

To: Mayor Harris and City Council
Fr: Ron Chandler
Dt: September 18, 2012
Re: Board of Equalization – Refund of Business License

On July 16, 2012 Quality Care applied for and received a temporary business license to operate a fruit stand on Washington Blvd. A temporary fruit stand is a permitted use in a commercial zone but requires a temporary license (City Code Section 11-8A-7).

The City charges a business license fee if the “gross receipts are in excess of five hundred dollars (\$500.00) during any twelve (12) month period” (City Code Section 4-1-1 - Engaging in Business). The fee is one hundred dollars (\$100.00).

The City also charges a “refundable deposit . . . which shall be returned within fourteen (14) days from the date of termination of the temporary business so long as the area is cleaned and placed in prebusiness condition and order” [City Code Section 4-1-9(D)(5)].

At the time of application, Quality Care estimated that they would have gross receipts of at least \$500.00 and were therefore charged for the business license and deposit.

I was contacted by Stacey Giatras in August requesting a clarification of the City’s policies for fruit stands and to request a refund of the business license and deposit. According to Ms. Giatras the business’ gross receipts were less than \$500.00.

The deposit was refunded but the staff does not have the authority to refund a license fee. City Code section 4-1-5F states

“No rebates shall be allowed upon any license unless the licensee has been damaged by fire or other unavoidable accident or property damage. In all such cases, the city council shall have the discretionary power as to what amount, if any shall be rebated.”

I informed Ms. Giatras of this provision but also told her that the Board of Equalization has the authority to refund the license. City Code section 4-1-6 states

“The city council constitutes a board of equalization for the equalization of license rates. The board shall have the authority to examine the assessment rolls, to hear complaints of persons, firms or corporations aggrieved by their license assessments, and to make corrections of any such assessments deemed to be illegal, unequal or unjust; provided, however, that any corrections made by the board shall be entered in detail in a record of license abatements, and the members of the board shall approve the entries in writing before the accounts are adjusted. The board shall meet at the call of the mayor to hear any complaints and authorize any adjustments which it may deem proper in the assessment made by the city. All complaints pertaining to licenses due on January 1 must be presented to the board prior to March 1, and all complaints pertaining to licenses due at any other time must be presented to the board within sixty (60) days from the date such licenses are due. All complaints not presented before such deadlines shall be barred.” (underline and italics added)

The staff recommends that the Board of Equalization refund Quality Care’s business license.

The staff also asks that you consider revising City Code Section 4-1-5F to allow more flexibility in granting rebates; perhaps granting some authority to the staff to grant rebates. In addition, the staff also recommends that you modify section 4-1-6 to reflect the changes in our business licensing due dates.

BOARD OF EQUALIZATION: The city council constitutes a board of equalization for the equalization of license rates. The board shall have the authority to examine the assessment rolls, to hear complaints of persons, firms or corporations aggrieved by their license assessments, and to make corrections of any such assessments deemed to be illegal, unequal or unjust; provided, however, that any corrections made by the board shall be entered in detail in a record of license abatements, and the members of the board shall approve the entries in writing before the accounts are adjusted. The board shall meet at the call of the mayor to hear any complaints and authorize any adjustments which it may deem proper in the assessment made by the city. All complaints pertaining to licenses ~~due on January 1 must be presented to the board prior to March 1, and all complaints pertaining to licenses due at any other time~~ must be presented to the board within sixty (60) days from the date such licenses are due *or within sixty (60) days after the license has been issued*. All complaints not presented before *or after* such deadlines shall be barred.