

0. 77-85

ORDINANCE NO. 11980
(New Series)

JAN 5 1977

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 1,
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 31.0140 RELATING TO WRITTEN
STATEMENTS REQUIRED AT TIME OF APPLICATION
FOR BUSINESS LICENSE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 1, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 31.0140 to read as follows:

SEC. 31.0140 WRITTEN STATEMENTS REQUIRED AT TIME
OF APPLICATION

Where the license fee is based upon the number of persons employed, the applicant at the time of applying for a license shall file a written statement showing the average number of persons employed during the preceding six (6) months. Such written statements shall be made on forms provided by the City Treasurer.

Except in cases specifically provided for in this Code the license period for licenses issued hereunder shall be the fiscal year of the City beginning July 1st and ending June 30th.

Subject to other provisions of this Article, the license fees required to be paid hereunder shall be due and payable on the first day of July of each year, and shall be delinquent thirty (30) days after the same become due. In cases where a portion of the license period has elapsed prior

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to application for license, the amount of the fee payable shall be apportioned on a monthly basis where the license period is semiannual or quarterly, and on a quarterly basis where the license period is annual; provided that payment shall be required for the entire month or quarter in which said license is issued.

Where the license fee is based on the number of persons employed, and the applicant has not previously been engaged in business required to be licensed hereunder in San Diego, he shall file a written statement setting forth the estimated total number of persons he intends or expects to employ for the ensuing six (6) months.

Any person who fails to file any required statement, or fails to pay the amount required hereunder within the time fixed hereby, shall be assessed a penalty of ten percent (10%) on the amount unpaid at such time, which sum shall become a part of the license fee required to be paid hereunder.

No such statement shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude The City of San Diego 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 City Treasurer, who is hereby authorized to examine, audit and inspect such books and records of any licensee or applicant for license as may be necessary in his judgment to ascertain the correct amount of license due.

All licensees, applicants for licenses and persons engaged in business, are hereby required to permit an examination of such books and records for the purposes aforesaid.

The information or data obtained from such examination or audit shall be used for the purpose of enforcing the provisions of this Article and for no other purpose.

Nothing in this section shall prohibit the City Treasurer from furnishing to any citizen upon request the name under which the business is conducted, the address and type of business, and the name of owner of the business, including the names of partners if a partnership or the names of officers if a corporation.

It shall be unlawful for any person willfully to make and subscribe to any statement which is false or untrue as to any material matter contained therein.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Joseph K. Davis
Deputy City Attorney

JKD:k:523
11-8-76
Or.Dept.: Mayor

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MAY 15 1978

11980

00534

Passed and adopted by the Council of The City of San Diego on JAN 5 1977,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 21 1976

JAN 5 1977

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

FILED
 JAN 10 1977
 SAN DIEGO, CALIF.

MICROFILMED
 MAY 15 1978

Office of the City Clerk, San Diego, California	
JAN 5 1977	
Ordinance Number	<u>11980</u> Adopted

ATTORNEY(S)

San Diego, City of
12th floor, City Admin. Bldg.
202 C Street
San Diego, CA 92101

RECEIVED
1977 JAN 25 PM 1:52
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

APPLICATION FOR BUSINESS LICENSE

ORDINANCE NO. 11980

(New Series)
AN ORDINANCE AMENDING
CHAPTER III, ARTICLE 1,
DIVISION 1 OF THE SAN
DIEGO MUNICIPAL CODE BY
AMENDING SECTION 31.0140
RELATING TO WRITTEN
STATEMENTS REQUIRED AT
TIME OF APPLICATION FOR
BUSINESS LICENSE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter III, Article 1, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 31.0140 to read as follows:

SEC. 31.0140 WRITTEN STATEMENTS REQUIRED AT TIME OF APPLICATION

Where the license fee is based upon the number of persons employed, the applicant at the time of applying for a license shall file a written statement showing the average number of persons employed during the preceding six (6) months. Such written statements shall be made on forms provided by the City Treasurer.

Except in cases specifically provided for in this Code the license period for licenses issued hereunder shall be the fiscal year of the City beginning July 1st and ending June 30th.

Subject to other provisions of this Article, the license fees required to be paid hereunder shall be due and payable on the first day of July of each year, and shall be delinquent thirty (30) days after the same become due. In cases where a portion of the license period has elapsed prior to application for license, the amount of the fee payable shall be apportioned on a monthly basis where the license period is semiannual or quarterly, and on a quarterly basis where the license period is annual; provided that payment shall be required for the entire month or quarter in which said license is issued.

Where the license fee is based on the number of persons employed, and the applicant has not previously been engaged in business required to be licensed hereunder in San Diego, he shall file a written statement setting forth the estimated total number of persons he intends or expects to employ for the ensuing six (6) months.

I, PATRICIA M. DUTRA hereby certify that the San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 11980
(New Series)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

January 19, 1977

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

January 24, 1977

Patricia M. Dutra
(Signature)

00536

12" @ 5.08 = 60.96 ✓

shall be assessed
percent (10%)
of such
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The
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Such statements
of the several items
shall be sub
the verification by
who is
to examine such
such books and records
the applica
may be necessary
to ascertain the
of license fee.
Applicants
and persons
are hereby required
an examination of
and records for the
information or data
from such examina
shall be used for the
enforcing the provisions
of this ordinance and for no
other purpose.
Nothing in this section shall
be construed to require the City Treasurer
to issue any license or
in the name under which the
business is conducted. The
type of business and
name of owner of the
business, including the name
of partnership or the
name of officers if a corporation,
shall be unlawful to
willfully to make any
statement which
is untrue as to any
material matter contained
therein.
This ordinance shall
be in force on the
day from and after its
enactment on December 21,
1977.
Passed and adopted by the Council
of the City of San Diego on
January 5, 1977.

AUTHENTICATED BY:
PETE WILSON
Mayor of the City of
San Diego, California
EDWARD NIELSEN
City Clerk of the City of
San Diego, California
JOHN H. MARTINEZ