

ORDINANCE NO. 2025-xxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA AMENDING CHAPTER 3.08 OF TITLE 3 OF THE SAN MARCOS MUNICIPAL CODE TO IMPLEMENT A BUSINESS LICENSE ADMINISTRATIVE FEE

WHEREAS, Chapter 3.08 of the San Marcos Municipal Code (SMMC), governs the issuance of Business Licenses and the collection of corresponding taxes; and

WHEREAS, Chapter 3.08 assesses an occupational license tax, also known as a business license tax, for the purposes of raising revenues from persons doing business within the City.

WHEREAS, SMMC Chapter 3.08 does not currently contain provisions regarding the recovery of costs related to regulatory business license processing; and

WHEREAS, the business license tax cannot be increased without a vote of the City's residents; and

WHEREAS, the establishment or increase of regulatory fees to recover the costs of review of business license applications and inspections for compliance with applicable laws does not require a vote of the City's residents; and

WHEREAS, to recover costs related to regulatory business license processing, the City desires to implement business license administrative fees; and

WHEREAS, the City Council adopted the 2024 User Fee Study via City Council Resolution 2023-9389 on November 26, 2024 authorizing the imposition of business license administrative fees; and

WHEREAS, the City further desires to amend SMMC Chapter 3.08 to clarify and to clean up the language of SMMC Chapter 3.08 for consistency; and

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. The foregoing recitals are true and correct and are incorporated herein as though fully set forth at this point.

Section 2. Existing San Marcos Municipal Code Chapter 3.08 is hereby amended to read as shown in the clean and redlined versions attached hereto as Exhibit “A” and Exhibit “B,” respectively, and incorporated herein by this reference.

Section 3. The proposed Amendments to Chapter 3.08 of the San Marcos Municipal Code are exempt from the California Environmental Quality Act (CEQA) because this is not a project within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event this Resolution is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

Section 4. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 5. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance and cause the same to be published, or the title thereof as a summary, in accordance with the provisions of State law in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 28th day of January, 2025.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this _____ day of _____, by the following roll call vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

Phillip Scollick, City Clerk
City of San Marcos

Helen Holmes Peak, City Attorney
City of San Marcos

ATTACHMENT(S):

EXHIBIT A – CHAPTER 3.08 AMENDMENTS – CLEAN

EXHIBIT B – CHAPTER 3.08 AMENDMENTS – REDLINED