

City of Arts & Innovation

City Council Memorandum

.....

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MARCH 4, 2025

FROM: POLICE DEPARTMENT WARDS: ALL

SUBJECT: ORDINANCE AMENDING CHAPTERS 1.17, 5.28, 5.40, 5.52, 5.80, 5.90, 5.95, 6.24, 9.40, 9.42, AND 9.60 OF THE RIVERSIDE MUNICIPAL CODE TO INCLUDE A UNIFORM APPEAL PROCEDURE FOR VARIOUS TYPES OF BUSINESSES AND THEIR PERMITS, INCLUDING THE EXTRAORDINARY POLICE RESPONSE BILL PROCEDURE

ISSUES:

Introduce and subsequently adopt an ordinance amending Chapters 1.17, 5.28, 5.40, 5.52, 5.80, 5.90, 5.95, 6.24, 9.40, 9.42, and 9.60 of the Riverside Municipal Code to include a uniform appeal procedure for various types of businesses and their permits, including the extraordinary police response bill procedure.

RECOMMENDATIONS:

That the City Council introduce and subsequently adopt an ordinance amending Chapters 1.17, 5.28, 5.40, 5.52, 5.80, 5.90, 5.95, 6.24, 9.40, 9.42, and 9.60 of the Riverside Municipal Code to include a uniform appeal procedure for various types of businesses and their permits, including the extraordinary police response bill procedure.

COMMITTEE RECOMMENDATION:

The Safety, Wellness, and Youth Committee met on January 15, 2025, with Chair Perry and Member Mill present to consider an ordinance that would amend the RMC to include a uniform appeal procedure for various types of businesses and their permits, including the extraordinary police response bill Procedure. Following Discussion, Member Mill moved and seconded by Chair Perry to recommend that City Council adopt the proposed ordinance amending Chapters 1.17, 5.28, 5.40, 5.52, 5.80, 5.90, 5.95, 6.24, 9.40, 9.42, and 9.60 of the Riverside Municipal Code to include a uniform appeal procedure for various types of businesses and their permits, including the extraordinary police response bill procedure and recommend that the City Council adopt the proposed ordinance. The motion carried unanimously.

BACKGROUND:

The Riverside Municipal Code (RMC) currently provides several different procedures for the review of appeals for denied or revoked business permits. This occurred in part because the codes for each business were written into the RMC at different times and each code included an appeal process for the specific business type for which it was written. The three processes are:

1. The appeal is heard by the Safety, Wellness and Youth Committee of the City of Riverside
2. The appeal is heard by the Public Safety Committee
3. The appeal is heard by an Administrative Hearing Officer

The proposed amendments to the RMC would remove the individual appeal language from ten RMC sections and add one new section 1.17.121 – Appeal procedure for Riverside Police Department (RPD) review of business permits. This new section would include the uniform appeal procedure for the various types of businesses and their permits when they are subject to an RPD review.

DISCUSSION:

Proposed RMC Section 1.17.121 – Appeal procedure for RPD review of business permits will include the uniform appeal procedure that would encompass all permits requiring inspection and review by the Riverside Police Department. The proposed RMC section provides a consistent process for appeals, regardless of the permit type. Should any permit request be denied, suspended, or revoked, the business can refer to RMC Section 1.17.121 for the detailed appeal procedures. The proposed RMC would require all permit appeals to be heard by an 'Administrative Hearing Officer.'

There are nine business permit types included in the RMC that would be amended to have the individual appeal language removed. The RMC section for Extraordinary Police Services and Response would also be amended to have the individual appeal language removed. These sections would instead defer to section 1.17.121 for guidance on the appeals procedure.

The RMC sections that will have the appeal language removed are listed below:

- 5.28 Poolrooms
- 5.52 Massage Establishments
- 5.40 Vehicle for Hire / Animal Drawn Vehicle
- 5.80 Entertainment permit
- 5.95 Firearms Dealers License
- 6.24 Tobacco Retail Establishment
- 6.90 Pawnshop and Secondhand Dealer
- 9.40 Adult Oriented Business
- 9.42 Fortuneteller and Occult Arts
- 9.60 Liability for False Report and for Extraordinary Police Services or Response

Additionally, RPD and the City Attorney's Office saw a need for further clarification of the extraordinary police response bill appeal procedure. The following sections are proposed to be

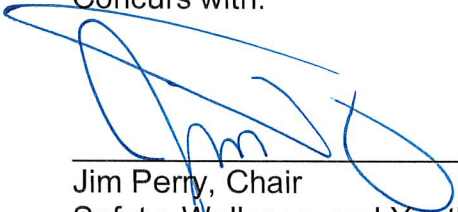
added to the RMC to specifically address the appeal and hearing procedures for the Extraordinary Police Response Bill (EPRB).

- 1.17.400 Appeal of extraordinary police response bill (EPRB)
- 1.17.410 EPRB appeal hearing procedures
- 1.17.420 EPRB appeal ruling
- 1.17.430 Judicial review of EPRB appeal ruling

FISCAL IMPACT:

The potential increased costs based on directing all appeals through the Administrative Hearing Officer as proposed by this Ordinance would be minor and absorbed within the department's budget.

Concurs with:



Jim Perry, Chair
Safety, Wellness, and Youth Committee

Prepared by: Steve Goodson, Police Lieutenant
Approved by: Larry V. Gonzalez, Chief of Police
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Mike Futrell, City Manager
Approved as to form: Jack Liu, Interim City Attorney

Attachment: Ordinance in Redline