

ORDINANCE NO. 12348
(New Series)

O. 78-268
MAY 8 1978

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 5,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 35.0113, RELATING TO TRANSIENT
OCCUPANCY TAX

WHEREAS, the Council of The City of San Diego in 1977 considered several amendments to that portion of the San Diego Municipal Code relating to the Transient Occupancy Tax; and

WHEREAS, those several amendments were presented to and considered by Council for the purpose of clarifying the municipal law governing that area; and

WHEREAS, after due debate and deliberation, the Council enacted Ordinance No. 12142 (New Series) amending several sections of the Municipal Code relating to the Transient Occupancy Tax; and

WHEREAS, it is now deemed necessary to provide by further amendment additional clarification for the purpose of eliminating any perceived ambiguity and intra-section conflict; NOW, THEREFORE,

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

Section 1. That Chapter III, Article 5 of the San Diego Municipal Code be and the same is hereby amended by amending Section 35.0113 to read as follows:

SEC. 35.0113 ACTIONS TO COLLECT

Any tax required to be paid by any transient under the provisions of this Article shall be deemed a debt owed by the transient to the City and payable through

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the operator. Any such tax, collected by an operator, which has not been paid to the City, shall be deemed funds held in trust for the account of the City which are due and payable by the operator to the City pursuant to the provisions of this Article. Any person owing money to the City under the provisions of the Article shall be liable to an action brought in the name of The City of San Diego for the recovery of such amount.

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 Jack Katz
Jack Katz
Chief Deputy City Attorney

JK:vl:160.1
4/18/78
Or. Dept.: Treasurer

Old Language: Crossed out
New Language: Underlined

O. 78-268

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12348

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Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Betty Goodberg, 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

APR 24 1978

MAY 8 1978

, 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Betty Goodberg, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

12348

Adopted

MAY 8 1978

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ATTORNEY(S)

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12348

IN THE MATTER OF

TRANSIENT OCCUPANCY TAX

ORDINANCE NO. 12348

(New Series)

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WHEREAS, those several amendments were presented to and considered by Council for the purpose of clarifying the municipal law governing that area; and

WHEREAS, after due debate and deliberation, the Council enacted Ordinance No. 12142 (New Series) amending several sections of the Municipal Code relating to the Transient Occupancy Tax; and

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Any person owing money to the City under the provisions of the Article shall be liable to an action brought in the name of The City of San Diego for the recovery of such amount.

I, SALLY M. COWART, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12348

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

May 22, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 23rd day of May, 1978.

Sally M. Cowart
(Signature)

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