

(0-92-68)

ORDINANCE NUMBER O- 17734 (NEW SERIES)

ADOPTED ON JAN 21 1992

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY CREATING AND ENTITLING DIVISION 7 TO READ ENVIRONMENTAL HEALTH PERMITS, BY RENUMBERING SECTION 41.07 TO READ SECTION 41.0701, AND RENUMBERING AND AMENDING SECTIONS 41.07.1 AND 41.07.4 TO SECTIONS 41.0702 AND 41.0703, RESPECTIVELY, ALL RELATING TO PENALTIES FOR HEALTH SERVICE PERMIT FEE DELINQUENCIES.

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

Section 1. That Chapter IV, Article 1, of the San Diego Municipal Code is amended by creating and entitling Division 7, Environmental Health Permits, by renumbering section 41.07 to read section 41.0701, and by renumbering and amending sections 41.07.1 and 41.07.4 to sections 41.0702 and 41.0703, respectively, to read as follows:

**DIVISION 7**

**Environmental Health Permits**

**SEC. 41.0701 Health Permit Fees Paid to County**

[No change in text.]

**SEC. 41.0702 - Health Permit Fees - General - Annual Inspection Fee**

Except as otherwise specifically provided in this chapter, every person applying for a permit under the provisions of this chapter shall at the time of making

application for such permit pay a fee, the exact amount of which shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. In any case where the applicant has failed to file the application and obtain the required permit, license or registration as determined by the County of San Diego, there shall be added to and collected with the required fee a penalty. The penalty shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. The imposition or payment of the penalty imposed by this section shall not prohibit the imposition of any other penalty prescribed by this chapter or a criminal prosecution for violation of this chapter. Institutions exempt from real property assessments and taxation are exempt from paying the fees established by this section.

Every person applying for a permit under the provisions of this chapter shall at the time of making application for the permit pay a fee for the following:

1. through 5. [No change in text.]

**SEC. 41.0703 Renewal of Health Permit,  
Penalty for Delinquency**

A permit issued pursuant to this division shall expire on the last day of the month of the one year anniversary month in which the permit was issued and shall be renewed annually with the exception that the fee for food vending and sewage pumping vehicles and for food vending machines shall be prorated so that the annual renewal date will be January 1 of each year. The fee for vehicles and vending machines that are prorated shall be reduced by an amount equal to 1/12 of the total annual permit fee for each month less than one year for which the permit is issued. At the time application is made, there shall be paid to the Department of Health Services the required annual fee, which fee is due and payable each year. The annual fee, if unpaid by the last day of the month following the month in which the permit expires is thirty (30) days delinquent, and on the first day of the next following month, if still unpaid, is sixty (60) days delinquent.

If the annual fee is not paid the first month after it is due, there shall be added

to and collected with the annual fee, an additional penalty to be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. The imposition of or payment of the penalty imposed by this section shall not prohibit the imposition of any other penalty prescribed by this code, or prosecution for violation of this code.

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 Kelly J. Salt  
Kelly J. Salt  
Deputy City Attorney

KJS:jrl  
11/18/91  
Or.Dept:Fin.Mgt.  
O-92-68  
Form=O+t  
Or.Dept:

(0-92-68)

OLD LANGUAGE - STRIKEOUT  
NEW LANGUAGE - UNDERLINED

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1,  
OF THE SAN DIEGO MUNICIPAL CODE BY CREATING  
AND ENTITLING DIVISION 7 TO READ  
ENVIRONMENTAL HEALTH PERMITS, BY RENUMBERING  
SECTION 41.07 TO READ SECTION 41.0701, AND  
RENUMBERING AND AMENDING SECTIONS 41.07.1 AND  
41.07.4 TO SECTIONS 41.0702 AND 41.0703,  
RESPECTIVELY, ALL RELATING TO PENALTIES FOR  
HEALTH SERVICE PERMIT FEE DELINQUENCIES.

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

Section 1. That Chapter IV, Article 1, of the San Diego  
Municipal Code is amended by creating and entitling Division 7,  
Environmental Health Permits, by renumbering section 41.07 to  
read section 41.0701, and by renumbering and amending sections  
41.07.1 and 41.07.4 to sections 41.0702 and 41.0703,  
respectively, to read as follows:

DIVISION 7

Environmental Health Permits

SEC. ~~41.07~~ 41.0701 Health Permit Fees Paid  
to County

[No change in text.]

SEC. ~~41.07.1~~ 41.0702 Health Permit Fees - General -  
Annual Inspection Fee

Except as otherwise specifically  
provided in this chapter, every person

applying for a permit under the provisions of this chapter shall at the time of making application for such permit pay a fee, the exact amount of which shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. In any case where the applicant has ~~failed for a period of thirty (30) days to file the application and obtain the required permit, license or registration~~ as determined by the County of San Diego, there shall be added to and collected with the required fee a penalty. ~~equal to 10% of the fee and for each additional month or fraction of a month after the expiration of said 30-day period that the applicant fails to file such application and obtain such permit, license or registration, there shall be added to and collected with the fee an additional penalty equal to 10% of the fee; provided, however, in no event shall the total penalty added to the fee pursuant to this section be more than 60% of the fee.~~ The penalty shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. The imposition

or payment of the penalty imposed by this section shall not prohibit the imposition of any other penalty prescribed by this chapter or a criminal prosecution for violation of this chapter. Institutions exempt from real property assessments and taxation are exempt from paying the fees established by this section.

Every person applying for a permit under the provisions of this chapter shall at the time of making application for the permit pay a fee for the following:

1. through 5. [No change in text.]

**SEC. ~~41.07.4~~ 41.0703 Renewal of Health Permit, ~~Ten Percent (10%)~~ Penalty for Delinquency**

A permit issued pursuant to this ~~chapter~~ division shall expire on the last day of the month of the one year anniversary month in which the permit was issued and shall be renewed annually with the exception that the fee for food vending and sewage pumping vehicles and for food vending machines shall be ~~pre-rated~~ prorated so that the annual renewal date will be January 1 of each year. The fee for vehicles and vending machines that are ~~pre-rated~~ prorated shall be reduced by an amount equal to 1/12 of the total annual permit fee for each month less than

one year for which the permit is issued. At the time application is made, there shall be paid to the Department of Health Services the required annual fee, which fee is due and payable each year. The annual fee, if unpaid ~~is delinquent on the first day of the second month after the month in which the permit expires.~~ by the last day of the month following the month in which the permit expires is thirty (30) days delinquent, and on the first day of the next following month, if still unpaid, is sixty (60) days delinquent.

If the annual fee and ~~penalty~~ is not paid the first month after it is due, there shall be added to and collected with the annual fee, an additional penalty ~~equal to ten percent (10%) of the annual fee for each month or fraction of a month during which the annual fee or penalty continues to remain unpaid; provided, however, in no event shall the total penalty added to the fee pursuant to this section be more than sixty percent (60%) of the annual fee.~~ to be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. The imposition of or payment of the



penalty imposed by this section shall not prohibit the imposition of any other penalty prescribed by this ~~chapter~~ code, or prosecution for violation of this ~~chapter~~ code.

KJS:jrl  
11/15/91  
Or.Dept:Fin.Mgt.  
O-92-68  
Form=0+t  
Or.Dept:

# 52

JAN 21 1992

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By:  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

JAN 06 1992

JAN 21 1992

....., 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:  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17734 Adopted JAN 21 1992

DEC 24 1991

RECEIVED  
91 DEC 24 AM 11:30  
CITY CLERKS OFFICE  
SAN DIEGO, CA

DEC 24 1991

DEC 24 1991

DEC 24 1991

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
92 FEB -6 AM 11:43  
SAN DIEGO, CALIF. *es*

CITY CLERK'S OFFICE  
CITY ADMIN. BLDG.  
202 C ST.  
SAN DIEGO, CA 92101

IN THE MATTER OF  
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE  
SAN DIEGO MUNICIPAL CODE BY CREATING AND ENTITLING  
DIVISION 7 TO READ ENVIRONMENTAL HEALTH PERMITS,...

NO.

**ORDINANCE NUMBER O-17734 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE  
SAN DIEGO MUNICIPAL CODE BY CREATING AND ENTITLING  
DIVISION 7 TO READ ENVIRONMENTAL HEALTH PERMITS  
BY: RENUMBERING SECTION 41.07 TO READ SECTION  
41.0701, AND RENUMBERING AND AMENDING SECTIONS  
41.07.1, AND 41.07.4 TO SECTIONS 41.0702 AND 41.0703,  
RESPECTIVELY, ALL RELATING TO PENALTIES FOR HEALTH  
SERVICE PERMIT FEE DELINQUENCIES.  
Over the years, the City Council has adopted County Health Department  
permit fees by referencing the County Code. However, for cost recovery  
purposes, the County has annually reviewed and revised the penalties for  
various delinquencies on submitting permit fees. Because there is currently  
a difference between the County and City regarding penalties on delin-  
quent health permit fees, this necessitates that the San Diego Municipal  
Code ("SDMC") be amended as well.  
By amending SDMC sections 41.07 and 41.0704 as referenced in this  
document, the City will no longer need to provide revisions to coincide with  
County amendments. The proposed SDMC revision outlines that "there  
shall be added to and collected with the required fee a penalty to be deter-  
mined by the County of San Diego and kept on record by the County  
Department of Health Services and on file in the City Clerk's Compose  
Rate Book." The proposed amendments to the SDMC mirror the language  
in the County Code.  
A complete copy of the ordinance is available for inspection in the office  
of the City Clerk of the City of San Diego, 2nd floor, City Administration  
Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON January 6, 1992  
Passed and Adopted by the Council of the City of San Diego on January  
21, 1992.  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
By SUZANNE OLIVA, Deputy  
Pub. Feb. 4 238485

I, Corey Donahue, 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 NUMBER O-17734

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:

FEBRUARY 4

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

Dated at San Diego, California this 4<sup>TH</sup> day of FEB., 19 92.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)