

ORDINANCE NO. _____

An ordinance adding Section 57.105.10 to Article 7 of Chapter V of the Los Angeles Municipal Code to establish a fee for the inspection of industrial and commercial buildings, and amending Section 57.105.1.2 to add Industrial Commercial Permit.

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

Section 1. A new Section 57.105.10 is added to Article 7 of Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 57.105.10. INDUSTRIAL COMMERCIAL PERMIT GENERAL.

It is the intent of this section to establish an annual inspection fee and permit process for the inspection of industrial and commercial buildings in the City of Los Angeles which comprise four or more stories, or those under 75 feet in height with a total floor area of 40,000 square feet or more.

SEC. 57.105.10.1. DEFINITIONS.

The following terms are defined in Chapter 2.

Building
Floor Area

SEC. 57.105.10.2. PERMIT REQUIRED.

No person or owner shall operate or maintain an industrial or commercial building without having obtained a permit pursuant to this section.

SEC. 57.105.10.2.1. APPLICATION FOR PERMIT.

No person or owner shall operate or maintain an industrial or commercial building without having first obtained a permit pursuant to this section. All applications for a permit shall be filed with the Department and shall be in writing on forms provided by the Department. The application for the permit shall contain the following information:

1. The name and mailing address of the building owner or the owner's authorized representative.
2. A description of the property by street address, as well as the County Assessor map, book, page and parcel number.

3. The occupancy type of the building, as described in Chapter 3 of the California Building Code and the building square footage, as described in the certificate of occupancy issued by the Department of Building and Safety.

4. A statement signed by the applicant or the applicant's authorized representative stating that the applicant exercises care and control over the building or premises for which the permit is requested, and agrees to comply with all regulations, laws or ordinances pertaining thereto.

5. The application for permit shall be accompanied by a signed statement by the owner affirming that the owner is responsible for the payment of the fee imposed by the Department pursuant to this section.

SEC. 57.105.10.2.2. INVESTIGATION.

Authorized members of the Bureau shall investigate the permit application. If after investigation and consideration of the application, the Bureau determines that the building or premises will not create any undue fire/life safety hazard and the applicant has complied with all requirements of this division and all applicable laws, the Bureau shall approve this application.

SEC. 57.105.10.2.3. PERMIT CERTIFICATE.

A permit shall be issued in accordance with the provisions of this division and shall set forth the following:

1. Name and mailing address of the owner of the building.
2. The address of the property, as well as the County Assessor map, book, page and parcel number.
3. The permit number, building number, type of occupancy of the building and floor area size of building.
4. The date of issuance of the permit and date of expiration or annual renewal.
5. The date the renewal fee is due.
6. The signature of the Chief printed thereon.

SEC. 57.105.10.3. AUTHORITY TO REVOKE OR SUSPEND.

Notwithstanding any other provision of this article to the contrary, the Chief shall have the power to revoke or suspend any permit upon proof to the satisfaction of the Chief of a violation by the permittee of the provisions of this article, the rules and regulations of this Department adopted under the authority of Section 57.104.1.1 of this article, any applicable law or the terms and conditions of any permit.

SEC. 57.105.10.3.1. OPERATION AFTER REVOCATION OR SUSPENSION.

It shall be unlawful for any person to operate, use or maintain a commercial or industrial building after the permit issued therefor has been suspended or revoked pursuant to the provisions of this section unless the permit has been reinstated or a new permit issued.

SEC. 57.105.10.4. INDUSTRIAL COMMERCIAL PERMIT FEE.

The permit due dates, manner of determining cost, manner of approving schedule and manner of assessing fees shall comply with Sections 57.105.10.4.1 through 57.105.10.4.4.

SEC. 57.105.10.4.1. DUE DATES.

1. **Initial Payment.** The permit fee shall be due and shall accompany the filing of a permit application on the first day of January following the date of construction, or for a building constructed prior to the effective date of this Division, on the first day of January following that effective date.
2. **Annual Renewal.** Annual renewal permit fees for existing permits shall become due and payable each year on the first day of January and shall be submitted with the renewal application.
3. **Delinquency.** All fees which are not paid within 30 days after the due date shall be deemed delinquent and subject to a 50% penalty. However, the Department may, for good cause, waive the penalty, to the extent it exceeds any extra costs caused by said delinquency, based upon information supplied by the Applicant and the Department.
4. **Interest.** Interest shall be assessed on the amount of the fee owed, exclusive of any penalty, from the date on which the fee first became delinquent until the date the fee is paid.
5. **Non-sufficient Funds.** Checks and transactions that are returned due to insufficient funds in a bank account shall be subject to a non-sufficient funds fee, in addition to interest and penalties.

SEC. 57.105.10.4.2. MANNER OF DETERMINING COST.

The cost of permits issued as required by Section 57.105.10 shall be determined as provided in Section 57.115.

SEC. 57.105.10.4.3. MANNER OF APPROVAL OF SCHEDULE.

The Board shall collect charges in accordance with new schedules approved as provided in Section 57.115.

SEC. 57.105.10.4.4. MANNER OF ASSESSING FEES.

The cost recovery schedule adopted herein shall impose a minimum charge per building for the administrative tracking of industrial and commercial buildings and a charge per square foot of floor area for each building inspected. The fee per building shall be the aggregate of such charges, subject to the following:

1. Vacant building as defined in this division shall be charged the minimum charge.
2. Partially vacant buildings and all occupied buildings will be charged the minimum charge plus a charge per square foot of floor area.
3. Where an industrial or commercial building is connected to another building(s) by a permanent above-ground structure or structures designed to permit pedestrian and/or vehicular passage from one building to another, and the buildings so connected are under common ownership, the charge per square foot shall apply to each chargeable square foot of the building so connected, including the connecting structure or structures, even though one or more of the buildings so connected is not itself an industrial commercial building.
4. Where there exists beneath a industrial or commercial building a garage serving both that building and another building(s), all of which are under common ownership, and the garage provides an exit through which any vehicle exiting the garage may pass, the charge per square foot shall apply to all buildings and to the garage for the purposes of computing the fee charged herein, even though one or more of the buildings served by the garage is not itself an industrial commercial building.
5. Upon filing of an application, federal, state and city owned buildings shall be issued a fee exempt permit without the payment of fees.

Sec. 2. Section 57.105.1.2 of Article 7 of Chapter V of the Los Angeles Municipal Code is amended in its entirety to read as follows:

There shall be six types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 57.105.6 for either:

1.1. A prescribed period; or

1.2. Until renewed or revoked.

2. Specific action or project permit. A specific action or project permit allows the applicant to use, install or modify systems and equipment or conduct an operation for which a permit is required by Section 57.105.7.

3. Special permit section 57.105.8.

4. High-rise inspection permit Section 57.105.9.

5. Unified program facility permit Section 57.120.

6. Industrial commercial permit section 57.105.10.

Sec. 3. 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 at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *Janet Jackson*
JANET JACKSON
Deputy City Attorney

Date *July 14, 2014*

File No. CF 12-1584