

ORDINANCE NO. 655

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY AMENDING SECTION 5.08.360 OF ARTICLE V (RENTAL PROPERTY MANAGERS) OF CHAPTER 5.08 (BUSINESS LICENSE TAX – PARTICULAR BUSINESSES) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE CUDAHY MUNICIPAL CODE TO TEMPORARILY SUSPEND (THROUGH JUNE 30, 2019) THE BUSINESS LICENSE TAX REQUIREMENTS APPLICABLE TO RENTAL PROPERTY MANAGERS OF RENTAL PROPERTIES WITH FOUR (4) OR FEWER UNITS

WHEREAS, pursuant to Cudahy Municipal Code Section 5.4.030(4), a business is any commercial or industrial enterprise, trade, profession, occupation, vocation, calling or livelihood whether or not carried on for gain or profit; and

WHEREAS, a “business,” under Cudahy Municipal Code Section 5.4.030(4), includes the rental or lease of residential and nonresidential real estate and mobile home parks; and

WHEREAS, Cudahy Municipal Code Section 5.4.050 requires any person engaging in business activity to obtain a business license and pay the associated business license taxes; and

WHEREAS, Cudahy Municipal Code Chapter 5.08 establishes business license tax regulations for certain types of businesses; and

WHEREAS, Article V of Cudahy Municipal Code Chapter 5.08 governs the specific business license tax regulations for rental property managers; and

WHEREAS, under Cudahy Municipal Code Section 5.08.360, a “rental property manager” is a person who owns a residential property in the City of Cudahy (the “City”) which is rented to a person other than a member of his or her immediate family, and such persons are required to pay a business license tax to the City per unit per year; and

WHEREAS, the City Council desires to be business friendly to rental property managers of rental properties with four (4) or fewer units by temporarily suspending the business license taxes applicable to such units through June 30, 2019.

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

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Section 5.08.360 (Rental property managers) of Article V (Rental Property Managers) of Chapter 5.08 (Business License Tax – Particular Businesses) of Title 5 (Business Licenses and Regulations) of the Cudahy Municipal Code is hereby amended by the addition of subsection (5) which shall read as follows:

Section 5.08.360

(5) The license tax under this Section 5.08.360 is suspended for any parcel having a total of four (4) or fewer rental units. The terms "parcel" and "rental unit" shall be as defined in Chapter 20.08 (Definitions) of Title 20 (Zoning) of this Code. This subsection (5) of Section 5.08.360 shall expire by operation of law on June 30, 2019, unless amended by subsequent ordinance of the City Council.

SECTION 3. Subsection (1) of Section 5.08.360 (Rental property managers) of Article V (Rental Property Managers) of Chapter 5.08 (Business License Tax – Particular Businesses) of Title 5 (Business Licenses and Regulations) of the Cudahy Municipal Code is hereby amended to read as follows:

Section 5.08.360

(1) Persons who own residential property in the city which is rented to a person other than a member of the immediate family of the owner of the property shall pay a license tax in the sum of \$30.00 per rental unit per year. For purposes of this section, a person is deemed to be a member of the immediate family of another if he or she is a spouse, parent, child, brother, sister, mother- or father-in-law, brother- or sister-in-law, aunt, uncle, cousin, niece or nephew, grandnephew, grandniece, grandparent, or grandchild of that other person.

SECTION 4. Subsection (4) of Section 5.08.360 (Rental property managers) of Article V (Rental Property Managers) of Chapter 5.08 (Business License Tax – Particular Businesses) of Title 5 (Business Licenses and Regulations) of the Cudahy Municipal Code is hereby amended to read as follows:

Section 5.08.360

(4) For purposes of this section, a rental unit is deemed to be rented if the unit was rented for at least 31 consecutive days at any time in the calendar year preceding the date the tax is due.

SECTION 5. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 7. Publication and Effective Date. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Cudahy on this 28th day of September, 2015.


Cristian Markovich,
Mayor

ATTEST:


Laura Valdivia
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Laura Valdivia, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Ordinance No. 655 was introduced for a first reading on the 14th day of September, 2015 and approved for a second reading and adopted by said Council at its regular meeting held on the 28th day of September, 2015 by the following vote, to-wit:

- AYES: Sanchez, Hernandez, Markovich
- NOES: Guerrero
- ABSTAIN: None
- ABSENT: Garcia


Laura Valdivia
Interim City Clerk