

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 RELATING TO AUTHORITY OF BUSINESS TAX INSPECTORS TO ISSUE CITATIONS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.04 OF THE PASADENA MUNICIPAL CODE RELATING TO AUTHORITY OF BUSINESS TAX INSPECTORS TO ISSUE CITATIONS

BACKGROUND:

Currently, there is no provision of the Municipal Code that allows business tax inspectors to issue administrative citations once a business is identified as not complying with the City's business license requirements. This results in a lengthy and cumbersome process involving the City's collection department and the City Prosecutor's Office.

At its regular meeting of November 21, 2005, the City Council approved the recommendation to impose administrative penalties through written citations, which would substantially reduce the time and legal costs occurring in what would otherwise be misdemeanor cases. The authority to impose administrative fines will give the business license inspectors a higher level of authority to enforce compliance without pursuing further legal remedies against the business license violators, improving the enforcement of the City's business license code.

Accordingly, the City Council directed the City Attorney's Office to prepare this ordinance amendment to allow business license inspectors to issue administrative citations to business license violators.

MEETING OF 01/09/2006

AGENDA ITEM NO. 9.A.6.

IMPLEMENTATION.

As reviewed by the City Prosecutor's office, this ordinance should have little effect on those matters referred by the business license department for criminal prosecution. A prosecution remedy would be sought separately to assure compliance with the City's business license requirement but would not seek recompense for non-payment of the administrative citation. The Prosecutor's office will continue to accept cases for filing review. Each matter will be individually reviewed to determine if the matter is "ripe" for prosecution or should be returned to the business license section. In situations where appropriate charges are filed in Superior Court, prosecutors will seek conviction and compliance through a probationary sentence. Where the business license division determines that the matter can be handled administratively, they will issue citations in lieu of prosecution. The prosecutor's office will continue to work with the business license office to determine the appropriate remedy to obtain compliance from scofflaw businesses in the city.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to amend Section 5.40 of the Pasadena Municipal Code to give business license inspectors the authority to initiate administrative remedies on business license violators.

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:

It is anticipated that revising the ordinance will improve the enforcement of the City's business license code and generate additional citation and business license tax revenues to the General Fund.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:



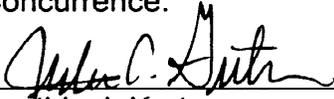
1/4/06

Nicholas George Rodriguez
Assistant City Attorney



Connie Orozco
Chief City Prosecutor

Concurrence:



for

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 RELATING TO AUTHORITY OF
BUSINESS TAX INSPECTORS TO ISSUE CITATIONS

The People of the City of Pasadena ordain as follows:

SECTION 1. Section 5.04.070 of the Pasadena Municipal Code is amended to
read:

"5.04.070 Enforcement.

It shall be the duty of the license collector to enforce every provision of Chapters
5.04 through 5.16, and to act as the administrator and enforcement official who is
designated to issue a compliance order or an administrative citation to enforce this
chapter pursuant to Chapter 1.25 or 1.26, respectively, of this code. †The chief of police
shall render such assistance in the enforcement hereof as may from time to time be
required by the license collector or the ~~board of directors~~ city council."

SECTION 2. Section 5.04.160 of the Pasadena Municipal Code is amended to
read:

~~"5.04.160 Violation of Chapters 5.04 through 5.16 -- Penalty.~~

~~Any person who wilfully violates any provision of Chapters 5.04 through 5.16 of
this title is guilty of a misdemeanor, and upon conviction shall be punishable by a fine of
not more than \$500.00, or by imprisonment in the city jail for not more than 6 months,
or by both such fine and imprisonment."~~

“5.04.160 Penalties and administrative proceedings.

A. Misdemeanors. Any person who wilfully violates any provision of Chapter 5.04 through 5.16 and is convicted of a misdemeanor shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment.

B. Infractions. Any person who violates any provision of Chapter 5.04 through 5.16 and is convicted of an infraction shall be punished by a fine of not more than \$250.00. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

C. Administrative Enforcement. In addition to the penalty provisions of subsections A and B of this section, any person who violates any provision of Chapters 5.04 through 5.16 may be subject to the administrative proceedings 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.

D. Remedies not exclusive. To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.”

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:

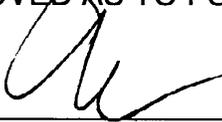
Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:

 1/4/06

Nicholas George Rodriguez
Assistant City Attorney

Introduced by Councilmember

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Nicholas George Rodriguez
Assistant City Attorney