

Chapter 12.40 - DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT

Sections:

12.40.010 - Established.

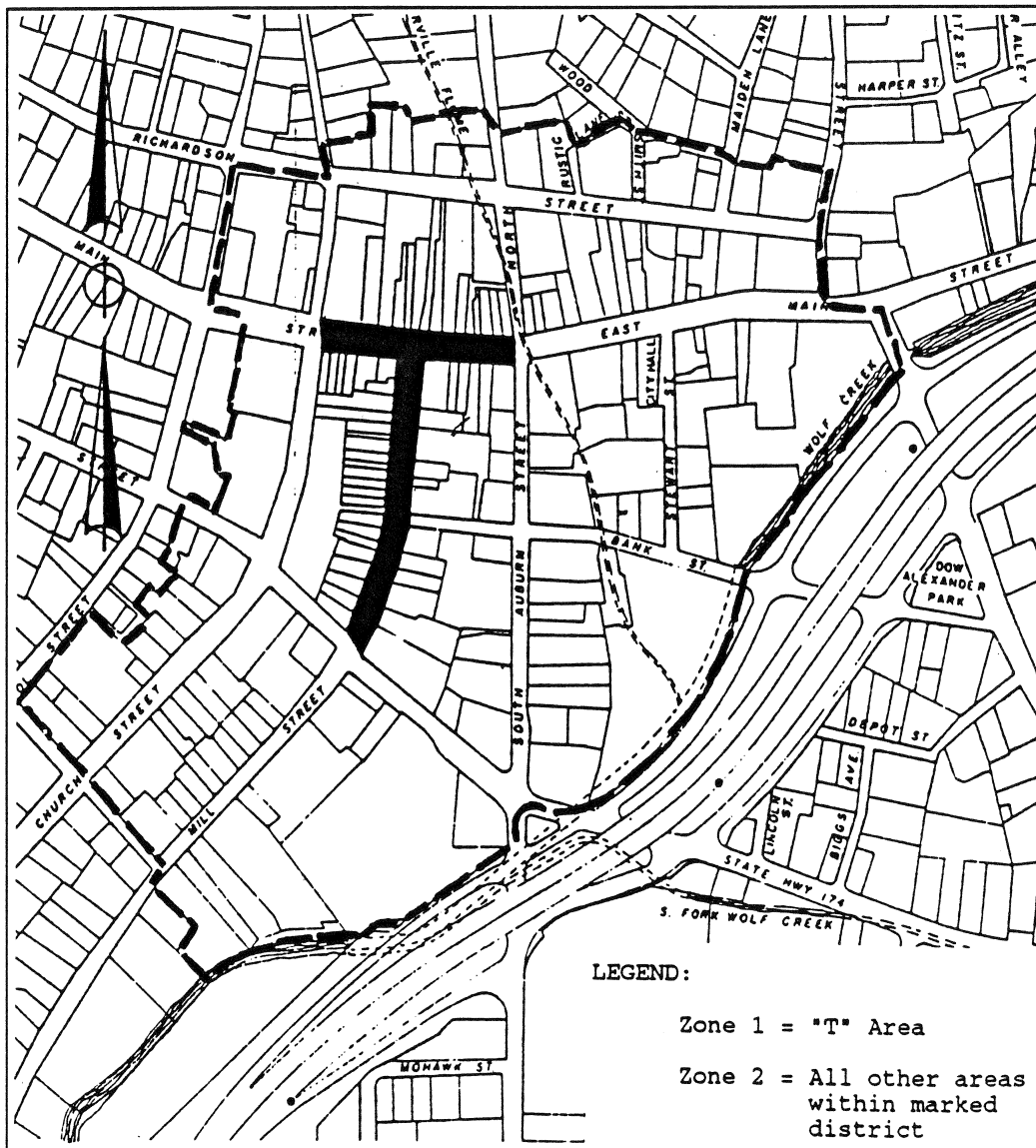
The city has heretofore established a parking and business improvement area pursuant to the Parking and Business Improvement Law of 1979 (Streets and Highways Code Section 36520 et seq.; amended statutes 1989 Chapter 591).

(Ord. 450 § 2 (part), 1990: prior code § 6A-1)

12.40.020 - Boundaries—Zones.

The downtown parking and business improvement district established in this chapter is comprised of those properties located in separate benefit zones, specifically Zone 1 and Zone 2 as more particularly set forth and depicted on the following map:

**Downtown Parking and Business Improvement District
Zones 1 and 2**



Zones 1 and 2 were established following a public hearing held November 13, 1990, by the city council pursuant to a resolution of intention adopted by the city council by Resolution 90-199, dated October 24, 1990. No protests were received at the public hearing.

(Ord. 450 § 2 (part), 1990: prior code § 6A-2)

12.40.030 - Definitions.

Unless it is apparent from the context that another meaning is intended, the following words, when used in this chapter, shall have the meaning ascribed to them by this section.

"Auto dealers" means businesses dealing in the sale of motor vehicles, both new and used, and shall include dealers in trucks, farm implements and all other types of motorized equipment that is moved by motor power on wheels or tracks; but does not include sale of motor vehicle parts when not accompanied by the sale of motor vehicles by the same business.

"Amusement" means any type of business conducted for amusement purposes for which an admission or other charge is made for the purpose of enjoying such amusement. This shall be deemed to include operators or lessees of amusement-type vending machines of all kinds.

"Bars" means any place of business that maintains and sells or dispenses any type of alcoholic beverage at "on-sale," as that term is defined by the Alcohol Beverage Control Act of the State of California.

"Financial, lending and securities institutions" means all financial, lending or security institutions.

"Hotels and motels" means the type of businesses devoted to human lodging on a transient basis as distinguished from apartment houses, roominghouses and other types of concerns that provide human lodging on a more permanent basis.

"Number of employees" means all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor, or salesman, regardless of basis of compensation, and any and all other persons employed or working in such business, including, but not limited to, students and apprentices working in connection with instruction in any business, for which service the owner, operator or management receives compensation or a thing of value. In determining the number of employees, the number of hours worked by all employees during the entire preceding fiscal year shall be added together and the sum thereof divided by two thousand. Any remainder or fraction shall not be considered; provided, however, that any amount below the first two thousand hours shall be considered as two thousand hours and, in such event, the business in question shall pay a tax using one employee as a basis for computing the tax due. Any employee who is paid for working away from the business location for more than fifty percent of the time for which he is paid during a fiscal year, shall be deemed an exempt employee, and his time shall not be included in the computation above; except, that a business in which all employees qualify for the exemption shall pay a tax using one employee as a basis for computing the tax due.

"Professional and services" includes, but is not necessarily limited to, the following: persons or businesses engaging in a pursuit or activity professionally, news and advertising media, printers, photographers, but not photo supplies, real estate brokers, beauty and barber shops, light manufacturing, buildings, service stations, repair and servicing, renting and leasing, laboratories, including dental and optical, hearing aid services, utilities, artists and designers, and vending machine businesses. Offices of nonprofit organizations which have paid staff are included in this category.

"Restaurant" means any establishment where food is prepared for human consumption either on or off the premises.

"Retail businesses" means all businesses not specifically included within other definitions set out in this section and which at least in part sell at retail in the regular course of business. The fact that a substantial part or most of its business consists of other than retail sales does not exclude the business from this classification. To "sell at retail" as used in the definition of this classification means the making of a "retail sale" or a "sale at retail" as those terms are defined in the Sales and Use Tax Law of the State of California. Retail operations of nonprofit organizations are included in this category.

"Theaters" means any place where a theater business is conducted, containing a permanent stage or in which motion pictures are exhibited and other exhibitions are presented where an admission charge is made.

(Ord. 450 § 2 (part), 1990: prior code § 6A-3)

12.40.040 - Assessments—Computation.

There is imposed an annual charge on each business situated within the boundaries of the downtown parking and business improvements district Zones 1 and 2 which shall be computed as follows:

Computation of Rate

Number of employees _____

(Instructions for determining number of employees are set forth below.)

Basis rate from rate schedule set out in this section.

(Enter in column two below.)

Type of Business (Defined below)	Basic Rate (From rate schedule)	Multiply by Factor Below		Adjusted Total Rate
Retail	\$ _____	×8	=	\$ _____
Bars, restaurants, theaters and amusements	\$ _____	×4	=	\$ _____
Professional and services, financial lending, hotels and motels, auto dealers, insurance companies	\$ _____	×3	=	\$ _____
Minimum assessment in Zone 1	\$100.00			
Minimum assessment in Zone 2	\$75.00			

Computation of Delinquent Penalty, If Applicable

	Total rate due:	\$; \$rule;
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Delinquent Penalty: Ten percent each month if paid after delinquent date.

Delinquent Charge — Penalties: For failure to pay a license tax when due, the finance officer shall add a penalty of ten percent of the license charge on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall not exceed fifty percent of the license charge due.

	Total payment due:	\$; \$rule;
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There shall be charged a ten percent charge per each month any payment is made after the delinquent date.

Assessments — Rates**Zones 1 and 2**

Number of Employees	Zone 1 Rate	Zone 2 Rate
1	\$22.50	\$17.50
2	39.00	32.50
3	57.00	47.50
4	75.00	62.50
5	93.00	77.50
6	108.00	90.00
7	123.00	102.50
8	138.00	115.00
9	153.00	127.50
10	168.00	140.00
11	180.00	150.00
12	192.00	160.00
13	204.00	170.00
14	216.00	180.00
15	228.00	190.00

<u>16</u>	237.00	197.50
<u>17</u>	246.00	205.00
18	255.00	212.50
19	264.00	220.00
20	273.00	227.50
21	279.00	232.50
22	285.00	237.50
23	291.00	242.50
24	297.00	247.50
25	303.00	252.50
Over 25	302.00	
plus \$2.00 per each additional employee	252.50 plus \$2.00 per each additional employee	

(Ord. 607 § 1, 2002; Ord. 450 § 2 (part), 1990: prior code § 6A-4)

12.40.050 - Use of revenues—Improvements, activities.

The city revenue from the assessments levied within Zones 1 and 2 shall be used to provide the following improvements or activities within the areas:

- A. The acquisition, construction or maintenance of parking facilities for the benefit of the area;
- B. To fund or participate in studies of traffic flow within the area and to pay for certain

improvements made or recommended pursuant to such studies;

- C. Decoration, restoration and general improvement of any public place in the area;
- D. Promotion of public events which are to take place on or in public places in the area;
- E. Furnishing of music in any public place in the area;
- F. The general promotion of business activities in the area.

(Ord. 450 § 2 (part), 1990: prior code § 6A-5)

12.40.060 - Collection of charges—Due date.

The assessments will be billed with business licenses at the first of each year. The charges imposed within the downtown parking and improvement district, Zones 1 and 2, are due and payable the first half on the first day of January each assessment year and the second half due and payable on the first day of June of each assessment year and shall become delinquent thirty days thereafter if not paid in full. Any business which has not paid the first half of its assessment by March 30 of the assessment year and second half of its assessment by July 31 will be subject to delinquent penalties and charges as provided in Section 12.40.040 computed at a minimum at the ten employee rate. All unpaid charges and penalties will be considered a civil debt of the responsible party and shall be collectible by the city in the same manner as a contract obligation. All delinquent bills may be referred to a collection agency hired by the city or be recovered pursuant to an action in small claims court.

(Ord. 607 § 1, 2002: Ord. 546 § 1, 1996: Ord. 472 § 1, 1991: Ord. 461 § 1, 1991: Ord. 459 § 53, 1991: Ord. 450 § 2 (part), 1990: prior code § 6A-6)

12.40.070 - City reimbursement.

The city may be reimbursed its costs for any collection of charges or assessments not to exceed one percent of the amount collected.

(Ord. 461 § 2, 1991: Ord. 459 § 54, 1991; prior code § 6A-14)

12.40.080 - Exemption.

- A. Any new business established in the area of this district shall be exempt from any assessment under the provisions of this chapter for the fiscal year during which it commenced business.
- B. The exemption shall not be deemed to apply to an existing business that has changed ownership or location within the district.

(Ord. 450 § 2 (part), 1990: prior code § 6A-7)

12.40.090 - Residential exclusion.

No person is subject to the charges imposed in this chapter by reason of conducting a residential use upon any property within the district.

(Ord. 450 § 2 (part), 1990: prior code § 6A-8)

12.40.100 - Voluntary contributions.

In the event the city contracts with a corporation to administer the funds collected under this chapter, any funds collected by voluntary contributions by such corporation from whatever source, shall not be subject to an accounting to the city; provided, however, that in any budget presented to the city for the approval of the project, the corporation shall in such budget set out the amount of funds proposed to be used, derived from any source, i.e., tax sources, license tax sources or voluntary contributions, in order that the city council may appropriately determine the feasibility of the project and the ability of the corporation to finance it.

(Ord. 450 § 2 (part), 1990: prior code § 6A-9)

12.40.110 - Power to contract.

- A. The city council may contract with the Grass Valley Downtown Development Association, a nonprofit tax-exempt corporation, the purpose of which shall be to carry out the purposes for which the charges or assessments are levied and as provided in this chapter.
- B. In the event such an agreement is made, it shall provide that the corporation shall present a budget of proposed expenditures and purposes to the city council for investigation as to the advisability and feasibility of the proposed expenditures and improvements, and upon approval of such budget request, the council shall allocate and direct payment of such amounts as it shall determine necessary to implement such approved uses.
- C. The city council shall only use the funds collected under this chapter for purposes recommended by the advisory board.

(Ord. 450 § 2 (part), 1990: prior code § 6A-10)

12.40.120 - Advisory board.

The board of directors of the Downtown Development Association, as the same is constituted as of the effective date of the ordinance codified in this chapter and as its membership may change from time to time, is designated and appointed as the advisory board to the city council to make recommendations as to the expenditure of the revenues collected within the improvement area and to assume such other duties and responsibilities in connection with the improvement area as the city council may from time to time, by resolution, deem useful and appropriate.

(Ord. 450 § 2 (part), 1990: prior code § 6A-11)

12.40.130 - Subject to state law.

All businesses within the downtown parking and business improvement district shall be subject to any amendments to the Parking and Business Improvement Law of 1989 as may be enacted.

(Ord. 450 § 2 (part), 1990: prior code § 6A-12)

12.40.140 - Disestablishment—Resolution of intention.

The city may, at any time, pursuant to the provisions of Section 36550 of the Streets and Highways Code, disestablish the area created in this chapter. This procedure may be initiated by the council upon its own motion, or upon petition to the council for disestablishment, signed by more than fifty percent of the total assessment membership, assessed in the fiscal year in which the petition is filed; provided, that all signers to the petition shall have signed it within thirty days, but in this connection, the date that each signer shall have signed the petition shall be set opposite his/her name. The city council shall then compute the percentage of the signers, and if the total exceeds fifty percent of the total assessment membership, shall adopt and publish a resolution of the intention mentioned in Section 36550. Neither the initiation of the procedure by the council upon its own motion, or pursuant to the petition provided for in this section, shall limit the council's discretion with respect to the adoption or nonadoption of a disestablishment ordinance.

(Ord. 459 § 33, 1991: Ord. 450 § 2 (part), 1990: prior code § 6A-13)