

Ordinance No. 1741(26)

**An Ordinance of the City of Lompoc,
County of Santa Barbara, State of California
Imposing a Temporary Transactions and Use Tax for the
Purpose of Repair and Maintenance of City Streets to be
Administered by the California Department of Tax and
Fee Administration**

**NOW THEREFORE, THE PEOPLE OF THE CITY OF LOMPOC DO HEREBY ORDAIN
AS FOLLOWS:**

Section 1. Chapter 3.56 is hereby added to the Lompoc Municipal Code to read as set forth below:

Chapter 3.56
LOMPOC SPECIAL STREET REPAIR AND MAINTENANCE
TEMPORARY TRANSACTIONS AND USE TAX

§3.56.010. Title.

This Chapter shall be known as the City of Lompoc Special Street Repair and Maintenance Temporary Transactions and Use Tax Ordinance. The City of Lompoc hereinafter shall be called "City." This Chapter shall be applicable in the incorporated territory of the City.

§3.56.020. Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Chapter, the date of such adoption being the Effective Date as set forth below.

§3.56.030. Purpose.

This Chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if at least two-thirds of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.
- E. To generate locally controlled revenue to maintain, repair, and rehabilitate the City's streets, roads, alleys, sidewalks, storm drains, and roadway drainage infrastructure.

§3.56.040. Contract With State.

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

§3.56.050. Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half cent per dollar (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Chapter.

§3.56.060. Place Of Sale.

For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or its agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when

such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

§3.56.070. Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in said territory at the rate of one-half cent per dollar (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

§3.56.080. Adoption of Provisions of State Law.

Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

§3.56.090. Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other

consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

- b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.
1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

§3.56.100. Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

§3.56.110. Exemptions and Exclusions.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
 1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer

or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

- a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Chapter.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

§3.56.120. Changes In Law.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation

Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

§3.56.130. Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

§3.56.140. Annual Audit.

The proceeds resulting from the Transactions and Use Tax established by this Chapter shall be subject to the same independent annual audit requirements as other General Fund revenues.

§3.56.150. Oversight Committee.

The City Council shall serve as an oversight committee to review the expenditures of revenues generated by the tax imposed by this Chapter and make the results of such review publicly available. Such committee shall meet and be subject to all provisions of the Ralph M. Brown Act, Government Code Sections 54950 et seq.

§3.56.160. Permissible Uses of Tax Revenue; Expenditure Plan.

- A. Revenues from the transaction and use tax enacted by this Chapter shall be expended solely for maintenance, repair, rehabilitation, and reconstruction of the City's public streets, roads, alleys, sidewalks, storm drains, and roadway drainage infrastructure, including but not limited to the following:
1. Routine and preventive maintenance of pavement;
 2. Pavement preservation work such as slurry seal, chip seal, and crack sealing;
 3. Resurfacing, overlays, pavement repair, pavement rehabilitation, removal and replacement, or reconstruction;
 4. Repair or replacement of curbs, gutters, cross gutters, ribbon gutters, sidewalks, and curb ramps;
 5. Storm drain and roadway drainage improvements when directly related to street, road, alley, or sidewalk maintenance, repair, or reconstruction projects;
 6. Equipment, materials, and supplies used for such projects;

7. Inspection and project management costs;
8. Labor, including City staff or contracted services, directly performing the maintenance, repair, rehabilitation, or reconstruction work for such projects; and
9. Use of revenues to leverage or match state, federal, or regional grants or funding programs used to fund such projects.

B. In no event shall revenues from the tax enacted by the Chapter be used for:

1. Engineering or design costs;
2. Administrative costs, unless as part of a match for a state, federal, or regional grant or funding program and in compliance with the provisions of that grant or funding program.

§3.56.170. Accountability Measures.

The following accountability measures are hereby established pertaining to the levy of the special tax for the purposes described herein:

- A. Such special tax shall be levied for the specific purposes set forth in Section 3.56.160.
- B. The proceeds of the levy of such special tax shall be applied only to the specific purposes set forth in Section 3.56.160.
- C. The City shall establish an account or accounts into which the proceeds of such special tax shall be deposited.
- D. The City Manager shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3, which shall include the amount of funds collected and expended and the status of any project required or authorized to be funded.

§3.56.180. Non-Supplanting.

Revenues generated by this tax shall supplement and not supplant existing City funding for roadway rehabilitation and maintenance purposes, and shall be used to reduce existing maintenance backlogs that would otherwise remain unfunded, unless otherwise approved by the City Council at a public meeting.

§3.56.190. Appropriations Limit.

The proceeds of this tax are subject to the appropriations limit of Article XIII B of the California Constitution, unless otherwise determined by law.

§3.56.200. Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

§3.56.210. Effective Date.

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately as provided by law.

§3.56.220. Termination Date.

The authority to levy the tax imposed by this Chapter shall expire fifteen (15) years after the Operative Date.

§3.56.230. Penalties.

Without limiting any remedies available at law or equity, any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

§3.56.240. Ability to Lower Rate.

The tax rate in this Chapter may only be increased by a vote of the people of the City of Lompoc; provided, however, that the City Council may amend this Chapter to reduce the rate of the tax authorized herein.

§3.56.250. County Tax Limit.

In the event that Santa Barbara County voters enact a transactions and use tax that, when aggregated with this and other City and County transactions and use taxes, causes the combined rate limit applicable to Santa Barbara County set forth in the Revenue and Taxation Code to be exceeded within the City, then such County tax measure shall not have any effect on the City's ability to levy and collect this and other transactions and use taxes imposed by the Lompoc Municipal Code. Santa Barbara County shall neither levy nor collect any transactions and use taxes within the territory of Lompoc that, when aggregated with this and other City and County transactions and use taxes, would cause the combined rate limit applicable to Santa Barbara County set forth in the Revenue and Taxation Code to be exceeded within the City.

This Ordinance was introduced on January 20, 2026, and duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2026, by the following electronic vote:

PASSED AND ADOPTED this ___th day of ___ 2026, by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

James Mosby, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc

CERTIFIED, as [approved][disapproved] by a 2/3 vote of the voters of the City of Lompoc on June 2, 2026. by the City Council of the City of Lompoc on _[date of election certification]_____

Stacey Haddon
City Clerk of the City of Lompoc