

#331
4/14/2020

(O-2020-101)

ORDINANCE NUMBER O- 21184 (NEW SERIES)

DATE OF FINAL PASSAGE APR 14 2020

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO PURSUANT TO CHARTER SECTION 295 ENACTING A TEMPORARY DEFERRAL OF FEES AND THE EXTENSION OF PERMIT RENEWALS FOR POLICE-REGULATED BUSINESSES AND OCCUPATIONS, DUE TO THE STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS, COVID-19.

WHEREAS, COVID-19, causes infectious disease and was first detected in December 2019; and

WHEREAS, COVID-19 symptoms include fever, cough, and shortness of breath, and those who have been afflicted have experienced anything from mild illness to death; and

WHEREAS, the Centers for Disease Control and Prevention considers COVID-19 to be a very serious public health threat and the World Health Organization declared the COVID-19 outbreak to be a pandemic; and

WHEREAS, on February 19, 2020, the County Board of Supervisors ratified a declaration of local health emergency related to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, Mayor Kevin Faulconer proclaimed the existence of a local emergency in the City of San Diego (City) as a result of COVID-19, which was ratified by the Council of the City of San Diego (Council) on March 17, 2020; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence, except to obtain essential services; and

WHEREAS, on March 30, 2020, Mayor Faulconer issued Executive Order 2020-2, which directed the Office of the City Treasurer to defer all fees associated with Business Tax Certificates, and any business-related fees, permits, and assessments, for up to 120 days.

WHEREAS, there are currently more than 849 confirmed cases of COVID-19 within San Diego County, more than 8,155 in California, and at least 171 COVID-19-related deaths in California, and these statistics are increasing daily; and

WHEREAS, COVID-19 is causing, and is expected to continue to cause, serious negative impacts on the local economy and serious financial impacts to local residents and businesses, including substantial loss of income due to the loss of compensable work hours or wages, layoffs, and business closures; and

WHEREAS, the Governor, the San Diego County Public Health Officer, and the Mayor have issued a variety of orders and directives to respond to the emergency, including closing or significantly curtailing certain business operations, prohibiting gatherings of 10 people or more, and cancelling conferences, sporting events, and other large group activities; and

WHEREAS, the cancellation of conferences and other large events will likely cause a significant loss of business opportunities locally, including an estimated \$220,000,000 in forecasted regional impact losses attributed to cancelled events at the San Diego Convention Center; and

WHEREAS, loss of income as a result of COVID-19 may prevent City residents and businesses from fulfilling their financial obligations; and

WHEREAS, in the interest of protecting the public health and preventing transmission of COVID-19, and to encourage people to stay home and non-essential business to cease operations, it is essential to provide financial relief so people can monetarily support themselves

and avoid unnecessary hardship during the emergency, including the closure of businesses and employee layoffs; and

WHEREAS, under San Diego Municipal Code (Municipal Code) Chapter 3, Article 3, Division 3, the City of San Diego collects annual fees associated with the inspection, regulation, and enforcement of laws from police-regulated businesses and occupations; and

WHEREAS, currently the City has approximately 2,900 businesses and occupations that require police permits; and

WHEREAS, police-regulated businesses and occupations permits are valid for one year upon payment of an annual regulatory fee; and

WHEREAS, failure to renew a permit results in penalty fees and assessments; and

WHEREAS, under the Municipal Code, permits automatically expire and the businesses and occupations allowed by the permit must cease if the fees are not paid in the following calendar month; and

WHEREAS, this Ordinance temporarily defers the payment of fees related to police-regulated occupations and businesses; and

WHEREAS, this Ordinance automatically extends permits 120 days from their expiration date; and

WHEREAS, business closures and reduced business hours, in addition to public health orders to limit public gatherings and socially distance, will have a financial impact on local businesses, is causing financial instability for business owners and employees; and

WHEREAS, the Council finds that adopting this emergency Ordinance is necessary and appropriate to address the threats to the public health, safety, and welfare of its citizens related to the significant economic impacts of the COVID-19 pandemic, to protect residents and businesses

from undue financial burden and hardship, and to prevent avoidable business closures and employee lay-offs; and

WHEREAS, San Diego Charter, Article III, section 11 vests all legislative authority for the City in the Council; and

WHEREAS, California Government Code section 8634 allows the Council, as the governing body, to make orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, the Council finds that there is an emergency necessitating immediate adoption of this Ordinance pursuant to San Diego Charter section 295; and

WHEREAS, under San Diego Charter section 280(a)(3), this Ordinance is not subject to veto by the Mayor because it is an emergency Ordinance; and

WHEREAS, under San Diego Charter section 295(e), a supermajority vote of the Council is required for passage of this Ordinance; NOW, THEREFORE,

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

Section 1. That beginning April 1, 2020, all fees and assessments associated with police-regulated occupations and businesses are deferred for up to 120 days from the payment due date.

Section 2. That beginning April 1, 2020, all permits for police-regulated occupations and businesses are automatically extended 120 days from their expiration date.

Section 3. The adoption of this Ordinance shall not limit or prohibit the Chief of Police's ability to take regulatory action against permittees as authorized in Municipal Code.

Section 4. As used in this Ordinance, "permits," and "permittees," and have the same definitions as in Municipal Code section 33.0201.

Section 5. As used in this Ordinance, “police-regulated” means all businesses and occupations listed in Chapter 3, Article 3 of the Municipal Code.

Section 6. This Ordinance does not include fees and penalties associated with burglary and panic alarm systems and permits regulated under Article 3, Chapter 3, Division 37.

Section 7. That this Ordinance shall expire on June 30, 2020 unless extended by Council action.

Section 8. That this Ordinance is intended to supplement, not to duplicate or contradict, applicable state and federal law and shall be construed in light of that intent.

Section 9. That the provisions of Article 1, Division 2 of the Municipal Code, including those relating to construction and interpretation, shall apply to this Ordinance.

Section 10. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 11. That this Ordinance is declared to be an emergency measure required for the immediate preservation of the public peace, safety, health, and welfare pursuant to San Diego Charter 295 and shall take effect immediately from the day of adoption by the affirmative vote of at least six members of the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lara E. Easton
Lara E. Easton
Deputy City Attorney

LEE:hm
April 7, 2020
Dept:Police Department

Passed by the Council of The City of San Diego on APR 14 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 14 2020.

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Gil Sanchez

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on APR 14 2020, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Gil Sanchez

Office of the City Clerk, San Diego, California

Ordinance Number O- 21184