

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal

From: John D.R. Clark

Dept: City Manager

Dept: Office of the City Clerk

Subj: REVISION OF MUNICIPAL
CODE: TITLE 5

Date: January 10, 2012

OBJECTIVE:

To secure City Council approval of an ordinance revising Title 5 of the Municipal Code, pursuant to staff's omnibus revision of the code.

BACKGROUND:

As indicated in the City Council Study Session on August 25rd, 2011, staff from the City Clerk's Office and the City Attorney's Office are reviewing and revising the entire Municipal Code, a task last done in 1969. In the intervening 42 years, a great many statutory and organizational references have become out-of-date. Additionally, there are some instances when operational processes have changed, or where greater efficiency and efficacy would suggest process changes.

DISCUSSION: TITLE 5

Title 5 is the part of the Municipal Code that regulates business licenses and taxes. It contains chapters on antique shops, ambulances, peddlers, cable television, fireworks, pawnbrokers, pool rooms, private security officers, taxicabs, tow trucks, escort bureaus, peep show establishments, fortunetelling, coffeehouses, smoking lounges, and medical marijuana dispensaries.

Section 5.08.190 (B) is amended to add the word "transmission." This merely corrects a typographical error in the original ordinance and is consistent with the language in the remainder of the section, and is not intended to modify the City's existing application of business license taxes to public communication companies.

Chapter 65, dealing with fortunetellers, is being deleted in its entirety. Numerous court decisions have eliminated the City's ability to regulate this activity.


Otherwise, the recommended revisions to Title 5 are only clean-up changes.

FINANCIAL IMPACT:

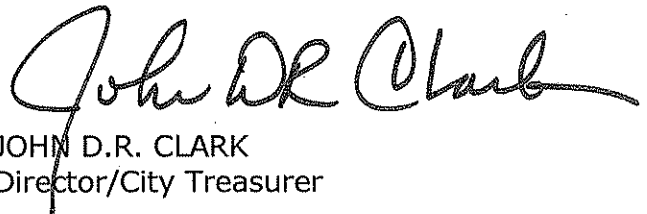
None.

RECOMMENDED ACTIONS:

- Conduct the public hearing; and
- Introduce and conduct the first reading of the attached Ordinance amending Title 5 of the Garden Grove Municipal Code.



KATHY BAILOR, CMC
City Clerk



JOHN D.R. CLARK
Director/City Treasurer

Attachment: Proposed ordinance
"Redline" version of Title 5

Approved for Agenda Listing



Matthew Fertal
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 5 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

City Attorney's Summary

This Ordinance amends Title 5 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal laws, and to make other non-substantive changes.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove proposes amendments to Title 5 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current city organization and practices, to make consistent with recent changes in state and federal law, and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on January 10, 2012, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Title 5 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

EXHIBIT "A"

TITLE 5 OF THE GARDEN GROVE MUNICIPAL CODE

ATTACHED ON FOLLOWING PAGES