

LEGISLATIVE DRAFT

HBMC CHAPTER 1.18

1.18.020 Definitions

The following terms or phrases as used in this eChapter:

Building Violation. Any violation of this Code pertaining to building, plumbing, electrical, or other similar structural or zoning regulations set forth in this Code that does not create an immediate danger to health or safety.

Citation. An administrative citation issued pursuant to this eChapter. Citation includes a notice of noncorrection unless the context clearly shows otherwise.

Citee. Person given an administrative citation charging him or her as a responsible person for a code violation.

City Attorney. The City Attorney or his or her designee.

City Treasurer. The City Treasurer or his or her designee.

Enforcement Officer. Any City employee or agent of the City designated by the Director of any City department which has the authority and responsibility to enforce provisions of this Code.

Finance Director. The Director of the City's Finance Department or his or her designee.

Hearing Officer. The person appointed by the City Manager to serve as the hearing officer for administrative hearings. Prior to conducting hearings the hearing officer must first be certified by the City Attorney as qualified to provide a fair and impartial hearing based on appropriate education, training and experience.

Issued. Giving a citation to the citee and issuance occurs on the date when a citation is personally served on the citee, the date it is mailed to the citee, or the date it is posted on real property where a property related violation occurs.

Issuing Department. The City department that has the authority and responsibility for enforcing the code section(s) designated on a citation as having been violated.

Responsible Person. A responsible person is any of the following:

1. A person who causes a code violation to occur.
2. A person who maintains or allows a code violation to continue, by his or her action or failure to act.
3. A person whose agent, employee, or independent contractor causes a code violation by its action or failure to act.
4. A person who is the owner of, and a person who is a lessee or sublessee with the current right of possession of, real property where a property related code violation occurs.

5. A person who is the on-site manager of a business who normally works daily at the site when the business is open and is responsible for the activities at such premises.

For purposes of this subsection "person" includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

There shall be a legal rebuttable presumption that the record owner of a parcel according to the county's latest equalized property tax assessment rolls and a lessee or sublessee of a parcel has notice of any code violation existing on the premises.

For the purposes of this eChapter, there may be more than one responsible person for a code violation, and a minor at least 14 years of age may be a responsible person subject to the provisions of this eChapter

Notice of Noncorrection. A reissuance of an original citation for a building violation which notes a violation(s) on the original citation has not been corrected within the applicable correction period.

LEGISLATIVE DRAFT

HBMC CHAPTER 2.15

2.15.030 Director—Powers and Duties.

The Chief Financial Officer shall be appointed by the City Manager. The Chief Financial Officer shall have the following powers and duties.

- A. Direct, plan, organize and coordinate programs and activities of the Finance Department.
- B. Establish and maintain a system of financial procedures, accounts and controls for the City government and each of its offices, officers, departments and agencies.
- C. Provide direction for the control of all expenditures to insure that budget appropriations are not exceeded.
- ~~D. Manage the business license functions including the issuance of permits.~~
- E.D. Direct and administer the City's centralized purchasing function with regard to procurement of all supplies, services and equipment for all City departments and agencies of the City.
- ~~F. Administration and enforcement of appropriate sections of Title 5 of the Huntington Beach Municipal Code relating to business licensing.~~
- G.E. Administer and enforce all Municipal Code regulations regarding finance and purchasing, including but not limited to:
 - ~~1. Huntington Beach Municipal Code Licensing Procedures (Chapter 5.08)~~
 - ~~2. Huntington Beach Municipal Code Natural Resource Production (Chapter 5.32)~~
 - ~~3. Transient Occupancy Tax (Chapter 3.28)~~
 - ~~4. Late Charges (Chapter 3.48)~~
 - ~~5. Service Connections (Chapter 14.08)~~
 - ~~6. Fees, Rates and Deposits (Chapter 14.12)~~

LEGISLATIVE DRAFT

HBMC CHAPTER 2.16

2.16.020 Powers.

The City Treasurer shall have the power to:

- A. Receive on behalf of the City all taxes, assessments, license fees, and other revenues of the City, or for the collection of which the City is responsible, and receive all taxes or other money receivable by the City from the County, State, or Federal Governments, or from any court, or from any office, department, or agency of the City.
- B. Have and keep custody of all public funds belonging to or under control of the City of any office, department, or agency of the City government and deposit or cause designated by resolution of the City Council, or, if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing, and securing of public funds.
- C. Pay out monies only on proper orders or warrants in the manner provided for in the City Charter.
- D. Prepare and submit to the Finance Director or Chief Financial Officer monthly written reports of all receipts, disbursements, and fund balances, and shall file copies of such reports with the City Manager and City Council.
- E. Manage the Business License functions of the City.

2.16.030 Treasurer--Duties.

The City Treasurer shall be the head of the City Treasurer's Department and shall be elected by the voters. The City Treasurer shall have the duties set forth in the City Charter, and the following duties:

- A. Plans, organizes, directs, and coordinates all programs and activities of the City Treasurer's Department.
- B. Determines and directs department policies, procedures, and organization.
- C. Obtains quotes for the investment of funds under his or her control, authorizes purchases, maintains documentation, receives payments, schedules maturities, authorizes fund transfers, calculates and makes daily repurchase agreements, and establishes and maintains an Investment Policy pursuant to the California Government Code.
- D. Establishes and controls all bank accounts, negotiates services and contracts with bank, makes daily deposits, handles returned checks and reconciliation thereof.
- E. Collects monies owed to the City whether by tax, fee, charge, judgment, settlement or otherwise; utilizes letters, phone calls, and collection agencies as required; and may write off uncollectible items up to \$10,000.00 without further authorization, between

\$10,000.00 and \$50,000.00 with the prior approval of the City Manager and in excess of \$50,000.00 with City Council approval only.

- F. Makes cash flow projections on a weekly and monthly basis.
- G. Manages the Business License operation including the issuance of permits, receipt of oil well royalties, and the transient occupancy tax.
- G.H. Receives all City monies including taxes, fees, water, sewer and trash fees including oil well royalties and transient occupancy taxes.
- H.I. Maintains all trusts, bonds, security agreements, and funds for the City including the filing, depositing, refunds and releases, letters of release, and inquiries relating thereto.
- I.J. Prepares, submits, and administers the annual budget for his or her department.
- J.K. Performs such other duties and has such other powers as the City Council may establish hereafter by resolution consistent with the City Charter.
- K.L. Administer and enforce all Municipal Code regulations regarding the collection of monies owed to the City.

LEGISLATIVE DRAFT

HBMC CHAPTER 3.28

3.28.080 Registration.

Within 30 days after the effective date of the ordinance codified in this eChapter, or within 30 days after commencing business, whichever is later, each operator of any hotelrenting occupancy to transients shall register said hotel with the ~~Finance Director~~ City Treasurer and obtain from him or her a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among otherthings, state the following:

- A. The name of the operator;
- B. The address of the hotel;
- C. The date upon which the certificate was issued.
- D. "This Transient Occupancy Registration Certificate signifies that the person namedon the face hereof has fulfilled the requirements of Chapter 3.28 by registering withthe ~~Finance Director~~ City Treasurer for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the City Treasurer. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawfulbusiness in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate doesnot constitute a permit."

3.28.090 Reporting and Remitting.

Each operator shall file a report each month on forms provided by the ~~Finance Director~~ City Treasurer of the total rents charged and received and the amount of tax collected for transient occupancies for the preceding month. The full amount of tax collected shall be remittedto the City Treasurer. Said tax collected by each operator during a calendar month, is due and payable and must be received by the City by the last business day of the first month following and shall be delinquent and subject to the penalties noted in Section 3.28.100 of this eChapter on the first day of the second month following. Said report shallbe filed at the same time the tax is remitted. Returns are due and payable and delinquentimmediately upon cessation of business for any reason. All taxes collected by operatorspursuant to this eChapter shall be held in trust for the account of the City until payment ismade to the City Treasurer.

3.28.100 Penalties and Interest.

The following shall give rise to penalties and interest:

- A. **Original Delinquency.** Any operator who fails to remit any tax imposed by this eChapter within the time required shall pay a penalty of 10% of the amount of the tax in addition to the amount of the tax.
- B. **Continued Delinquency.** Any operator who fails to meet any delinquent remittance on or before a period of 30 days following the date on which the remittance first

became delinquent shall pay a second delinquency penalty of 10% of the amount of the tax in addition to the amount of the tax and the 10% penalty first imposed.

- C. **Fraud.** If the ~~Finance Director~~ City Treasurer determines that the non-payment of any remittance due under this eChapter is due to fraud, a penalty of 25% of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.
- D. **Interest.** In addition to the penalties imposed, any operator who fails to remit any tax imposed by this eChapter shall pay interest at the rate of one-half of one percent per month, or fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- E. **Penalties Merged With Tax.** Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3.28.110 Failure to Collect and Report Tax—Determination of Tax by City Treasurer.

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this eChapter, any report and remittance of said tax or any portion thereof required by this eChapter, the ~~Finance Director~~ City Treasurer shall proceed in such manner as he or she may deem best to obtain facts and information on which to base his or her estimate of the tax due. As soon as the ~~Finance Director~~ City Treasurer shall procure such facts and information as he or she is able to obtain upon which to base the assessment of any tax imposed by this eChapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he or she shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this eChapter. In cases such determination is made, the ~~Finance Director~~ City Treasurer shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his or her last known place of address. Such operator may within 10 days after the serving or mailing of such notice make application in writing to the ~~Finance Director~~ City Treasurer for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the ~~Finance Director~~ City Treasurer shall become final and conclusive and immediately due and payable to the City Treasurer. If such application is made, the ~~Finance Director~~ City Treasurer shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the ~~Finance Director~~ City Treasurer shall determine the proper tax to be remitted and shall thereafter give written notice to the person and in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable to the City Treasurer after 15 days unless an appeal is taken as provided in Section 3.28.120.

3.28.120 Appeal.

Any operator aggrieved by any decision of the ~~Finance Director~~ City Treasurer with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the City Clerk within 15 days of the serving or mailing of the determination of tax due. The Council shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator at his or her last known place of address. The findings of the Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the City or an officer thereof to prevent or enjoin the collection of taxes sought to be collected pursuant to this ~~eChapter~~ and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability.

3.28.130 Records.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this ~~eChapter~~ to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the ~~Finance Director~~ City Treasurer shall have the right to inspect at all reasonable times.

3.28.140 Refunds.

The following shall warrant a refund:

- a. Whenever the amount of any tax, has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City Treasurer under this ~~eChapter~~, it may be refunded as provided in this section.
- b. The City Treasurer may refund any tax that has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City Treasurer under this ~~eChapter~~, provided that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor or administrator has submitted a written claim, under penalty of perjury, to the City Clerk within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a refund claim on behalf of a class or group of taxpayers. Where the amount of any individual refund claim is in excess of \$5,000.00, City Council approval shall be required.
- c. It is the intent of the City that the one-year written claim requirement of this section be given retroactive effect; provided, however, that any claims which arose prior to the enactment of the one-year claims period of this section, and which are not otherwise barred by a then-applicable statute of limitations or claims procedure, must be filed with the City Clerk as provided in subsection B of this section within 90 days

following the effective date of the ordinance codified in this section.

- d. The City Treasurer, or the City Council where the claim is in excess of \$5,000.00 and the City Treasurer has approved the claim, shall act upon the refund claim within 45 days of the initial receipt of the refund claim. Said decision shall be final. If the Treasurer/City Council fails or refuses to act on a refund claim within the 45-day period, the claim shall be deemed to have been rejected by the City Treasurer/City Council on the 45th day. The treasurer shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.
- e. The filing of a written claim is a prerequisite to any suit thereon. Any action brought against the City pursuant to this section shall be subject to the provisions of Government Code Sections 945.6 and 946.

3.28.150 Actions to Collect.

Any tax required to be paid by any transient under the provisions of this ~~e~~Chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this ~~C~~chapter shall be liable to an action brought in the name of the City of Huntington Beach for the recovery of such amount.

3.28.160 Failure to Register.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the ~~Finance Director~~ City Treasurer, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor. Any person required to make, render, sign or verify any report or claim or who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this ~~C~~chapter to be made, is guilty of a misdemeanor.

LEGISLATIVE DRAFT

HBMC CHAPTER 5.04

5.04.060 Permit From Council Required for Certain Businesses.

No license shall be issued for the conduct of any business which, in the opinion of the ~~Finance Director~~ City Treasurer would be detrimental to the public health, safety, welfare or moral standards of the City until a permit shall have first been obtained from the City Council or appropriate City department.

LEGISLATIVE DRAFT

HBMC CHAPTER 5.08

5.08.015 Evidence of Doing Business.

When any person shall by use of signs, circulars, cards, telephone book or newspapers, advertise, hold out, or represent that the person is in business in the City, 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, and such person fails to deny by a sworn statement to the City Treasurer Finance Director that they are conducting business in the City, after being requested to do so by the City Treasurer Finance Director or authorized employees of the City, then these facts shall be considered prima facie evidence that the person is conducting a business in the City.

5.08.020 Exemptions--Generally.

Nothing in this title shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or the State of California from payment of such taxes as are herein prescribed.

A. **Interstate Commerce.** None of the license taxes provided for by this title shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he or she may apply to the City Treasurer Finance Director for an adjustment of the tax so that it shall not be discriminatory or unreasonable as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony, show his or her method of business and the average number of employees or estimated average number of employees and such other information as the City Treasurer Finance Director may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The City Treasurer Finance Director shall then conduct an investigation, and after having first obtained the written approval of the City Attorney, subject to the approval of the City Council, shall fix as the license tax for the applicant, an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the City Treasurer Finance Director shall have the power to base the license tax upon the average number of employees or any other measure which will ensure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this title. Should the City Treasurer Finance Director determine the average number of employees measure of license tax to be the proper basis, he or she may require the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the average number of employees and pay the amount of license tax therefor, provided that no additional license tax during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this title.

1. Any person claiming an exemption pursuant to this Chapter shall file a verified statement with the City Treasurer stating the facts upon which exemption is

claimed.

2. The City Treasurer ~~Finance Director~~ shall, upon a proper showing contained in the verified statement, subject to approval of the City Council, issue a license to such person claiming exemption under this section without payment to the City of the license tax required by this title.
3. The City Treasurer ~~Finance Director~~, after giving notice and a reasonable opportunity for hearing to a licensee, as provided in Sections 5.08.240 and 5.08.250, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

B. Charitable and Nonprofit Organizations. As used in this title, "charitable" and "nonprofit organizations" shall include only religious, charitable, fraternal, educational, military, state, county or municipal organizations or associations as defined by Internal Revenue Code Section 501(c). The provisions of this ~~e~~Chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any person, nor shall any license tax be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects within the City whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated at any church or school or to any religious or benevolent purpose; nor shall any license tax be required for the conducting of any entertainment, dance, concert, exhibition or lecture by a religious, charitable, fraternal, educational, military, state, county, or municipal organizations or associations, or lecture are to be appropriated for the purpose and object for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any person, provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this Code requiring a permit from the City Council or other City department, or any commission or officer to conduct, manage or carry on any profession, trade calling or occupation.

C. Disabled Veterans—Exempted When. Every honorably discharged soldier, sailor or Marine of the United States, who is physically unable to obtain his or her livelihood by means of manual labor and who is a qualified voter of the State of California, shall have the right to hawk, peddle and vend any goods, wares, or merchandise owned by him or her, except spiritous, malt, vinous or other intoxicating beverages, without the payment of a license fee, subject, however, to the restrictions, limitations, regulations and conditions hereinafter set forth. Every applicant must comply with the following requirements before a license may be issued under the provisions of this ~~e~~Chapter:

1. Every applicant must furnish a certificate of physical disability executed by a qualified surgeon of the United States Navy, Army, Marines, Air Force or U. S. Public Health Service, a certificate of honorable discharge from the United States Navy, Army, Marines, Air Force or U. S. Coast Guard, and a written recommendation from the representatives of the local posts of the American Legion and/or the Veterans of Foreign Wars.

2. Every applicant must furnish two identification photographs, one to be attached to the license issued to said applicant, and the other to be attached to the copy retained by the City Treasurer ~~Finance Director~~. The applicant must also sign both copies of the license at the time of the issuance thereof.
3. **License Issuance Conditions.** A license when issued is subject to the following conditions:
 - a. It is nontransferable and for the exclusive use of the licensee named.
 - b. Applicant's identification photograph must be attached to the license at all times, and failure to comply herewith is grounds for revocation of the license and for refusing its renewal or the issuance of a new license thereafter.
 - c. The licensee named must identify him or herself by his or her signature and present a valid license whenever required to do so by a police officer or the City Treasurer ~~Finance Director~~.
 - d. Every license issued under the provisions of this section shall expire 30 days from and after the date of issuance and a new license may thereafter be issued pursuant to the provisions of this section subject to review by the City Treasurer ~~Finance Director~~.
 - e. It is unlawful for any person, other than the licensee named, to use or have in his or her possession any license issued pursuant to the provisions of this section.
 - f. It is unlawful for any person to purchase or transfer any license issued pursuant to the provisions of this section, or for any person to transfer or convey the certificates mentioned in subsection (C)(1) of this section to any other person for the purpose of securing a license as herein provided.

D. **Real Estate Agents.** Persons licensed by the California Department of Real Estate and having their license placed with a broker licensed by the California Department of Real Estate for purposes of supervision and control, as required by state law, shall not be subject to taxation under this title if their broker pays the tax in accordance with the provisions of this title and includes the real estate agent as one of its employees for purposes of any computation of the tax.

5.08.100 Delinquent Payment—Penalty.

For failure to pay a license tax when due, the City Treasurer shall ~~direct the Finance Director~~ ~~to add~~ a penalty of 10% of the license tax on the first day of each month after the due date thereof.

5.08.160 Replacement--Fees.

A duplicate license, license decal or license plate may be issued by the City Treasurer ~~Finance Director~~ to replace any license, license decal or license plate previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact, and at the time of filing such statement, paying to the City Treasurer a fee as adopted by resolution of the City Council.

5.08.170 Posting and Keeping.

All licenses must be kept and posted in the following manner:

- A. Any licensee transacting or carrying on business at a fixed place of business in the City shall keep the license posted in public view upon the premises where such business is carried on and have in or upon the licensee's business vehicles the business license or other form of license as designated by the City Treasurer ~~Finance Director~~ issued for such vehicle.
- B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the City shall keep the license upon his or her person at all times while transacting and carrying on such business and have in or upon each of the licensee's business vehicles, at the time of operation in this City, the business license or other form of license as designated by the City Treasurer ~~Finance Director~~ issued for such vehicles.

5.08.180 Application--Contents.

Before any license is issued to any person, unless otherwise provided in this title, a written application by the applicant shall be made to the City Treasurer ~~Finance Director~~, upon a form to be secured from the City Treasurer ~~Finance Director~~ and which application shall contain the following information:

- A. The exact nature or kind of business, profession, show, exhibition, game, occupation or enterprise for which the license is requested;
- B. The place where such business, profession, show, exhibition, game, occupation or enterprise is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of the same;
- C. Any further information which the City Treasurer ~~Finance Director~~ may require to enable him or her to issue the type of license applied for;
- D. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and place of residence of those owning the business, profession, show, exhibition, game, occupation or enterprise.

5.08.200 Error by City Treasurer ~~Finance Director~~—Correct Amount Due

In no case shall any mistake of the City Treasurer ~~Finance Director~~ in stating the amount of a license prevent or prejudice the collection by the City of what should be actually due from any person carrying on any business, profession, show, exhibition, game, occupation or enterprise subject to a license under the provisions of this title.

5.08.220 Statements Not Conclusive Determination.

- A. No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the City from collecting by appropriate action such sums as are actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the City Treasurer ~~Finance Director~~.
- B. All licensees, applicants for license, and persons engaged in business in the City are required to permit an examination of such books and records for the purposes aforesaid.
- C. The information furnished or secured pursuant to this section or Section 5.08.210 shall be confidential except that information which is deemed to be public records pursuant to state law. Any unauthorized disclosure or use of such information by any officer or employee of the City shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this title in addition to any other penalties provided by law.

5.08.230 Failure to File Statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City Treasurer ~~Finance Director~~, such person fails to file a corrected statement, the City Treasurer ~~Finance Director~~ may determine the amount of license tax due from such person by means of such information as he or she may be able to obtain.

5.08.250 Additional Power of City Treasurer ~~Finance Director~~.

In addition to all other powers conferred upon the City Treasurer ~~Finance Director~~, he or she shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding 30 days, and in such case to waive any penalty that would otherwise have accrued in accordance with the City Charter and Municipal Code; and shall have the further power, with the consent of the City Council, to compromise and claim as to amount of license tax due.

5.08.280 Examination of Business Place.

The City Treasurer ~~Finance Director~~, in the exercise of the duties imposed upon him or her hereunder, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of Chapters 5.04 through 5.16 of this title have been complied with.

5.08.290 Officers' Right of Entry.

The City Treasurer ~~Finance Director~~, code enforcement officers, and any police officer shall have the power and authority to enter, free of charge at any reasonable time, any place of business required to be licensed herein, and demand exhibition of the licensee's business license.

Any person having such business license theretofore issued, in his, her or its possession or under his, her or its control, who willfully fails to exhibit same on demand, shall be guilty of a misdemeanor and subject to the penalties provided by this title.

5.08.300 License—Revocation--Suspension.

- A. Any licensee who is conducting the business licensed in such a manner as to be detrimental to the public health, morals or safety of the general public or shall permit the violation of City ordinances, state laws or the laws of the United States of America within its licensed establishment shall be subject to having its license suspended or permanently revoked by the City Treasurer ~~Finance Director~~.
- B. The licensee shall be provided with written notice by first class mail, postage prepaid, of such revocation and/or suspension.

5.08.310 Appeal.

Any person aggrieved by any decision of the City Treasurer ~~Finance Department~~ under Huntington Beach Municipal Code Chapters 5.04 through 5.16 may file an appeal with the City Clerk within 15 days of the date of mailing of the notice of revocation or suspension, and, at the time of such filing, pay a fee as adopted by resolution of the City Council.

LEGISLATIVE DRAFT

HBMC CHAPTER 5.16

5.16.020 Rates per Employees—Minimum License.

The minimum license in each classification shall be \$75.00 per year. In any case where a licensee or an applicant for a license believes that this individual business is not assigned to a proper classification under this eChapter because of circumstances peculiar to it, he or she may apply to the City Treasurer ~~Finance Director~~ for reclassification. Such application shall contain such information as the City Treasurer ~~Finance Director~~ may deem necessary and require in order to determine whether applicant's individual business is properly classified. The Finance Director shall then conduct an investigation, following which he or she shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation.

5.16.30 Application for Reclassification--Action.

The City Treasurer ~~Finance Department~~ shall notify the applicant of the action taken on the application for classification. Such notice shall be given by serving it personally or by depositing it in the United States Post Office at Huntington Beach, California, postage prepaid, addressed to the applicant at his or her last known address.

LEGISLATIVE DRAFT

HBMC CHAPTER 5.70

5.70.015 Statements and Records.

- A. Person(s) required to obtain a sex-oriented business permit shall maintain complete records which can be segregated with regard to all transactions involving such products, merchandise, services or entertainment which are sufficient to establish the percentage of gross receipts of the business which is derived from such transactions.
- B. Such records shall be maintained for a period of at least three years.
- C. No person required to keep records under this section shall refuse to allow authorized representatives of the City Treasurer Finance Director or his or her designee to examine said records at reasonable times and places.

LEGISLATIVE DRAFT

HBMC CHAPTER 14.08

14.08.010 Application Form.

- A. Before water can be served from the City mains to any person or for any premises, such person or the owner or occupant of such premises shall be required to provide the following information by telephone, in writing, or by any other means as deemed acceptable by the department:
1. Name of responsible party (individual or business);
 2. Social security number;
 3. Driver's license number or passport number;
 4. Business license number (if applicable);
 5. Address of premises to be serviced;
 6. Date on which the applicant will be ready for service;
 7. Name and address to which bills will be mailed or delivered;
 8. Description of applicant as owner, tenant, agent, builder, or property manager;
 9. Contact information which may include but is not limited to primary contact phone number, mobile phone number, fax number and employer phone number.
- B. Failure to provide the information listed above may require the applicant to apply for services in person on a form provided by the City Treasurer ~~Finance Director~~.