

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: December 19, 2005

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 5.04 AND 5.10 OF THE PASADENA MUNICIPAL CODE RELATING TO BUSINESSES REQUIRED TO DISPLAY BUSINESS LICENSE PERMITS ON THEIR VEHICLES

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 5.04 AND 5.10 OF THE PASADENA MUNICIPAL CODE RELATING TO BUSINESSES REQUIRED TO DISPLAY BUSINESS LICENSE PERMITS ON THEIR VEHICLES

BACKGROUND:

Operators of certain businesses which operate out of vehicles are issued vehicle permit stickers that are used to identify business operations in Pasadena. Specifically, these are businesses licensed pursuant to Pasadena Municipal Code Section 5.16.120 (Retail and Wholesale Delivery), which includes those in the delivery business as well as gardeners, and Pasadena Municipal Code Section 5.16.180 (Contracting and Building Trades). In many instances, the businesses fail to affix their permits to their vehicles, thus hampering enforcement of business license regulations. Amending the Pasadena Municipal Code to require mobile business owners to affix the permit sticker to their vehicles or face penalties will improve enforcement and enable business license staff, as well as the public, to easily identify those businesses operating within the City without a valid business license.

At its regular meeting of November 21, 2005, the City Council approved the recommendation to affirm the requirement to affix permanent stickers to vehicles used for those specified business operations. Failure to display vehicle permit stickers will, in turn, be subject to the City's administrative enforcement mechanism.

MEETING OF 12/19/2005

AGENDA ITEM NO. 9.A.1.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to amend Sections 5.04.030 and 5.10.170 of the Pasadena Municipal Code to require that a permit sticker be affixed to mobile business vehicles to facilitate administrative enforcement of the business license requirements. The other change is to indicate that the replacement fee for a lost sticker is established in the General Fee Resolution, as opposed to being set in the code itself. This ordinance neither increases the tax rate nor does it revise the methodology by which the tax is calculated; therefore, it is not a tax related matter requiring approval of the electorate pursuant to California Constitution, Article XIII C ("Proposition 218").

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.


ENVIRONMENTAL IMPACT:

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities which may have a significant effect on the environment (Section 15061(b)(3)).

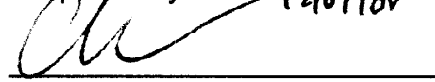
FISCAL and SERVICE IMPLICATIONS:

The recommended amendments will improve the enforcement of the City's business license code and will generate additional business license tax revenues to the General Fund.

Respectfully submitted,

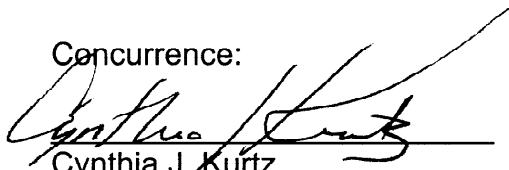

Michele Beal Bagneris
City Attorney

Prepared by:

 12/07/05

Nicholas George Rodriguez
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz
City Manager

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTERS 5.04 AND 5.10 OF THE PASADENA MUNICIPAL CODE RELATING TO BUSINESSES REQUIRED TO DISPLAY BUSINESS LICENSE PERMITS ON THEIR VEHICLES

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 5.04.030 of the Pasadena Municipal Code is amended to read:

"5.04.030 License cards, vehicle permit stickers, or identification symbols.

The license collector may issue license cards and vehicle permit stickers for use in connection with any type of licensed business where such cards or stickers will aid in the enforcement of Chapters 5.04 through 5.16. The license collector may also issue identifying stickers or symbols for each vehicle, device, machine or piece of equipment used or located in the city and contributing to the measure of the annual tax or liability for the annual tax. Licensee shall furnish such information as the license collector may require to determine the number of stickers or symbols to be issued. Such stickers or symbols shall be affixed to the vehicle, device, machine or piece of equipment in such a manner as to be easily viewable. Replacements may be issued by the license collector upon receipt of sufficient proof of loss or destruction and payment of ~~30 cents~~ a fee established by resolution of city council for each such sticker or symbol."

SECTION 2. Section 5.10.170 of the Pasadena Municipal Code is amended to read:

"5.10.170 License--Posting and keeping.

All licenses must be kept and posted in the following manner:

A. Any licensee engaged in business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee engaged in business but not operating at a fixed place of business in the city, shall keep the license upon his person at all times while engaged in business within the city.

C. Any licensee to whom a ~~metal-plate vehicle permit sticker~~ is issued for a motor vehicle used in connection with ~~his~~ the business, including businesses licensed under section 5.16.120 or section 5.16.180 of this code, shall display the ~~metal-plate vehicle permit sticker in a conspicuous place on the vehicle~~ on the rear of the vehicle showing that a license has been issued.

D. If a license card is issued by the license collector, the display of a license card may be used to satisfy the requirements of subparagraph A or B of this section.

E. Failure to post, display or to produce any license, sticker or card as required by this section shall be a violation of this section and subject to the administrative procedures set forth in Chapters 1.25 and 1.26 of this code, including, but without limitation, civil penalties, late payment penalties, administrative fees and other related charges."

SECTION 3. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 4. This ordinance shall take effect thirty days after its publication.

Signed and approved this _____ day of _____, 2005.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held the ____ day of _____, 2005, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



12/07/05

Nicholas George Rodriguez
Assistant City Attorney