

ORDINANCE NO. 1990

AN ORDINANCE OF THE PEOPLE OF THE CITY OF UPLAND, CALIFORNIA, AMENDING VARIOUS SECTIONS OF CHAPTER 5.04 OF TITLE 5 OF THE UPLAND MUNICIPAL CODE AS IT RELATES TO ADJUSTING THE RATES OF BUSINESS LICENSE TAXES WITHIN THE CITY.

(NOTE: Additions are highlighted in *bold italics* and deletions are highlighted in ~~strikeout~~)

THE PEOPLE OF THE CITY OF UPLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Subject to the approval of a majority of the voters of the City of Upland at the General Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, the following sections of Chapter 5.04 of the Upland Municipal Code are hereby amended to read as follows:

"Chapter 5.04 – BUSINESS LICENSES GENERALLY

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5.04.060 Substitute for other revenue ordinance.

Persons required to pay a *business* license fee *tax/ business tax* for conducting or carrying on any business under the provisions of this title shall not be relieved from the payment of any *other license tax, assessment or* fee for the privilege of doing such business required under any other ordinance of the city as contained in the Upland Municipal Code and shall remain subject to the regulatory provisions of all such other ordinances and provisions of this code.

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5.04.080 Definitions.

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As used in this title:

"~~Apartment house~~" or "~~duplex~~" means a building or buildings, or portion of a building, each of which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of ~~three or more families~~ living independently of each other and doing their cooking in such building or buildings.

"Business" means and includes professions, trades and occupations, and all and every kind of calling carried on for profit or livelihood.

"Conduct or carry on" means and includes the engaging in, carrying on or operating of any business, trade, art, profession, calling, employment, occupation, or any commercial, industrial or professional pursuit or vocation.

"Contractor" means every person, firm or corporation conducting, managing

or carrying on the business of contractor, subcontractor or builder; or engaging in the construction or repair of any buildings; or engaged in any engineering, construction, or operating whatever, or advertising as such, or representing themselves as such, and regularly employing help for building construction, sewer construction, plumbing construction or general construction. Examples include but are not limited to construction, plumbing, HVAC, and other contractors required to be licensed by the State Contractors Licensing Board.

"Fixed place of business" means a location in the city at which is kept a substantial stock of merchandise or equipment and/or occupied with a competent person in attendance in connection with business of like nature or character and upon which city and county taxes are assessed and paid.

~~"General building contractor" means a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.~~

~~"General engineering contractor" means a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: Irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges.~~

"General Service" means any services, as that term is ordinarily and commonly used and understood, wherein individuals are engaged in the business of offering to the public services for compensation, and which is not a professional or semiprofessional service/calling or not otherwise specifically covered under any other part, chapter or section of this chapter. Examples include but are not limited to hair stylists, gardeners, nail salons, etc.

"Gross receipts" means and includes, ***whether designated as sales price, royalty, rent, slotting fee, commission, dividend, or other designation***, the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of material, goods, wares or merchandise. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and

collected from the consumer or purchaser;

4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;
5. Amounts collected for others where the business is acting as agent or trustee to the extent that such amounts are paid to those for whom collected.
These agents or trustees must provide the license official with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustee;
6. ~~That portion of the receipts of a general contractor which represent payments to subcontractors; provided, that such subcontractors are licensed under the provisions of this title, and provided the general contractor furnishes the license official with the names and addresses of the subcontractors and the amounts paid each subcontractor.~~ ***Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded.***

~~Home Occupations. The provisions of Chapter 17.124 shall apply.~~

"Hotel, motel or roominghouse" means any lodginghouse, motel, hotel, rooming house, or public or private club containing three or more guest rooms or units, and which is occupied or is intended or designed for ***transient*** occupancy by three or more guests, whether rent is paid in money, goods, labor or otherwise and which is maintained, advertised or held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public whether with or without meals.

"Person" means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts business or common law trusts, societies and individuals transacting and carrying on any business in the city, other than as an employee.

"Professional or semiprofessional service/calling" means any service, as that term is ordinarily and commonly used and understood wherein individuals are engaged in the business of offering to the public professional or semiprofessional services for compensation, and not specifically covered under any other part, chapter or section of this chapter, and shall include those professions generally requiring governmental certification or a professional degree. These shall include, but not be limited to the following: accountant, advertising agent (except outdoor advertising), appraiser, architect, artist, attorney-at-law, biologist, certified public accountant, chemist, chiropractor, collection agent, consulting or design engineer, credit counselor, credit rater, dentist, designer, illustrator, doctor of medicine, draftsman, engraver, engineer—civil, chemical, structural or hydraulic—entomologist, geologist, insurance claims adjuster, laboratory, landscape architect, lapidary, lithographer, massage therapist/technician, mechanical engineer, oculist, optometrist, orthodontist, osteopathic physician,

personnel consultant, physician, real estate agent or broker— including salespersons—surgeon, surveyor and veterinarian.

~~"Public utility" means any person furnishing the public with communication, water, light, gas, heat, power, cable distribution systems, or other public utility or service.~~

"Rental, commercial or residential" means the business of leasing, renting, letting or otherwise hiring out for rent any apartment, single-family or multiple-family dwelling unit in the City as the home or residence for a tenant, or the business of leasing, renting, letting or otherwise hiring out for rent any real property within the City that is used for commercial, industrial, institutional or other non-residential purposes within the City. Examples include but are not limited to commercial leasing, residential rental, parcel leasing, and short-term rentals, hotels, motels, and roominghouses, etc.

"Retail/General Commercial" means any establishment or business that conducts retail (the sale of goods to ultimate consumers, usually in small quantities), or wholesale (the sale of goods in quantity, as to retailers or jobbers, for resale), or restaurant (an establishment where meals, prepared food, and/or beverages are served to customers). Manufacturers and processors are also included in this classification, including every person conducting or carrying on a business consisting of manufacturing, packing, or processing any goods, wares, merchandise or commodities at a fixed place of business within the City or conducting or carrying on a business of cold storage or refrigeration. Warehouses are also included in this classification, including establishments primarily engaged in operating merchandise warehousing and storage facilities. Examples include but are not limited to: retailers, wholesalers, hotels, restaurants, and manufacturers.

~~"Selling" means and includes selling, offering to sell or contracting to sell, at wholesale or retail, any goods, wares or merchandise.~~

"Solicitors, canvassers and peddlers" as used herein and for the purposes of this title, are defined to be and to include any person not having a fixed place of business in the city, who for him or herself, or as agent, or representative for or of another, goes from place to place, and from house to house, in the city offering to sell intangibles, such as bonds or stocks, or oil or mining shares or units, or articles, goods, wares or merchandise, or soliciting orders for future delivery, or taking orders, or subscriptions, or selling or disposing of any such articles or services inclusive of newspapers, magazines, periodicals, books and all other publications, and whether collecting advance payments or not, and inclusive of all persons who thus go from place to place, and from house to house within the city, in any like or analogous activities, including those who solicit funds or articles for charitable purposes, and inclusive of any and all such persons who may or may not engage in any actual or purported interstate commerce. The terms solicitors, canvassers or peddlers shall not apply to sidewalk vendors operating in compliance with Chapter 5.76, or to commercial salesmen, agents and the like who sell or take orders for goods at wholesale.

~~"Specialty contractor" means a contractor whose operations as such are the~~

~~performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.~~

~~"Yard sales" means any event other than a sales activity operated in conjunction with a regularly licensed commercial or retail operation which is advertised by any means whatsoever as a place or location to which members of the public, at any time, may purchase identifiable or tangible personal property; also included in this definition are garage sales, patio sales, rummage sales or any other similar sales.~~

5.04.090 Imposition of fees taxes – License required – Compliance with article chapter.

A. There are imposed upon the businesses, trades, professions, callings and occupations specified in this title ~~license fees~~ **business taxes** in the amounts hereinafter prescribed. It is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from the city so to do or without complying with any and all applicable provisions of this title and the Upland Municipal Code.

B. This section shall not be construed to require any person to obtain a license **and pay the business license tax** prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state of California.

C. Persons not required to obtain a license **or pay the business license tax** prior to doing business within the city because of conflict with applicable statutes of the United States or of the state of California shall **not** be liable for payment of the fee **tax** imposed by this title.

D. In any trade or profession where a state license is required, such license shall first be exhibited to the license tax official upon request before a city license will be issued.

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5.04.100 Business license a receipt, not a permit.

The business license issued pursuant to the provisions of this title constitutes a receipt for the ~~license fee~~ **business tax** paid and shall have no other legal effect. A business license is a requirement, not a permit, to conduct, manage or carry on any business activity within the city.

5.04.110 Branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, ~~and 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 such license;~~ provided, that warehouses and distributing plants or lots used in connection with, and incidental to a business licensed under the provisions of this title shall not be deemed to be separate places of business or branch establishments. ~~The license fee for such businesses shall be the amount applicable to the highest licensed business plus one-half each additional license of the other businesses conducted at such location or other location unless otherwise provided.~~ **Each establishment must pay the tax for each**

location.

5.04.120 Free licenses.

All applications for free licenses as specifically provided for in this title shall be referred to the city manager, on forms provided, and the city manager shall have the power in the first instance to determine the merits of such applications, and to approve or reject the same. If the city manager finds that the application should be approved, he or she shall cause to be issued to the applicant a free license, or may refer determination to the license review committee. If the city manager or the license review committee shall reject the license, business tax certificate the applicant shall have the right of appeal to the city council. A separate license shall be required for each person intending to exercise any right hereunder. ~~A charge of one dollar shall be made for each free license issued, which shall be used to defray the expense of issuing same.~~

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5.04.135 Apportionment.

A. None of the business taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the Equal Protection and Due Process Clauses of the Constitutions of the United States and the state.

B. If the holder of or applicant for a license (the taxable entity) believes that the business tax places an undue burden upon interstate commerce or would be violative of such constitutional clauses, the taxable entity may apply to the license official for an adjustment of the tax (the apportionment application). The taxable entity may make an apportionment application within six months after payment of the prescribed business tax. The taxable entity shall, by sworn statement and supporting testimony, show its method of business, its cost of operations for all locations within the City, and such other information as the license official may deem necessary to determine the extent, if any, of such undue burden on interstate commerce or other violation of constitutional protection.

C. The license official shall then conduct an investigation, which may include but is not limited to inspecting the taxable entity's books and records and other tax filings, and, after having first obtained the written approval of the city attorney, shall fix as the business tax for the taxable entity an amount that is reasonable and nondiscriminatory, or if the business tax has already been paid, shall order a refund of the amount over and above the business tax so fixed.

D. In fixing the amount of the business tax, the license official shall take the cost of operations for the locations in the City as the minimum amount owed in tax (absent extraordinary evidence to the contrary).

5.04.140 Interstate commerce appeal.

A. None of the license fees **business 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 fees **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 license official for an

adjustment of the fees **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 fee~~ **business tax**. The applicant shall, by affidavit and supporting testimony, show his or her method of business and the gross volume or estimated gross volume of business and such other information as the license tax official may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license official shall then conduct an investigation, and, after having first obtained the written approval of the city attorney, shall fix as the ~~license fee~~ **business tax** for the applicant, an amount that is reasonable and nondiscriminatory, or if the ~~license fee~~ **business tax** has already been paid, shall order a refund of the amount over and above the ~~license fee~~ **business tax** so fixed. In fixing the ~~license fee~~ **business tax** to be charged, the license official shall have the power to base the ~~license fee~~ **business tax** upon a percentage of gross receipts or any other measure which will assure that the ~~license fee~~ **business tax** assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the ~~license fee~~ **business tax** as prescribed by this title. Should the license official determine the gross receipts measure of ~~license fee~~ **business 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 gross receipts bracket of the applicant and to pay the amount of ~~license fee~~ **business tax** therefor; provided, that no additional ~~license fee~~ **business tax** during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual ~~license fee~~ **business tax** as prescribed in this title.

B. Any person claiming an exemption pursuant to this section shall file a verified statement with the license official stating the facts upon which exemption is claimed.

C. The license official shall, upon a proper showing contained in the verified statement, issue a license to such person claiming exemption under this section without payment to the city of the ~~license fee~~ **business tax** required by this title.

D. The license official, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any ~~license~~ **exemption** granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided herein.

5.04.150 Public sale exempted.

No ~~license~~ **business tax** shall be required for the selling of goods at public sale, such goods belonging to the United States of America or to the state of California, or for sale of property by virtue of any process issued by any state or federal court, or for the sale of any property of an estate by the legally appointed guardian thereof.

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5.04.170 Exemptions.

The following businesses are exempt from the business license tax imposed by this chapter:

A. ***Any business exempt from the tax by the laws of the United States or the State of California.*** Any charitable or nonprofit organization exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue

~~and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, is exempt from the provisions of this title.~~

~~B. Any business, organization or entity exempt under California Business and Professions Code Section 16000(b) is exempt from the provisions of this title.~~

EB. Upon approval of the license official, any person that has been issued a permit to operate at a special event and that does not have a fixed place of business in the city and is not otherwise engaged in business within the city, shall be exempt from the provisions of this title.

5.04.180 Filing Application – Contents of license.

Every person required to have a license under the provisions of this title shall make application for the same to the license official of the city, and upon the payment of the prescribed license fee **business tax** the license official shall issue to such person a business license which shall contain:

- A. The name of the person to whom the license is issued;
- B. The name of the business to be licensed;
- C. The place where such business is to be transacted and carried on;
- D. The date of the expiration of such license;
- E. Such other information as may be necessary for the enforcement of the provisions of this title.

5.04.190 Affidavit for first license.

A. Upon a person making application for the first license to be issued hereunder or for a newly established business, and in all cases where the amount of license fee **business tax** to be paid is measured by gross receipts, such person shall furnish to the license official for guidance in ascertaining the amount of license **business tax** to be paid by the applicant, a written statement, upon a form provided by the license official, sworn to before a person authorized to administer oaths, or sworn to under penalty of perjury, setting forth such information as may be therein required and may be necessary to determine the amount of the license fee **business tax** to be paid by the applicant.

B. If the amount of the license fee **business tax** to be paid by the applicant is measured by gross receipts, he or she shall estimate the gross receipts for the period to be covered by the license to be issued, and report the applicable bracket therefor. Such report, if accepted by the license official as reasonable, shall be used in determining the amount of license fee **business tax** to be paid by the applicant; provided, however, the amount of the license fee **business tax** so determined shall be tentative only, and such person shall within 30 days after the expiration of the period for which such license was issued, furnish the license official with a sworn statement, upon a form furnished by the license official showing the applicable bracket during the period of such license, and the license fee for such period shall be finally ascertained and paid in the manner provided by this title for the ascertaining and paying of renewal license fee **business tax** for other businesses, after deducting from the payment found

to be due, the amount paid at the time such first license was issued.

C. The license official shall not issue to any such person another license for the same or any other business, until such person shall have furnished to the license official the written statement and paid the license fee **business tax** as herein required.

5.04.200 Affidavit for renewal of license.

In all cases, the applicant for the renewal of a license shall submit to the license official for guidance in ascertaining the amount of the license fee **business tax** to be paid by the applicant, a written statement, upon a form to be provided by the license official, written under penalty of perjury, or sworn to before a person authorized to administer oaths, setting forth such information concerning the applicant's business during the preceding year as may be required by the license official to enable him or her to ascertain the amount of license fee **business tax** to be paid by the applicant pursuant to the provisions of this title.

5.04.210 Statements not conclusive; confidential information.

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 sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the license tax official, deputies, or authorized employees of the city, who are authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license fee **business tax** due.

B. All licensees, applicants for licenses, 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 5.04.190 or 5.04.200 of this title shall be confidential. 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 the Upland Municipal Code, in addition to any other penalties provided by law.

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5.04.260 No license transferrable.

~~No license issued pursuant to this title shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a fee of two dollars have the license amended to authorize the transacting and carrying on of such business under the license at some other location to which the business is or is to be moved.~~

5.04.270 Duplicate license.

~~A duplicate license may be issued by the license official to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the license official a duplicate license fee of three dollars.~~

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5.04.300 ~~License-Fee~~ *Business Tax* – How and when payable.

A. Unless otherwise specifically provided, all ~~license-fees~~ ***business taxes*** for licenses issued between January 1st and June 30th under the provisions of this title shall be due and payable in advance on the first day of January each year; all ~~license fees~~ ***business taxes*** for licenses issued between July 1st and December 31st under the provisions of this title shall be due and payable in advance on the first day of July each year.

1. ~~Monthly license fees, on the first day of each and every month.~~
2. ~~Weekly license fees, on Monday of each week.~~
3. ~~Daily license fees, each day.~~

B. In all cases, the applicant shall, upon filing his or her application, pay the prescribed ~~license-fees~~ ***business taxes*** in advance.

C. Unless otherwise provided for in this title, where any person who is engaged in business ceases business and surrenders his or her license after having exercised the privilege granted pursuant to this title, such person shall not be entitled to a refund for any ~~license-fees~~ ***business taxes*** paid in advance or any portion thereof.

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5.04.330 ~~License-fee~~ *Business Tax* a debt.

The amount of any ~~license-fee~~ ***business tax*** and penalty imposed by the provisions of this title shall be deemed a debt to the city. An action may be commenced in the city in any court of competent jurisdiction, for the amount of any delinquent ~~license-fee~~ ***business tax*** and penalties.

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5.04.350 *Business classifications schedule* - ~~license-fees~~ *business license taxes* generally.

A. Every person who engages in any business, whether or not at a fixed place of business within the city, shall pay a business license fee ***tax*** based upon a ***classification in*** one of the following ***sections***.

B. ***The determination of the class of business in which an applicant for a license is deemed to be engaged under this section shall be a ministerial task of the license official.***

C. ***If a licensee or applicant disagrees with the determination of the license official as to the class of business in which the licensee or applicant is engaged, the licensee or applicant may apply to the license official for reclassification. This application shall set forth with specificity the facts upon which it is based. Upon receipt of a reclassification application, the license official shall investigate and review the matter and shall either affirm the original classification or assign a new classification and shall notify the licensee or applicant of the decision in writing.***

D. ***The license official may refuse to accept an application for reclassification***

from a licensee or applicant who has applied for reclassification within the previous twelve (12) months if the application fails to state material and relevant facts which were not and could not have been presented in the previous reclassification application.

E. The decision of the license Tax Official on an application for reclassification shall be final as to the City, but subject to judicial review pursuant to Cal. Code of Civil Procedure § 1094.5.

~~A. Gross receipts schedule as set forth in Section 5.04.360;~~

~~B. Professional and semiprofessional schedule as set forth in Section 5.04.370;~~

~~C. Flat rate schedule as contained in Section 5.04.400, or as provided in Chapters 5.08 through 5.72 of this title.~~

5.04.360 Classification A — Retail, wholesale, manufacturing, processing, professional, and semiprofessional services/callings or other business – Business License fees taxes - Gross receipts.

A. Every person engaged in any retail, **general commercial**, wholesale, contracting, **professional or semiprofessional service/calling, non-professional or non-semiprofessional** servicing business activity or the rental of **residential or** nonresidential property, whether or not at a fixed place of business within the city, and not otherwise classified herein, shall pay an annual license fee **tax** based upon annual gross receipts **as set forth below**; ~~provided, however, where such person is engaged in business less than one year ceases business and surrenders the license, such person shall be entitled to a refund of the difference, if any, between the actual gross receipts for the period while actually engaged in business and the estimated gross receipts reported when the license was applied for as set forth in the following gross receipts schedule, but in no event shall such person pay less than the minimum license fee~~ **business license tax** herein specified:

For the first \$100,000 of gross annual receipts, only the minimum business license tax set forth in subsection (B) shall be due. For all gross annual receipts above \$100,000, the business license tax rates shall be as follows:

Retail/General Commercial	0.075% of gross annual receipts
Contractor	0.2% of gross annual receipts
Rental, Commercial or Residential	0.3% of gross annual receipts
General Service (nonprofessional or non-semiprofessional) (e.g. hair and nail salons, _____)	0.17% of gross annual receipts

Professional or semiprofessional service/calling	0.175% of gross annual receipts
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B. Notwithstanding the above, regardless of gross annual receipts, every such person shall pay a minimum business license tax of \$50.00 per year and no such person shall be required to pay a business license tax of greater than \$29,500 for any particular year. The minimum and maximum amount of the tax shall be subject to an annual increase each January 1 in an amount equivalent to increase in the Consumer Price Index (CPI) applicable to this statistical area, not to exceed 5% each year.

GROSS RECEIPTS SCHEDULE

Gross Annual Receipts _____ **Fee**

\$0.00 TO \$20,000	\$54.00 (for a business physically located in Upland)
\$0.00 TO \$40,000	\$75.60
\$40,001.00 to \$60,000	\$97.20
\$60,001.00 to \$100,000	\$140.40
\$100,001.00 to \$200,000	\$183.60
\$200,001.00 to \$300,000	\$216.00
\$300,001.00 to \$400,000	\$279.00
\$400,001.00 to \$500,000	\$324.00
\$500,001.00 to \$600,000	\$378.00
\$600,001.00 to \$700,000	\$432.00
\$700,001.00 to \$800,000	\$486.00
\$800,001.00 to \$900,000	\$540.00
\$900,001.00 to \$1,000,000	\$594.00
\$1,000,001.00 to \$1,100,000	\$648.00
\$1,100,001.00 to \$1,200,000	\$702.00

\$1,200,001.00 to \$1,300,000	\$756.00
\$1,300,001.00 to \$1,400,000	\$810.00
\$1,400,001.00 and above	\$864.00

In addition to the above schedule, businesses with liquor sales shall pay \$75.60 per year (gross receipts reported pursuant to the above schedule shall have deducted therefrom the gross receipts attributable to liquor sales, only).

Other Businesses _____ Fee

Circus, carnival, etc.	\$540.00 per year
Massage technician, incident to primary business	\$54.00 per year
Public utilities	\$216.00 per year.

~~5.04.370 Classification A — License fees — Professional and semiprofessional. [Reserved]~~

Every person who engages in the practice of a profession or a semiprofessional calling within the city of Upland as set forth below:

Professions, and semiprofessional callings, and similar businesses shall include, but not be limited to the following: accountant, advertising agent (except outdoor advertising), appraiser, aquarist, architect, artist, assayer, attorney at law, bacteriologist, biologist, certified public accountant, chemist, chiropract, chiropractor, chirothesiast, collection agent, consulting or design engineer, credit counselor, credit rater, dentist, designer, illustrator, doctor of medicine, draftsman, drugless practitioner, electrologist, engraver, engineer—civil, chemical, structural or hydraulic—entomologist, geologist, insurance claims adjuster, laboratory, landscape architect, lapidary, lithographer, masseur or masseuse, massage therapist/technician, mechanical engineer, oculist, optometrist, orthodontist, osteopathic physician, personnel consultant, physician, real estate agent or broker—including salespersons—surgeon, surveyor, taxidermist, and veterinarian shall pay a license fee based upon the following schedule: for each practicing member of the firm practicing his or her profession, \$54.00 per year; for each employee in addition to the above, \$4.50 per year.

~~5.04.380 Classification A — License fees — Manufacturers and processors. [Reserved]~~

Every person who engages in manufacturing or processing of materials in ~~as a~~ business activity, and who is not otherwise classified herein, shall pay an annual license fee based on the following schedule:

1-5 employees	\$54.00
6-15 employees	\$108.00
16-30 employees	\$216.00
31 or more employees	\$324.00

~~5.04.390 License fee no fixed place of business. [Reserved]~~

Where there is no fixed place of business for a business activity specified within Classification A herein, the license fee shall be computed on the basis of the annual gross receipts of all activity carried on within the city (see Section 5.04.360).

~~5.04.400 Classification B Miscellaneous business License fees (fixed rates minimum). [Reserved]~~

- A. Administrative Office.
 - Base fee, per year \$54.00
 - Each employee, per year \$ 4.50

- B. Recreation and Entertainment.
 - Rides of games of skill, per year (separate from circus carnival) \$54.00
 - Arcade games, per year/per unit \$54.00
 - Social club, dancing club, per year \$108.00

- C. Residential Property Rental.
 - Less than three units or rooms No fee
 - Three units or rooms, per year \$54.00
 - Each additional unit or room, per year \$ 4.50

- D. Solicitations.
 - Charitable, per year \$ 9.00
 - Solicitors, canvassers, peddlers, per person, per year \$216.00

- E. Transportation.
 - Delivery by vehicle, per vehicle, per year \$54.00
 - Taxicab, per vehicle, per year \$54.00

~~5.04.410 Solicitors, peddlers and canvassers and other Business not specified.~~

Any **solicitor, peddler and canvasser and any other** business not otherwise specified or provided for in this title shall **pay a license tax** ~~be licensed on the basis of~~ **based upon** gross receipts **at the rate set forth above for general service businesses, Classification A."**

SECTION 2. The License Tax set forth herein shall be collected and administered in the manner set forth in Chapter 5.04 of the Upland Municipal Code.

SECTION 3. Pursuant to Article XIII B of the California Constitution, the appropriation limit for the City of Upland will be increased by the maximum projected aggregate collection authorized by the levy of this general tax, as indicated in Section 1, in each of the years covered by this Ordinance plus the amount, if any, by which the appropriation limit is decreased by law as a result of the levy of the general tax set forth in this Ordinance.

SECTION 4. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 5. Pursuant to California Constitution Article XIIC §(2)(b) and California Elections Code §9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of Upland voting at the General Municipal Election to be held on November 5, 2024. The new taxing rate shall go into effect on July 1, 2025.

SECTION 6. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the People voting thereon on November 5, 2024, by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED AND ADOPTED by the People of the City of Upland on the 5th day of November, 2024.

Bill Velto, Mayor

ATTEST: _____
Keri Johnson, City Clerk