

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 5 (BUSINESS REGULATIONS) CHAPTER 5.02 (BUSINESS LICENSE) SECTION 5.02.320 (DUTY TO CERTIFY GENERAL CONTRACTOR'S STATEMENT) OF THE MORENO VALLEY MUNICIPAL CODE.

WHEREAS, the City of Moreno Valley ("City") is a general law city and a municipal corporation of the State of California; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, morals and/or safety; and

WHEREAS, Chapter 9 to Division 3 of the California Business and Professions Code requires all persons performing contracting work ("Contractor") on any project valued at \$500 or more in combined labor and material costs to be licensed by the Contractors State Licensing Board; and

WHEREAS, Section 5.02.020 (License required) to Title 5 of the Municipal Code ("Code") requires every person operating a business in the City to procure a business license from the City; and

WHEREAS, Section 5.02.030 (Schedule of License Fees & Tax) of the Code requires every person engaged in business as a Contractor or Subcontractor in the City to pay an annual business license fee and tax; and

WHEREAS, Section 5.02.320 (Duty to Certify General Contractor's Statement) of the Code requires Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the collector a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the city. The statement shall include the name, address and telephone number of each subcontractor. Any builder-owner, general engineering contractor, specialty contractor or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this section; and

WHEREAS, staff has determined that the amendments are exempt from the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment; and

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

Section 1. RECITALS

That the above recitals are true and correct and are incorporated herein as though set forth at length herein.

Section 2. AUTHORITY

That this Ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the Constitution of the State of California and California Government Code Section 37100, and it is not intended to be duplicative of state law, or be preempted by state legislation.

Section 3. AMENDMENT TO SECTION 5.02.320 (DUTY TO CERTIFY GENERAL CONTRACTOR'S STATEMENT)

Section 5.02.320 (Duty to Certify General Contractor's Statement) of Chapter 5.02 (Business License) of Title 5 (Business Regulations) is hereby amended as set forth in Exhibit A.

Section 4. CEQA COMPLIANCE

That the proposed ordinance is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines in that the amendments involve general policy and procedure making, and it can be seen with certainty that there is no possibility that the amendments will have a significant effect on the environment.

Section 5. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 6. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Moreno Valley that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its second reading.

Section 8. CERTIFICATION

That the City Clerk shall certify to the passage and adoption of this Ordinance, enter the same in the book for original ordinances of the City, and make a minute of passage and adoption thereof in the records of the proceedings of the City Council, in the minutes of the meeting at which this Ordinance is passed and adopted.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

INTRODUCED at a regular meeting of the City Council on ____ __, ____, and PASSED, APPROVED, and ADOPTED by the City Council on _____ __, ____, by the following vote:

Ulises Cabrera, Mayor
City of Moreno Valley

ATTEST:

M. Patricia Rodriguez, City Clerk, CMC

APPROVED AS TO FORM:

Steven B. Quintanilla, City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

ss. CITY OF MORENO VALLEY

)

I, _____, City Clerk of the City of Moreno Valley, California,
do hereby certify that Ordinance No. 2025 XX was duly and regularly adopted
by the City Council of the City of Moreno Valley at a regular meeting thereof held
on the _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and

Mayor)

CITY CLERK

(SEAL)

SECTION 5.02.320
DUTY TO CERTIFY GENERAL CONTRACTOR'S STATEMENT

5.02.320. Duty to Certify General Contractor's Statement.

Every person acting as a general contractor, whether building for their own occupancy or not, shall file with the collector a full, true and complete written statement, signed by such person, under penalty of perjury, listing all subcontractors who have performed or shall perform any service whatsoever for such person within the city. The statement shall include the name, address and telephone number of each subcontractor. Any builder-owner, general engineering contractor, specialty contractor or subcontractor, subcontracting any work shall be deemed a general contractor for the purpose of this section.

- A. Contractor Requirements. No person shall be issued a permit to perform work requiring a permit under this Code, unless they are:
1. A licensed contractor or subcontractor ("contractor");
 2. An employee, agent, or authorized representative of a licensed contractor;
 3. A representative of an electronically subscribed service acting on behalf of a licensed contractor;
 4. The property owner performing their own work; or
 5. An employee of the owner provided that the owner shows evidence of workers' compensation insurance required by state and city law, and their Federal tax identification number.
- B. Duty to Provide Information. A person applying for a permit ("applicant") under this Code to perform work on a project consisting of twenty (20) or more residential dwelling units or twenty thousand (20,000) square feet of newly constructed or improved commercial or industrial development shall submit the following information at the time of permit issuance and prior to commencement of work:
1. Scope of inspected work to be performed.
 2. A list of all contractors and provide verification of each contractor's workers' compensation insurance (including policy number and expiration date), state contractor license and license category (and license expiration date if a license is required by the California State Licensing Board to perform the identified scope of inspected work), City business license, and Federal tax identification number. No person shall contract or subcontract construction work without a valid contractor's license pursuant to applicable provisions of the state business and professions code.
 3. A disclosure of any previous, pending, or final determinations pertaining to state or Federal labor code violations within the prior seven (7) years; or any penalties paid, criminal convictions, or judgments over five hundred thousand dollars (\$500,000) related to the provisions of the California Labor Code or the Federal Labor Standards Act within the prior seven (7) years for all contractors. The applicant may provide a sworn attestation from a contractor to satisfy this requirement.

4. As a condition of receiving City inspections or participating in a City pre-construction meeting, the applicant shall (under penalty of perjury) submit required information to the City prior to each contractor or qualifying subcontractor starting work on the project.
- C. Failure to Provide Required Information. In the event the applicant cannot provide a list of valid contractors and the information required above upon permit application, the applicant or permit holder shall provide to the City all information required by subsection B within thirty (30) days after issuance of each permit (but prior to commencement of any associated work pursuant to said permit). Failure to provide valid and current contractor listings prior to commencing work shall result in one or more of the following:
1. City withholding inspections for any inspected work until such compliance is achieved.
 2. Issuance of a stop work order.
 3. Revocation of any permit issued by the City.
 4. The permit applicant paying a penalty for default to the City in an amount equal to the original permit fee for each violation in order to defray City costs of enforcement of this section prior to the issuance of any new permit.
- D. Adding new Contractor. The information required by subsection B shall be required at the time when any new contractor is added to the permit.
- E. Prior Work. Any work performed prior to satisfying the requirements of this section shall be deemed performed without the required permits.
- F. Duty to Update Changed Information. The applicant is required to submit updated information to the City within seventy-two (72) hours of knowledge of any changes at any time between permit issuance and final inspection.