

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
SECTIONS 3.36.100, 3.36.140 AND 3.36.150 OF CHAPTER  
3.36 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO  
SALES AND USE TAX FOR WATERBORNE VESSELS

The City Council of the City of Chula Vista does hereby  
resolve as follows:

SECTION I: That subsection B of Section 3.36.100 of  
Chapter 3.36 of the Chula Vista Municipal Code which reads as  
follows, is hereby deleted:

- B. The gross receipts from the sale of tangible personal  
property to operators of waterborne vessels to be  
used or consumed principally outside the city in  
which the sale is made and directly and exclusively  
in the carriage of persons or property in such  
vessels for commercial purposes.

Section 3.36.100 will now read as follows:

Sec. 3.36.100                      Sales Tax--Exclusions.

There shall be excluded from the gross receipts by  
which the tax is measured:

- A. The amount of any sales or use tax imposed by the  
state of California upon a retailer or consumer;
- B. The gross receipts from the sale of tangible personal  
property to operators of aircraft to be used or  
consumed principally outside the city in which the  
sale is made and directly and exclusively in the use  
of such aircraft as common carriers of persons or  
property under the authority of the laws of this  
state, the United States, or any foreign government.

SECTION II: That subsection D of Section 3.36.140 of  
Chapter 3.36 of the Chula Vista Municipal Code which reads as  
follows, is hereby deleted:

- D. The use or consumption of property purchased by  
operators of common carriers and waterborne vessels  
to be used or consumed in the operation of such  
common carriers or waterborne vessels principally  
outside the city.

Section 3.36.140 will now read as follows:

Sec. 3.36.140 Use Tax - Exemptions.

There shall be exempt from the tax due under this section:

- A. The amount of any sales or use tax imposed by the state upon a retailer or consumer;
- B. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state;
- C. The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the public utilities commission of this state.

SECTION III: That subsection C of Section 3.36.150 of Chapter 3.36 of the Chula Vista Municipal Code which reads as follows is hereby deleted:

- C. The storage use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

Section 3.36.150 will now read as follows:

Sec. 3.36.150 Use Tax - Exemptions

There shall be exempt from the tax due under this section:

- A. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;
- B. The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part

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1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state;

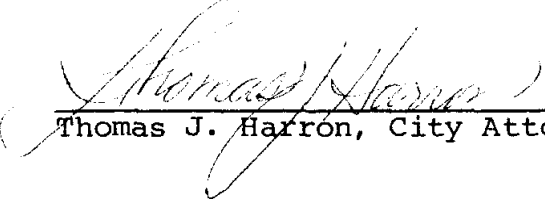
- C. In addition to the exemptions provided in Section 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government.

SECTION IV: The above deleted sections shall be reenacted at such time as the legislature of the State of California reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from sales and use tax for operators of waterborne vessels in the same or substantially the same language as that existing in Revenue and Taxation Code Section 7207 (i)(7) and (i)(8) as those read on October 1, 1983.

SECTION V: This ordinance is hereby declared to be an urgency measure because the State Franchise Tax Board needs to have all local ordinances, adopted pursuant to the Bradley-Burns Act, be made uniform by December 15, 1983. If they are not, it could result in our losing sales and use taxes until such time as the ordinance became effective.

This ordinance shall become effective upon its first reading and adoption if passed by at least four (4) affirmative votes of the City Council.

Presented and Approved as to form by

  
\_\_\_\_\_  
Thomas J. Harron, City Attorney

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APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA, CALIFORNIA, AT FIRST READING THIS 6th DAY OF December,  
1983, by the following vote, to-wit:

AYES: Councilmen Malcolm, Cox, Moore, McCandliss, Scott  
NAYES: Councilmen None  
ABSTAIN: Councilmen None  
ABSENT: Councilmen None

Gregory R. Cox  
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, CMC, 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. 2055, and that the same has not been amended or repealed.

DATED \_\_\_\_\_

(seal)

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

UNANIMOUS CONSENT FORM

IT IS HEREBY REQUESTED by the undersigned that the following item, with the unanimous consent of the City Council of the City of Chula Vista, be considered and acted upon by the Council pursuant to the provisions of Sec.2.04.090 of the Chula Vista City Code.

Ordinance - Amending Sections 3.36.100, 3.36.140 and 3.36.150  
of the Municipal Code relating to Sales and Use Tax for Waterborne  
Vessels - FIRST READING AND ADOPTION

*Thomas J. Haun*  
(Signature)

Unanimous Consent of the City Council, as indicated by the following signatures:

*David E. Miller*  
*Magh McCandless*  
*Leonard M. Moore*

*Frank J. Scott*  
*Gregory K. Cox*

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