

ORDINANCE NO. 534
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDSAY
REPEALING ORDINANCE 417, CONTAINING TITLE 12, CHAPTER
12.32.01.0 THRU 12.32.110 OF THE LINDSAY MUNICIPAL CODE
PERTAINING TO BUSINESS LICENSE FEES.

THE CITY COUNCIL OF THE CITY OF LINDSAY DOES ORDAIN AS FOLLOWS:

ARTICLE 1: Chapter 12.32. of the Lindsay Municipal Code shall be REPEALED IN ITS ENTIRETY:

SECTIONS:

- 12.32.010 Establishment of area
- 12.32.020 Area Boundaries.
- 12.32.030 Assessment and charge.
- 12.32.040 Uses of revenues collected.
- 12.32.050 Annual determination of uses of revenues.
- 12.32.060 Administration board.
- 12.32.070 Collection of assessments and charges.
- 12.32.080 Termination of reestablishment of assessments and charges.
- 12.32.090 Enforcement of provisions.
- 12.32.100 Criminal penalties.
- 12.32.110 Liberal construction-Partial invalidity.

ARTICLE 2: With the completion of the Downtown Project and the success of the Friday Night Market, staff feels that this Ordinance has outlived its usefulness to the community and asks Council to strike this section in its entirety(12.32.010 thru 12.110). This action would have no other bearing on any other part of the business license ordinance.

This revenue stream, that averages \$65,000 per year, has been used to supplement the Chamber of Commerce for the past 20 years and that agency will have to find other revenue sources to off-set this loss. Sections to be removed are described as follows:

~~12.32.010 Establishment of area.~~

~~There is created and established a parking and business improvement area of the city, hereinafter in this chapter for brevity and convenience referred to as "Area."~~

~~12.32.020 Area boundaries.~~

~~Description of the boundaries was included~~

~~12.32.030 Assessment and charge.~~

~~A. There is hereby fixed, levied, determined and established a system of assessment and charge upon all businesses located within the prescribed Area which are required to obtain and maintain a city business license, which such assessment and charge shall be two hundred percent of the amount that each business entity is required to pay to the city for a business license for such business.~~

~~B. During the month of April in each fifth year, commencing with the month of April, 1993, the city council shall conduct an election to determine whether the assessment or charge is to continue past the thirtieth day of June in that year. The election shall be conducted by mailing ballots to all businesses required to pay the assessment or charge hereby levied for the then current year.~~

~~C. At each election, if a majority in number representing a majority in amount of the total assessment or charge votes to continue the assessment, the same shall continue until otherwise terminated hereunder. Otherwise, the city council shall enact legislation terminating the assessment as of June 30th of that year.~~

~~D. In all such elections, a failure to timely vote shall be counted as a vote in favor of continuing the assessment or charge. All ballots shall be mailed by the city to the address to which the business license is issued before the fifteenth day of April in the year of an election hereunder, and shall be returned to the city no later than the close of business on the last business day of April of such year.~~

~~E. The city clerk shall conduct the election, subject to the terms of this chapter, and shall prescribe the form of ballot and the rules of procedure to be followed in conducting the election~~

~~12.32.040 — Uses of revenues collected.~~

~~The revenues generated from the collection of the assessments and charges set out in this chapter may be utilized within the Area, as determined by the city council, for any of the following purposes:~~

- ~~A. — Acquisition, construction or maintenance of parking facilities for the benefit of the Area;~~
- ~~B. — Decoration of any public place in the Area;~~
- ~~C. — Promotion of public events which are to take place on or in public places in the area;~~
- ~~D. — Furnishing of music in any public place in the Area; and~~
- ~~E. — The general promotion of business activities in the Area.~~

~~12.32.050 — Annual determination of uses of revenues.~~

~~The city council shall determine each year, prior to July 1st, the percentage of the total assessments and charges that are to be used for the purpose of constructing physical improvements which will benefit the Parking and Business Improvement Area, and the percentage which will be used for the purpose of providing services and programs which will benefit the Area. The amounts determined to be used to construct physical improvements shall be determined to be assessments, and the amounts determined to be used for the purpose of providing services and programs shall be considered to be charges, and the levies on the businesses within the Area for the following year shall be identified accordingly.~~

~~12.32.060 — Administration board.~~

~~The city council shall contract with the Chamber of Commerce, under the provisions of Section 36503 of the Streets and Highways Code, for the administration of the program for which the Parking and Business Improvement District was formed, and the budgeting and expenditure of funds generated by the assessments and charges.~~

~~12.32.070 — Collection of assessments and charges.~~

~~The collection from businesses within the Area of the assessments and charges imposed by this chapter shall be made at the same time and in the same manner as the city collects its business license tax from such businesses, pursuant to the applicable provisions of the Lindsay Municipal Code.~~

~~12.32.080 — Termination of reestablishment of assessments & charges.~~

~~After April, 1990, in the event that a validated petition which purports to represent a majority in number representing a majority in amount of the total assessments or charges within the parking and business improvement area has been filed with the city council, within forty five day after filing, the city council shall conduct an election pursuant to Section 12.32.030 of this chapter to determine whether or not:~~

- ~~A. — The assessments and charges shall be discontinued for the ensuing year;~~
- ~~B. — The District shall be disestablished pursuant to Sections 36580 and 36581 of the Streets and Highways Code;~~
- ~~C. — The charges and assessments shall be rein stated beginning the ensuing year.~~

~~12.32.090 — Enforcement of provisions.~~

~~It shall be the duty of the director of finance and his/her deputies to collect all assessments and charges levied pursuant to this chapter. All assessments and charges required to be paid under the provisions of this chapter shall be deemed a debt owed by the business to the city. Any business, and the owners thereof, owing money to the city under the provisions of this chapter, shall be liable to an action brought in the name of the city for recovery of such amount.~~

~~12.32.100 — Criminal penalties.~~

~~It is unlawful for any business entity, and all owners thereof, to violate any of the provisions of this chapter. Any such violation of the provisions of this chapter shall constitute an infraction and shall be punished pursuant to the penalty provisions of the Lindsay Municipal Code.~~

~~12.32.110 — Liberal construction Partial invalidity.~~

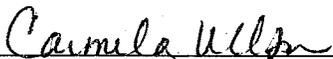
~~The ordinance codified in this chapter is intended to be construed liberally, and in the event that any section, or part of any section thereof should be held invalid, the remaining provisions shall remain in full force and effect.~~

ARTICLE 3 This ordinance shall be in full force and effect on or after the 30th day after its adoption by the City Council. Within 15 days after its adoption by the City Council, this Ordinance shall be published in full text or in summary in a newspaper of general circulation in the City of Lindsay.

The foregoing ordinance, read by title only with waiving of the reading in full was introduced at a regularly scheduled meeting on the 24th day of January 2012.

ATTEST:

CITY COUNCIL OF THE CITY OF LINDSAY


Carmela Wilson, City Clerk


Ed Murray, Mayor

By Mayor Pro Tem Esteban Velasquez