

ORDINANCE NO. 176604

An ordinance repealing Chapters 24, 41, and 46 of Division 5 and adding Article 9 to Chapter 6 of Division 5 of the Los Angeles Administrative Code, and amending Sections 98.0413 and 98.0416 of the Los Angeles Municipal Code to provide for a Department of Building and Safety Building Permit Enterprise Fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Article 9 is added to Chapter 6 of Division 5 of the Los Angeles Administrative Code to read:

**CHAPTER 6, ARTICLE 9
DEPARTMENT OF BUILDING AND SAFETY
BUILDING PERMIT ENTERPRISE FUND**

Sec. 5.121.8 Creation and Administration of Fund.

(a) There is created and established a special revenue fund within the Treasury of the City of Los Angeles to be known as the Department of Building and Safety Building Permit Enterprise Fund ("**Fund**").

(b) For purposes of this Article, certain words and phrases are defined as follows:

BUILDING PERMIT shall mean Building, Grading, Demolition, Elevator, Boiler and Pressure Vessel, Electrical, Plumbing and Mechanical applications and permits processed by the Department of Building and Safety.

DEPARTMENT OF BUILDING AND SAFETY ("DEPARTMENT") shall mean a Department within the City of Los Angeles described in Section 22.12 of this Code.

(c) All monies received by the Department from the following sources shall be deposited into the Fund:

1. Fees received related to the issuance of building permits, including but not limited to building permit fees, plan and report review fees, inspection and pre-inspection fees and fees for issuance of reports of residential property

records.

2. Fees received related to support functions necessary for the issuance of the above-mentioned building permits, including but not limited to certification processing fees, product approval fees, fabricator approval fees, and building and property records research fees.

3. Fees received related to processing appeals to the Department or to the Board of Building and Safety Commissioners, Disabled Access Commission or other Boards established within the Department for purposes of appeals related to the above-mentioned functions.

4. Administrative fees collected for performing accounting functions for other agencies such as collecting School District Fees or Fire Hydrant Fees.

5. Fees received from the Special Accounts described in Section 5.121.8.1 of this Code shall be deposited into the Fund and each shall be fully managed as a separate account within the Fund.

6. Monies may also be contributed to the Fund by other City funds and by gifts, donations, or bequests from individuals or organizations. Any appropriation to this Fund by the City Council or the Mayor shall also be deposited into this Fund.

(d) The Fund shall be administered by the General Manager of the Department of Building and Safety ("General Manager"). The General Manager shall report to the City Council and Mayor regarding receipts and expenditures of the Fund. The reporting shall be done on a periodic basis and cover at least one quarter of the fiscal year with the first quarter being July through September. A year-end report shall also be done which shall be submitted within 90 days after the close of said fiscal year. Unencumbered funds remaining in this Fund at the end of any fiscal year shall not revert to the Reserve Fund.

(e) The Fund shall be used to purchase or pay for expenses, equipment, materials, and services in support of the building permit related functions, and shall also be used to repay cash advances received from any other fund established by the City and used for these purposes. The Fund shall be used to reimburse budgetary salary, overtime, and related costs as appropriate, and to draw demands for printing, travel, equipment, computer equipment and software and other services and expenses as appropriate to support building permit related functions described in Subsection (c) of this section and Section 5.121.8.1 of this Code. Appropriations will be established by an expenditure plan through the annual budget process.

(f) The Department shall be responsible for maintaining the records relating to the Fund.

(g) All interest or other earnings attributable to money in the Fund shall be credited to the Fund and shall be devoted to the purposes set forth in this article.

(h) No expenditure may be made from this Fund without the prior approval of the General Manager or a duly authorized representative.

(i) The General Manager is authorized to establish appropriate procedures to carry out the provisions of this article.

(j) The Mayor is authorized to transfer money among accounts that may be established within the Fund in an amount not to exceed \$50,000 per account per purpose in any one fiscal year.

Sec. 5.121.8.1 Special Accounts.

(a) **Building and Safety Electrical and Mechanical Testing Laboratory Surcharge Account.** The Building and Safety Electrical and Mechanical Testing Laboratory Surcharge Account shall be used to purchase laboratory equipment, computer items, technical services, consulting services, construction of a testing laboratory or additional facilities as required, or other equipment as necessary. These purchases may include, but not be limited to, facility lease or purchase payments, employee training, design, maintenance, and upgrading of existing programs in the Department. This Account shall also be used by the Department to repay cash advances received from any other fund established by the City and used for a new testing facility or upgrading testing equipment.

(b) **Building and Safety System Development Account.** The Building and Safety Systems Development Account shall be used to finance the design, implementation and maintenance of automated systems to support new programs of the Department to process building permits and appeal procedures as designated by the City Council; purchase computers and related equipment, software, firmware, technical services and consulting services necessary for the design and implementation of the automated systems; incidental expenses associated with the automated systems such as employee training, data conversion, computer communications, facility renovations related to the system, and computer system security measures. The Building and Safety Systems Development Account shall also be used to repay cash advances received from any other fund established by the City and used for the development of an automated system.

(c) **Building and Safety Special Services Account.** The Building and Safety Special Services Account shall be used to reimburse budgetary salary and overtime accounts as appropriate and to draw demands for travel, printing, equipment and inspection expenses in connection with the following activities where such expenses are in excess of monies budgeted in the General Fund therefore, or not provided for in the monies budgeted in the General Fund. This Account shall also be used by the Department to repay cash advances received from any other fund established by the City and used for any of the following purposes.

1. Monies received as provided for in Los Angeles Municipal Code Section 98.0406 for the performance of inspections at other than normal working hours.

2. Monies received as provided for in Los Angeles Municipal Code Section 98.0422 for the performance of expedited plan check and other services as requested by the applicant and authorized by the Department at other than normal working hours.

3. Monies received for the performance of inspections and for the conduct of special examinations relating to licensing, fabricators, and testing agencies at facilities located more than 60 miles from Los Angeles City Hall.

4. Monies received from conducting specialized training seminars on technical subjects for the instruction and training of persons other than personnel of the Department of Building and Safety.

5. Monies received pursuant to State and Federal laws for conducting training seminars for personnel of the Department to improve their competency in engineering, inspection and damage mitigation technology.

6. Monies received from short term or special purposes as approved by the Mayor and City Council.

Sec. 2. Chapters 24, 41, and 46 of Division 5 of the Los Angeles Administrative Code are repealed.

Sec. 3. The last paragraph of Section 98.0413 of the Los Angeles Municipal Code is amended to read:

All monies received from this surcharge shall be deposited and maintained in the "Building and Safety Electrical and Mechanical Testing Laboratory Surcharge Account" of the Department of Building and Safety

Building Permit Enterprise Fund pursuant to Section 5.121.8 of the Los Angeles Administrative Code.

Sec. 4. The last sentence of the first paragraph of Section 98.0416 of the Los Angeles Municipal Code is amended to read:

All monies received from this surcharge shall be deposited to and expended as the "Building and Safety Systems Development Account" of the Department of Building and Safety Building Permit Enterprise Fund pursuant to Section 5.121.8 of the Los Angeles Administrative Code.

Sec. 5. The last paragraph of Section 98.0416 of the Los Angeles Municipal Code is amended to read:

The Department shall discontinue the surcharge when it determines that the amount received from the surcharge is sufficient to fully pay for the design, acquisition, financing and implementation of a fully operational automated systems provided for in Section 5.121.8.1 (b) of the Los Angeles Administrative Code, entitled "Building and Safety Systems Development Account."


Sec. 6. The operative date of this ordinance shall be July 1, 2005.

(111087)

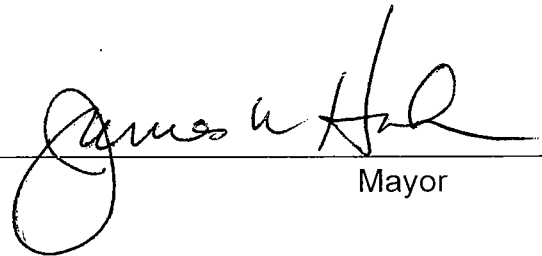
Sec. 7. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 15 2005.

FRANK T. MARTINEZ, City Clerk

By 
Deputy

Approved APR 20 2005


Mayor

Approved as to Form and Legality

Rockard J. Delgadillo, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date APR 13 2005

File No. CF 05-0048

DECLARATION OF POSTING ORDINANCE

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176604 - Repealing Chapters 24, 41, & 46 of Div 5 & adding Article 9 to Chapter 6 of Div 5 of the Los Angeles Administrative Code, & amending Sections 98.0413 & 98.0416 of the Los Angeles Municipal Code - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on April 15, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on April 26, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on April 26, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26th day of April 2005 at Los Angeles, California.



Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: June 5, 2005 Council File No. 05-0048