

TOWN OF SAN ANSELMO
STAFF REPORT
February 21, 2013

For the Meeting of February 26, 2013

TO: Town Council

FROM: Megan Acevedo, Deputy Town Attorney

SUBJECT: Repealing Town Municipal Code Section 6-1.15 (Business License Administrative Fee)

RECOMMENDATION:

Staff recommends that the Town Council introduce and read by title only Ordinance ___ repealing San Anselmo Municipal Code section 6-1.15 (Business License Administrative Fee) and waive further readings of the ordinance.

BACKGROUND:

Title Six of the Town of San Anselmo Municipal Code contains the requirements for business licenses, which are mandated for any person transacting business in the Town. (TSA Municipal Code § 6-1.02). There are several exceptions to this requirement, including nonprofits and limited income businesses. (TSA Municipal Code §§ 6-1.19 – 6-1.21). The cost of a business license is determined by the type and size of the business. (TSA Municipal Code §§ 6-1.12 – 6-1.14). The Code also includes a provision imposing a \$15 administrative fee on all business license applicants. (TSA Municipal Code § 6-1.15). The section states: "An administrative fee of Fifteen and no/100ths (\$15.00) Dollars per business license is charged annually to cover the labor and materials involved in processing license applications and payments, issuing licenses and preparing renewals." (TSA Municipal Code § 6-1.15).

DISCUSSION:

A recent court decision, *Weisblat v. City of San Diego*, (2009) 176 Cal.App.4th 1022, concerns whether the Town should continue charging the business license administrative fee under section 6-1.15 of the Municipal Code. Based on the language of *Weisblat*, it appears prudent at this juncture to discontinue the fee and re-evaluate.

Conclusion

Staff respectfully requests that the Town Council introduce and read by title only Ordinance ___ repealing San Anselmo Municipal Code section 6-1.15 and waive further readings of the ordinance.

Respectfully submitted,

M. Acevedo/DS

Megan Acevedo
Deputy Town Attorney

Exhibit A – Proposed Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING MUNICIPAL CODE SECTION 6-1.15 (BUSINESS LICENSE ADMINISTRATIVE FEE)

WHEREAS, the Town of San Anselmo ("Town") adopted a Business License Administrative Fee in 2004 as part of Ordinance 1040;

WHEREAS, developing appellate case law suggests that it would be prudent at this juncture to discontinue the Business License Administrative Fee;

NOW, THEREFORE, BE IT ORDAINED that Section 6-1.15 of the Town of San Anselmo Municipal Code (Business License Administrative Fee) is hereby repealed in its entirety.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 26th day of February, 2013 and was adopted at a regular meeting of the Town Council on the ____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

Kay Coleman, Mayor

ATTEST:

Barbara Chambers, Town Clerk