

ORDINANCE NO. 417

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, REPLACING IN ITS ENTIRETY SECTION 5.08.020, EXEMPT ORGANIZATIONS, ACTIVITIES, PERSONS; OF CHAPTER 5.08, BUSINESS REGISTRATION PERMIT; OF TITLE 5, BUSINESS TAXES, LICENSES AND REGULATIONS; OF THE MOORPARK MUNICIPAL CODE

WHEREAS, at its meeting of January 16, 2013, the City Council considered proposed amendments to Section 5.08.020 Exempt Organizations, Activities, Persons of Chapter 5.08 Business Registration Permit, of Title 5 Business Taxes, Licenses and Regulations, of the Moorpark Municipal Code and reached a decision;

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 5.08.020 Exempt Organizations, Activities, Persons of Chapter 5.08 Business Registration Permit, of Title 5 Business Taxes, Licenses and Regulations, of the Moorpark Municipal Code is replaced in its entirety, as shown in Exhibit A.

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Ventura County Star a newspaper of general circulation, as defined in Section 6008

of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 6th day of February, 2013.

Janice S. Parvin, Mayor

Maureen Benson, City Clerk

ATTACHMENTS:

Exhibit A: Proposed Amended Section 5.08.020

EXHIBIT A

5.08.020 Exempt organizations, activities, persons.

A. Nothing in this chapter shall be deemed or construed to apply to any person, business or activity exempt by virtue of the Constitution, statutes or laws of the United States or the State from the requirement to obtain a permit or pay for a permit or an application, renewal, amendment or duplicate permit fee.

B. In addition, the following organizations, activities and persons are exempt from certain provisions of this chapter, as follows:

1. Nonprofit organizations. An institution or organization that is exempt from the payment of federal income taxes under Subchapter F, commencing with Section 501, of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, as amended from time to time, or that is exempt from the payment of State income taxes under Cal. Revenue and Taxation Code, Chapter 4, commencing with Section 23701, of Part 11 of Division 2, as amended from time to time. Exemption shall apply upon presentation of proof of nonprofit status.

2. Benefit, charitable and nonprofit activities. Any entertainment, dance, concert, exhibition or lecture from which the gross receipts are to be donated to a nonprofit institution or organization described in subsection (1) of this section, to the State, the county, the city or to any school or house of worship, is exempt from the requirements imposed by this chapter to obtain a permit and pay permit taxes, provided that profit, other than wages paid to employees of such institutions or organizations, is not derived from such activity, either directly or indirectly, by any person. The exemption set out in this subsection shall not apply to persons employed to promote benefit, charitable and nonprofit activities.

3. Independent city contractors. Independent city contractors providing any work or service exclusively to the city and not to any person, business, or entity located in the city.

4. Individual vendors at a one-day or two-day special event within the city for which a temporary use permit has been issued.

5. Individual vendors at a city-permitted swap meet or farmers' market exempt from the requirement by the state board of equalization requirement for a seller's permit as "occasional sellers."

6. Sellers of only nontaxable food items at a city-permitted farmers' market.

7. Businesses physically located outside the city making a delivery within the city of goods purchased, including set-up and assembly, provided such set-up and assembly does not require a building permit pursuant to Title 15 of this code.

8. Businesses engaged in providing professional design work, including but not limited to architecture or landscape architecture services, provided such work does not involve on-site work within the city.

9. Landlords renting four (4) or fewer residential units on any one site in the city, and ten (10) or fewer residential units citywide.

10. Real estate agents working as independent contractors from a real estate office that has a valid business registration with the city.

11. Door-to-door sales agents with a valid city street vendor permit working as independent contractors from a business that has a valid business registration with the city.

C. No person other than the permittee shall use any permit issued pursuant to this subsection.

D. No person shall purchase or transfer any permit issued pursuant to this subsection.

E. Businesses with a valid business registration permit for a store or service in the city do not need a separate business registration permit to operate as an individual vendor at city-permitted special events, swap meets, or farmers' markets.

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