

ORDINANCE NO. 1372

AN ORDINANCE OF THE CITY OF CHULA VISTA ESTABLISHING A PARKING AND BUSINESS IMPROVEMENT AREA AND LEVYING AN ADDITIONAL BUSINESS LICENSE TAX THEREIN FOR UP-GRADING AND PROMOTING THE AREA

WHEREAS, under and pursuant to the provisions of the Parking and Business Improvement Area Law of 1965, Section 36000 et seq., of the State of California Streets and Highways Code, herein called "said Law," the City Council of the City of Chula Vista on September 21, 1971 adopted Resolution No. 6217, a resolution declaring an intention to form a parking and business improvement area known as "Downtown Improvement Area", providing for the levy of an additional business license tax to be imposed therein, fixing the time and place for hearing and giving notice thereof, and

WHEREAS, said Resolution No. 6217 was duly published, and copies thereof were duly mailed and posted, all as provided by said Law, and

WHEREAS, as specified in said Resolution No. 6217, a hearing concerning the formation of said area was held before the City Council of the City of Chula Vista on the 19th day of October, 1971 at the hour of 7:00 p.m. in the Council Chambers of the City Hall, 276 Fourth Avenue in the City of Chula Vista, California, and continued to the 26th day of October, 1971 at the hour of 7:00 p.m. in the Council Chambers of the City Hall, 276 Fourth Avenue in the City of Chula Vista, California, and

WHEREAS, at said hearings and specifically at the hearing on the 26th day of October, 1971, all protests, both written and oral, made or filed, were considered and duly overruled and denied and this City Council determined that there was no majority protest within the meaning of Section 36023 of said Law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chula Vista, as follows:

Section 1. Improvement Area Established.

That pursuant to the authority granted by the State of California in said Law, a parking and business improvement area is hereby established to be known as the "Downtown Business Area of the City of Chula Vista", herein referred to as "Area", which Area is generally described as encompassing all of those properties on the north side of "E" Street and the north side of Alvarado Street to the south, the center line of Landis Avenue west of Third Avenue with the exception of those properties located in the area between Center Street and Park Way extending to Fourth Avenue on the west and by Church Avenue on the east, as described more specifically on Exhibit "A" and shown more specifically on a map thereof designated as Exhibit "B", attached and incorporated in the said Resolution No. 6217 on file in the office of the City Clerk of the City of Chula Vista.

Section 2. Business License Tax Defined.

That the term "general business license tax", as used in this ordinance and which is sometimes called "business license fee", is hereby defined as a tax upon a particular business, trade or profession within said City as set forth for such particular business, trade or profession in Chapter 18 of the Chula Vista City Code as said Chapter 18 presently reads or as hereafter amended.

Section 3. Additional Business License Levy.

That in addition to the general business license tax, an additional business levy or fee is hereby imposed upon businesses located within said Area. The additional license levy shall be as follows:

Class A

Business of manufacturing	No additional assessment
All classes of vending machines	
Games	
Apartments	
Hotels	

Class B

Bowling alleys	An additional assessment equal to one-half of the business license
Pool halls	
Pawn Shops	

Class C

Card Rooms	An assessment of \$125/year
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Class D

Bars serving beer only	An assessment equal to three times the business license
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Class E

Public utilities, including gas, electric, telegraph, telephone, water and trash	An assessment equal to one times the business license
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Class F

Attorneys	An assessment equal to two times the business license
Medical and Dental doctors	
Real Estate Brokers	
Bookkeeping, accounting	
Auto sales	
Chiropractor	
Veterinarians	
Stock and bond brokers	
Engineers	
Savings and loan associations	
Loan agencies	
Construction companies	
Newsstands	
Answering services	
Coin dealers	
All other professions licensed and regulated by the State of California and not specifically otherwise classified herein.	

### Class G

Automotive repairs and accessories  
Auto parts  
Service stations  
Bookstores  
Undertaking establishments  
Cleaners and Cleaner's agents and agencies  
Laundromats and self-service laundries and cleaners  
Rental agents and agencies  
Refrigeration repair  
Rental leasing companies  
Shoe repair shops  
Theatres  
Barber and beauty shops and supply stores  
Cafes and restaurants, not serving hard liquor  
Donut stores  
Massage parlors  
Schools of instruction, training schools  
Equipment rentals  
Physical culture studios or gymnasium  
Luggage repair shops  
Travel agencies  
Tailors  
Interior decorators  
Sewing machine repair  
Printers  
Office machines

An assessment equal to six times the business license

### Class H

Grocery stores and supermarkets  
Bakery goods  
Meat Markets  
Delicatessens  
Department stores  
Variety stores  
Surplus stores  
Ice cream stores  
Liquor stores  
Photo studios and photo supplies

An assessment equal to eight times the business license

### Class I

Clothing stores  
Shoe stores  
Appliance stores  
Furniture stores  
Jewelry stores  
Sporting goods stores  
Restaurants serving hard liquor  
Yarn shops  
Arts and crafts shops  
Florists  
Nurseries, garden shops  
Hardware stores  
Pet stores  
Plumbing supplies  
Electrical supplies

An assessment equal to ten times the business license

Television stores  
Hearing aid stores  
Music stores  
Hearing aid stores  
Music stores  
Paint stores  
Sewing machine sales  
Yardage stores  
Trophies  
Pharmacies  
Bicycle stores  
Hobby shops  
Gift stores  
Carpet stores  
All other businesses involving  
retail sales

Said additional license tax shall be levied, collected and enforced in the same manner, at the same times, and with the same penalties and interest as in the case of the general business license tax.

Section 4. Collection of Additional Taxes.

The collection of the additional levy to the license tax proposed by virtue of this proceeding shall be made at the same time and in the same manner as the ordinary business license tax of the City under the provisions of Chapter 18 of the Chula Vista City Code, and such tax proposed to be imposed under this proceeding shall be computed in the manner provided in said Chapter 18 for each business, but according to the schedule set forth in Section 3 hereinabove, and shall be due and payable as provided in said Chapter 18 of said Code.

Section 5. Exemptions: Voluntary Contribution.

Any business, person or institution which is exempt from the payment of the ordinary business license tax of the City by reason of the provisions of the United States or State Constitutions, regardless of the location of said business, may make a voluntary contribution to the improvement district. Such contribution shall be used for the purposes provided in this ordinance.

Section 6. Multiple License at Same Business Location - Single Assessment Only.

If more than one business is being conducted at a single address and more than one business license has been issued to the proprietor of a single business premise, the assessment for the business improvement district shall be levied as an additional charge against that license for which the highest fee is paid.

Section 7. Advisory Committee.

A seven-man Advisory Committee shall be established to manage and direct the affairs of the improvement district. The terms of the members of said Advisory Committee shall be for a period of three (3) years, which terms shall be staggered initially by drawing lots so that three (3) members shall serve for one (1) year, two (2) members shall serve for two (2) years and two (2) members shall serve for three (3) years. The initial members of said Advisory Committee shall be selected in the following manner: The Board of Directors of the Downtown Association shall elect from the membership of the Board two (2)

members, and the Downtown Improvement District Steering Committee, which has been responsible for the development of the District, shall elect from among its members two (2) members to serve on the Advisory Committee. Three (3) members shall be elected at large from the Downtown Association, which body shall after the effective date of this ordinance, consist of all persons who have businesses or are agents of business owners within the proposed improvement area and who either pay the additional levy of tax as provided for herein or make voluntary contributions as provided for herein. Said election shall be conducted by the Board of Directors of the Downtown Association and all members of the Association shall be eligible for election as members of the Advisory Committee. Thereafter at the annual election, all members of the Advisory Committee shall be elected at large in the same manner as the three (3) members elected at large as provided for hereinabove.

Section 8. Proposed Uses.

That the uses to which the proceeds of the additional business license tax shall be put are:

- A. Decorations of public places in the Area.
- B. Promotion of public events which are to take place within the Area.
- C. Furnishing of music in public places in the Area.
- D. The general promotion of retail trade activities in the Area.

Section 9. Submission of Budget.

The Advisory Committee shall submit annually, prior to the first day of March, a budget for the balance of the calendar year for the expenditure of funds realized through said additional business license tax, which budget shall be subject to the approval of the City Council and the City Council shall authorize the disbursement of funds in accordance with the requirements of said budget to the Advisory Committee for the purposes set forth herein and any such amounts as may be required for said purposes on a quarterly basis.

Section 10. Annual Review of Progress of Downtown Improvement Area - Management and Achievements.

The City Council shall review annually, at least one month prior to the termination of a calendar year, the management activities and achievements of the Downtown Improvement Area and may hold a public hearing to take testimony on such matters so as to ascertain the desirability and necessity of continuing the Downtown Improvement Area.

Section 11. Council Findings.

That this City Council hereby finds and determines that the public desirability and necessity and welfare require the establishment of the Area hereinbefore described.

Section 12. Overruling Protests.

That all protests, both written and oral, are overruled and denied and the City Council finds that there is no majority protest within the meaning of Section 36023 of the Streets and Highways Code.

Section 13. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by

Approved as to form by

Thomas D. Hamilton, Jr. George D. Lindberg  
Thomas D. Hamilton, Jr., Mayor      George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, this 16th day of November, 1971, by the following vote, to-wit:

AYES:      Councilmen Egdahl, Scott, Hobel, Hamilton, Hyde  
NAYES:      Councilmen None  
ABSENT:      Councilmen None

Thomas D. Hamilton, Jr.  
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of Ordinance No. \_\_\_\_\_, and that the same has not been amended or repealed. DATED \_\_\_\_\_

\_\_\_\_\_  
City Clerk