exemption, a "family member" means a person's mother, father, brother, sister, son, daughter, whether biological or by law.

B. Any person desiring to claim an exemption from the payment of a license fee and to have a free license issued to him or her shall make an application therefor to the City Clerk and shall furnish such information and make such affidavits as may be required. Upon the determination being made by the City Clerk that the applicant is entitled to an exemption from the payment of license fees for any reason set forth in this chapter, the City Clerk upon the applicant complying with the provisions of this chapter or any other law of the City which may require a permit for the doing of the particular act proposed to be done, shall issue a free license to such person which shall show upon its face that the license fee is exempt.

C. The City Clerk may revoke any exempt license granted pursuant to the provisions of this chapter upon information that the licensee is not entitled to the exemption as provided therein. In the event of such revocation, a licensee may appeal to the City Council of the City of Blue Lake as provided in Section 5.04.150.

Section 2. Code amendment. Section 5.04.100 of Title 5 of the Blue Lake Municipal Code is hereby amended by deleting the section and replacing the section as follows:

5.04.100 Enforcement

The City Clerk, and acting through his or her deputies, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this chapter have been complied with. It shall be the duty of the City Clerk and each of his or her assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

Section 3. Code amendment. Section 5.04.120 of Title 5 of the Blue Lake Municipal Code is hereby deleted in its entirety.

Section 4. Code amendment. Section 5.04.140 of Title 5 of the Blue Lake Municipal Code is hereby amended by deleting the section and replacing the section as follows:

5.04.140 Rates to Be Established by Separate Resolution.

The rates of license for the businesses, trades, professions, exhibitions, and occupations within the City of Blue Lake as set forth in Chapter 5.08 of this Code may be amended by separate resolution of the City of Blue Lake, heretofore or hereafter adopted. The business license fee charged hereunder shall be a regulatory fee which shall not exceed the reasonable cost to the City of regulating such business within the City.

Section 5. Code Amendment. Chapter 5.12 of Title 5 of the Blue Lake Municipal Code is hereby deleted in its entirety.

Section 6. Code amendment. Chapter 5.16 of Title 5 of the Blue Lake Municipal Code is hereby deleted in its entirety.

Section 7. Code amendment. Section 5.24.170 of Title 5 of the Blue Lake Municipal Code is hereby amended by deleting the section and replacing the section as follows:

5.24.170 Authority to Inspect Premises and Records.

A. The law enforcement officers shall have the authority to inspect the premises in order to insure that the operation of Bingo games at the premises does not constitute a violation of any state or federal law or provisions of this chapter.

B. The law enforcement officers may inspect the records and special bank accounts containing profits derived from Bingo games of any organization conducting Bingo games whenever deemed reasonable and appropriate to insure compliance with the provisions of this chapter.

Section 8. Severability.

Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance as hereby adopted shall remain in full force and effect.

Section 9. Effective Date.

This ordinance shall take effect on the 31st day after final passage by the City Council.

PASSED, APPROVED, AND ADOPTED this 28th day of May, 2019.

AYES: Jones, Ricca, Daugherty, Curran, Hogan

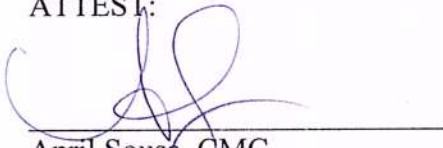
NOES: None

ABSENT: None



Adelene Jones, Mayor
City of Blue Lake

ATTEST:



April Sousa, CMC
City Clerk, City of Blue Lake

CLERK'S CERTIFICATE

THIS IS TO CERTIFY that Ordinance No. 533 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on April 23, 2019. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on May 28, 2019 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: Jones, Ricca, Daugherty, Curran, Hogan

NOES: None

ABSENT: None



April Sousa, CMC
City Clerk, City of Blue Lake