



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 9, 2006

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.04 OF THE PASADENA MUNICIPAL CODE REQUIRING COMMERCIAL BUILDING OWNERS, HOSPITALS AND MEDICAL FACILITIES TO REPORT TENANT LISTINGS, INDEPENDENT CONTRACTORS AND PHYSICIANS ENGAGED IN BUSINESS ON THE PREMISES.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.04 OF THE PASADENA MUNICIPAL CODE REQUIRING COMMERCIAL BUILDING OWNERS, HOSPITALS AND MEDICAL FACILITIES TO REPORT TENANT LISTINGS, INDEPENDENT CONTRACTORS AND PHYSICIANS ENGAGED IN BUSINESS ON THE PREMISES.

BACKGROUND:

It is difficult to enforce business license requirements as to, (1) independent contractors and physicians whose primary business is located outside of the City but who provide contract services at licensed hospital/convalescent facilities located in Pasadena, and (2) persons who leave or rent space in commercial buildings and who may not have prominent signage identifying their business operation.

At its regular meeting of November 21, 2005, the City Council approved the recommendation to require hospital/convalescent homes to provide a quarterly tenant listing of independent contractors and out-of-town physicians providing services at these facilities within the City and to require a similar report by commercial building owners of those who rent or lease space. This will aid business license staff in bringing unlicensed businesses into compliance with the business license code. Failure to provide the report will, in turn, be subject to the City's administrative enforcement mechanism, but not criminal penalties.

MEETING OF 01/09/2006

AGENDA ITEM NO. 9.A.5.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to add a new Section 5.04.095 to the Pasadena Municipal Code to require that hospital/convalescent homes provide the City's business license office a quarterly report of independent contractors and out-of-town physicians providing services at these facilities within the City and to require a similar report by commercial building owners of those who rent or lease space.

This ordinance neither adds a new tax, nor increases the tax rate, nor does it revise the methodology by which the tax is calculated, nor does it establish any assessment as an incidence of property ownership; 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.

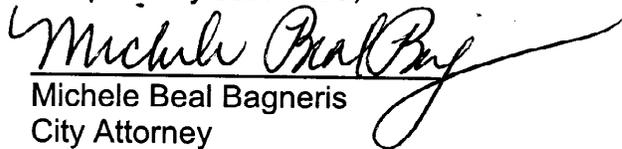
ENVIRONMENTAL IMPACT:

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

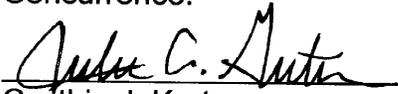
Prepared by:

1/4/06



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 CHAPTER 5.04 OF THE PASADENA MUNICIPAL CODE REQUIRING COMMERCIAL BUILDING OWNERS, HOSPITALS AND MEDICAL FACILITIES TO REPORT TENANT LISTINGS, INDEPENDENT CONTRACTORS AND PHYSICIANS ENGAGED IN BUSINESS ON THE PREMISES

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 5.04 of the Pasadena Municipal Code is amended by adding a new Section 5.04.095 to read:

“5.04.095 Quarterly reports for certain businesses.

A. Nonresidential buildings. Every person engaged in the business of operating a nonresidential building or structure and who is, or should be licensed pursuant to section 5.16.270 of this code shall submit the following information to the license collector on a form provided by the license collector and on the schedule set forth in subparagraph C of this section for each specified reporting period: The name, address and telephone number of every person leasing or renting space from the person engaged in the business of operating the non-residential building or structure.

B. Hospitals, convalescent homes and similar uses. Every person engaged in the business of a boarding home for the aged, hospital, sanitarium, rest home or similar accommodation who is, or should be licensed pursuant to section 5.16.190 of this code shall submit the following information to the license collector on a form provided by the license collector and on the schedule set forth in subparagraph C of this section for

each specified reporting period: The name, address and telephone number of every person engaged in business, including but without limitation physicians, at a boarding home for the aged, hospital, sanitarium, rest home or similar accommodation and who is not an employee of the boarding home for the aged, hospital, sanitarium, rest home or similar accommodation.

C. Reporting Schedule. Every person subject to this section shall submit the required information by no later than the stated date for each reporting period, or portion thereof: January 31 of each year for the reporting period of October 1 to December 31 of the prior year; April 30 of each year for the reporting period of January 1 through March 31 of that calendar year; July 31 of each year for the reporting period of April 1 through June 30 of that calendar year and October 31 of each year for the reporting period of July 1 to September 30 of that calendar year. For the purpose of this section, the phrase 'submit the information required by this section no later than the stated date' shall mean that the report is actually received in the office of the license collector by the close of business on the stated date, or, if not a business day, by the close of business on the first business day thereafter.

D. Administrative Remedies. Violation of any of the regulations established by this section may be subject to the administrative procedures set forth in Chapters 1.25 and 1.26 of this code, including, but without limitation, civil penalties, administrative fees and other related charges, but shall not be prosecuted as a misdemeanor."

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. 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
_____, 2006, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



1/4/06

Nicholas George Rodriguez
Assistant City Attorney