

**ORDINANCE NO. 2012-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADDING CHAPTER 5.01 TO THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING A BUSINESS REGISTRATION PROGRAM AND REPEALING RIVERSIDE COUNTY ORDINANCE NO. 857**

**THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 5.01 is added to the Jurupa Valley Municipal Code to read as follows:

**CHAPTER 5.01: BUSINESS REGISTRATION**

- 5.01.010: Statement of Purpose and Intent.
- 5.01.020: Definitions.
- 5.01.030: Business Registration Required.
- 5.01.040: Exemption.
- 5.01.050: Evidence of Doing Business.
- 5.01.060: Application and Issuance of Business Registration Certificate.
- 5.01.070: Renewal of Business Registration.
- 5.01.080: Nontransferable- Change of Location or Ownership, Name of Business.
- 5.01.090: Duplicate Registration Certificate.
- 5.01.100: Registration Fees.
- 5.01.110: Contents of Business Registration Certificate; Display Required.
- 5.01.120: Storm Water Ordinance Compliance
- 5.01.130: False Statements.
- 5.01.140: Unlawful Business.
- 5.01.150: Violation-Penalty.
- 5.01.160: Severability.

**5.01.010. Statement of Purpose and Intent.**

The purpose of the provisions of this ordinance is solely to provide for necessary regulation of lawful businesses being conducted within the City of Jurupa Valley, in order to protect the public health, safety, and welfare of the people of the City. Business registration fees charged under the

provisions of this ordinance shall be revenue-neutral in that they may not exceed the reasonable costs of providing the regulatory services included in the business registration program. No business registration fee charged under the provisions of this ordinance shall be construed as a business license tax.

**5.01.020. Definitions.**

a. "Business" shall mean and include professions, trades, vocations, enterprises, establishments, occupations, and all and every kind of calling, any of which are conducted, transacted or carried on for the purpose of earning in whole or in part a profit or livelihood, whether or not a profit or livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise. This definition shall apply to business establishments located within the City of Jurupa Valley that are operated at a fixed physical location and those that are operated on a mobile basis by a mobile-operator as defined herein.

b. "City" shall mean the City of Jurupa Valley and its respective agencies and departments thereof.

c. "Home Occupation" shall have the same meaning as defined by Section 21.36 of the City adopted Riverside County Zoning Code.

d. "Local law enforcement or governmental entities" means any city, charter city, county, charter county, or city and county, or the respective agencies and departments thereof, in the State of California.

e. "Mobile-Operator" shall mean and refer to those businesses that are operated on a mobile basis to visit customer locations to carry out business-related services.

f. "Nuisance" shall have the same meaning as set forth in California Civil Code §3479.

g. "Person" shall mean and include all domestic and foreign corporations, associations, limited liability companies and partnerships, syndicates, joint stock corporations, partnerships of every kind, clubs, common-law trusts, societies, and individuals conducting, transacting or carrying on any lawful business within the City of Jurupa Valley other than as an employee.

h. "Retail Greenhouses" shall mean and refer to all commercial greenhouses other than those that are licensed by the State of California in the "producer" category to grow and sell nursery stock in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner pursuant to California Food & Agricultural Code §§ 6701 et seq. and any applicable state regulations promulgated thereto.

i. "Retail Nurseries" shall mean and refer to all commercial nurseries other than those that are licensed by the State of California in the "producer" category to grow and sell nursery stock in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner pursuant to California Food & Agricultural Code §§ 6701 et seq. and

any applicable state regulations promulgated thereto.

j. "Sworn statement" shall mean a written affidavit, declaration, or statement made under penalty of perjury under the laws of the State of California.

**5.01.030. Business Registration Required.**

Every person conducting or carrying on a business as defined in this ordinance anywhere in the City of Jurupa Valley shall register by obtaining a business registration certificate. A separate business registration certificate shall be obtained for each physical location (including branch establishments) or for each business operated on a mobile basis by a mobile operator as defined herein.

**5.01.040. Exemption.**

The payment of business registration fees contained in this ordinance, including City Storm Water Ordinance inspection fees as provided in Sections 5.01.100 and 5.01.120, shall not be required for those businesses falling within any of the exempt categories described in this section so long as a timely claim of exemption is filed with the City as hereinafter provided. Any person claiming an exemption pursuant to the provisions of this section shall, within sixty (60) calendar days of being sent initial written notification of the requirement to obtain a business registration certificate, file a sworn statement with the City stating the facts upon which an exemption is claimed. In the absence of such statement substantiating the claim or in the event that the statement is filed with the City on an untimely basis, such person shall be liable for the payment of the business registration fees imposed by this ordinance, including inspection fees required as provided in Sections 5.01.100 and 5.01.120.

**A. Residential Facilities.**

Apartments, rooming houses, and other residential facilities in which living units are rented or leased solely on a term of thirty days or longer, residential care homes for adults or children, family day care homes are exempt as provided in this section.

**B. Churches, Temples or Other Places of Worship.**

Churches, temples or other places of worship, to the extent of their use for worship, religious education or the social affairs of the religious group are exempt as provided in this section. This exemption shall not apply to other activities, which are not undertaken primarily for members of the religious group, including, but not limited to, day schools, social service programs or Church-owned or operated business enterprises.

**C. Home Occupations.**

Home occupations that operate within the limitations defined herein are exempt as provided in this section. This exemption shall not apply to those home occupations that are subject to compliance with the City's Storm Water Ordinance as referenced in Section 5.01.120, and any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

D. Agriculture.

The following agricultural activities are exempt as provided in this section: agricultural pursuits consisting of the growing of crops, raising of livestock, and dairying, including auxiliary and ancillary uses incidental to the operation of a farm or ranch, consisting of the purchase and storage of substances, materials, supplies, animal feeds and produce, and the marketing of farm products; provided however, that a business registration shall be required in connection with any of the following: 1) retail nurseries; 2) retail greenhouses; and 3) wholesaling, processing, storage or manufacturing use which involves assembly of the products of multiple farms or ranches by a cooperative or other business enterprise for marketing distribution.

E. Federal or State Law.

The provisions of this ordinance shall not be deemed or construed to apply to any person transacting or carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such regulatory business registration fees charged pursuant to this ordinance.

F. Non-Profit Organizations.

Any non-profit organizations that are legally recognized as tax-exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) are exempt as provided in this section.

**5.01.050. Evidence of Doing Business.**

The following circumstances shall be considered prima facie evidence that a person is conducting business in the City of Jurupa Valley: where any person, by use of any sign, circular, card, brochure, telephone book, magazine, newspaper, website, electronic media or other publication, shall advertise, hold out or by any other means represent that the person is in business in the City of Jurupa Valley, or when any person holds an active license or permit issued by a governmental agency indicating that the person is in business in the City of Jurupa Valley, and such person fails upon request of the City to sign and provide to the City a sworn statement attesting that such person is not conducting or carrying on a business from the City of Jurupa Valley. The City shall provide a form for the purposes of the sworn statement required by this section.

**5.01.060. Application and Issuance of Business Registration Certificate.**

A. Application Contents.

Any person required to obtain a business registration certificate pursuant to this ordinance shall apply therefore by submitting the information required by the City. Such information shall be a sworn statement, upon a form provided by the City that includes the name of the applicant, the ownership of the business involved, and the following information:

1. The name, location and exact nature or kind of business for which the registration is requested. In the event that the business is not carried out at a permanent location, the names and places of residence of those owning the business shall also be required.

2. A copy of any current permit issued by the State of California Board of Equalization to a person who contracts, sells or delivers any goods, wares, or merchandise in the City of Jurupa Valley for which sales or use tax is payable to the State of California.

3. In the event that application is made for the issuance of a registration certificate to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning said business.

4. In the event that application is made for the issuance of a registration certificate to a corporation or partners, the application shall set forth the names and place of residence of the officers or partners thereof.

5. Any further information which the City may require to enable it to issue a business registration certificate for which the application is made.

**B . Issuance.**

A business registration certificate shall be issued upon 1) satisfactory completion of an application, 2) payment of the fee prescribed in this ordinance, and 3) payment of fees and completion of the inspection and compliance provisions of the City's Storm Water Ordinance referenced in Section 5.01.120. Said registration shall remain in full force and effect for a period of one year unless one of the following events takes place: business changes address or name, business is discontinued or business ownership changes.

**C . Registration Fee.**

A standard business registration fee shall be charged by the City to cover the reasonable costs of providing the regulatory services included in the business registration program. The business registration certificate holder shall also be subject to charges by the City in the form of compliance inspection and enforcement fees as provided in Section 5.01.120 of this ordinance. No business registration fee charged under the provisions of this ordinance shall be construed as a business license tax.

**5.01.070. Renewal of Business Registration.**

Any person who has obtained a business registration certificate pursuant to this ordinance shall apply for renewal on an annual basis prior to expiration of the then-current business registration term. Said renewal application shall be accompanied by payment of the business registration fee prescribed by this ordinance.

**5.01.080. Nontransferable- Change of Location or Ownership, Name of Business.**

No business registration certificate issued pursuant to this ordinance shall be automatically transferable; provided however, that where a registration certificate is issued indicating a person is conducting, transacting or carrying on a business at a particular place under a particular name, such registration holder, upon application therefore, and payment of a change fee may obtain a new registration certificate showing some other location and/or name of the business and/or business ownership change. A new business registration shall be required as provided in Section 5.01.030 herein in the event that there are any other changes that take place with regard to a

business.

**5.01.090. Duplicate Registration Certificate.**

A duplicate registration certificate may be issued to replace any registration certificate issued hereunder which has been lost or destroyed where such registration certificate holder submits a statement of such fact and provides payment of a duplicate registration fee.

**5.01.100. Registration Fees.**

A. Registration and inspection fees charged pursuant to the provisions of this ordinance shall be established on an annual basis by the City Council by resolution. Fees applicable include:

1. Initial business registration fee (one year)
2. Business registration annual renewal fee
3. Change fee
4. Duplicate registration certificate fee

**5.01.110. Contents of Business Registration Certificate; Display Required.**

A. Every person who has submitted a satisfactory application, who has paid the required fee as provided in this ordinance, and has met the fee, inspection and compliance requirements of the City's Storm Water Ordinance referenced in Section 5.01.120, shall be issued a business registration certificate which contains the following information:

1. The name of the person to whom the certificate is issued;
2. The name of the business registered;
3. The physical location where such business is to be transacted and carried on;
4. The date of expiration of such registration; and
5. Such other information as may be necessary for the enforcement of the

provisions of this ordinance.

B. Any person conducting, transacting or carrying on a business at a fixed location in the City of Jurupa Valley shall keep the business registration certificate posted in a conspicuous place in plain public view upon the physical premises where such business is taking place.

C. Any person conducting, transacting or carrying on a business but not operating at a fixed location in the City of Jurupa Valley shall keep the business registration certificate on his or her person at all times while conducting, transacting or carrying on the business for which it is issued. Such person shall display the business registration certificate to any compliance inspector, code enforcement officer, peace officer or any other authorized representative employed by the City upon request.

**5.01.120. Storm Water Ordinance Compliance.**

A. All businesses for which a business registration certificate is required shall comply with the City's Storm Water Ordinance, and any applicable state or federal regulations

promulgated thereto and any related administrative orders or permits issued in connection therewith. All businesses shall be subject to the initial and periodic compliance inspections and fees established by the City's Storm Water Ordinance.

B. A compliance inspector, code enforcement officer or peace officer employed by the City may enter free of charge, at any time, any place of business for which a business registration certificate is required by this ordinance and inspect the premises, grounds, facilities and structures located therein for compliance with the City's Storm Water Ordinance and the state and federal regulations cited therein. Failure to maintain the business premises, grounds, facilities and structures located therein in compliance with water quality requirements is a violation of this ordinance. The City may initiate enforcement actions against business registration holders whose business premises are found upon inspection to be in violation of the City's Storm Water Ordinance.

**5.01.130. False Statements.**

Every person who makes any false statement or representation in any application for a business registration certificate commits a violation of this ordinance.

**5.01.140. Unlawful Business.**

No business registration certificate issued pursuant to this ordinance shall be construed as authorizing the conduct of or continuance of any occupation, use or activity of any kind which is prohibited by City or City adopted County ordinance, state or federal law or regulation.

**5.01.150. Violation-Penalty.**

Any person in violation of this chapter is subject to the procedures and penalties set forth in Title 1 of the City's Municipal Code.

**5.01.160. Severability.**

If any portion, provision, section, paragraph, sentence, or word of this ordinance is rendered or declared to be invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections, paragraphs, sentences, and words of this ordinance shall remain in full force and effect and shall be interpreted by the court so as to give effect to such remaining portions of the ordinance.

**Section 2. Effect of Ordinance.** This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance, and specifically Riverside County Ordinance No. 857 adopted by Chapter 1.35; provided, however, that nothing contained in this Ordinance is intended to nor shall be construed to impair the prosecution or other enforcement action for violations of Riverside County Ordinance No. 857 for violations occurring prior to the effective date of this Ordinance.

**Section 3. Effective Date.** This ordinance shall take effect 30 days from the date of its adoption. The City Clerk shall certify to the passage of this ordinance and cause the same to be posted as required by law.