

ORDINANCE NO. 1743

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 5.02 OF THE CHULA VISTA MUNICIPAL CODE BY ADDING THERETO A NEW SECTION 5.02.105 RELATING TO THE AUTHORIZATION FOR THE USE OF CRIMINAL HISTORY INFORMATION IN CERTAIN INSTANCES RELATING TO LICENSES AND INELIGIBILITY FOR OBTAINING BUSINESS LICENSE FOR CRIMINAL CONDUCT

The City Council of the City of Chula Vista does hereby resolve as follows:

SECTION I: That Chapter 5.02 of the Chula Vista Municipal Code is hereby amended by adding thereto a new Section 5.02.105 to read as follows:

Sec. 5.02.105 Criminal Conduct - Ineligibility for City Licenses and Permits.

Except as otherwise provided herein, conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of an applicant for the following city licenses or permits:

- Ambulances
- Amusement devices
- Art figure studios
- Auctions and auctioneers
- Automobiles for hire
- Billiards, bowling and pool halls
- Cardrooms
- Circuses and shows
- Merchandise coupons
- Firearms sales
- Massage Parlors
- Pawnbrokers, secondhand and junk store dealers
- Race tracks
- Taxicabs

The Chief of Police, however, may disregard such conviction if it is found and determined by the Chief of Police that mitigating circumstances exist. In making such determination, the Chief of Police shall consider the following factors:

- (a) the type of business license or permit for which the person is applying;
- (b) the nature and seriousness of the offense;
- (c) the circumstances surrounding the conviction;
- (d) the length of time elapsed since the conviction;
- (e) the age of the person at the time of the conviction;
- (f) the presence or absence of rehabilitation or efforts at rehabilitation;
- (g) contributing social or environmental conditions.

The Chief of Police shall give notice of disqualification to an applicant disqualified under this provision. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application.

An applicant who is disqualified for a city business license or permit under this provision may appeal such determination of disqualification. Such appeal shall be in writing and filed with the City Manager within ten (10) days of the date of the notice of disqualification. The City Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the City Manager on the appeal shall be final.

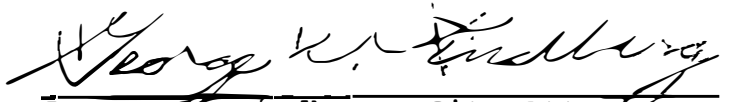
Pursuant to Section 11105 of the Penal Code of the State of California, the following officers of the City of Chula Vista are hereby authorized to have access to and to utilize state summary criminal history information when it is needed to assist them in fulfilling licensing duties set forth in this section:

City Manager
Assistant City Manager
Director of Finance
Chief of Police
City Attorney

SECTION II: This ordinance shall take effect and be in full force on the thirty-first day from and after its passage and approval.

Presented by

Approved as to form by



George D. Lindberg, City Attorney

George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF

CHULA VISTA, CALIFORNIA, this 3rd day of May

1977, by the following vote, to-wit:

AYES: Councilmen Cox, Hyde, Egda hl

NAYES: Councilmen None

ABSTAIN: Councilmen None

ABSENT: Councilmen Hobel

Vacancy: Council Seat #3

Will T. Hyde
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
_____, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk

743
CC-660