

AGENDA
MCFARLAND CITY COUNCIL
MCFARLAND SUCCESSOR AGENCY
MCFARLAND PUBLIC FINANCE AUTHORITY
MCFARLAND IMPROVEMENT AUTHORITY
MCFARLAND PARKING AUTHORITY
MCFARLAND USA FOUNDATION

REGULAR MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA

June 10, 2021
6:00 PM

In Person Meeting

How to submit public comments:

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the mayor opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to City Council, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Mayor finds that there is in fact willful disruption of any City Council Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the City’s business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Mayor Sally Gonzalez

ROLL CALL:

Mayor/Chairman, Sally Gonzalez
Mayor Pro Tem, María T. Pérez
Council Member/Board Member, Eric Rodriguez
Council Member/Board Member, Saul Ayon
Council Member/Board Member, Ricardo Cano

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS, INTRODUCTIONS AND AWARDS

None

PUBLIC COMMENT: The public may address the Council/Board Member on items, which do not appear on the agenda. Council/Board Members may respond briefly to statements made or questions posed. They may ask a question for clarification; may refer the item to staff for further study or for placement on a future agenda. **Speakers are limited to two minutes for each person. Please state your name and address for the record prior to making a presentation. Fifteen minutes total will be allowed for any one subject.**

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless a Council Member/Board Member removes a particular item.

1. Warrant Register for **\$82,750.94** from *May 16, 2021, to May 31, 2021*.
2. Payroll Register for **\$187,349.20** for *May 2021*.
3. Approval of *May 27, 2021*, Minutes.
4. Report, Discussion and Possible Approval for A **\$5,000** Donation to The McFarland Recreation and Parks for Annual Independence Day Fireworks Show.

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

- a. Administration
- b. Police Department- May STAT'S
- c. Finance Department
- d. Public Works Department
- e. Community Development Department

ADMINISTRATIVE AGENDA

5. Report, Discuss, and Possible Approval of Urgency Firework **ORDINANCE NO. 0005-2021** AN URGENCY ORDINANCE OF THE CITY OF MCFARLAND AMENDING CERTAIN PORTIONS OF CHAPTERS 1.14, AND 8.08 OF THE MCFARLAND MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE CITY'S FIREWORKS REGULATIONS

6. Report, Discuss, and Possible Approval and Adoption of **RESOLUTION NO. 2021-0036** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, and AUTHORIZING SPECIAL ASSESSMENT ON 264 BROWNING ROAD (APN 201-164-20-00-8) TO BE PLACED ON TAX ROLL.
7. Second Reading and Adoption of **ORDINANCE NO. 0003-2021** AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING GARAGE SALES/YARD SALES AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.48 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.010, 5.48.020, AND 5.48.030, AND ENACT SECTIONS 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.110, and 5.48.120, MCFARLAND MUNICIPAL CODE
8. Second Reading and Adoption of **ORDINANCE NO. 0004-2021** AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING VENDING FROM VEHICLES AND LICENSE TAXES – RATES, AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.44 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.020, ADOPT AND ENACT 5.48.060, AND AMEND AND RESTATE TITLE 5, CHAPTER 5.04, SECTION 5.04.140, MCFARLAND MUNICIPAL CODE

REPORTS FROM CITY COUNCIL ON COMMITTEE/SPECIAL DISTRICT MEETINGS

- a. Delano Mosquito Abatement District (DMAD) – Council Member Ricardo Cano
- b. Kern Council of Governments (KCOG) – Mayor Sally Gonzalez or Alternate Mayor Pro Tem Maria T. Pérez
- c. McFarland Tri-Agency Partners (MTAP) – Mayor Sally Gonzalez or Alternate Council Member Eric Rodriguez
- d. Kern Economic Development Corp. (KEDC) – Mayor Sally Gonzalez
- e. Kern County Association of Cities (KCAC)
- f. Poso Creek IRWMP

COUNCIL STATEMENTS AND REPORTS

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. In addition, Council Members may ask a question of staff or the public for clarification on any matter, provide a reference to staff or other resources for information. Alternatively, request staff to report to the City Council at a later meeting concerning any matter. Furthermore, the City Council, or any member thereof, may take action to direct staff to place a matter of business on a future agenda.

ADJOURNMENT

This is to certify this agenda was posted at McFarland City Hall on June 7, 2021.

Francisca Alvarado

Francisca Alvarado, City Clerk

Next Meeting: Regular City Council June 24, 2021.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (661) 792-3091 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.



City of McFarland, CA

Expense Approval Report

By Vendor Name

Post Dates 5/16/2021 - 5/31/2021

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Antrox - Antrox Engineering, Inc.					
Antrox Engineering, Inc.	A20-01501	05/17/2021	Inv A20-01501	25-000-52910-8405-1	1,450.00
Vendor Antrox - Antrox Engineering, Inc. Total:					1,450.00
Vendor: Arrowhead - Arrowhead					
Arrowhead	11B0017185869	05/17/2021	Inv 11B0017185869 / Acc #00:01-130-57200-0000-1		108.87
Arrowhead	11C0017185869	05/17/2021	Inv 11C0017185869 / Acc #00:01-130-57200-0000-1		15.72
Vendor Arrowhead - Arrowhead Total:					124.59
Vendor: Banks & Co. - Banks & Co.					
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	01-150-54000-0000-1	4.00
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	01-155-54000-0000-1	4.00
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	01-180-54000-0000-1	4.00
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	30-500-54000-0000-1	4.00
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	32-510-54000-0000-1	4.00
Banks & Co.	17329	05/17/2021	BANKS & CO INV #FC 17329	34-520-54000-0000-1	4.01
Vendor Banks & Co. - Banks & Co. Total:					24.01
Vendor: Bc Laboratories - Bc Laboratories					
Bc Laboratories	B414052	05/17/2021	B414052	32-510-58200-0000-1	270.00
Bc Laboratories	B414842	05/17/2021	INV B414842 BACTERIOLOGIC	32-510-58200-0000-1	80.00
Bc Laboratories	B414939	05/17/2021	Inv B414939	32-510-58200-0000-1	37.50
Bc Laboratories	B415613	05/17/2021	INV B415613	32-510-58200-0000-1	80.00
Bc Laboratories	B415614	05/17/2021	INV B415614	32-510-58200-0000-1	80.00
Vendor Bc Laboratories - Bc Laboratories Total:					547.50
Vendor: BHT Engineering, Inc - BHT Engineering, Inc.					
BHT Engineering, Inc.	21-0141	05/17/2021	Inv 21-0141 CML 5343-014-	E\25-000-52910-8405-1	3,190.00
BHT Engineering, Inc.	21-0142	05/17/2021	Inv 21-0142 Davis Ave. Rehab.	25-000-52960-8490-1	3,810.00
Vendor BHT Engineering, Inc - BHT Engineering, Inc. Total:					7,000.00
Vendor: Brenntag - Brenntag Pacific Inc.					
Brenntag Pacific Inc.	BPI137300	05/17/2021	BPI137300	32-510-57400-0000-1	929.05
Brenntag Pacific Inc.	BPI137301	05/17/2021	BPI137301	32-510-57400-0000-1	336.84
Brenntag Pacific Inc.	BPI137302	05/17/2021	BPI137302	32-510-57400-0000-1	495.47
Brenntag Pacific Inc.	BPI137303	05/17/2021	Inv BPI137303	32-510-57400-0000-1	336.84
Vendor Brenntag - Brenntag Pacific Inc. Total:					2,098.20
Vendor: WASCO VET - Brian L. Edick					
Brian L. Edick	INV0018729	05/17/2021	March 2021 Invoice	01-155-51150-0000-1	71.53
Brian L. Edick	INV0018729	05/17/2021	Invoice March 2021	26-110-53100-8520-1	313.47
Vendor WASCO VET - Brian L. Edick Total:					385.00
Vendor: CenCal Auto & Truck - CenCal Auto & Truck Parts, Inc.					
CenCal Auto & Truck Parts, Inc.	802559	05/17/2021	INV 802559	01-180-56600-0000-1	10.67
Vendor CenCal Auto & Truck - CenCal Auto & Truck Parts, Inc. Total:					10.67
Vendor: Cintas - Cintas Corporation No.3					
Cintas Corporation No.3	4079056245	05/17/2021	4079056245	01-180-51800-0000-1	37.74
Cintas Corporation No.3	4079056245	05/17/2021	4079056245	30-500-51800-0000-1	49.94
Cintas Corporation No.3	4079056245	05/17/2021	4079056245	32-510-51800-0000-1	22.83
Cintas Corporation No.3	4079713428	05/17/2021	4079713428	01-180-51800-0000-1	58.62
Cintas Corporation No.3	4079713428	05/17/2021	4079713428	30-500-51800-0000-1	60.66
Cintas Corporation No.3	4079713428	05/17/2021	4079713428	32-510-51800-0000-1	43.72
Cintas Corporation No.3	4081033643	05/17/2021	4081033643	01-180-51800-0000-1	55.55
Cintas Corporation No.3	4081033643	05/17/2021	4081033643	30-500-51800-0000-1	60.56
Cintas Corporation No.3	4081033643	05/17/2021	4081033643	32-510-51800-0000-1	37.92
Cintas Corporation No.3	4081699734	05/17/2021	4081699734	01-180-51800-0000-1	55.18
Cintas Corporation No.3	4081699734	05/17/2021	4081699734	30-500-51800-0000-1	60.19
Cintas Corporation No.3	4081699734	05/17/2021	4081699734	32-510-51800-0000-1	32.69

Expense Approval Report

Post Dates: 5/16/2021 - 5/31/2021

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Cintas Corporation No.3	4082354888	05/17/2021	4082354888	01-180-51800-0000-1	55.18
Cintas Corporation No.3	4082354888	05/17/2021	4082354888	30-500-51800-0000-1	60.19
Cintas Corporation No.3	4082354888	05/17/2021	4082354888	32-510-51800-0000-1	32.69
Cintas Corporation No.3	4083032549	05/17/2021	Inv - 4083032549	01-180-51800-0000-1	51.37
Cintas Corporation No.3	4083032549	05/17/2021	Inv - 4083032549	30-500-51800-0000-1	56.25
Cintas Corporation No.3	4083032549	05/17/2021	Inv - 4083032549	32-510-51800-0000-1	55.81
Vendor Cintas - Cintas Corporation No.3 Total:					887.09
Vendor: Dee Jaspar - Dee Jaspar					
Dee Jaspar	21-03021	05/17/2021	Inv 21-03021 123 TCP	32-510-56000-0000-1	334.50
Vendor Dee Jaspar - Dee Jaspar Total:					334.50
Vendor: Gary - Gary Vincent Bufkin					
Gary Vincent Bufkin	21-0501	05/17/2021	Invoice 21-0501	26-110-53100-8505-1	45,000.00
Vendor Gary - Gary Vincent Bufkin Total:					45,000.00
Vendor: Haaker Equipment Co. - Haaker Equipment Co.					
Haaker Equipment Co.	C70043	05/17/2021	Inv C70043	01-180-56440-0000-1	23.18
Vendor Haaker Equipment Co. - Haaker Equipment Co. Total:					23.18
Vendor: Home Depot - Home Depot					
Home Depot	4070640	05/17/2021	INV 4070640 HOME DEPOT SA	30-500-56800-0000-1	139.99
Home Depot	8903539	05/17/2021	Inv 8903539 04/14/21	32-510-57400-0000-1	320.07
Vendor Home Depot - Home Depot Total:					460.06
Vendor: Jim White - Jim White					
Jim White	INV0018734	05/17/2021	Planning Commission Meeting	01-140-52200-0000-1	30.00
Vendor Jim White - Jim White Total:					30.00
Vendor: John Deere - John Deere					
John Deere	103-862309	05/17/2021	INV 103-862309	01-180-56430-0000-1	32.11
John Deere	103-862309	05/17/2021	INV 103-862309	32-510-56400-0000-1	32.11
Vendor John Deere - John Deere Total:					64.22
Vendor: Jorge's Smog & Repai - Jorge's Smog & Repai					
Jorge's Smog & Repai	014368	05/17/2021	Ford Truck Maint. INV	014368 01-155-56600-0000-1	149.71
Vendor Jorge's Smog & Repai - Jorge's Smog & Repai Total:					149.71
Vendor: Jose Hernandez - Jose Hernandez					
Jose Hernandez	INV0018732	05/17/2021	PC Meeting Reimbursment Jos	01-140-52200-0000-1	30.00
Vendor Jose Hernandez - Jose Hernandez Total:					30.00
Vendor: Jose L Hernandez - Jose Luis Hernandez					
Jose Luis Hernandez	INV0018733	05/17/2021	PC Meeting Jose L. Hernandez	01-140-52200-0000-1	30.00
Vendor Jose L Hernandez - Jose Luis Hernandez Total:					30.00
Vendor: J's Automotive - J's Automotive					
J's Automotive	9208	05/17/2021	Inv 9208	34-520-56600-0000-1	65.00
J's Automotive	9222	05/17/2021	Inv 9222	34-520-56600-0000-1	65.00
J's Automotive	9249	05/17/2021	Inv 9249	34-520-56600-0000-1	65.00
J's Automotive	9273	05/17/2021	Inv 9273	34-520-56600-0000-1	65.00
Vendor J's Automotive - J's Automotive Total:					260.00
Vendor: K.C. Waste - K.C. Waste					
K.C. Waste	INV0018735	05/17/2021	April 2021 Gate Fees Report	31-505-52800-0000-1	4,336.08
Vendor K.C. Waste - K.C. Waste Total:					4,336.08
Vendor: KOEFRAN - Koefran Industries, Inc.					
Koefran Industries, Inc.	452921	05/17/2021	Animal Disposal- Invoice 4529	01-155-51100-0000-1	220.50
Vendor KOEFRAN - Koefran Industries, Inc. Total:					220.50
Vendor: Marco A. Martinez - Marco A. Martinez					
Marco A. Martinez	INV0018731	05/17/2021	Planning Commission Meeting	01-140-52200-0000-1	30.00
Vendor Marco A. Martinez - Marco A. Martinez Total:					30.00
Vendor: Golden Empire Water - Mario A. Cervantes					
Mario A. Cervantes	1162	05/17/2021	Inv 1162 Services for March 20	32-510-50100-0000-1	1,432.00
Mario A. Cervantes	1171	05/17/2021	Inv 1171 Services for April 202	32-510-50100-0000-1	1,462.00
Vendor Golden Empire Water - Mario A. Cervantes Total:					2,894.00

Expense Approval Report

Post Dates: 5/16/2021 - 5/31/2021

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Vendor: Mobile Ag - Mobile Ag & Industrial Supply Inc.					
Mobile Ag & Industrial Supply I 107941		05/17/2021	INV 107941	01-180-56430-0000-1	1,456.19
Mobile Ag & Industrial Supply I 107941		05/17/2021	INV 107941	32-510-56400-0000-1	1,456.19
Vendor Mobile Ag - Mobile Ag & Industrial Supply Inc. Total:					2,912.38
Vendor: Nutrien Ag Solutions - Nutrien Ag Solutions, Inc.					
Nutrien Ag Solutions, Inc.	44626787	05/17/2021	INV 44626787	30-500-56410-0000-1	2,044.19
Vendor Nutrien Ag Solutions - Nutrien Ag Solutions, Inc. Total:					2,044.19
Vendor: Office Depot - Office Depot					
Office Depot	161632654001	05/17/2021	Inv 161632654001	26-110-53100-8223-1	228.58
Office Depot	171511652	05/17/2021	Order# 171511652	01-155-57400-0000-1	94.71
Office Depot	171675654-001	05/17/2021	Order #171675654-001 - Chair	01-150-57200-0000-1	278.84
Vendor Office Depot - Office Depot Total:					602.13
Vendor: Our Home Town, Inc - Our Home Town, Inc.					
Our Home Town, Inc.	22454	05/17/2021	Inv.22454 March 2021 Tri-Age	01-12750-8218-1	328.84
Vendor Our Home Town, Inc - Our Home Town, Inc. Total:					328.84
Vendor: Principal Life - Principal Life Insurance Company					
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-105-50700-0000-1	6.85
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-110-50700-0000-1	3.85
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-115-50700-0000-1	6.93
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-140-50700-0000-1	1.54
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-150-50700-0000-1	107.80
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-155-50700-0000-1	5.39
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-160-50700-0000-1	1.54
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-165-50700-0000-1	5.39
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-175-50700-0000-1	9.24
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	01-180-50700-0000-1	24.64
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	20-200-50700-0000-1	0.39
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	30-500-50700-0000-1	38.08
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	31-505-50700-0000-1	5.54
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	32-510-50700-0000-1	52.32
Principal Life Insurance Compa April 2021		05/17/2021	Principal Life Insurance April 2	34-520-50700-0000-1	7.70
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-105-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-110-50700-0000-1	6.16
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-115-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-140-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-150-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-155-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-160-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-165-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-175-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	01-180-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	20-200-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	30-500-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	31-505-50700-0000-1	3.08
Principal Life Insurance Compa Jan 2021 Balance		05/17/2021	Jan 2021 Balance left over	32-510-50700-0000-1	3.08
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-105-50700-0000-1	6.85
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-110-50700-0000-1	3.85
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-115-50700-0000-1	6.93
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-140-50700-0000-1	1.54
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-150-50700-0000-1	107.80
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-155-50700-0000-1	5.39
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-160-50700-0000-1	1.54
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-165-50700-0000-1	5.39
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-175-50700-0000-1	9.24
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	01-180-50700-0000-1	24.64
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	20-200-50700-0000-1	0.39
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	30-500-50700-0000-1	38.08
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	31-505-50700-0000-1	5.54
Principal Life Insurance Compa May 2021		05/17/2021	Principal Life May 2021	32-510-50700-0000-1	52.32

Expense Approval Report

Post Dates: 5/16/2021 - 5/31/2021

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Principal Life Insurance Compa	May 2021	05/17/2021	Principal Life May 2021	34-520-50700-0000-1	7.70
Vendor Principal Life - Principal Life Insurance Company Total:					600.60
Vendor: Quad Knopf - Quad Knopf					
Quad Knopf	108234	05/17/2021	Invoice 108234	25-000-52960-8425-1	1,543.64
Vendor Quad Knopf - Quad Knopf Total:					1,543.64
Vendor: Quinn Co. - Quinn Co.					
Quinn Co.	WON60012600	05/17/2021	Inv - WON60012600	32-510-56400-0000-1	3,680.93
Vendor Quinn Co. - Quinn Co. Total:					3,680.93
Vendor: Roto Rooter - Roto Rooter					
Roto Rooter	632953560	05/17/2021	INV# 632953560 Monthly Mai	30-500-56410-0000-1	2,500.00
Vendor Roto Rooter - Roto Rooter Total:					2,500.00
Vendor: Rudy Nunez - Rudy Nunez					
Rudy Nunez	INV0018730	05/17/2021	Planning Commission Meeting	01-140-52200-0000-1	30.00
Vendor Rudy Nunez - Rudy Nunez Total:					30.00
Vendor: Ayo100 - Saul Ayon					
Saul Ayon	INV0018727	05/17/2021	Travel Expense Saul Ayon	01-105-52000-0000-1	137.93
Vendor Ayo100 - Saul Ayon Total:					137.93
Vendor: SJVAPCD - SJVAPCD					
SJVAPCD	S157767	05/17/2021	Inv - S157767 20/21 Annual T	32-510-53250-0000-1	501.00
SJVAPCD	S157883	05/17/2021	Inv - S157883 20/21 Annual Ai	32-510-53250-0000-1	501.00
Vendor SJVAPCD - SJVAPCD Total:					1,002.00
Vendor: The Gas Co. - SoCalGas					
SoCalGas	INV0018728	05/17/2021	Acct#096 962 2183 8 April 2020	01-190-58000-0000-1	19.18
Vendor The Gas Co. - SoCalGas Total:					19.18
Vendor: Telstar Instruments - Telstar Instruments					
Telstar Instruments	107702	05/17/2021	INV 107702 Services performe	30-500-56410-0000-1	691.25
Vendor Telstar Instruments - Telstar Instruments Total:					691.25
Vendor: Torpedo - Torpedo					
Torpedo	10357	05/17/2021	Inv 10357 Pest Control CH & C	01-185-52200-0000-1	100.00
Torpedo	10357	05/17/2021	Inv 10357 Pest Control CH & C	01-190-52200-0000-1	100.00
Vendor Torpedo - Torpedo Total:					200.00
Vendor: WestAir - WestAir Gases & Equipment, Inc.					
WestAir Gases & Equipment, Ir	80367564	05/17/2021	Inv 80367564	30-500-53800-0000-1	68.56
Vendor WestAir - WestAir Gases & Equipment, Inc. Total:					68.56
Grand Total:					82,750.94

Report Summary

Fund Summary

Fund	Payment Amount
01 - GENERAL FUND	4,003.84
20 - LIGHTING & LANDSCAPING-DISTRICT 1	3.86
25 - CAPITAL IMPROVEMENTS PROJECTS	9,993.64
26 - MISCELLANEOUS GRANTS	45,542.05
30 - SEWER	5,875.02
31 - REFUSE/RECYCLING	4,350.24
32 - WATER	12,702.88
34 - PUBLIC TRANSPORTATION	279.41
Grand Total:	82,750.94

Account Summary

Account Number	Account Name	Payment Amount
01-105-50700-0000-1	Life Insurance	16.78
01-105-52000-0000-1	Conferences/Meetings/Tr	137.93
01-110-50700-0000-1	Life Insurance	13.86
01-115-50700-0000-1	Life Insurance	16.94
01-12750-8218-1	Prepaid Payables- Others	328.84
01-130-57200-0000-1	Supplies - Office	124.59
01-140-50700-0000-1	Life Insurance	6.16
01-140-52200-0000-1	Contract Services	150.00
01-150-50700-0000-1	Life Insurance	218.68
01-150-54000-0000-1	Fuel	4.00
01-150-57200-0000-1	Supplies - Office	278.84
01-155-50700-0000-1	Life Insurance	13.86
01-155-51100-0000-1	Animal Disposal	220.50
01-155-51150-0000-1	Dog Clinic	71.53
01-155-54000-0000-1	Fuel	4.00
01-155-56600-0000-1	Repairs & Maintenance - '	149.71
01-155-57400-0000-1	Supplies - Operating	94.71
01-160-50700-0000-1	Life Insurance	6.16
01-165-50700-0000-1	Life Insurance	13.86
01-175-50700-0000-1	Life Insurance	21.56
01-180-50700-0000-1	Life Insurance	52.36
01-180-51800-0000-1	Clothing Allowance	313.64
01-180-54000-0000-1	Fuel	4.00
01-180-56430-0000-1	Repairs & Maintenance -	1,488.30
01-180-56440-0000-1	Repairs & Maintenance-Si	23.18
01-180-56600-0000-1	Repairs/Maintenance - Ve	10.67
01-185-52200-0000-1	Contract Services	100.00
01-190-52200-0000-1	Contract Services	100.00
01-190-58000-0000-1	Utilities	19.18
20-200-50700-0000-1	Life Insurance	3.86
25-000-52910-8405-1	Buildings & Improvement	4,640.00
25-000-52960-8425-1	Streets & Roads Capital	1,543.64
25-000-52960-8490-1	Streets & Roads Capital St	3,810.00
26-110-53100-8223-1	Grant Expenditures- Coun	228.58
26-110-53100-8505-1	Grant Expenditures SB2	45,000.00
26-110-53100-8520-1	Grant Expenditures- Best	313.47
30-500-50700-0000-1	Life Insurance	79.24
30-500-51800-0000-1	Clothing Allowance	347.79
30-500-53800-0000-1	Equipment Rental	68.56
30-500-54000-0000-1	Fuel	4.00
30-500-56410-0000-1	Repairs & Maintenance Er	5,235.44
30-500-56800-0000-1	Safety Equipment	139.99
31-505-50700-0000-1	Life Insurance	14.16
31-505-52800-0000-1	County Waste Managemen	4,336.08
32-510-50100-0000-1	Salaries - Permanent Emp	2,894.00

Account Summary

Account Number	Account Name	Payment Amount
32-510-50700-0000-1	Life Insurance	107.72
32-510-51800-0000-1	Clothing Allowance	225.66
32-510-53250-0000-1	Permits & Certificates	1,002.00
32-510-54000-0000-1	Fuel	4.00
32-510-56000-0000-1	Professional Services - Otl	334.50
32-510-56400-0000-1	Repairs & Maint - Build &	5,169.23
32-510-57400-0000-1	Supplies - Operating	2,418.27
32-510-58200-0000-1	Water/Soil/Other Analysis	547.50
34-520-50700-0000-1	Life Insurance	15.40
34-520-54000-0000-1	Fuel	4.01
34-520-56600-0000-1	Repairs & Maintenance - '	260.00
	Grand Total:	82,750.94

Project Account Summary

Project Account Key	Payment Amount
None	82,750.94
Grand Total:	82,750.94



Payroll Set: City-City of McFarland

Department: 105 - City Council

Employee Number	Pay Code	# of Payments	Units	Pay Amount
Ayo100	Salary - Elected - Salary - Elected	1	-	200.00
	Ayo100 - Ayon Total:		-	200.00
Cano100	Salary - Elected - Salary - Elected	1	-	200.00
	Cano100 - Cano Total:		-	200.00
GON300	Salary - Elected - Salary - Elected	1	-	200.00
	GON300 - Gonzalez Total:		-	200.00
PER100	Salary - Elected - Salary - Elected	1	-	200.00
	PER100 - Perez Total:		-	200.00
ROD200	Salary - Elected - Salary - Elected	1	-	200.00
	ROD200 - Rodriguez Total:		-	200.00
	105 - City Council Total:		-	1,000.00

Department: 110 - City Administration

Employee Number	Pay Code	# of Payments	Units	Pay Amount
CEJ100	Hourly - Hourly	1	76.00	2,424.40
	Salary - Salary	1	80.00	2,552.00
	Vacation - Vacation Pay	1	4.00	127.60
	CEJ100 - Ceja Total:		160.00	5,104.00
	110 - City Administration Total:		160.00	5,104.00

Department: 115 - Finance & Accounting

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ALV100	Hourly - Hourly	2	147.00	3,663.02
	ALV100 - Alvarado Total:		147.00	3,663.02
CHA100	Hourly - Hourly	2	136.00	2,399.04
	CHA100 - Chavez Total:		136.00	2,399.04
ESP100	Hourly - Hourly	2	148.50	2,373.03
	ESP100 - Esparza Lopez Total:		148.50	2,373.03

[LAR200](#)

Hourly - Hourly	2	160.00	4,401.60
OT - Overtime	2	6.00	247.60
LAR200 - Lara Total:		166.00	4,649.20

[VAS200](#)

Hourly - Hourly	2	81.83	1,443.48
Vacation - Vacation Pay	1	23.92	421.95
VAS200 - Vasquez Total:		105.75	1,865.43

115 - Finance & Accounting Total: 703.25 14,949.72

Department: 140 - Planning

Employee Number	Pay Code	# of Payments	Units	Pay Amount
DEL100	Hourly - Hourly	1	80.00	1,944.80
	Salary - Salary	1	80.00	1,944.80
	DEL100 - DeLeon Total:		160.00	3,889.60
	140 - Planning Total:		160.00	3,889.60

Department: 150 - Police

Employee Number	Pay Code	# of Payments	Units	Pay Amount
ALB100-142	Hourly - Hourly	2	168.00	4,509.12
	OT - Overtime	1	4.00	161.04
	ALB100-142 - Alberto Total:		172.00	4,670.16
DEW100-147	Hourly - Hourly	2	168.00	5,228.16
	OT - Overtime	2	71.50	3,337.62
	PD On-Call - PD On-Call	2	108.00	2,160.00
	DEW100-147 - Dewar Total:		347.50	10,725.78
DIN100-96	Hourly - Hourly	2	160.00	3,038.40
	OT - Overtime	2	96.75	2,896.70
	DIN100-96 - Dionicio Total:		256.75	5,935.10
GAL100-149	Hourly - Hourly	2	168.00	4,977.84
	OT - Overtime	2	21.00	933.35
	PD On-Call - PD On-Call	1	20.00	400.00
	GAL100-149 - Galvan Total:		209.00	6,311.19
GAR100-146	Hourly - Hourly	2	144.00	3,864.96
	OT - Overtime	2	16.00	644.16
	GAR100-146 - GARCIA Total:		160.00	4,509.12
HAN100-112	Hourly - Hourly	2	168.00	5,631.36
	OT - Overtime	2	73.50	3,695.58
	PD On-Call - PD On-Call	2	128.00	2,560.00
	HAN100-112 - Hankins II Total:		369.50	11,886.94

[HAS100-143](#)

Hourly - Hourly	2	160.00	2,620.80
OT - Overtime	2	93.00	2,285.01
HAS100-143 - Hasnain Total:		253.00	4,905.81

[HEL100-128](#)

Hourly - Hourly	2	132.00	4,645.49
OT - Overtime	2	41.00	2,164.38
PD On-Call - PD On-Call	2	116.00	2,320.00
Vacation - Vacation Pay	1	36.00	1,266.95
HEL100-128 - Helton Total:		325.00	10,396.82

[HER100-130](#)

Hourly - Hourly	2	168.00	4,737.60
OT - Overtime	2	25.50	1,078.65
HER100-130 - Hernandez Total:		193.50	5,816.25

[HER100-144](#)

Hourly - Hourly	2	168.00	4,509.12
OT - Overtime	2	19.00	764.94
HER100-144 - Hernandez Total:		187.00	5,274.06

[LOP125](#)

Hourly - Hourly	2	160.00	2,892.80
OT - Overtime	2	37.00	1,003.44
LOP125 - Lopez Total:		197.00	3,896.24

[New100-148](#)

Hourly - Hourly	1	48.00	1,493.76
OT - Overtime	1	13.00	606.84
PD On-Call - PD On-Call	1	26.00	520.00
New100-148 - Newhouse Total:		87.00	2,620.60

[RIV100-120](#)

Hourly - Hourly	2	144.00	4,809.92
OT - Overtime	2	47.50	2,329.88
PD On-Call - PD On-Call	2	115.00	2,300.00
Vacation - Vacation Pay	1	24.00	784.80
RIV100-120 - Rivera Total:		330.50	10,224.60

[WIL100-150](#)

Salary - Salary	2	164.00	11,538.46
WIL100-150 - Williams Total:		164.00	11,538.46
150 - Police Total:		3,251.75	98,711.13

Department: 155 - Animal Control

Employee Number	Pay Code	# of Payments	Units	Pay Amount
MAY100	Hourly - Hourly	2	149.00	3,713.08
	OT - Overtime	2	10.41	389.13
	MAY100 - Maya Total:		159.41	4,102.21
	155 - Animal Control Total:		159.41	4,102.21

Department: 160 - Building Inspection

Employee Number	Pay Code	# of Payments	Units	Pay Amount
RON100	Hourly - Hourly	2	152.00	5,222.72
	OT - Overtime	2	10.00	515.41
	Vacation - Vacation Pay	1	4.00	137.44
	RON100 - Ronk III Total:		166.00	5,875.57
	160 - Building Inspection Total:		166.00	5,875.57

Department: 175 - Grants Administration

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GAR200	Hourly - Hourly	1	71.00	1,726.01
	Personal - Personal Day	1	9.00	218.79
	Salary - Salary	1	80.00	1,944.80
	GAR200 - Garcia Total:		160.00	3,889.60
LAR100	Salary - Salary	2	160.00	8,238.46
	LAR100 - Lara Total:		160.00	8,238.46
	175 - Grants Administration Total:		320.00	12,128.06

Department: 180 - Public Works

Employee Number	Pay Code	# of Payments	Units	Pay Amount
Brau100	Hourly - Hourly	2	151.00	2,296.71
	OT - Overtime	2	22.00	501.93
	Brau100 - Braudrick Total:		173.00	2,798.64
GON200	Hourly - Hourly	5	165.00	8,122.63
	Salary - Salary	2	-	-
	GON200 - Gonzales Total:		165.00	8,122.63
GUE100	Hourly - Hourly	2	142.00	3,368.24
	OT - Overtime	1	11.00	391.38
	GUE100 - Guerra Total:		153.00	3,759.62
MAR100	Hourly - Hourly	2	151.00	2,354.09
	OT - Overtime	1	6.00	140.31
	Vacation - Vacation Pay	1	1.62	25.26
	MAR100 - Martinez Total:		158.62	2,519.66
PEN300	Hourly - Hourly	2	148.00	2,424.24
	OT - Overtime	1	6.00	147.42
	Vacation - Vacation Pay	1	4.15	67.98
	PEN300 - Pena Total:		158.15	2,639.64

[TEL100](#)

Hourly - Hourly	2	147.00	2,291.73
OT - Overtime	1	6.00	140.31
Vacation - Vacation Pay	1	9.00	140.31
TEL100 - Tellez Total:		162.00	2,572.35
180 - Public Works Total:		969.77	22,412.54

Department: 200 - Lighting & Landscaping

Employee Number	Pay Code	# of Payments	Units	Pay Amount
VAZ-100	Hourly - Hourly	2	151.00	2,307.28
	OT - Overtime	1	6.00	137.52
	VAZ-100 - Vasquez Total:		157.00	2,444.80
	200 - Lighting & Landscaping Total:		157.00	2,444.80

Department: 500 - Sewer

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GON400	Hourly - Hourly	2	160.00	5,104.00
	OT - Overtime	2	5.50	263.18
	GON400 - Gonzalez Total:		165.50	5,367.18
MED100	Holiday - Holiday Pay	1	76.00	1,214.48
	Hourly - Hourly	1	80.00	1,278.40
	OT - Overtime	1	22.00	527.34
	MED100 - Medina Total:		178.00	3,020.22
	500 - Sewer Total:		343.50	8,387.40

Department: 510 - Water

Employee Number	Pay Code	# of Payments	Units	Pay Amount
GOM100	Hourly - Hourly	2	149.00	2,501.71
	OT - Overtime	2	10.00	251.85
	Vacation - Vacation Pay	1	5.31	89.15
	GOM100 - Gomez Total:		164.31	2,842.71
SAL100	Hourly - Hourly	2	106.00	2,168.76
	OT - Overtime	2	16.00	491.04
	Vacation - Vacation Pay	1	18.00	368.28
	SAL100 - Salgado Total:		140.00	3,028.08
	510 - Water Total:		304.31	5,870.79

Department: 520 - Public Transit

Employee Number	Pay Code	# of Payments	Units	Pay Amount
MOR100	Hourly - Hourly	2	151.00	2,473.38
		MOR100 - Moreno Total:	151.00	2,473.38
		520 - Public Transit Total:	151.00	2,473.38
		Report Total:	6,845.99	187,349.20



Payroll Set: City-City of McFarland

Account	Account Description	Units	Pay Amount
01-105-50100-0000-1	Salaries - Permanent Employees	90.00	2,800.49
01-110-50100-0000-1	Salaries - Permanent Employees	68.00	2,952.82
01-115-50100-0000-1	Salaries - Permanent Employees	82.00	1,920.24
01-115-50200-0000-1	Overtime	1.50	61.90
01-140-50100-0000-1	Salaries - Permanent Employees	191.20	4,961.63
01-140-50200-0000-1	Overtime	2.00	103.09
01-150-50100-0000-1	Salaries - Permanent Employees	2,730.00	77,812.98
01-150-50200-0000-1	Overtime	521.75	20,898.15
01-155-50100-0000-1	Salaries - Permanent Employees	155.61	4,237.06
01-155-50200-0000-1	Overtime	2.00	103.09
01-160-50100-0000-1	Salaries - Permanent Employees	31.20	1,072.03
01-160-50200-0000-1	Overtime	2.00	103.09
01-165-50100-0000-1	Salaries - Permanent Employees	66.20	2,009.21
01-165-50200-0000-1	Overtime	2.00	103.09
01-175-50100-0000-1	Salaries - Permanent Employees	191.20	4,961.64
01-175-50200-0000-1	Overtime	2.00	103.05
01-180-50100-0000-1	Salaries - Permanent Employees	601.52	11,792.68
01-180-50200-0000-1	Overtime	26.27	751.56
01 - GENERAL FUND Total:		4,766.45	136,747.80
20-200-50100-0000-1	Salaries/Permanent Employees	216.98	3,370.61
20-200-50200-0000-1	Overtime	8.73	205.38
20 - LIGHTING & LANDSCAPING-DISTRICT 1 Total:		225.71	3,575.99
30-500-50100-0000-1	Salaries - Permanent Employees	704.53	20,328.25
30-500-50200-0000-1	Overtime	29.00	852.42
30 - SEWER Total:		733.53	21,180.67
31-505-50100-0000-1	Salaries - Permanent Employees	99.01	1,823.02
31-505-50200-0000-1	Overtime	1.50	61.90
31 - REFUSE/RECYCLING Total:		100.51	1,884.92
32-510-50100-0000-1	Salaries - Permanent Employees	819.29	20,179.72
32-510-50200-0000-1	Overtime	49.50	1,306.72
32 - WATER Total:		868.79	21,486.44
34-520-50100-0000-1	Salaries - Permanent Employees	151.00	2,473.38
34 - PUBLIC TRANSPORTATION Total:		151.00	2,473.38
Report Total:		6,845.99	187,349.20



City of McFarland, CA

Pay Code Report

Pay Code Summary

5/1/2021 - 5/31/2021

Payroll Set: City-City of McFarland

Pay Code	Description	# of Payments	Units	Pay Amount
Holiday - Holiday Pay	Holiday Pay	1	76.00	1,214.48
Hourly - Hourly	Hourly	68	4,858.33	118,961.68
OT - Overtime	Overtime	44	695.66	26,046.01
PD On-Call - PD On-Call	PD On-Call	10	513.00	10,260.00
Personal - Personal Day	Personal Day	1	9.00	218.79
Salary - Salary	Salary	9	564.00	26,218.52
Salary - Elected - Salary - I	Salary - Elected Officials	5	-	1,000.00
Vacation - Vacation Pay	Vacation Pay	10	130.00	3,429.72
Report Total:			6,845.99	187,349.20

REGULAR CITY COUNCIL MINUTES
IN PERSON MEETING
May 27, 2021

McFARLAND CITY COUNCIL
McFARLAND SUCCESSOR AGENCY
McFARLAND PUBLIC FINANCE AUTHORITY
McFARLAND IMPROVEMENT AUTHORITY
McFARLAND PARKING AUTHORITY

CALL TO ORDER

Mayor Gonzalez called the meeting to order at 6:00 p.m.

ROLL CALL

Council Members Present: Gonzalez (Mayor), Pérez, Ayon, Cano

Council Members Absent: Rodriguez

*Councilmember Rodriguez joined the meeting at 7:03 p.m.

OFFICIALS PRESENT

City Manager Lara, Chief of Police Williams, Interim City Attorney Hodges, City Clerk Alvarado, Acting Community Development Director Ronk, Accounting Supervisor Lara, Public Works Director Mario Gonzales

INVOCATION

Councilmember Cano

PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Pérez

PRESENTATIONS AND PROCLAMATIONS

Certificate of recognition was presented to The Medina Family- Per Chief Kenny Williams.

PUBLIC COMMENTS

Jerod Smeenk- 1521 W. F Ave Nevada, Iowa–Agreement to purchase land from the City for San Joaquin Renewables Environmental Project estimating groundbreaking will be one year from now. Thanked city staff for their support.

Veronica Olguin- 464 San Juan St McFarland – Had a complaint against the McFarland Police Department regarding an incident that happened on May 25, 2021.

Mayor asked Ms. Olguin if she had informed Chief of Police Kenny Williams or MPD of the incident that she was stating Ms. Williams said no then Mayor instructed Olguin to get in contact with the Chief. She agreed and Chief Williams handed her his city business card.

Margie Martinez – 212 7th Street McFarland- Thanked everyone who helped clean up Perkins and Garzoli Ave. asked about weed abatement before the Fourth of July?

Acting Community Development Director L. Ronk said he would address her weed abatement concern.

Bobby A. Sharp – 799 5th Street Apt 124 McFarland- Cross Point Baptist Church (Agenda Item #5)- Mr. Sharp clarified to council on his contributions and agreement with the city for the rental of the veterans hall.

Public comment closed 6:19 p.m.

CONSENT AGENDA

1. Motion was made by: Councilmember Ayon to approve the warrant register for **\$450,642.02** from May 1, 2021 through May 15, 2021; 2nd by: Councilmember Cano

Vote: 3/0

Ayes: Ayon, Cano, Pérez

Nays: None

Absent: Rodriguez

Abstentions: Gonzalez (Mayor)

***Mayor Gonzalez recused herself from item #1 due to marriage.**

2. Motion was made by: Councilmember Ayon to approve minutes of Regular City Council Meeting of May 13, 2021; 2nd by: Councilmember Cano.

Vote: 4/0

Ayes: Ayon, Cano, Pérez, Gonzalez (Mayor)

Nays: None

Absent: Rodriguez

Abstentions: None

PUBLIC HEARINGS

None

DEPARTMENTAL REPORTS

- a. **Administration** – City Manager Lara informed that City Hall will be closed Monday for Memorial Day Holiday. She stated that beginning June 1, 2021, City Hall hours of operation would be from 8-5 pm Monday through Friday.
- b. **Police Department** – Chief Williams introduced his new Administrative Assistant Catalina Nunez to the community. He also informed that MPD will be working closely with Kern County Fire Department during firework season and informed of tip line to report illegal fireworks.
- c. **Finance Department**- Finance Director F. Lara informed council that with the documents he provided to the auditors he is ready to have them come out to do a field audit. He also stated that he is working on the new budget draft. Mr. Lara informed the community of a new payment method (DOXO Pay) on our city website they can use to pay their water bill free of charge with their ACH information.
- d. **Public Works Department**- Public Works Director Gonzales gave brief overview on the status of all his departments and informed them of what they are currently working on. Street sweeping not working soon to be repaired. Villa Del Caribe Park energizing one week delay. EV Charging station 3-4 weeks away from receiving the needed equipment. 6th street over lay between Robertson and Sherwood and over lay between 5 and 6th street going out to bid 3rd of June.
- e. **Community Development**- Acting Community Development Director Ronk informed about the General Plan update EIR meeting scheduled for June 22 from 3-5 p.m. and invited the community to attend. He informed that due to new City Hall hours building permits, and inspections will only be done Monday through Thursday.

ADMINISTRATIVE AGENDA

3. Council instructed City Manager Lara to remind/ educate city staff of the city's protocol for media inquiries: Employee Handbook Section 2.28 News Media Contact states the following: "Employees may be approached for interviews or comments by the news media. No employee may comment on City Policy or decisions unless expressly authorized to do by the City Manager"
4. Mayor Gonzalez appointed herself to be seated on the GEO Community Relations Board and appointed Council member Saul Ayon to attend in her absence.
5. Council instructed staff and City Attorney to review and revise McFarland's Policy Governing Rental of City Property, including, but not limited to, the Veteran Hall Rental Policy and any Rental Agreement.
6. Motion was made by: Councilmember Rodriguez to approve awarding contract to Dee Jasper for conducting Urban Water Management Plan for the City of McFarland; 2nd by: Councilmember Cano.
Vote: 5/0
Ayes: Rodriguez, Ayon, Cano, Pérez, Gonzalez (Mayor)
Nays: None
Absent: None

Abstentions: None

*Councilmember Rodriguez joined the meeting at 7:03 p.m.

7. Motion was made by: Councilmember Ayon to approve the use of funding from the American Rescue Plan Act to purchase a new Animal Control Vehicle; 2nd by: Mayor Pro-Tem Pérez.

Vote: 5/0

Ayes: Ayon, Pérez, Rodriguez, Cano, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

8. Motion was made by: Councilmember Ayon to approve **Resolution No. 2021-0033 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND APPROVING THE ADMINISTERING AGENCY-FEDERAL MASTER AGREEMENT AND THE FINANCE LETTER FOR HSIPL-5343 (018) UPGRADE UNCONTROLLED CROSSWALK AND THE INTERSECTION OF W. PERKINS AVENUE AND 3RD PLACE, E PERKINS AVENUE AND SAN LUCAS, E PERKINS AVENUE AND SANPEDRO STREET, E SHERWOOD AVENUE AND BROWNING ROAD, AND W KERN AVENUE AND 4TH STREET AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN** and authorize City Manager to execute the agreement with State Of California Department Of Transportation; 2nd by: Councilmember Cano.

Vote: 5/0

Ayes: Ayon, Cano, Pérez, Rodriguez, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

9. Motion was made by: Councilmember Cano to approve **Resolution No. 2021-0034 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AMENDING THE CITY'S PROCEDURES FOR PUBLIC COMMENT DURING CITY COUNCIL MEETINGS**; 2nd by: Councilmember Ayon.

Vote: 5/0

Ayes: Cano, Ayon, Pérez, Rodriguez, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

10. Motion was made by: Mayor Pro-Tem Pérez to approve **Resolution No. 2021-0035 A RESOLUTION OF THE CITY COUNCIL OF CITY OF MCFARLAND APPROVING THE PROJECT LIST FOR FY 2021-22 FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM**; 2nd by: Councilmember Ayon.

Vote: 5/0

Ayes: Pérez, Ayon, Cano, Rodriguez, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

11. Mayor opened the public hearing at 8:38 p.m. There was one comment made by an audience member Margie Martinez (212 7th Street McFarland) which asked council to clarify the amount of yards sales this ordinance would allow and the age limit of the person requesting the permit. City Attorney said there was no age limit and its two per person per year. Mayor closed public hearing at 8:43 p.m.

Motion by Councilmember Ayon, second by Councilmember Rodriguez, to waive the reading of the ordinance text in its entirety and introduce **Ordinance No. 0003-2021**.

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING GARAGE SALES/YARD SALES AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.48 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.010, 5.48.020, AND 5.48.030, AND ENACT SECTIONS 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.110, and 5.48.120, MCFARLAND MUNICIPAL CODE.

Vote: 5/0

Ayes: Ayon, Rodriguez, Cano, Perez, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

Council directed staff to place **Ordinance No. 0003-2021** on June 10, 2021, Regular City Council Meeting agenda for second reading and adoption.

12. Mayor opened the public hearing at 8:46 p.m. There were no comments. Mayor closed at 8:47 p.m.

Motion by Councilmember Rodriguez, second by Councilmember Ayon, to waive the reading of the ordinance text in its entirety and introduce ***Ordinance No. 0004-2021***.

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING VENDING FROM VEHICLES AND LICENSE TAXES – RATES, AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.44 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.020, AND 5.48.060, AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.04, SECTION 5.04.140, MCFARLAND MUNICIPAL CODE.

Vote: 5/0

Ayes: Rodriguez, Ayon, Cano, Perez, Gonzalez (Mayor)

Nays: None

Absent: None

Abstentions: None

Council directed staff to place ***Ordinance No. 0004-2021*** on June 10, 2021, Regular City Council Meeting agenda for second reading and adoption.

ORAL REPORTS FROM CITY COUNCIL ON COMMITTEES

- a. Delano Mosquito Abatement District (DMAD) – Council Member Cano – Informed the community that Delano Mosquito Abatement is sending notice to residents to clean their pools to avoid mosquitos.
- b. Kern Council of Governments (KCOG) – Mayor informed that the construction on HWY 99 has been extended until February 2022.
- c. McFarland Tri-Agency Partners (MTAP) – Mayor spoke to Mr. Nickell’s and is still working on contacting Mr. Rezendes.
- d. Kern Economic Development Corporation (KEDC) – None to report
- e. Kern County Association of Cities (KCAC) – None to report
- f. Poso Creek IRWMP- Councilmember Ayon- Meeting was cancelled.

COUNCIL STATEMENTS

Council Member Ayon- Informed of good outcome from the Ad Hoc Committee and stated morning staff meetings are too long and time consuming for staff members.

Mayor Pro-Tem Pérez- Thanked everyone for being here and the Lions Club. Sent her condolences to Letty Blanchard’s (Former Planning Commissioner) family for her recent passing.

Council Member Cano- Encouraged the community to attend City public workshops he stated they are very informative. Thanked public works department and everyone who attended the meeting.

Council Member Rodriguez- Thanked the staff and nonprofits for the services they provide to our city.

Mayor Gonzalez- Thanked all city employees, city attorney and the community.

***Motion to adjourn at 8:59 p.m.**

ADJOURNMENT

Meeting adjourned at 8:59 p.m.

Francisca Alvarado, City Clerk

MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and City Council

FROM: Maria Lara, City Manager

DATE: June 2, 2021

SUBJECT: Report and discussion and possible approval for a \$5,000 donation to the McFarland Recreation and Parks for Annual Independence Day Fireworks show.

BACKGROUND:

Staff was contacted by Mr. Jeff Nickell, District Manager of the McFarland Recreation and Park District (MRPD) seeking a \$5,000.00 sponsorship for the longtime McFarland annual Independence Day Fireworks (a day early on July 3rd) tradition. For the last two years, this event was unable to be held due to COVID-19 protocols that prohibited large gatherings and required people to remain separated by at least six feet of distance.

In previous years, the City of McFarland has donated the same amount to support this exciting event that celebrates the birth of our country. Due to COVID-19 Pandemic many fundraising activities and events were cancelled, such as Cinco de Mayo Festival, which help fund this yearly event.

MRPD and the Festival Committee have been aggressively fundraising by reaching out to local businesses and sponsors to ensure McFarland residents celebrate Independence Day this year. The firework show costs are approximately \$15,000.00 and is outstanding, we hope it welcomes everyone back from a year under COVID-19.

RECOMMENDATION:

Staff recommends that City Council approve the donation of \$5,000.00 to the McFarland Recreation and Park District for the Firework show.

FISCAL IMPACT:

\$5,000.00 to the General Fund: 01-130-53500 Non-Departmental-Contributions and Donations

ATTACHMENTS:

Attachment 1 – Sponsorship Letter



100 South Second Street / P.O. Box 337

McFarland, CA 93250-0337

Ph: (661) 792-3187 / Fax: (661) 792-6846

www.mcfarlandrpd.com

"Dedication to the Quality of Community Life"

May 3, 2021

To Whom It May Concern:

The McFarland Recreation and Park District and the McFarland Festival Committee are seeking sponsors for our annual Independence Day Fireworks (a day early on July 3).

This is a yearly event that is usually paid for by proceeds from the Cinco de Mayo Festival. This is the second consecutive year we have not been able to put on that event. However, we are now ready to start serving McFarland's residents again and would like to do it with a bang.

The show costs \$15,000 and is outstanding. We have used the same company for years and people come from Delano, Shafter, Wasco and even Bakersfield to see it. Several companies have already donated!

All of us in the Festival Committee and at MRPD are so excited to celebrate the birth of our country and reopening our services! Help us make this a reality. Our tax identification number is 77-0277474.

Sincerely,

Jeff Nickell, MA
Chair, Independence Day Festival
McFarland Festival Committee

District Manager
McFarland Recreation and Park District

MEMORANDUM

CITY OF MCFARLAND

TO: Honorable Mayor and Council Members

FROM: Maria Lara, City Manager
Larry A Ronk III, Acting Community Development Director
Kenny Williams, Chief of Police

DATE: June 10, 2021

SUBJECT: Report, Discuss, and Possible Approve Urgency Firework Ordinance No. 0005-2021.

SUMMARY:

The City of McFarland has been noticing an increase in illegal fireworks during the month of June and July in the past. This urgency ordinance will allow for the Chief of Police and/or designees to issue administrative citations for illegal firework violations. The ordinance will allow for the City to help prevent not only the use of illegal fires but prevent any fires from occurring due to the fireworks.

The City staff and Police Department have been working on ways to help prevent these items from happening and creating a possible fire that risk the safety of the residents. The adoption of this ordinance will give the Chief and designees the right to issue citations to help prevent the use of illegal fireworks within the City Limits.

RECOMMENDATION:

Staff recommends the City Council to adopt the Firework Urgency Ordinance No. 0005-2021.

FISCAL IMPACT: LEGAL FEES

ATTACHMENTS:

ORDINACE NO. 0005-2021

ORDINANCE NO. 0005-2021

**AN URGENCY ORDINANCE OF THE CITY OF
MCFARLAND AMENDING CERTAIN PORTIONS OF
CHAPTERS 1.14, AND 8.08 OF THE MCFARLAND
MUNICIPAL CODE RELATING TO ADMINISTRATIVE
CITATIONS AND FINES FOR VIOLATIONS OF THE
CITY'S FIREWORKS REGULATIONS**

Section 1. Recitals.

WHEREAS, the use of illegal fireworks has sparked fires throughout the City of McFarland ("City) and caused fire crews to respond to fires caused by illegal and dangerous fireworks; and

WHEREAS, the use of illegal fireworks create a significant hazards to personal safety and property; and

WHEREAS, the Police Department receives numerous calls related to the use of fireworks in the days leading up to and after the 4th of July holiday each year; and

WHEREAS, the use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult; and

WHEREAS, in order to address this serious public safety issue, City staff has sought ways to deter the possession and lighting of illegal fireworks in the City, including by increasing penalties; and

WHEREAS, there is a need to amend the regulations to further deter the use of illegal fireworks within the City; and

WHEREAS, the City Council has determined that the public health, safety, and welfare will be served by: (1) authorizing the Chief of Police or designees to issue administrative citations for illegal firework violations; (2) authorizing the City Council to establish administrative fines by separate resolution; and (3) authorizing the issuance of a citation to a property owner or person leasing or occupying property where an illegal firework is observed.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND
DOES ORDAIN AS FOLLOWS:**

Section 2. **Urgency Findings.** In accordance with California Government Code, Section 36937 an in order to protect the public health, safety and welfare, the City Council of the City of McFarland find as follows:

- A. The use of fireworks within the City is ongoing, and enforcement of these regulations has proven difficult. The use of illegal fireworks cause property damage and a danger to life.

The Council, therefore, adopts this Urgency Ordinance to become effective immediately upon adoption pursuant to Government Code Section 36937 and to remain in effect until rescinded to provide City enforcement officials with a means to deter the use of illegal fireworks.

- B. In addition, the City wishes to have these new regulations in place for the 2021 4th of July celebration when access and use of illegal fireworks increases throughout the region. The City would like to further mitigate the use of illegal fireworks in order to protect the public peace, health, and safety of its residents.
- C. The City Council also finds that this Urgency Ordinance is necessary to promote the immediate preservation of the public peace, health, and safety by establishing administrative fines for the possession or use of fireworks and their associated dangers within City's boundaries.
- D. Finally, the City Council finds that the regulation contained in this Urgency Ordinance are reasonable in order to preserve the public peace, health, and safety of its residence ahead of the 4th of July holiday.

Section 3. Section 1.14.020 of Title 1, Chapter 1.14 of the McFarland Municipal Code is hereby amended to read as follows:

“Responsible person” means a natural person or legal entity, that an officer determines is responsible for causing or maintaining a violation of this code, who is the owner, tenant, cotenant, lessee, sublessee or other person with any right to possession of the property where a violation of city codes occurs that is related to the use of property; the owner, majority stockholders, corporate officers, trustees, and general partners of a legal entity; and the on-site manager who normally works daily at the site and is responsible for the activities at such premises. Responsible person also includes the parent of legal guardian of a minor that commits a violation of this code.”

Section 4. Section 1.14.040 of Title 1, Chapter 1.14 of the McFarland Municipal Code is hereby amended to read as follows:

- E. Notwithstanding the foregoing, Violations of Section 8.08.020 of this code shall subject a responsible person to an immediate administrative citation and fine in an amount determined by separate resolution of the City Council. Fines for fireworks violations shall be due within seven calendar days of the date of issuance of the administrative citation or the date noted on the administrative citation, whichever is sooner.

Section 5. Title 8, Chapter 8.08 of the McFarland Municipal Code is hereby amended to read and renumbered, after inserting the following new 8.08.010 and 8.08.020, as follows:

8.08.010 – Dangerous Fireworks defined.

The term “dangerous fireworks,” as used in this chapter, shall be the same as set forth in the Health and Safety Code, Section 12505.

8.08.020. – Prohibition.

It is unlawful for any person or entity in the city to sell, offer for sale, give away, discharge or have in his or her or its possession or custody any dangerous fireworks, as defined in Section 8.08.010.

<u>Previous Code Section Number</u>	<u>New Code Section Number</u>
<u>8.08.010</u>	<u>8.08.030</u>
<u>8.08.020</u>	<u>8.08.040</u>
<u>8.08.030</u>	<u>8.08.050</u>
<u>8.08.040</u>	<u>8.08.060</u>
<u>8.08.050</u>	<u>8.08.070</u>
<u>8.08.060</u>	<u>8.08.080</u>
<u>8.08.070</u>	<u>8.08.090</u>
<u>8.08.080</u>	<u>8.08.100</u>
<u>8.08.090</u>	<u>8.08.110</u>
<u>8.08.100</u>	<u>8.08.120</u>
<u>8.08.110</u>	<u>8.08.130</u>
<u>8.08.120</u>	<u>8.08.140</u>
<u>8.08.130</u>	<u>8.08.150</u>

8.08.150 - Violation—Penalty.

- A. The Chief of Police or his or her designee, upon determining a violation of 8.08.020, may issue an administrative citation, in accordance with Chapter 1.14 to the responsible party.
 1. The City Council may establish an administrative fine for violation of Chapter 8.08.020 by separate resolution.
- B. Additionally, Persons violating this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the city or county jail for a period not to exceed thirty days, or by both such fine and imprisonment. Further, the license shall be revoked.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 7. CEQA Determination. The City Council finds that this urgency ordinance is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) & (3) as there is no potential for physical changes to the environment as this

ordinance implements administrative regulations only for the possession, sale and discharge of fireworks only.

Section 8. **Effective Date.** This Urgency Ordinance was adopted by the necessary 4/5th vote of the members of the City Council pursuant to California Government Code §§36934 and 36937 and shall take effect immediately upon its adoption for the preservation of public health, safety, and welfare.

Section 9. **Certification; Publication.** The City Clerk shall certify to the passage and adoption of this Urgency Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California, on the ____ day of June, 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Gonzalez				
Maria T. Perez				
Eric Rodriguez				
Saul Ayon				
Ricardo Cano				

Sally Gonzalez, Mayor

I hereby certify that the foregoing Urgency Ordinance was duly and regularly adopted by the City Council of the City of McFarland at a regular meeting thereof held on the ____ day of June, 2021.

ATTEST:

Francisca Alvarado, City Clerk

**MEMORANDUM
CITY OF MCFARLAND**

TO: Honorable Mayor and City Council Members

FROM: Larry Ronk, Acting Community Development Director

DATE:

SUBJECT: Authorizing Submission of a Special Assessment on 264 Browning Road
APN 201-164-20-00-8 to be placed on Tax Roll.

Recommendation:

Staff recommends the approval and adoption of A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, and AUTHORIZING SPECIAL ASSESSMENT ON 264 BROWNING ROAD (APN 201-164-20-00-8) TO BE PLACED ON TAX ROLL.

Discussion:

City staff must submit annually a Resolution to the County of Kern Auditor-Controller's Office for the Special Assessment for Code Enforcement. Staff will be submitting a Special Assessment on the following property 264 Browning Road, McFarland, CA 93250 in the amount of \$360.00 for the continuing of the rental fence rental fee that is securing the property.

FISCAL IMPACT:

This Resolution will have no impact on the General Fund.

ATTACHMENT:

- 1- Resolution
- 2- Exhibit A

RESOLUTION NO. 2021- 0036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, AUTHORIZING SPECIAL ASSESSMENT ON 264 BROWNING ROAD (APN 201-164-20-00-8 TO BE PLACED ON TAX ROLL

WHEREAS, the City Council has adopted Chapter 1.14 of the McFarland Municipal Code, which authorizes the issuance of civil citations that impose fines upon persons who violate the Municipal Code of the City of McFarland; and

WHEREAS, certain civil citations have been issued and the civil fines imposed thereby have not been paid by the responsible persons who committed the Municipal Code violations; and

WHEREAS, Government Code section 38773.5 authorizes the City of McFarland to collect delinquent fines, interest, and penalties as part of nuisance abatement procedures; and

WHEREAS, on May 17, 2018 the City Council authorized the establishment of a new special assessment fund with the County of Kern to collect administrative citations as a special assessment against the real property involved pursuant to Section 1.14.030 of the McFarland Municipal Code and Government Code Section 38773.5.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of McFarland, California, as follows:

SECTION 1: The County Auditor-Controller's Office is authorized to impose a special assessment on the addresses listed in Exhibit A, incorporated herein by reference, as authorized by Government Code Section 38773.5 and McFarland Municipal Code Section 1.14.030.

SECTION 2: The special assessment designated on Exhibit A is hereby certified as being delinquent civil fines, interest and penalties owing to the City of McFarland and qualified for collection as special assessments under the Government Code. This special assessment is exempt from Proposition 218.

SECTION 3: City staff is authorized to submit the special assessment rate code and rate designated in Exhibit B, incorporated herein by reference, to the County Auditor-Controller's Office.

PASSED, APPROVED, AND ADOPTED this _____TH day of _____, 202.

AYES:

NOES:

ABSENT:
ABSTAIN:

Sally Gonzalez, Mayor of the
City of McFarland, California

ATTEST:

Francisca Alvarado, City Clerk of the
City of McFarland, California

I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of McFarland at a regular meeting thereof held on_____, 2020.

Francisca Alvarado, City Clerk of the
City of McFarland, California

EXHIBIT A

APN/ADDRESS	PROPERTY OWNER NAME/ADDRESSES	AMOUNT DUE
APN 201-164-20-00-8/ 264 BROWNING ROAD McFarland, CA 93250	Soto, Lupe Mailing Address: 2006 Poplar Ave Delano, CA 9315	\$20,627.90
APN 201-164-20-00-8/ 264 BROWNING ROAD McFarland, CA 93250	Soto, Lupe Mailing Address: 2006 Poplar Ave Delano, CA 9315	\$360.00
APN 201-031-04-4 974 FRONTAGE ROAD McFarland, CA 93250	Gonzalez, Elias Mailing Address: 5307 Via Venezia Bakersfield, CA 93306	649.00
APN 201-031-04-4 974 FRONTAGE ROAD McFarland, CA 93250	Gonzalez, Elias Mailing Address: 5307 Via Venezia Bakersfield, CA 93306	\$10,439.00

EXHIBIT B

APN	ACTION	RATE	MULTIPLIER	AMOUNT
201-164-20-00-8		00		\$20,448.18
201-164-20-00-8		00		\$360.00
201-031-04-00-3		00		649.00
201-031-04-00-3		00		\$10,439.00

Exhibit A

Fund	ATN	Action Code	Rate Code	Multiplier	Flat Amount
20412	20116420008	C	OO		\$ 20,627.90
20412	20116420008	C	OO		\$ 360.00
20412	20116420008	A	OO		\$ 360.00
20412	20103104003	D	OO		\$ 10,439.00
20412	20103104003	D	OO		\$ 649.00

**MEMORANDUM
CITY OF MCFARLAND**

TO: Honorable Mayor and Council Members

FROM: Larry A Ronk III, Acting Community Development Director

DATE: June 10, 2021

SUBJECT: Garage Sale/Yard Sale Ordinance Update

Discussion:

The City Ordinance 5.48.030 states that “No more than four (4) garage sales on the same premises may be held in any calendar year.” This ordinance has a conflict with California Department of Tax and Fee Administration with how many garage sales be conducted throughout a twelve-month period.

Residents of the city have requested to conduct more than four (4) yard sales within a twelve-month period, which have brought this item up for discussion at City Council Meeting. Based on State regulations, yard sales should only occur twice a year for a resident.

The Ordinance update will change maximum sales to twice a year and will give residents the opportunity to conduct more with a valid seller permit through the state. It will also increase the consecutive days from two (2) to three (3). The ordinance update also creates new sections where signage for these sales is addressed. It will eliminate signs being placed on public utility poles and offer code enforcement the tools needed to address this violation.

Recommend:

Staff recommends City Council to amend Ordinance 5.48 to allow garage sales to occur no more than twice a year per resident.

Fiscal Impact:

Legal Fees.

Attachments:

Municipal Code 5.48

Updated Municipal Code 5.48

CHAPTER 5.48 - GARAGE SALESSections:**5.48.010 - Definitions.**

As used herein, "garage sales" means those occasional sales conducted on residential premises other than those occurring from a home occupation as more particularly described in Section 17.04.340 of the McFarland Municipal Code.

(Ord. No. 306-2005, § 1, 11-10-05)

5.48.020 - Permit and fees.

It is unlawful for any person to conduct a garage sale without obtaining a permit in the manner as hereinafter described. The fee for a permit may be established from time to time by resolution of the city council and shall be for one garage sale. An application for a permit may be obtained from city hall. The fee shall be paid at the time the application is filed and shall be nonrefundable whether or not the permit is issued. A permit and fee shall be required for each garage sale.

(Ord. No. 306-2005, § 1, 11-10-05)

5.48.030 - Limitations.

No more than four garage sales on the same premises may be held in any calendar year. No garage sale shall be conducted for more than two consecutive days. A garage sale may not commence before six a.m. or end any later than five p.m. on the permitted days.

(Ord. No. 306-2005, § 1, 11-10-05)

Update Municipal Code 5.48

Chapter 5.48 – Garage Sales/Yard Sales

5.48.010 – Purpose and Intent.

The purpose and intent of this chapter is to regulate garage and yard sales of used goods on residential properties and rummage sales on institutional property. Although these types of sales possess commercial characteristics, because of the manner in which conducted or operated, they are generally considered noncommercial in nature. These regulations are intended to prevent the expansion of commercial operations into residential and institutional properties, upgrade the community image, and regulate sales activity outdoors of used personal property so as to keep such sales noncommercial and not in violation of zoning laws. The provisions of this 5.48 are not intended to create a substitute procedure for, or to allow sales regulated by, other Chapters of this Municipal Code, including, but not limited to those Chapters governing outdoor display of merchandise on commercial or industrially zoned property, or Mobile Vendors. Persons who comply with this Chapter 5.48 are exempt from payment of business taxes under Chapter 5.04. Private sales of individual items of personal property which are not displayed outdoors are exempted from the prohibitions or application of this section.

5.48.020 - Definitions.

As used in this chapter:

"Garage sale" means any display and sale conducted by an individual or group of home owners, apartment dwellers or occupants of a residential dwelling for the purpose of disposing of unwanted or surplus household furnishings or other used, personally owned goods (collectively included under the term "used goods" as defined in this section), usually conducted in a garage or driveway on a residential property, for which no inventory is kept and no sales tax is required to be paid on the transaction carried out. The term "garage sale" includes sales of household goods conducted on any portion of a residential premises including a yard, and hence sometimes called a "yard sale."

"Identifiable goods" means any tangible personal property which bears a serial number, personalized initials or inscription and includes secondhand tangible personal property which bears evidence of once having had a serial number or personalized initial or inscription.

"Permit" means a permit issued by the finance department to conduct a garage, yard or rummage sale.

"Rummage sale" means any indoor or outdoor display and sale of "used goods" as defined below, conducted for fund raising purposes by a charitable or fraternal organization that is exempted or qualified for exemption by Section 501(C)3 of the Internal Revenue Code.

"Used goods" means surplus household furnishings or other used, personal goods, clothing and similar personal belongings that are owned by or have been donated to the seller. The term specifically excludes new furnishings, new merchandise or new goods that are being sold at retail or wholesale.

5.48.030 - Permit and fee requirements.

- A. Any resident, or an organization or club of the city on behalf of its members, may conduct a garage sale or rummage sale, respectively, as defined in this chapter; provided, however, that a permit is first obtained from the finance department of the city. The fee for a permit may be established from time to time by resolution of the city council and shall be for one garage sale. An application for a permit may be obtained from city hall. The fee shall be paid at the time the application is filed and shall be nonrefundable whether or not the permit is issued. A permit and fee shall be required for each garage sale.
- B. Applications for a permit must be made at least forty-eight hours prior to the proposed sale. The application shall provide the following information:
 - 1. Name and address of the person(s) or organization(s) wishing to conduct the sale;
 - 2. The location where the sale is to be conducted;
 - 3. A general description of the property qualifying as used goods to be offered for sale;
 - 4. Dates and time period when sale shall be conducted;
 - 5. Signature of person(s) or agent conducting sale;
 - 6. Authorization of property owner or managing agent of multifamily apartment or condominium complexes.
 - 7. A separate permit and fee payment is required for each address at which a sale is to be conducted, except that a single permit fee may be charged when a group of residents arrange a neighborhood garage sale for the collective purpose of funding a neighborhood civic program or activity.

5.48.040 - Regulations on sales.

- A. All used goods being sold must be the property of those conducting the sale or on whose behalf the sale is being conducted.
- B. It shall be presumed that goods on display consisting of three or more products of a similar nature in an original unopened container or packaging constitute new merchandise that is being vended as part of a commercial enterprise, and are therefore prohibited under this Chapter 5.48.
- C. Conducting a garage or rummage sale for which no permit was issued counts as a garage or rummage sale for purposes of computation of the annual sales limit. Each sale and each permit is limited to a maximum period of four consecutive days per sale.
- D. In compliance with California Sales and Use Tax Regulations, Article 7, Regulation 1595, no more than two garage sales may be conducted by the same resident of the same address, at the same address, within the same calendar year. Additionally, no person may conduct more than two garage sales within the same calendar year regardless of location.
- E. No more than two rummage sales may be conducted by a qualifying organization during any calendar year.

- F. Special rules for multifamily apartment and condominium complexes: The maximum number of garage sales permitted at any residential apartment complex with three or more units, or in a condominium complex with three or more dwelling units, is limited to a maximum of two sales per calendar year. The property owner, managing agent or management official must co-sign the application to authorize the sale on the premises before a permit will be issued.
- G. Persons displaying or selling goods in violation of Chapter 5.48 shall immediately cease and desist from further sales activity and shall remove all goods and wares from display upon direction of an authorized officer of the city. An enforcement official is authorized to impound goods being displayed or sold in violation of this chapter as evidence pending citation and enforcement.
- H. Except at licensed swap meets, sales of used goods outdoors on property used for commercial or industrial purposes is prohibited, and no permit shall be issued under this Chapter 5.48 for that purpose.
- I. All permits issued by the city shall include written notice of the provisions of this chapter.

5.48.050 - Prohibited items.

It is unlawful for any person to exchange, barter, trade or sell at a garage or rummage sale the following items: firearms, ammunition, explosives, animals and livestock, any identifiable goods, and all other items the sale or possession of which may be prohibited by ordinance or resolution duly adopted by the city council of the city or by the laws of the state or county.

5.48.060 - Advertising signs.

Only one unlighted advertising sign not exceeding six square feet in area may be located on the premises of the sale. The sign must be of a temporary nature, may be displayed not more than one week in advance of such sale, and must be removed upon conclusion of the sale. Signs are prohibited in the public right-of-way.

5.48.070 - Display requirements.

- A. All used goods to be sold must be displayed on property owned or controlled by the permittee or which the permittee is authorized to use by the property owner or manager.
- B. No used goods shall be displayed on streets or public sidewalks.
- C. No used goods shall be displayed on a vacant or undeveloped lot.

5.48.080 - Permit sign.

The finance officer will issue a distinctive permit sign to each permittee. The permit sign must be posted in a conspicuous spot, to be visible from the abutting public right-of-way or access point for enforcement purposes.

5.48.090 - Refunds.

Refunds of any permit fee paid will not be made. A credit will be issued if the permit is physically surrendered to the finance department prior to the first authorized day of the permit. After that

date, the fee is non-creditable and the issued permit counts against the number of permits authorized in Section 5.48.040.

5.48.100 - Additional rules.

The finance officer may promulgate additional rules to implement and administer the provisions of this Chapter 5.48.

5.48.110 - Deadlines.

The finance officer shall not issue a permit unless application is made at least forty-eight hours in advance.

5.48.120 - Violation—Penalty.

A. It is unlawful:

1. To conduct a garage, yard or rummage sale without a permit;
2. To alter a permit or permit sign;
3. To fail to discontinue operation of an unpermitted sale or to fail to remove displayed goods upon request of an enforcement official;
4. To post signs in violation of Section 5.48.060;
5. To fail to post a permit sign;
6. To sell used goods that are not the property of the permittee or a person on whose behalf the sale is conducted, or to sell other than used goods;
7. To apply for a permit on behalf of a person or organization that is not authorized to conduct a garage, yard or rummage sale;
8. To make a false statement or representation on a permit application; or
9. To display used goods on a street, public sidewalk or vacant lot.

B. Each violation of the provisions of this chapter is an infraction, punishable by a fine not exceeding one hundred dollars for a first violation, a fine not exceeding two hundred dollars for a second violation of this section within one year, or a fine not exceeding five hundred dollars for each additional violation of this section within one year.

ORDINANCE NO. 0003-2021

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING GARAGE SALES/YARD SALES AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.48 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.010, 5.48.020, AND 5.48.030, AND ENACT SECTIONS 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.110, and 5.48.120, MCFARLAND MUNICIPAL CODE

Section 1. Recitals.

WHEREAS, The City of McFarland ("City") desires to amend, clarify and codify its Municipal Code Chapter related to Garage Sales/Yard Sales conducted within the City limits;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify the City's requirements and procedures for residents seeking to conduct a Garage Sale and/or Yard Sale;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Chapter 5.48 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City's goals and objectives while reducing the potentially negative impacts arising from incompatible Municipal Code Chapters and state law.

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

Section 2. Section 5.48.010 of the McFarland Municipal Code is hereby amended and restated to read as follows:

5.48.010 – Purpose and Intent.

The purpose and intent of this chapter is to regulate garage and yard sales of used goods on residential properties and rummage sales on institutional property. Although these types of sales possess commercial characteristics, because of the manner in which conducted or operated, they are generally considered noncommercial in nature. These regulations are intended to prevent the expansion of commercial operations into residential and institutional properties, upgrade the community image, and regulate sales activity outdoors of used personal property so as to keep such sales noncommercial and not in violation of zoning laws. The provisions of this 5.48 are not intended to create a substitute procedure for, or to allow sales regulated by, other Chapters of this Municipal Code, including, but not limited to those Chapters governing outdoor display of merchandise on commercial or industrially zoned property, or Mobile Vendors. Persons who comply with this Chapter 5.48 are exempt from payment of business taxes under Chapter 5.04. Private sales of individual items of personal property which are not displayed outdoors are exempted from the prohibitions or application of this section.

Section 3. Section 5.48.020 of the McFarland Municipal Code is hereby amended and restated to read as follows:

5.48.020 - Definitions.

As used in this chapter:

"Garage sale" means any display and sale conducted by an individual or group of home owners, apartment dwellers or occupants of a residential dwelling for the purpose of disposing of unwanted or surplus household furnishings or other used, personally owned goods (collectively included under the term "used goods" as defined in this section), usually conducted in a garage or driveway on a residential property, for which no inventory is kept and no sales tax is required to be paid on the transaction carried out. The term "garage sale" includes sales of household goods conducted on any portion of a residential premises including a yard, and hence sometimes called a "yard sale."

"Identifiable goods" means any tangible personal property which bears a serial number, personalized initials or inscription and includes secondhand tangible personal property which bears evidence of once having had a serial number or personalized initial or inscription.

"Permit" means a permit issued by the finance department to conduct a garage, yard or rummage sale.

"Rummage sale" means any indoor or outdoor display and sale of "used goods" as defined below, conducted for fund raising purposes by a charitable or fraternal organization that is exempted or qualified for exemption by Section 501(C)3 of the Internal Revenue Code.

"Used goods" means surplus household furnishings or other used, personal goods, clothing and similar personal belongings that are owned by or have been donated to the seller. The term specifically excludes new furnishings, new merchandise or new goods that are being sold at retail or wholesale.

Section 4. Section 5.48.030 of the McFarland Municipal Code is hereby amended and restated to read as follows:

5.48.030 - Permit and fee requirements.

- A. Any resident, or an organization or club of the city on behalf of its members, may conduct a garage sale or rummage sale, respectively, as defined in this chapter; provided, however, that a permit is first obtained from the finance department of the city. The fee for a permit may be established from time to time by resolution of the city council and shall be for one garage sale. An application for a permit may be obtained from city hall. The fee shall be paid at the time the application is filed and shall be nonrefundable whether or not the permit is issued. A permit and fee shall be required for each garage sale.
- B. Applications for a permit must be made at least forty-eight hours prior to the proposed sale. The application shall provide the following information:
 - 1. Name and address of the person(s) or organization(s) wishing to conduct the sale;
 - 2. The location where the sale is to be conducted;
 - 3. A general description of the property qualifying as used goods to be offered for sale;
 - 4. Dates and time period when sale shall be conducted;
 - 5. Signature of person(s) or agent conducting sale;
 - 6. Authorization of property owner or managing agent of multifamily apartment or condominium complexes.
 - 7. A separate permit and fee payment is required for each address at which a sale is to be conducted, except that a single permit fee may be charged when a group of residents arrange a neighborhood garage sale for the collective purpose of funding a neighborhood civic program or activity.

Section 5. Section 5.48.040 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.040 - Regulations on sales.

- A. All used goods being sold must be the property of those conducting the sale or on whose behalf the sale is being conducted.
- B. It shall be presumed that goods on display consisting of three or more products of a similar nature in an original unopened container or packaging constitute new merchandise that is being vended as part of a commercial enterprise and are therefore prohibited under this Chapter 5.48.

- C. Conducting a garage or rummage sale for which no permit was issued counts as a garage or rummage sale for purposes of computation of the annual sales limit. Each sale and each permit is limited to a maximum period of four consecutive days per sale.
- D. In compliance with California Sales and Use Tax Regulations, Article 7, Regulation 1595, no more than two garage sales may be conducted by the same resident of the same address, at the same address, within the same calendar year. Additionally, no person may conduct more than two garage sales within the same calendar year regardless of location.
- E. No more than two rummage sales may be conducted by a qualifying organization during any calendar year.
- F. Special rules for multifamily apartment and condominium complexes: The maximum number of garage sales permitted at any residential apartment complex with three or more units, or in a condominium complex with three or more dwelling units, is limited to a maximum of two sales per calendar year. The property owner, managing agent or management official must co-sign the application to authorize the sale on the premises before a permit will be issued.
- G. Persons displaying or selling goods in violation of Chapter 5.48 shall immediately cease and desist from further sales activity and shall remove all goods and wares from display upon direction of an authorized officer of the city. An enforcement official is authorized to impound goods being displayed or sold in violation of this chapter as evidence pending citation and enforcement.
- H. Except at licensed swap meets, sales of used goods outdoors on property used for commercial or industrial purposes is prohibited, and no permit shall be issued under this Chapter 5.48 for that purpose.
- I. All permits issued by the city shall include written notice of the provisions of this chapter.

Section 6. Section 5.48.050 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.050 - Prohibited items.

It is unlawful for any person to exchange, barter, trade or sell at a garage or rummage sale the following items: firearms, ammunition, explosives, animals and livestock, any identifiable goods, and all other items the sale or possession of which may be prohibited by ordinance or resolution duly adopted by the city council of the city or by the laws of the state or county.

Section 7. Section 5.48.060 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.060 - Advertising signs.

Only one unlighted advertising sign not exceeding six square feet in area may be located on the premises of the sale. The sign must be of a temporary nature, may be displayed not more than one week in advance of such sale, and must be removed upon conclusion of the sale. Signs are prohibited in the public right-of-way.

Section 8. Section 5.48.070 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.070 - Display requirements.

- A. All used goods to be sold must be displayed on property owned or controlled by the permittee or which the permittee is authorized to use by the property owner or manager.
- B. No used goods shall be displayed on streets or public sidewalks.
- C. No used goods shall be displayed on a vacant or undeveloped lot.

Section 9. Section 5.48.080 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.080 - Permit sign.

The finance officer will issue a distinctive permit sign to each permittee. The permit sign must be posted in a conspicuous spot, to be visible from the abutting public right-of-way or access point for enforcement purposes.

Section 10. Section 5.48.090 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.090 - Refunds.

Refunds of any permit fee paid will not be made. A credit will be issued if the permit is physically surrendered to the finance department prior to the first authorized day of the permit. After that date, the fee is non-creditable and the issued permit counts against the number of permits authorized in Section 5.48.040.

Section 11. Section 5.48.100 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.100 - Additional rules.

The finance officer may promulgate additional rules to implement and administer the provisions of this Chapter 5.48.

Section 12. Section 5.48.110 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.110 - Deadlines.

The finance officer shall not issue a permit unless application is made at least forty-eight hours in advance.

Section 13. Section 5.48.120 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.48.120 - Violation—Penalty.

A. It is unlawful:

1. To conduct a garage, yard or rummage sale without a permit;
2. To alter a permit or permit sign;
3. To fail to discontinue operation of an unpermitted sale or to fail to remove displayed goods upon request of an enforcement official;
4. To post signs in violation of Section 5.48.060;
5. To fail to post a permit sign;
6. To sell used goods that are not the property of the permittee or a person on whose behalf the sale is conducted, or to sell other than used goods;
7. To apply for a permit on behalf of a person or organization that is not authorized to conduct a garage, yard or rummage sale;
8. To make a false statement or representation on a permit application; or
9. To display used goods on a street, public sidewalk or vacant lot.

B. Each violation of the provisions of this chapter is an infraction, punishable by a fine not exceeding fifty dollars for a first violation, a fine not exceeding one hundred dollars for a second violation of this section within one year, or a fine not exceeding two hundred fifty dollars for each additional violation of this section within one year.

Section 14. The Amended Chapter 5.48 of the McFarland Municipal Code is set forth in Exhibit “A” to this Ordinance and incorporated herein by reference.

Section 15. NOTICE. The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 16. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 17. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 18. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the __th day of June, 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Gonzalez				
Maria T. Perez				
Eric Rodriguez				
Saul Ayon				
Ricardo Cano				

Sally Gonzalez, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on _____, 201__.

ATTEST:

Francisca Alvarado, City Clerk

APPROVED AS TO FORM:

Nathan M. Hodges, City Attorney

EXHIBIT A
CHAPTER 5.48 GARAGE SALES

5.48.010 – Purpose and Intent.

The purpose and intent of this chapter is to regulate garage and yard sales of used goods on residential properties and rummage sales on institutional property. Although these types of sales possess commercial characteristics, because of the manner in which conducted or operated, they are generally considered noncommercial in nature. These regulations are intended to prevent the expansion of commercial operations into residential and institutional properties, upgrade the community image, and regulate sales activity outdoors of used personal property so as to keep such sales noncommercial and not in violation of zoning laws. The provisions of this 5.48 are not intended to create a substitute procedure for, or to allow sales regulated by, other Chapters of this Municipal Code, including, but not limited to those Chapters governing outdoor display of merchandise on commercial or industrially zoned property, or Mobile Vendors. Persons who comply with this Chapter 5.48 are exempt from payment of business taxes under Chapter 5.04. Private sales of individual items of personal property which are not displayed outdoors are exempted from the prohibitions or application of this section.

5.48.020 - Definitions.

As used in this chapter:

"Garage sale" means any display and sale conducted by an individual or group of home owners, apartment dwellers or occupants of a residential dwelling for the purpose of disposing of unwanted or surplus household furnishings or other used, personally owned goods (collectively included under the term "used goods" as defined in this section), usually conducted in a garage or driveway on a residential property, for which no inventory is kept and no sales tax is required to be paid on the transaction carried out. The term "garage sale" includes sales of household goods conducted on any portion of a residential premises including a yard, and hence sometimes called a "yard sale."

"Identifiable goods" means any tangible personal property which bears a serial number, personalized initials or inscription and includes secondhand tangible personal property which bears evidence of once having had a serial number or personalized initial or inscription.

"Permit" means a permit issued by the finance department to conduct a garage, yard or rummage sale.

"Rummage sale" means any indoor or outdoor display and sale of "used goods" as defined below, conducted for fund raising purposes by a charitable or fraternal organization that is exempted or qualified for exemption by Section 501(C)3 of the Internal Revenue Code.

"Used goods" means surplus household furnishings or other used, personal goods, clothing and similar personal belongings that are owned by or have been donated to the

seller. The term specifically excludes new furnishings, new merchandise or new goods that are being sold at retail or wholesale.

5.48.030 - Permit and fee requirements.

- A. Any resident, or an organization or club of the city on behalf of its members, may conduct a garage sale or rummage sale, respectively, as defined in this chapter; provided, however, that a permit is first obtained from the finance department of the city. The fee for a permit may be established from time to time by resolution of the city council and shall be for one garage sale. An application for a permit may be obtained from city hall. The fee shall be paid at the time the application is filed and shall be nonrefundable whether or not the permit is issued. A permit and fee shall be required for each garage sale.
- B. Applications for a permit must be made at least forty-eight hours prior to the proposed sale. The application shall provide the following information:
 - 1. Name and address of the person(s) or organization(s) wishing to conduct the sale;
 - 2. The location where the sale is to be conducted;
 - 3. A general description of the property qualifying as used goods to be offered for sale;
 - 4. Dates and time period when sale shall be conducted;
 - 5. Signature of person(s) or agent conducting sale;
 - 6. Authorization of property owner or managing agent of multifamily apartment or condominium complexes.
 - 7. A separate permit and fee payment is required for each address at which a sale is to be conducted, except that a single permit fee may be charged when a group of residents arrange a neighborhood garage sale for the collective purpose of funding a neighborhood civic program or activity.

5.48.040 - Regulations on sales.

- A. All used goods being sold must be the property of those conducting the sale or on whose behalf the sale is being conducted.
- B. It shall be presumed that goods on display consisting of three or more products of a similar nature in an original unopened container or packaging constitute new merchandise that is being vended as part of a commercial enterprise and are therefore prohibited under this Chapter 5.48.
- C. Conducting a garage or rummage sale for which no permit was issued counts as a garage or rummage sale for purposes of computation of the annual sales limit. Each sale and each permit is limited to a maximum period of four consecutive days per sale.
- D. In compliance with California Sales and Use Tax Regulations, Article 7, Regulation 1595, no more than two garage sales may be conducted by the same resident of the same address, at the same address, within the same calendar year. Additionally, no

- person may conduct more than two garage sales within the same calendar year regardless of location.
- E. No more than two rummage sales may be conducted by a qualifying organization during any calendar year.
 - F. Special rules for multifamily apartment and condominium complexes: The maximum number of garage sales permitted at any residential apartment complex with three or more units, or in a condominium complex with three or more dwelling units, is limited to a maximum of two sales per calendar year. The property owner, managing agent or management official must co-sign the application to authorize the sale on the premises before a permit will be issued.
 - G. Persons displaying or selling goods in violation of Chapter 5.48 shall immediately cease and desist from further sales activity and shall remove all goods and wares from display upon direction of an authorized officer of the city. An enforcement official is authorized to impound goods being displayed or sold in violation of this chapter as evidence pending citation and enforcement.
 - H. Except at licensed swap meets, sales of used goods outdoors on property used for commercial or industrial purposes is prohibited, and no permit shall be issued under this Chapter 5.48 for that purpose.
 - I. All permits issued by the city shall include written notice of the provisions of this chapter.

5.48.050 - Prohibited items.

It is unlawful for any person to exchange, barter, trade or sell at a garage or rummage sale the following items: firearms, ammunition, explosives, animals and livestock, any identifiable goods, and all other items the sale or possession of which may be prohibited by ordinance or resolution duly adopted by the city council of the city or by the laws of the state or county.

5.48.060 - Advertising signs.

Only one unlighted advertising sign not exceeding six square feet in area may be located on the premises of the sale. The sign must be of a temporary nature, may be displayed not more than one week in advance of such sale, and must be removed upon conclusion of the sale. Signs are prohibited in the public right-of-way.

5.48.070 - Display requirements.

- A. All used goods to be sold must be displayed on property owned or controlled by the permittee or which the permittee is authorized to use by the property owner or manager.
- B. No used goods shall be displayed on streets or public sidewalks.
- C. No used goods shall be displayed on a vacant or undeveloped lot.

5.48.080 - Permit sign.

The finance officer will issue a distinctive permit sign to each permittee. The permit sign must be posted in a conspicuous spot, to be visible from the abutting public right-of-way or access point for enforcement purposes.

5.48.090 - Refunds.

Refunds of any permit fee paid will not be made. A credit will be issued if the permit is physically surrendered to the finance department prior to the first authorized day of the permit. After that date, the fee is non-creditable and the issued permit counts against the number of permits authorized in Section 5.48.040.

5.48.100 - Additional rules.

The finance officer may promulgate additional rules to implement and administer the provisions of this Chapter 5.48.

5.48.110 - Deadlines.

The finance officer shall not issue a permit unless application is made at least forty-eight hours in advance.

5.48.120 - Violation—Penalty.

A. It is unlawful:

1. To conduct a garage, yard or rummage sale without a permit;
2. To alter a permit or permit sign;
3. To fail to discontinue operation of an unpermitted sale or to fail to remove displayed goods upon request of an enforcement official;
4. To post signs in violation of Section 5.48.060;
5. To fail to post a permit sign;
6. To sell used goods that are not the property of the permittee or a person on whose behalf the sale is conducted, or to sell other than used goods;
7. To apply for a permit on behalf of a person or organization that is not authorized to conduct a garage, yard or rummage sale;
8. To make a false statement or representation on a permit application; or
9. To display used goods on a street, public sidewalk or vacant lot.

- B. Each violation of the provisions of this chapter is an infraction, punishable by a fine not exceeding fifty dollars for a first violation, a fine not exceeding one hundred dollars for a second violation of this section within one year, or a fine not exceeding two hundred fifty dollars for each additional violation of this section within one year.

**MEMORANDUM
CITY OF MCFARLAND**

TO: Honorable Mayor and Council Members

FROM: Larry A Ronk III, Acting Community Development Director

DATE: May 13, 2021

SUBJECT: Vending From Vehicles Ordinance 5.44 Update and 5.04.140 License tax Rate.

Discussion:

The City Ordinance 5.44.020 requires all mobile vendors to have a valid permit to conduct any sales. This section also puts a limit to how many mobile vendors are allowed.

The Section states, "Notwithstanding the foregoing, no more than ten (10) vendors may be licensed in any calendar year and no more than five may be ice cream vendors and no more than two may be taco trucks."

The City allows for only ten (10) vendors max currently. The City looks to ways to improve in this ordinance and allow more businesses to prosper within the City. The proposed update will allow for the same number of food vendors but create the ability to refrain from multiple licenses being obtained by one business owner. This will allow for food vending licenses to become vacant and give other the opportunity to create a business within the City. The update will also allow non-food vendors to come into the City and create a business due to the new ordinance allowing for 10 non-food vending licenses.

The update will create a balance between food and non-food mobile vendors within the City of McFarland and allow new business to thrive.

Recommend:

Staff recommends that City Council to approve the proposed Ordinance update and increase the number of vendors from ten (10) to twenty (20) and allowing business that are non-food vending the ability to create a business within the City. Staff also recommends the City Council to approve the update for Section 5.04.140 to address non-food mobile vendors rates.

Fiscal Impact:

Legal Fees.

Attachments:

Existing Municipal Code 5.44

Existing Municipal Code 5.04.140

Updated Municipal Code 5.44 & 5.04.140

Chapter 5.44 - VENDING FROM VEHICLES

Sections:*Footnotes:*

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Editor's note— Ord. No. 310-2006, § 1, adopted May 11, 2006, repealed the former Chapter 5.44, §§ 5.44.010—5.44.030, and enacted a new Chapter 5.44 as set out herein. The former Chapter 5.44 pertained to businesses conducted from vehicles and derived from Ord. No. 247, 1992 and Ord. No. 250, 1992.

5.44.010 - Definitions.

The following words and terms shall have the following meanings:

"Goods" means items and products of every kind and description including, without limitation, all food, produce and beverage items.

"Vehicle" shall have the same meaning as in the Vehicle Code of the state of California.

"Vendor" means any person who engages in the act of selling or offering for sale any goods from a vehicle or who drives or otherwise uses any such vehicle for the purpose of selling or offering for sale any goods therefrom.

(Ord. No. 310-2006, § 1, 5-11-06)

5.44.020 - Permits.

Any person wishing to be a vendor in the city must comply with the same conditions as peddlers and solicitors more particularly described in Chapter 5.32 of this code and each of the provisions in Chapter 5.32 are hereby made applicable to vendors. No person may be a vendor in the city without first complying with each and every requirement under Chapter 5.32. Notwithstanding the foregoing, no more than ten vendors may be licensed in any calendar year and no more than five may be ice cream vendors and no more than two may be taco trucks. Permits shall be issued first to those vendors with existing permits requesting renewals of same provided the request for renewal is made on or before July 15 following expiration of the permit and, thereafter, on a first - come - first - serve basis for remaining permits, if any; provided, however, that the City may choose not to issue a permit to any applicant who has violated City regulations or the conditions of its license or failed to follow any other regulations of any other governmental jurisdiction."

(Ord. No. 310-2006, § 1, 5-11-06; Ord. No. 324-2008, § 1, 10-15-08; Ord. No. 013-2011, § 1, 9-8-11)

5.44.030 - Prohibited conduct.

A. No vendor shall sell or offer for sale any goods within three hundred feet from the exterior

boundary of property used or occupied by any of the following:

1. A public or private school during the hours that school is in session;
 2. A business establishment which is opened for business and is offering for sale the same or similar product as offered for sale by the vendor;
 3. A restaurant, cafe, or eating establishment which is opened for business;
 4. A public park at such times as a concession stand authorized by the public agency with jurisdiction over the park is operating;
 5. Any city property where a city authorized concession stand is operating;
 6. A church or other place for religious gathering during the hours of church services or church-related activities; and
 7. Any permitted location where the vendor has sold goods or offered same for sale within a period of less than four hours.
- B. No vendor shall sell goods or offer same for sale at any permitted location for a longer consecutive period of time than one hour.
- C. No vendor shall sell goods or offer same for sale in violation of any of the provisions of this code or of the laws of any other jurisdiction.
- D. No vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, or any other public place by causing people to congregate at or near the place where goods are being sold or offered for sale.
- E. No vendor shall serve customers on the street side of the vehicle and the right wheels of the vehicle shall be parallel to and within twelve inches of the right hand curb or the right hand edge of the roadway.
- F. No vendor shall sell or offer to sell goods in such a manner as to cause a traffic hazard.
- G. No music which can be heard outside of the vehicle nor any sound amplification systems shall be used whenever the vehicle is stopped or parked.
- H. Vendors shall maintain on the vehicle leak-proof, plastic or galvanized refuse receptacles with tight fitting lids. The vendor shall clean all public property surrounding the vehicle of all refuse generated by the vendor's activity. All wastewater must be retained in a spill-proof, leak-proof container maintained on the vehicle with a larger capacity than the water supply available on the vehicle.
- I. No vendor shall set portable tables or chairs for customer use or promote a sit down dining environment at any location.
- J. No vendor shall conduct business between the hours of ten p.m. and nine a.m.
- K. All vendors preparing food in the vehicle by cooking, frying, or other similar means shall be equipped with at least one 2A-40-BC fire extinguisher.

5.44.040 - Applicability of regulations to existing business.

The provisions of this chapter shall be applicable to all persons and businesses described herein whether established before or after the effective date of the ordinance enacting this chapter into law.

(Ord. No. 310-2006, § 1, 5-11-06)

5.44.050 - Violation—Penalty.

Every person violating or failing or neglecting or refusing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon violation thereof, shall be punishable as provided for in Chapter 1.20 of this code. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

(Ord. No. 310-2006, § 1, 5-11-06)

Updated Municipal Code 5.44 and 5.04.140

5.44.020 - Permits.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Any person wishing to be a vendor in the city must comply with the same conditions as peddlers and solicitors more particularly described in [Chapter 5.32](#) of this code and each of the provisions in [Chapter 5.32](#) are hereby made applicable to vendors. No person may be a vendor in the city without first complying with each and every requirement under [Chapter 5.32](#). Notwithstanding the foregoing, no more than twenty vendors may be licensed in any calendar year. Permits shall be issued first to those vendors with existing permits requesting renewals of same provided the request for renewal is made on or before July 15 following expiration of the permit and, thereafter, on a first - come - first - serve basis for remaining permits, if any; provided, however, that the City may choose not to issue a permit to any applicant who has violated City regulations or the conditions of its license or failed to follow any other regulations of any other governmental jurisdiction."

A. Mobile Non-Food Vending

1. Ten (10) vendor permits are available for sales of non-edible good and services.

B. Mobile Food Vending

1. Ten (10) vendor permits are available for the mobile sales of any type of edible goods or beverages
2. No more than five (5) Mobile Food Vending permits may be for ice cream vendors and no more than two (2) Mobile Vending permits may be taco trucks.

C. Holders of Non-Food or Food Vendor Permits may use such permits for a maximum of two (2) Vehicles and/or self-propelled, or motorized devices.

D. Owner/Vendor shall not obtain more than one (1) Permit within the City to conduct sales of similar goods.

E. Owner/Vendor shall provide a Certificate of Vehicle Insurance, Liability Insurance and Workers Compensation Insurance, where applicable.

(Ord. No. 310-2006, § 1, 5-11-06; Ord. No. 324-2008, § 1, 10-15-08; Ord. No. 013-2011, § 1, 9-8-11)

5.44.060 Operations on Private Property

A Mobile Vendor may locate its vehicle and/or self-propelled, or motorized devices on Private Property as the Mobile Vendor adheres to the following standards and conditions:

- A. A land use permit has been obtained from the City of McFarland Planning Department;
- B. To provide edible or non-edible goods and/or services for persons employed at the private property for a period of thirty minutes or less; or
- C. A Lease Agreement between property owner of land and vendor is provided to the City of McFarland and the property subject to the Lease Agreement is zoned such that operation of the mobile business is lawful.

Also need to Amend:

5.04.140 – License taxes – Rates.

A. Every person who commences, conducts, engages in or carries on any business listed hereinafter in this subsection shall pay a business license tax comprised of the base, annual, per event, daily, and/or tax plus the unit tax amount times the number of units calculated, respectively, for each such classification of business as hereinafter specified.

Business Type	Annually/Daily/Per Event/Unit Tax Amount
Non-Food Mobile Vendor	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Liability insurance required, see municipal code Section 5.44.020. Must comply with the additional conditions described in municipal code Chapter 5.32.
Food Vending Vehicles – Municipal Code Chapter 5.44	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required, see municipal code Section 5.44.020 ~~5.44.060~~ . Must comply with the additional conditions described in municipal code Chapter 5.32.
Ice Cream Vending vehicle	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required, see municipal code Section 5.44.020 ~~5.44.060~~ . Must comply with the additional conditions described in municipal code Chapter 5.32.

5.04.140 - License taxes—Rates.

- A. Every person who commences, conducts, engages in or carries on any business listed hereinafter in this subsection shall pay a business license tax comprised of the base, annually, per event, daily, and/or tax plus the unit tax amount times the number of units calculated, respectively, for each such classification of business as hereinafter specified.

Business Type	Annually/Daily/Per Event/ Unit Tax Amount
Administrative office	\$100.00 annually.
Apartments/rental property	\$65.00 plus \$5.00 for each after 4 units.
Arts and/or crafts fair	\$10.00 per booth/stall.
Barber shop/beauty salon	\$65.00 per owner and non-employee operator.
Billboard Structures within the city	\$150.00 annually per structure.
Christmas tree lot sales operations	\$40.00 per day All structures and electrical permit requirements are inspected and approval by the building department and all fire code requirements approved by the fire department. Planning department approval requirement.
Circus/carnival	\$450.00 for 5 days or less.
Commercial solicitors/peddlers	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers must comply with the conditions described in municipal code <u>Chapter 5.32</u> .

Curb Painters	\$30.00 per day. Requirements: Obtain insurance in the amount of \$100,000.00 for public liability from an insurance company. Obtain a Surety Bond from a bonding company or insurance company in the amount of \$500.00, or cash deposit in that amount can be made to the city of McFarland. The permit must be in possession of the person performing the work and available for inspection on demand.
Exhibitions (i.e. car show)	\$10.00 per vehicle, per day.
Family child care over <u>8</u> children	\$100.00 annually plus home occupation permit required and approved by the planning department and permit from the state of California to operate. See Res. No. 2014-0201 for fee.
Family child care of <u>8</u> or less children	Health and Safety Code Section 1597.45: No local jurisdiction shall impose any business license, fee or tax for the privilege of operating a small daycare home.
Farmers market	\$10.00 per booth/stall.
Food vending vehicles — Municipal code <u>Chapter 5.44</u>	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required, see municipal code Section 5.44.060. Must comply with the additional conditions described in municipal code <u>Chapter 5.32</u> .

Fortunetelling, palmist, clairvoyant	\$500.00 annually, plus investigation filing fee of \$500.00, plus the fee charged by Department of Justice for fingerprint processing. Must comply with additional requirements in municipal code <u>Chapter 5.28</u> .
Hotel, motel, lodging houses	\$65.00 annually, plus \$5.00 per room after 4.
Ice cream vending vehicle	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required see municipal code Section 5.44.060. Must comply with additional conditions described in municipal code <u>Chapter 5.32</u> .
Itinerant vendor	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers/itinerant vendors must comply with the conditions described in Municipal Code <u>Chapter 5.32</u> .
Interpreter	\$65.00 annually.
Laundromats	\$30.00 for the first machine, \$10.00 for each additional machine per year. Maximum \$200.00 annually.
Spas-medi/pedi	\$65.00 per owner and non-employee operator.
Taxi-cab	\$65.00 per vehicle. \$90.00 for background check required on each owner/driver, \$25.00 for each vehicle inspection, and live scan required on each owner/driver. Must also comply with all requirements stated in municipal code <u>Chapter 5.52</u> .

Duplicate (lost or damaged business license) — Municipal code <u>Section 5.04.100</u>	\$15.00
Change location of business— Municipal code <u>Section 5.04.090</u>	\$15.00

- B. Every person who engages in any business within the city except those businesses set forth in subsection A of this Section 5.04.140 shall pay an annual business tax based upon gross receipts at the rates to be calculated to the nearest cent as set forth below:

City of McFarland
License Fee Schedule
Annual Gross Receipts

1. Base fee on all business license: Fifteen dollars.
2. California state fee on all business license: Four dollars. May be revised by state of California.

For the sales and service or the rendering of any service whatsoever.

FROM	TO	FEE DUE
ZERO	\$30,000	\$65.00
\$30,001.00	\$50,000.00	\$75.00
\$50,001.00	\$75,000.00	\$100.00
\$75,001.00	\$100,000.00	\$125.00
\$100,001.00	\$175,000.00	\$150.00
\$175,001.00	\$250,000.00	\$175.00
\$250,001.00	\$500,000.00	\$225.00
\$500,001.00	\$750,000.00	\$300.00

\$750,001.00	\$1,000,000.00	\$450.00
\$1,000,001.00	\$1,500,000.00	\$500.00
\$1,500,001.00	\$2,000,000.00	\$600.00
\$2,000,001.00	\$3,000,000.00	\$700.00
\$3,000,001.00	\$4,000,000.00	\$800.00
\$4,000,001.00	\$5,000,000.00	\$900.00
\$5,000,001.00	\$10,000,000.00	\$1,000.00
\$10,000,001.00	and up	\$2,000.00

Note: You may report your gross receipts on a calendar or fiscal basis as long as it is for a full year. Please report by the same method each year. If you have been doing business in the city of McFarland for less than twelve months, enter an estimate of your gross receipts for twelve months.

C. The business license tax and gross receipts may be modified from time to time by city council resolution.

(Ord. 276 §1(part), 1996; Ord. 210 §1(b), 1987; Ord. 190 §2, 1982; Ord. 89 §1, 1965; Ord. 60 §1, 1961; Ord. 50 §1, 1961; Ord. 29 §1, 1958; Ord. 7 §14, 1957)

(Ord. No. 005-2018, § 1(E), 6-14-18)

ORDINANCE NO. 0004-2021

AN ORDINANCE OF THE CITY OF MCFARLAND REGARDING VENDING FROM VEHICLES AND LICENSE TAXES – RATES, AND AMENDING AND RESTATING TITLE 5, CHAPTER 5.44 OF THE MCFARLAND MUNICIPAL CODE TO AMEND AND RESTATE SECTIONS 5.48.020, ADOPT AND ENACT 5.48.060, AND AMEND AND RESTATE TITLE 5, CHAPTER 5.04, SECTION 5.04.140, MCFARLAND MUNICIPAL CODE

Section 1. Recitals.

WHEREAS, The City of McFarland (“City”) desires to amend, clarify and codify its Municipal Code Chapter related to Vending from Vehicles and the License Taxes applicable to Vending from Vehicles;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify the City’s requirements and procedures for residents seeking to obtain a permit for mobile vending and the license taxes applicable thereto;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Chapter 5.44 and 5.48 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from incompatible Municipal Code Chapters.

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

Section 2. Section 5.44.020 of the McFarland Municipal Code is hereby amended and restated to read as follows:

5.44.020 – Permits.

Any person wishing to be a vendor in the city must comply with the same conditions as peddlers and solicitors more particularly described in Chapter 5.32 of this code and each of the provisions in Chapter 5.32 are hereby made applicable to vendors. No person may be a vendor in the city without first complying with each and every requirement under Chapter 5.32. Notwithstanding the foregoing, no more than twenty vendors may be licensed in any calendar year. Permits shall be issued first to those vendors with existing permits requesting renewals of same provided the request for renewal is made on or before July 15 following expiration of the permit and, thereafter, on a first - come - first - serve basis for remaining permits, if any; provided, however, that the City may choose not to issue a permit to any applicant who has violated City regulations or the conditions of its license or failed to follow any other regulations of any other governmental jurisdiction."

A. Mobile Non-Food Vending

1. Ten (10) vendor permits are available for sales of non-edible good and services.

B. Mobile Food Vending

1. Ten (10) vendor permits are available for the mobile sales of any type of edible goods or beverages
2. No more than five (5) Mobile Food Vending permits may be for ice cream vendors and no more than two (2) Mobile Vending permits may be taco trucks.

C. Holders of Non-Food or Food Vendor Permits may use such permits for a maximum of two (2) Vehicles and/or self-propelled, or motorized devices.

D. Owner/Vendor shall not obtain more than one (1) Permit within the City to conduct sales of similar goods.

E. Owner/Vendor shall provide a Certificate of Vehicle Insurance, Liability Insurance and Workers Compensation Insurance, where applicable.

Section 3. Section 5.44.060 of the McFarland Municipal Code is hereby adopted and enacted to read as follows:

5.44.060 Operations on Private Property

A Mobile Vendor may locate its vehicle and/or self-propelled, or motorized devices on Private Property as the Mobile Vendor adheres to the following standards and conditions:

- A. A land use permit has been obtained from the City of McFarland Planning Department;
- B. To provide edible or non-edible goods and/or services for persons employed at the private property for a period of thirty minutes or less; or
- C. A Lease Agreement between property owner of land and vendor is provided to the City of McFarland and the property subject to the Lease Agreement is zoned such that operation of the mobile business is lawful.

Section 4. Section 5.04.140 of the McFarland Municipal Code is hereby amended and restated to read as follows:

5.04.140 – License taxes - Rates

- A. Every person who commences, conducts, engages in or carries on any business listed hereinafter in this subsection shall pay a business license tax comprised of the base, annual, per event, daily, and/or tax plus the unit tax amount times the number of units calculated, respectively, for each such classification of business as hereinafter specified.

Business Type	Annually/Daily/Per Unit Tax Amount	Event/
Administrative office	\$100.00 annually.	
Apartments/rental property	\$65.00 plus \$5.00 for each after 4 units.	
Arts and/or crafts fair	\$10.00 per booth/stall.	
Barber shop/beauty salon	\$65.00 per owner and non-employee operator.	
Billboard Structures within the city	\$150.00 annually per structure.	
Christmas tree lot sales operations	\$40.00 per day All structures and electrical permit requirements are inspected and approval by the building department and all fire code requirements approved by the fire department. Planning department approval requirement.	
Circus/carnival	\$450.00 for 5 days or less.	
Commercial solicitors/peddlers	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers must comply with the conditions described in municipal code Chapter 5.32.	
Curb Painters	\$30.00 per day. Requirements: Obtain insurance in the amount of \$100,000.00 for public liability from an insurance company. Obtain a Surety Bond from a bonding company or insurance company in the amount of \$500.00, or cash deposit in that amount can be made to the	

Business Type	Annually/Daily/Per Unit Tax Amount	Event/
	city of McFarland. The permit must be in possession of the person performing the work and available for inspection on demand.	
Exhibitions (i.e. car show)	\$10.00 per vehicle, per day.	
Family child care over 8 children	\$100.00 annually plus home occupation permit required and approved by the planning department and permit from the state of California to operate. See Res. No. 2014-0201 for fee.	
Family child care of 8 or less children	Health and Safety Code Section 1597.45: No local jurisdiction shall impose any business license, fee or tax for the privilege of operating a small daycare home.	
Farmers market	\$10.00 per booth/stall.	
Non-Food Mobile Vendor – Municipal Code Chapter 5.44	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Liability insurance required, see municipal code Section 5.44.020. Must comply with the additional conditions described in municipal code Chapter 5.32.	
Food vending vehicles — Municipal code Chapter 5.44	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required, see municipal code Section 5.44.020. Must comply with the additional conditions described in municipal code Chapter 5.32.	
Fortunetelling, palmist, clairvoyant	\$500.00 annually, plus investigation filing fee of \$500.00, plus the fee charged by Department of Justice for fingerprint processing. Must comply with additional requirements in municipal code Chapter 5.28.	
Hotel, motel, lodging houses	\$65.00 annually, plus \$5.00 per room after 4.	
Ice cream vending vehicle	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required see municipal code Section 5.44.060. Must comply with additional conditions described in municipal code Chapter 5.32.	
Itinerant vendor	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers/itinerant vendors must comply with the conditions described in Municipal Code Chapter 5.32.	
Interpreter	\$65.00 annually.	
Laundromats	\$30.00 for the first machine, \$10.00 for each additional machine per year. Maximum \$200.00 annually.	
Spas-medi/pedi	\$65.00 per owner and non-employee operator.	
Taxi-cab	\$65.00 per vehicle. \$90.00 for background check required on each owner/driver, \$25.00 for each vehicle inspection, and live scan required	

Business Type	Annually/Daily/Per Unit Tax Amount	Event/
	on each owner/driver. Must also comply with all requirements stated in municipal code Chapter 5.52.	
Duplicate (lost or damaged business license) — Municipal code Section 5.04.100	\$15.00	
Change location of business—Municipal code Section 5.04.090	\$15.00	

B. Every person who engages in any business within the city except those businesses set forth in subsection A of this Section 5.04.140 shall pay an annual business tax based upon gross receipts at the rates to be calculated to the nearest cent as set forth below:

City of McFarland
License Fee Schedule
Annual Gross Receipts

1. Base fee on all business license: Fifteen dollars.
2. California state fee on all business license: Four dollars. May be revised by state of California.

For the sales and service or the rendering of any service whatsoever.

FROM	TO	FEE DUE
ZERO	\$30,000	\$65.00
\$30,001.00	\$50,000.00	\$75.00
\$50,001.00	\$75,000.00	\$100.00
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\$175,001.00	\$250,000.00	\$175.00
\$250,001.00	\$500,000.00	\$225.00
\$500,001.00	\$750,000.00	\$300.00
\$750,001.00	\$1,000,000.00	\$450.00
\$1,000,001.00	\$1,500,000.00	\$500.00
\$1,500,001.00	\$2,000,000.00	\$600.00
\$2,000,001.00	\$3,000,000.00	\$700.00
\$3,000,001.00	\$4,000,000.00	\$800.00
\$4,000,001.00	\$5,000,000.00	\$900.00
\$5,000,001.00	\$10,000,000.00	\$1,000.00

FROM	TO	FEE DUE
\$10,000,001.00	and up	\$2,000.00

Note: You may report your gross receipts on a calendar or fiscal basis as long as it is for a full year. Please report by the same method each year. If you have been doing business in the city of McFarland for less than twelve months, enter an estimate of your gross receipts for twelve months.

C. The business license tax and gross receipts may be modified from time to time by city council resolution.

Section 5. The Amended Chapter 5.44 of the McFarland Municipal Code is set forth in Exhibit “A” to this Ordinance and incorporated herein by reference.

Section 6. The Amended Chapter 5.04 of the McFarland Municipal Code is set forth in Exhibit “B” to this Ordinance and incorporated herein by reference.

Section 7. NOTICE. The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 8. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 9. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 10. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the __th day of June, 2021, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Gonzalez				
Maria T. Perez				
Eric Rodriguez				
Saul Ayon				
Ricardo Cano				

Sally Gonzalez, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on _____, 201__.

ATTEST:

APPROVED AS TO FORM:

Francisca Alvarado, City Clerk

Nathan M. Hodges, City Attorney

EXHIBIT A
CHAPTER 5.44 MOBILE VENDING

5.44.010 – Definitions.

The following words and terms shall have the following meanings:

“Goods” means items and products of every kind and description including, without limitation, all food, produce and beverage items.

“Vehicle” shall have the same meaning as in the Vehicle Code of the state of California.

“Vendor” means any person who engages in the act of selling or offering for sale any goods from a vehicle or who drives or otherwise uses any such vehicle for the purpose of selling or offering for sale any goods therefrom.

5.44.020 – Permits.

Any person wishing to be a vendor in the city must comply with the same conditions as peddlers and solicitors more particularly described in Chapter 5.32 of this code and each of the provisions in Chapter 5.32 are hereby made applicable to vendors. No person may be a vendor in the city without first complying with each and every requirement under Chapter 5.32. Notwithstanding the foregoing, no more than twenty vendors may be licensed in any calendar year. Permits shall be issued first to those vendors with existing permits requesting renewals of same provided the request for renewal is made on or before July 15 following expiration of the permit and, thereafter, on a first – come – first – serve basis for remaining permits, if any; provided, however, that the City may choose not to issue a permit to any applicant who has violated City regulations or the conditions of its license or failed to follow any other regulations of any other governmental jurisdiction.”

- Mobile Non-Food Vending
 - Ten (10) vendor permits are available for sales of non-edible good and services.
- Mobile Food Vending
 - Ten (10) vendor permits are available for the mobile sales of any type of edible goods or beverages
 - No more than five (5) Mobile Food Vending permits may be for ice cream vendors and no more than two (2) Mobile Vending permits may be taco trucks.
- Holders of Non-Food or Food Vendor Permits may use such permits for a maximum of two (2) Vehicles and/or self-propelled, or motorized devices.
- Owner/Vendor shall not obtain more than one (1) Permit within the City to conduct sales of similar goods.
- Owner/Vendor shall provide a Certificate of Vehicle Insurance, Liability Insurance and Workers Compensation Insurance, where applicable.

5.44.030 – Prohibited conduct.

- A. No vendor shall sell or offer for sale any goods within three hundred feet from the exterior boundary of property used or occupied by any of the following:
 - 1. A public or private school during the hours that school is in session;

2. A business establishment which is opened for business and is offering for sale the same or similar product as offered for sale by the vendor;
 3. A restaurant, cafe, or eating establishment which is opened for business;
 4. A public park at such times as a concession stand authorized by the public agency with jurisdiction over the park is operating;
 5. Any city property where a city authorized concession stand is operating;
 6. A church or other place for religious gathering during the hours of church services or church-related activities; and
 7. Any permitted location where the vendor has sold goods or offered same for sale within a period of less than four hours.
- B. No vendor shall sell goods or offer same for sale at any permitted location for a longer consecutive period of time than one hour.
 - C. No vendor shall sell goods or offer same for sale in violation of any of the provisions of this code or of the laws of any other jurisdiction.
 - D. No vendor shall obstruct or cause to be obstructed the passage of a sidewalk, street, or any other public place by causing people to congregate at or near the place where goods are being sold or offered for sale.
 - E. No vendor shall serve customers on the street side of the vehicle and the right wheels of the vehicle shall be parallel to and within twelve inches of the right hand curb or the right hand edge of the roadway.
 - F. No vendor shall sell or offer to sell goods in such a manner as to cause a traffic hazard.
 - G. No music which can be heard outside of the vehicle nor any sound amplification systems shall be used whenever the vehicle is stopped or parked.
 - H. Vendors shall maintain on the vehicle leak-proof, plastic or galvanized refuse receptacles with tight fitting lids. The vendor shall clean all public property surrounding the vehicle of all refuse generated by the vendor's activity. All wastewater must be retained in a spill-proof, leak-proof container maintained on the vehicle with a larger capacity than the water supply available on the vehicle.
 - I. No vendor shall set portable tables or chairs for customer use or promote a sit down dining environment at any location.
 - J. No vendor shall conduct business between the hours of ten p.m. and nine a.m.
 - K. All vendors preparing food in the vehicle by cooking, frying, or other similar means shall be equipped with at least one 2A-40-BC fire extinguisher.

5.44.040 – Applicability of regulations to existing business.

The provisions of this chapter shall be applicable to all persons and businesses described herein whether established before or after the effective date of the ordinance enacting this chapter into law.

5.44.050 – Violation—Penalty.

Every person violating or failing or neglecting or refusing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon violation thereof, shall be punishable as provided for in Chapter 1.20 of this code. Each day any violation of any provision of this chapter shall continue shall constitute a separate offense.

5.44.060 – Operations on Private Property

A Mobile Vendor may locate its vehicle and/or self-propelled, or motorized devices on Private Property as the Mobile Vendor adheres to the following standards and conditions:

- A. A land use permit has been obtained from the City of McFarland Planning Department;
- B. To provide edible or non-edible goods and/or services for persons employed at the private property for a period of thirty minutes or less; or
- C. A Lease Agreement between property owner of land and vendor is provided to the City of McFarland and the property subject to the Lease Agreement is zoned such that operation of the mobile business is lawful.

EXHIBIT "B"
CHAPTER 5.04 BUSINESS LICENSE

5.04.010 - Revenue measure.

The ordinance codified in this chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation.

5.04.020 - Definitions.

As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section:

- A. "Amusement machine" means any mechanical, electrical, electronic or other machine, apparatus, contrivance or device, which may be operated or played by the placing or deposit therein of a coin, check, slug, ball, token, card or other article, or by paying for the use thereof in advance or after use, involving in its operation or play either skill or chance, including but not limited to pinball machines, bowling game machines, shuffleboard machines, marble game machines, video game machines, or any other similar machine or device. The term "amusement machine" does not include phonographs, jukeboxes or other music machines.
- B. "Arcade" means any business with a fixed place of business which maintains on the premises four or more amusement machines available for use and play by the public generally or by patrons of such business, whether the business of arcade is conducted as a single business or in conjunction with another business.
- C. "Business" includes professions, trades and occupations and all and every kind of calling whether or not carried on for profit.
- D. "Distributor" means any person engaged in the business of selling, renting or placing on consignment or on commission basis or otherwise with any person any amusement machine in or at any place of business in the city.
- E. "Gross receipts" includes the total of amounts actually received or receivable from sales and the total amounts actually received or receivable 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 materials, 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 materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" shall be the following:
 - 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 an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the

- agent or trustee has furnish the collector with the names and addresses of the others and the amounts paid to them;
6. As to a prime contractor or subcontractor to which Section 7108.5 of the California Business and Professions Code applies, the amounts received on account of the work performed by subcontractors, to the extent of each subcontractor's interest within.
 7. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission or other income to the agent or broker;
 8. As to a retail gasoline dealer, a portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provisions Part 2 of the Division 2 of the Revenue and Taxation Code of the State of California;
 9. As to a retail gasoline dealer, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code if paid by the dealer or collected by him from the consumer or purchaser;
 10. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;
 11. As to a public utility operating in the city under a franchise or franchises from the city and which makes franchise payments to the city, that portion of gross receipts used in calculating the franchise fees.
- F. "Person" 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.
- G. "Residential property rental" means the business of managing, operating or renting any apartment house, duplex, hotel, motel, mobile home park, rooming or boardinghouse with two or more residential units. For purpose hereof, the number of residential units aforesaid shall exclude that unit, if any, occupied by the applicant; provide, however, that the management, operation or rental of three or less residential units shall not be deemed a residential property rental for the purposes of this chapter.

5.04.030 - Other ordinances not affected.

Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provisions of other ordinances.

5.04.040 - License required.

There are imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, profession, trade, calling or occupation in the city without first having procured a license from the city so to do or without complying with any of the applicable provisions of this chapter. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or the state. Persons not required to obtain a license

prior to doing business within the city because of conflict with applicable statutes of the United States or the state shall not be liable for payment of the tax imposed by this chapter.

5.04.045 - Commercial cannabis.

- A. Commercial cannabis activity, whether or not for profit, is prohibited in the city. No person shall establish, operate, maintain, conduct, allow, or engage in commercial cannabis activity anywhere within the city.
- B. No license shall be issued for any commercial cannabis activity in the city. The city shall also not issue any business license for any activity for which a state license is required under the MAUCRSA. The city shall also not issue any local license to a non-profit entity pursuant to California Business and Professions Code Section 26070.5.
- C. To the extent not already prohibited by subsection A above, all deliveries of cannabis or cannabis products to or from any location are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. Nothing in this section shall prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

5.04.050 - Branch establishments.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on. Each license shall authorize the licensee to transact and carry on any business or businesses at said location.

5.04.060 - Exemptions.

- A. Nothing in this chapter 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 of the state from the payment of such taxes as are prescribed in this chapter.
- B. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden on interstate commerce. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon such commerce, he may apply to the city clerk for an adjustment of the tax so that it will 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 method of business and the gross volume or estimated gross volume of business and such other information as the city clerk may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The city clerk shall then conduct an investigation, and, after having first obtained the written approval of the city attorney, 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 clerk shall have the power to base the license tax upon any measure which will assure 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 chapter.

Any person claiming an exemption pursuant to this section shall file a verified statement with the city clerk stating the facts upon which the exemption is claimed. The city clerk 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 tax required by this chapter. The city clerk, after giving notice and a reasonable opportunity for hearing to a licensee, 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 in this section.

5.04.070 - Application, approval and contents of license.

- A. Every person required to have a license under the provisions of this chapter shall make application for the same to the city clerk of the city. Such application shall be made upon a form provided by the city clerk and shall set forth such information as may be required by the city clerk as necessary to determine properly the amount of the license to paid.
- B. All applications shall be reviewed by the city of McFarland community development director or his/her designee. All required planning entitlements and permits must be obtained by the applicant prior to approval of a business license application.
- C. Each business license issued hereunder shall be conditioned upon the following and each licensee shall comply with same:
- D. All written conditions or limitations imposed upon the permit;
- E. Payment of all fees required by this chapter;
- F. Cooperating with the police department and all other departments of the city in connection with the investigation of any criminal activity in or around the business premises and to assist in the investigation thereof;
- G. The business and premises on which it is conducted shall not be in violation of any local, state, or federal laws or regulations including, without limitation, all laws, rules and regulations within the McFarland Municipal Code.
- H. A business license shall not be issued or renewed if the property owner or business owner has any outstanding zoning, code enforcement and/or building violations on the subject property.
- I. Upon approval of the business license application and upon the payment of the prescribed license tax the city clerk shall issue to such person a license which shall contain (i) the name of the person to whom the license is issued, (ii) the business licensed, (iii) the place where such business is to be transacted and carried on, (iv) the date of the expiration of the license, and (v) such other information as may be necessary for the enforcement of the provisions of this chapter.

5.04.080 - Appeal.

Any person aggrieved by any decision of the city clerk with respect to the issuance, refusal, to issue such license may appeal to the council by filing a notice of appeal with the city clerk. The council shall thereupon fix a time and place of hearing such appeal. The city clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the U.S. Post Office at McFarland, California, postage prepaid, addressed to such person at his last known address. The council shall have authority to determine all questions

raised on such appeal. No such determination shall conflict with any substantive provision of this chapter.

5.04.090 - Licenses not transferable—Change of location.

No license issued pursuant to this chapter 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 license may upon application therefor and paying a fee of fifteen dollars have the license amended to authorize the transacting and carrying on of such business at some other location to which the business is or is to be moved.

5.04.100 - Duplicate license.

A duplicate license may be issued by the city clerk to replace any license previously issued under this chapter 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 city clerk a duplicate license fee of fifteen dollars.

5.04.110 - Posting and keeping license.

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

- A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.
- 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 person at all times while transacting and carrying on such business.

5.04.115 - Suspension or revocation.

A business license may be suspended or revoked, temporarily or permanently, upon the permittee's failure to comply with all written conditions or limitations of the permit or the requirements of Section 5.04.070(C). Upon suspension or revocation of any permit, no other application by the same permittee or his or her agent to carry on a similar business or activity shall be filed for a period of one year from the date of such suspension or revocation.

5.04.116 - Appeal of suspension or revocation of permit.

A suspension or revocation shall be final unless appealed to the city manager by the permittee within ten days after service of written notice of the suspension or revocation on the permittee. The filing of any appeal shall not stay any action to correct any violation of the permittee which may be pending. Any appeal shall be in writing and shall set forth fully the grounds upon which the appeal is based. The city manager shall determine the appeal based on the writings. The city manager shall send notice of his or her decision to the permittee within thirty days of receipt of all of the written materials required by the city manager. The city manager's decision shall be final.

5.04.120 - License tax—How and when payable.

All license fees payable under this chapter shall be due and payable in full as follows:

- A. Annual licenses: In advance on the first day of July.

- B. Quarterly license taxes: In advance on the first day of January, April, July and October of each year.
- C. Monthly licenses: On the first day of each and every month in advance.
- D. Daily licenses: In advance each day.

5.04.130 - Penalty for failure to pay tax when due.

For failure to pay a license tax when due, the city clerk shall add a penalty of twenty-five percent of the license tax on the last day of the month after the due date thereof and the penalty and license tax shall bear interest from and after the due date until paid at the rate of twenty-five percent for each month delinquent thereafter providing that the amount of any penalty shall in no event exceed one hundred percent of the amount of the license tax due.

5.04.140 – License taxes - Rates

- A. Every person who commences, conducts, engages in or carries on any business listed hereinafter in this subsection shall pay a business license tax comprised of the base, annual, per event, daily, and/or tax plus the unit tax amount times the number of units calculated, respectively, for each such classification of business as hereinafter specified.

Business Type	Annually/Daily/Per Event/ Unit Tax Amount
Administrative office	\$100.00 annually.
Apartments/rental property	\$65.00 plus \$5.00 for each after 4 units.
Arts and/or crafts fair	\$10.00 per booth/stall.
Barber shop/beauty salon	\$65.00 per owner and non-employee operator.
Billboard Structures within the city	\$150.00 annually per structure.
Christmas tree lot sales operations	\$40.00 per day. All structures and electrical permit requirements are inspected and approval by the building department and all fire code requirements approved by the fire department. Planning department approval requirement.
Circus/carnival	\$450.00 for 5 days or less.
Commercial solicitors/peddlers	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers must comply with the conditions described in municipal code Chapter 5.32.

Business Type	Annually/Daily/Per Event/ Unit Tax Amount
Curb Painters	\$30.00 per day. Requirements: Obtain insurance in the amount of \$100,000.00 for public liability from an insurance company. Obtain a Surety Bond from a bonding company or insurance company in the amount of \$500.00, or cash deposit in that amount can be made to the city of McFarland. The permit must be in possession of the person performing the work and available for inspection on demand.
Exhibitions (i.e. car show)	\$10.00 per vehicle, per day.
Family child care over 8 children	\$100.00 annually plus home occupation permit required and approved by the planning department and permit from the state of California to operate. See Res. No. 2014-0201 for fee.
Family child care of 8 or less children	Health and Safety Code Section 1597.45: No local jurisdiction shall impose any business license, fee or tax for the privilege of operating a small daycare home.
Farmers market	\$10.00 per booth/stall.
Non-Food Mobile Vendor – Municipal Code Chapter 5.44	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Liability insurance required, see municipal code Section 5.44.020. Must comply with the additional conditions described in municipal code Chapter 5.32.
Food vending vehicles — Municipal code Chapter 5.44	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required, see municipal code Section 5.44.020. Must comply with the additional conditions described in municipal code Chapter 5.32.
Fortunetelling, palmist, clairvoyant	\$500.00 annually, plus investigation filing fee of \$500.00, plus the fee charged by Department of Justice for fingerprint processing. Must comply with additional requirements in municipal code Chapter 5.28.
Hotel, motel, lodging houses	\$65.00 annually, plus \$5.00 per room after 4.
Ice cream vending vehicle	\$200.00 Annually, \$90.00 for background check required on owner/operator, \$25.00 for each vehicle inspection, and live scan

Business Type	Annually/Daily/Per Event/ Unit Tax Amount
	required on each owner/operator. Must present a valid Kern County Environmental Health Permit. Liability insurance required see municipal code Section 5.44.060. Must comply with additional conditions described in municipal code Chapter 5.32.
Itinerant vendor	\$60.00 per person, per day, \$90.00 for background check and live scan required. All solicitors/peddlers/itinerant vendors must comply with the conditions described in Municipal Code Chapter 5.32.
Interpreter	\$65.00 annually.
Laundromats	\$30.00 for the first machine, \$10.00 for each additional machine per year. Maximum \$200.00 annually.
Spas-medi/pedi	\$65.00 per owner and non-employee operator.
Taxi-cab	\$65.00 per vehicle. \$90.00 for background check required on each owner/driver, \$25.00 for each vehicle inspection, and live scan required on each owner/driver. Must also comply with all requirements stated in municipal code Chapter 5.52.
Duplicate (lost or damaged business license) — Municipal code Section 5.04.100	\$15.00
Change location of business—Municipal code Section 5.04.090	\$15.00

B. Every person who engages in any business within the city except those businesses set forth in subsection A of this Section 5.04.140 shall pay an annual business tax based upon gross receipts at the rates to be calculated to the nearest cent as set forth below:

City of McFarland
License Fee Schedule
Annual Gross Receipts

1. Base fee on all business license: Fifteen dollars.
2. California state fee on all business license: Four dollars. May be revised by state of California.

For the sales and service or the rendering of any service whatsoever.

FROM	TO	FEE DUE
ZERO	\$30,000	\$65.00
\$30,001.00	\$50,000.00	\$75.00
\$50,001.00	\$75,000.00	\$100.00
\$75,001.00	\$100,000.00	\$125.00
\$100,001.00	\$175,000.00	\$150.00
\$175,001.00	\$250,000.00	\$175.00
\$250,001.00	\$500,000.00	\$225.00
\$500,001.00	\$750,000.00	\$300.00
\$750,001.00	\$1,000,000.00	\$450.00
\$1,000,001.00	\$1,500,000.00	\$500.00
\$1,500,001.00	\$2,000,000.00	\$600.00
\$2,000,001.00	\$3,000,000.00	\$700.00
\$3,000,001.00	\$4,000,000.00	\$800.00
\$4,000,001.00	\$5,000,000.00	\$900.00
\$5,000,001.00	\$10,000,000.00	\$1,000.00
\$10,000,001.00	and up	\$2,000.00

Note: You may report your gross receipts on a calendar or fiscal basis as long as it is for a full year. Please report by the same method each year. If you have been doing business in the city of McFarland for less than twelve months, enter an estimate of your gross receipts for twelve months.

C. The business license tax and gross receipts may be modified from time to time by city council resolution.

5.04.150 - Vehicle deliveries.

Every person not having a fixed place of business within the city who is not subject to the provisions of Section 5.04.140, who delivers goods, wares or merchandise of any kind by vehicles in the city or who provides any service by the use of vehicles in the city shall pay a license tax of one hundred fifty dollars per year.

5.04.160 - Other outside businesses—No fixed location.

Every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of Sections 5.04.140 or 5.04.150, shall pay a license tax of one hundred fifty dollars per year.

5.04.170 - Other outside businesses—Fixed location.

Every person who engages in business at a fixed place of business within the city and is not subject to the provisions of Section 5.04.140 shall pay an annual license tax of fifty dollars.

5.04.180 - Proration.

Whenever a business shall be first commenced during the year or any quarter thereof, the license tax shall be prorated for the months remaining in the license period after the first day of the month in which the business is commenced. Provided, however, that there shall be no proration of daily licenses and there shall be no proration of licenses for any person who does not have an established place of business in the city and provided further, that the minimum license fee under any proration shall be fifteen dollars.

5.04.190 - Waiver.

The licensing of any business, occupation or activity carried on wholly for the benefit of charitable purposes from which profit is not derived either directly or indirectly by any person, or to the conducting of any entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects whenever the receipts from such entertainment, dance, concert, exhibition or lecture go to any church, school, or to any religious or benevolent purpose within the city, or to any federal, military, fraternal or local chamber of commerce within the city, may be waived by the city council provided an application is made therefor with the city clerk of the city at least ten days prior to a regular city council meeting.

5.04.200 - Enforcement.

It shall be the duty of the city clerk of the city and he is by the ordinance codified in this section directed to enforce each and all of the provisions of this chapter, and the chief of police shall render such assistance in the enforcement of this chapter as may from time to time be required by the city clerk or the city council. The city clerk in the exercise of the duties imposed upon him under this chapter shall examine or cause to be examined all places of business in the city to ascertain whether the provisions of this chapter have been complied with. The city clerk and each and all of his assistants and any police officer shall have the power and authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed in this chapter, and demand an exhibition of its license. Any person having such license theretofore issued, in his possession or under his control, who wilfully fails to exhibit the same on demand shall be guilty of a misdemeanor and subject to the penalties provided by this chapter.

It shall be the duty of the city clerk to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this chapter.

5.04.210 - Revocation.

The city manager or his designee may revoke a business license if the business should be registered with the board of equalization and collecting and forwarding the sales tax accordingly but fails to do so.

5.04.220 - Error by city not to prevent collection of due and payable tax.

In no case shall any mistake made by the director in stating the amount of a license tax prevent or prejudice the collection by the city of what shall be actually due from any carrying on a business subject to a license tax under this chapter.

5.04.230 - Statements and records—Auditing—Examination.

- 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 collector, his deputies, or authorized employees of the city, who are hereby authorized to examine, audit, and inspect such books and records of any certificate holder or applicant for business tax certificate, as may be necessary in their judgment to verify or ascertain the amount of business tax due.
- B. All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases, and other expenditures, and shall retain all such records for examination by the collector. Such records shall be maintained for a period of at least five years. No person required to keep records under this section shall refuse to allow authorized representatives of the collector to examine the records at reasonable times and places.

5.04.240 - Information confidential.

- A. It is unlawful for the collector or any person having an administrative duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a business tax certificate, or pay a business tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this section shall be construed to prevent:
- B. The disclosure to, or the examination of records and equipment by, another city official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or collecting taxes imposed hereunder;

- C. The disclosure of information to, or the examination of records by, federal or state officials, or the tax officials of another city or county, or city and county, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;
- D. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to determine the existence or amount of any business tax liability of the particular taxpayers of the city;
- E. The disclosure after the filing of a written request to that effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the city attorney approves each such disclosure and that the collector may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;
- F. The disclosure of the names and addresses of persons to whom business tax certificates have been issued, and the general type or nature of their business;
- G. The disclosure by way of public meeting or otherwise of such information as may be necessary to the city council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for refund of business taxes, or submits an offer of compromise with regard to a claim asserted against him by the city for business taxes, or when acting upon any other matter;
- H. The disclosure of general statistics regarding taxes collected or business done in the city;
- I. The disclosure of information and examination of records of any business tax certificate holder who is a litigant in any lawsuit involving the city and such information is relevant to the issues in such lawsuit.

5.04.250 - Failure to file statement or corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector he fails to file a corrected statement, or if any person subject to the tax imposed by this chapter fails to apply for a business tax certificate, the collector may determine the amount of business tax due from such person by means of such information as he may be able to obtain. In case of failure to apply for a business tax certificate, a twenty-five percent penalty shall be added to the tax due. If the collector is not satisfied with the information supplied in statements or applications filed, he may determine the amount of any business tax due by means of any information he may be able to obtain. If such a determination is made the collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at McFarland, California, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within fifteen days after the mailing or serving of such notice, make application in writing to the collector for a hearing on the amount of the business tax. If such application is made, the collector shall cause the matter to be set for hearing within thirty days before the city council. The collector shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment. The council shall consider all evidence produced, and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed above for serving notices of assessment.

5.04.260 - Amount to be paid fixed by chapter.

The amount of licenses taxes to be paid to the city by any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated is hereby fixed and established by separate resolution from time to time by the city council. Such license tax shall be paid by every person engaged in carrying on or maintaining any such profession, trade, occupation, calling or business in the city.

5.04.270 - License tax a debt.

The amount of any license tax and penalty and interest imposed by this chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the amount of any delinquent license tax and penalties and interest.

5.04.280 - Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

5.04.290 - Penalty for violation.

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring the license or permit provided for in this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

McFarland Police Department

Monthly Statistics

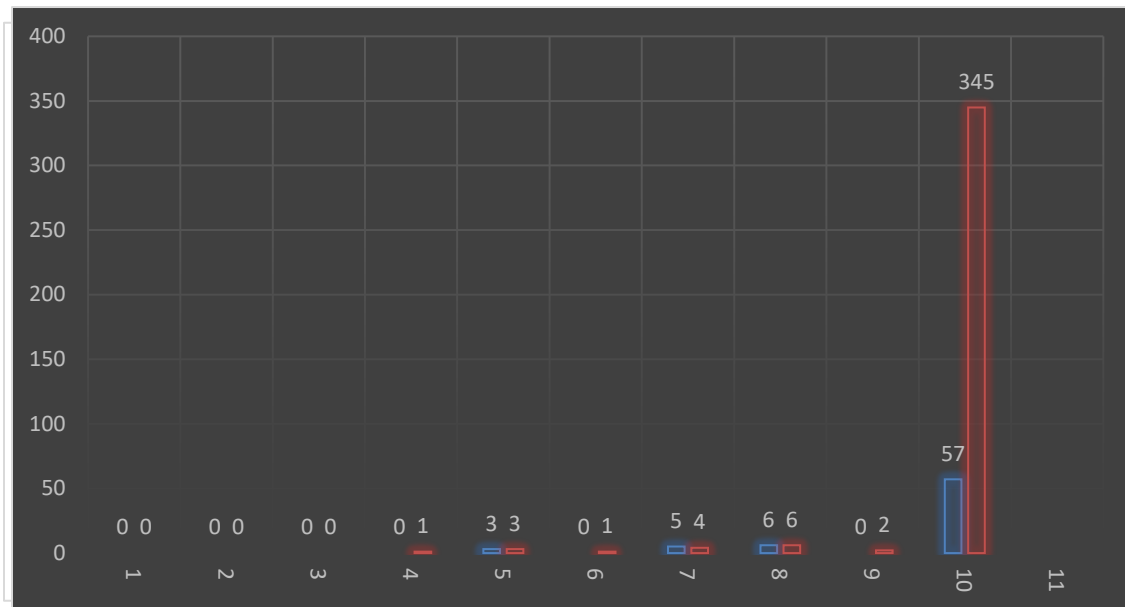
May 2021



Chief Kenny Williams

STATISTICS

May 2020 vs. May 2021



KEY:

Blue denotes 2020 Year

Red denotes 2021 Year

CRIMES	May 2020	May 2021	% CHANGE
Total Incidents	738	1104	49.59%
Calls for Service	602	435	-27.74%
Officer Initiated	136	669	391.91%
Felony Arrests	12	33	175%
Misdemeanor Arrests	24	76	216.66%
Citations	24	54	125%
Homicides (1)	0	0	0
Rapes/Sexual Assault's (2)	0	0	0
Robberies (3)	0	0	0
Assaults (4)	0	1	100%
Domestic Violence (5)	3	3	0
Burglaries (6)	0	1	100%
Thefts (7)	5	4	-20%
Vehicle Thefts (8)	6	6	0
Identity Thefts (9)	0	2	100%
Traffic Stops (10)	57	345	505.26%

TOWED

VEHICLES

Month	TOWS	ABAND VEH/EXP Registration	RECOVER STOLEN Veh	NO LICENSE	SUSP/REV LICENSE	DRUGS	DUI	WEAPONS	ARREST/ OTHER	TRAFFIC COLLISION	% of Traffic Stops
May	17	6	0	1	2	4	5	0	9	1	4.92%

Some tows may include two options, such as no license or suspended/revoked while committing another crime.

TRAFFIC STOPS

Total: 345 Citations: 54 Warnings: 291 Cases Assigned: 26

WARRANTS SERVED: 25

Felony: 5

Misdemeanor: 20

TRAFFIC COLLISIONS: 10

300 W. Perkins Ave.

Perkins Bridge

W Sherwood Ave/ Mast Ave

California Ave/ 1st St

Browning Rd/E Sherwood Ave

31585 W Elmo Hwy

W Elmo Hwy/Garzoli Ave

200 Robertson Ave

217 San Pedro St

975 Mast Ave

