

ORDINANCE NO. 3194

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
MUNICIPAL CODE SECTION 5.02.060 CLARIFYING THE
REQUIREMENT FOR COMPLIANCE WITH FEDERAL LAW
SPECIFYING THAT CHULA VISTA BUSINESSES MUST, IN
ADDITION TO STATE AND LOCAL LAW, COMPLY WITH
FEDERAL LAW

WHEREAS, the Chula Vista Municipal Code business license provisions do not specifically contain a requirement for compliance with federal law; and

WHEREAS, the Chula Vista Municipal Code needs to be amended to clarify that a license holder must comply with every applicable law including federal regulations; and

WHEREAS, Chula Vista citizens have complained to the City Council and the Public Safety Subcommittee about the significant health and safety threats posed to the community by illegal federal substances such a “spice” (artificial, synthetic marijuana disingenuously sold as incense) and hallucinogenic crystals or powders (products containing mephedrone and methylenedioxypropylone (MDPV) disingenuously sold as “bath salts”); and

WHEREAS, the Chula Vista Police Department recognizes that products containing substances that are declared illegal under federal law yet continue to be sold in City limits pose a public safety threat to the community and its youth; and

WHEREAS, there have been cases of serious illness or death relating to the use of these products in California and nationwide; and

WHEREAS, the Chula Vista Municipal Code needs to be updated to include language about compliance with federal regulations in order to provide City staff with more enforcement options to eliminate these sales within City limits and/or any other activity that violates federal law.

NOW, THEREFORE, the City Council of the City of Chula Vista does, hereby, ordain as follows:

SECTION I. That section 5.02.060 of the Chula Vista Municipal Code be amended to read as follows:

5.02.060 Issuance – Compliance with state, local and federal regulations required.

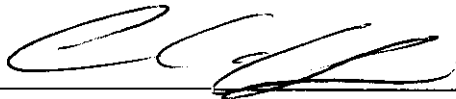
No license issued under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business operated in contravention of any of the laws of the city or the state or the federal government. An applicant for a business license shall have the responsibility for obtaining any required state license, and the issuance of a license by the city shall not relieve an applicant from obtaining any and all other permits or licenses required by state, local or federal laws. Unless otherwise expressly provided by this code, any business activity conducted within City limits in violation of federal, state or local law is unlawful and is subject for enforcement proceedings as authorized by this code including, but not limited to, civil penalties and abatement.

SECTION II. EFFECTIVE DATE.

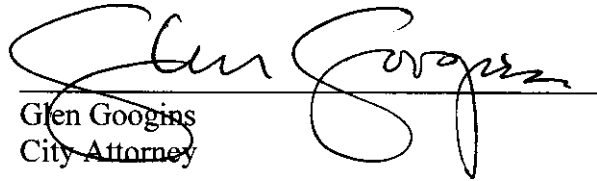
This ordinance will take effect and be in force thirty days after final passage.

Presented by

Approved as to form by



Chance Hawkins
Deputy City Attorney



Glen Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 19th day of July 2011, by the following vote:

AYAS: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox

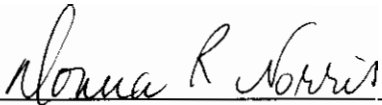
NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:

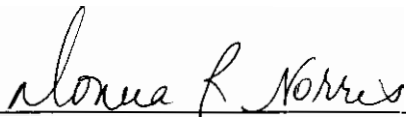


Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3194 had its first reading at a regular meeting held on the 12th day of July 2011 and its second reading and adoption at a regular meeting of said City Council held on the 19th day of July 2011; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

July 25, 2011
Dated


Donna R. Norris, CMC, City Clerk