

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)
--	--

TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Police Department	DATE: 3/27/2015
---------------------	---	--------------------

SUBJECT: Proposed revisions to the Municipal Code related to the Business Regulatory Taxation Consolidation Project

PRIMARY CONTACT (NAME, PHONE): Linda Griffin, A/Lieutenant, 619-531-2973 MS724	SECONDARY CONTACT (NAME, PHONE): Dean Thomas, Sergeant, 619-531-2282 MS724
---	---

COMPLETE FOR ACCOUNTING PURPOSES

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00



FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE):

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Environmental Analysis	ORIG DEPT.	Ramirez, David	03/28/2015
Liaison Office	CFO		
	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY	Hemmerling, John	04/06/2015
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Authorize an amendment of Chapter 3 Article 3 Division 3 of the San Diego Municipal Code.

STAFF RECOMMENDATIONS:
Approve the ordinance.

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): All

ENVIRONMENTAL IMPACT:	This activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060 (c)(3).
CITY CLERK INSTRUCTIONS:	

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 3/27/2015

ORIGINATING DEPARTMENT: Police Department

SUBJECT: Proposed revisions to the Municipal Code related to the Business Regulatory Taxation Consolidation Project

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Linda Griffin, A/Lieutenant/619-531-2973 MS724

DESCRIPTIVE SUMMARY OF ITEM:

Approve an amendment of Chapter 3 Article 3 Division 3 of the San Diego Municipal Code which pertains to San Diego Police Department permit fees. This revision will ensure that the assessment of penalties and regulatory fees are consistent with the City Treasurer's processes, and will also eliminate a loophole which allow permittees to avoid paying penalties.

STAFF RECOMMENDATION:

Approve the ordinance.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

In conjunction with the Business Regulatory Taxation Consolidation Project an amendment of 33.0308 of the San Diego Municipal Code which pertains to San Diego Police Department permit fees is proposed.

The Treasurer's Office and the Police Department have been working together over the last several years to enhance and streamline the permitting process for businesses in the City of San Diego. Referred to as the Business Regulatory Taxation Consolidation Project, the implementation of this system, in part, will provide the applicant a "one stop shop" versus the current system requiring a person to travel to various City Departments in order to obtain and submit the necessary documents pertaining to their specific business. Implementation of this system is scheduled for July 1, 2015.

This ordinance amends Chapter 3, Article 3, Division 3 of the San Diego Municipal Code which pertains to San Diego Police Department police permit fees. This ordinance change will ensure that the assessment of penalties and regulatory fees are consistent with the City Treasurer's processes, and will also eliminate loopholes which allow permittees to avoid paying penalties. Additionally, it will align business tax permit and police permit processing, necessary for the project system to function with the collaborating departments.

FISCAL CONSIDERATIONS: N/A

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee): Budget 4/15

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

Ramirez, David
Originating Department

Deputy Chief/Chief Operating Officer

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3,
DIVISION 3 BY AMENDING SECTION 33.0308, RELATING
TO PERMIT APPLICATIONS FOR POLICE REGULATED
OCCUPATIONS AND BUSINESSES.

WHEREAS, the San Diego Police Department desires to update the police permit process in order to bring it in line with the City Treasurer tax and collections processes; and

WHEREAS, these changes will help improve efficiency and consistency for both the City and Permittee; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 3, Division 3 of the San Diego Municipal Code is amended by amending section 33.0308, to read as follows:

§33.0308 Term of Permit and Renewal

- (a) Any *permit* that is renewed will be valid for a period of one year from the date of issuance, except *permits* for occasional events and alarms which will be valid only for the specified duration. New *permits* will be pro-rated and partial year, expiring on the day their business tax certificate expires.
- (b) Except as provided in section 33.0308(e), (f), (g) and (i), each *permit* may be renewed annually upon payment of the regulatory fee specified in the City Clerk's Composite Rate Book and submittal of a renewal form.
- (c) [No change in text.]

- (d) If the renewal form is received in less than thirty but more than fifteen calendar days after the due date, an additional \$25 plus ten percent of the regulatory fee is due in order to complete the renewal.
- (e) If a renewal is not complete with all fees and penalties paid within the following calendar month after the due date, the *permit* expires and business operations, occupations, or activities allowed by the *permit* must cease.
- (f) [No change in text.]
- (g) Failure to disclose any material circumstance, whether or not such circumstance would have been grounds for denial under section 33.0305, is grounds for denying the *permittee* a renewed *permit*.
- (h)-(i) [No change in text.]
- (j) If the *permittee* meets the criteria in this section, a renewed *permit* will be issued by the *Chief of Police* and sent to the *permittee*.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
John C. Hemmerling
Deputy City Attorney

JCH:amt
3/25/2015
Or.Dept:Police

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 3 BY AMENDING SECTION 33.0308, RELATING TO PERMIT APPLICATIONS FOR POLICE REGULATED OCCUPATIONS AND BUSINESSES.

§33.0308 Term of Permit and Renewal

- (a) Any permit that is renewed ~~issued shall~~will be valid for a period of one year from the date of issuance, except ~~as to~~ *permits* for occasional events and alarms which ~~shall~~will be valid only for the specified duration. New permits will be pro-rated and partial year, expiring on the day their business tax certificate expires.
- (b) Except as provided in ~~S~~section 33.0308(e), (f), (g) and (i), each *permit* may be renewed annually upon payment of the regulatory fee specified in the City Clerk's Composite Rate Book and ~~the submission~~submittal of a renewal form.
- (c) [No change in text.]
- (d) If the renewal form is received ~~within~~ less than thirty but more than ~~ten~~ fifteen calendar days after the due date, an additional \$25 plus ten percent of the regulatory fee is due in order to complete the renewal.
- (e) If a renewal is not complete with all fees and penalties paid within ~~thirty~~

~~calendar days~~ the following calendar month after the due date, the *permit* expires and business operations, occupations, or activities allowed by the *permit* must cease. ~~A *permittee* must then begin the application process as a new applicant.~~

- (f) [No change in text.]
- (g) Failure to disclose any material circumstance, whether or not such circumstance would have been grounds for denial under Section 33.0305, is grounds for denying the *permittee* a renewed *permit*.
- (h)-(i) [No change in text.]
- (j) If the *permittee* meets the criteria in this Section, a renewed *permit* ~~shall~~will be issued by the *Chief of Police* and sent to the *permittee*.

JCH:amt
3/25/2015
Or.Dept:Police

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3,
DIVISION 3 BY AMENDING SECTION 33.0308, RELATING
TO PERMIT APPLICATIONS FOR POLICE REGULATED
OCCUPATIONS AND BUSINESSES.

This ordinance amends Chapter 3, Article 3, Division 3 of the San Diego Municipal Code which pertains to San Diego Police Department police permit fees. This ordinance change will ensure that the assessment of penalties and regulatory fees are consistent with the City Treasurer's processes, and will also eliminate loopholes which allow permittees to avoid paying penalties. Additionally, it will align business tax permit and police permit processing.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

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

A complete copy of this 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.

JCH:amt
3/25/2015
Or.Dept:Police