

To: James L. App, City Manager  
From: Mike Compton, Director of Administrative Services  
Subject: Business License Ordinance Amendment  
DATE: January 16, 2007

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Needs:

For the Council to introduce and hold first reading of an amendment to the business license ordinance to address licensing for “water parks” operations.

Facts:

1. The current business license ordinance does not have a specific classification for water parks.
2. The City has received a business license application to operate a water park.
3. Upon consultation with City Attorney, it was determined that the appropriate remedy would be to amend Section 5.04.290 relating to bowling alleys and theatres to include “amusement parks”.
4. Bowling alleys and theatres currently pay license fees based upon gross receipts.
5. The current ordinance provides the means to classify business operations that might not be specifically covered without validating Proposition 4.

Analysis &  
Conclusion:

The construction of the Ravine Water Park at the northwest corner of Airport Road and Hwy 46E is nearly completed. The owner/operator has applied for a business license as required by municipal code. While there is no specific reference in the business license code for water parks, they were issued a license under the section covering bowling alleys and theatres until such time as the code could be amended.

It is proposed that the ordinance covering bowling alleys and theatres be amended to include amusement parks.

Fiscal  
Impact:

None other than the publication of the ordinance amendment.

Options:

- a. That the Council, upon close of the public hearing, introduce and hold first reading of an ordinance to modify the business license tax classification, and set February 6, 2007, as the date for adoption of said ordinance; or
- b. Amend, modify, or reject the above option.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING  
SECTION 5.04.290 OF THE MUNICIPAL CODE**

WHEREAS, Chapter 5.04 of the Paso Robles Municipal Code sets forth provisions regarding the types of business that are required to obtain business licenses within the City; and

WHEREAS, the City desires to avoid confusion regarding the classification of businesses not specifically defined or identified in Chapter 5.04;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.04.290 , entitled "License tax—Bowling alleys and theatres," of the El Paso de Robles Municipal Code is hereby amended to read as follows:

**5.04.290 License tax--Bowling alleys, theaters, and amusement centers/parks.**

Every person carrying on the business of operating a motion picture theater shall pay an annual license tax of fourteen dollars for each one hundred seats or fraction thereof.

Every person carrying on the business of operating a bowling alley shall pay an annual license tax of forty dollars for four alleys, or any part thereof, and ten dollars additional for each alley above four.

Every person carrying on the business of operating an amusement center/park shall pay an annual license tax based on gross receipts, as established in the manner set forth in Section 5.04.220.

Any business licensed under this section that retails any merchandise shall also obtain a gross receipts license under Section 5.04.220.

Introduced at a regular meeting of the City Council held on January 2, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the \_\_\_ of February, 2007 by the following roll call vote:

SECTION 2. This Ordinance shall take effect on the 31<sup>st</sup> day after its adoption.

SECTION 3. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced for first reading on the \_\_\_\_ day of \_\_\_\_, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the \_\_ day of \_\_\_\_, 2007 by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Frank R. Mecham, Mayor

ATTEST

\_\_\_\_\_  
Deborah Robinson, Deputy City Clerk