

**ORDINANCE NO. 95-008**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEB 7 1995

AN ORDINANCE ADDING SECTIONS 23.13.1001 TO 23.13.1050 TO THE SACRAMENTO CITY CODE ESTABLISHING THE SOUTH NATOMAS BUSINESS IMPROVEMENT AREA

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Title 23, Chapter 23.13 of the Sacramento City Code is hereby added to read as follows:

Chapter 23.13 South Natomas Business Improvement Area

- 23.13.1001 Authority.
- 23.13.1002 Area Established--Description.
- 23.13.1003 Authorized Uses.
- 23.13.1004 Levy of Charge in Addition to Business Operations Tax
- 23.13.1005 Classification of Businesses and Charges Imposed.
- 23.13.1006 Exemption; Voluntary Contribution.
- 23.13.1007 Modification or Disestablishment of the Area.
- 23.13.1008 Administration
- 23.13.1009 Payment of Charge--Effective Date
- 23.13.1010 to Reserved
- 23.13.1050

SECTION 2.

Title 23, Chapter 23.13, Section 23.13.1001 of the Sacramento City Code is hereby added to read as follows:

23.13.1001 Authority

This chapter is adopted pursuant to the "Parking and Business Improvement Area Law of 1989" being Section 36500 et seq. of the California Streets and Highways Code, and Resolution of Intention No. 94-723, adopted by the City Council on December 13, 1994,

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and entitled "A Resolution of the City Council of the City of Sacramento, California, Declaring Its Intentions to Establish a Business Improvement Area In the South Natomas Area, to Provide for the Levying of Charges on Specified Businesses Conducted Within Such Area, Classifying Various Businesses for Such Purposes, Describing the Boundaries of the Proposed Area, the Authorized Uses to Which the Proposed Revenues Shall Be Put, the Rate of Such Charges, Fixing the Date, Time and Place of a Hearing to be Held by the City Council to Consider the Establishment of Such an Area, and Directing the Giving of Notice of Such Hearing". Such resolution was published and mailed as provided by law, and hearings thereon were held by the City Council at its regular meeting on January 31, 1995 and February 7, 1995, at which times all persons desiring to be heard, and all objections made or filed, were fully heard. The City Council duly concluded the hearing on February 7, 1995, and determined that protests objecting to the formation of the area have not been made by businesses within the area which will pay a majority of the charges to be imposed. The City Council hereby finds that the businesses within the business improvement area, in the opinion of the City Council, will be benefited by the expenditure of the funds raised by the charges proposed to be levied.

**SECTION 3.**

Title 23, Chapter 23.13, Section 23.13.1002 of the Sacramento City Code is hereby added to read as follows:

**23.13.1002 Area Established - Description**

There is hereby established a business improvement area which shall be known as the "South Natomas Business Improvement Area of the City of Sacramento," herein referred to as the "Area" for brevity and convenience. The description of the Area is as follows:

Beginning at the intersection of Interstate 80 and West El Camino; thence northeasterly along centerline of said Interstate 80 to its intersection with the centerline of the Natomas East Main Drainage Canal; thence south along the centerline of Natomas East Main Drainage Canal to Northgate Boulevard along the centerline of East Levee Road; then west along the centerline of East Levee Road to the intersection of the Garden Highway; thence west along the centerline of the Garden Highway to Interstate 5; thence west along the northern border of Discovery Park using the centerline of the Sacramento River as the boundary to the County limits of El Centro Rd; thence north along the centerline of El Centro Road to the intersection of Interstate 80; thence northeasterly along the centerline of Interstate 80 to the intersection of West El Camino.

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The businesses located in the Area shall be subject to any future amendments to the "Parking and Business Improvement Area Law of 1989" (commencing with Section 36500 of the Streets and Highways Code).

SECTION 4.

Title 23, Chapter 23.13, Section 23.13.1003 of the Sacramento City Code is hereby added to read as follows:

23.13.1003 Authorized Uses

The authorized uses to which the additional revenue shall be put are as follows:

- (a) The general promotion of business activities in the Area;
- (b) The promotion of public events which are to take place on or in public places in the Area;
- (c) The decoration of any public place in the Area;
- (d) The furnishing of music in any public place in the Area.

SECTION 5.

Title 23, Chapter 23.13, Section 23.13.1004 of the Sacramento City Code is hereby added to read as follows:

23.13.1004 Levy of Charge in Addition to Business Operations Tax

There is hereby imposed a charge for the purposes authorized in Section 23.13.1003, which charge is in addition to the business operations tax as it is imposed upon businesses conducting their activities within the Area by Title 23 of the Sacramento City Code. Such additional charge is to be imposed at the rates set forth in Section 23.13.1005 for the specified business classifications regardless of whether the business is taxed upon a flat rate or gross receipts or other basis under the provisions of Title 23 of the Sacramento City Code.

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**SECTION 6.**

Title 23, Chapter 23.13, Section 23.13.1005 of the Sacramento City Code is hereby added to read as follows:

**23.13.1005 Classification of Businesses and Charges Imposed**

(a) The businesses conducted in the Area are classified as follows so as to promote the equitable imposition of the additional charge, hereunder, in relation to the relative benefits to be derived. The charge, over and above the business operations tax, imposed on each business within the Area shall be as follows:

(i) Gross Receipts

Every person not falling within the category described in subsection (ii) of this section shall pay an annual charge as follows:

1. Every person which has gross receipts of \$35,000 or less shall pay a charge of \$10.00 for each year.
2. Every person which has gross receipts in excess of \$35,000 shall pay a charge of \$10.00 plus \$.0005 for each dollar of gross receipts in excess of \$35,000 for the reporting period; provided, however, that the maximum annual charge for any person under this section shall be \$144.00.

(ii) Professionals

1. Professionals-General

Every person engaged in the profession of: accountant, architect, attorney, audiologist, bacteriologist, certified public accountant, engineer, dentist, mortician, optometrist, osteopath, physician, podiatrist, psychologist, surgeon, or veterinarian shall pay an annual charge of \$50.00.

2. Professionals-Brokers

Every person engaged in the business of real estate broker, insurance broker, or stock broker, whether full or part-time, shall pay an annual charge of \$50.00 for the principal broker or broker of record.

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(iii)

There shall be a minimum charge of \$10.00 per year for any business conducting business in the Area and a maximum charge of \$144.00 per year.

(b) The determination of the type or class of business or businesses a charge payer is engaged in or about to engage in shall be an administrative function of the Revenue Manager of the City of Sacramento. In cases where a charge payer believes he is placed in the wrong business or class of business or businesses he may apply in writing to the Revenue Manager for a change in his classification, setting forth in full his reason for requesting such change. The Revenue Manager shall conduct an investigation and shall, thereupon, render her decision in writing as to the proper classification or classifications.

If the charge payer is aggrieved by the Revenue Manager's decision, he shall have the right of appeal to the Director of Finance. The appeal shall be filed with the Director of Finance within ten (10) days of the date of the Revenue Manager's decision and shall be heard by the Director of Finance within thirty (30) days, thereafter. The charge payer shall be given at least seven (7) days notice of the hearing by the Director of Finance.

Annually on July 1, the maximum and minimum charges in subparagraph (a) (i), above, and flat charge in subparagraph (a) (ii), above, shall be automatically increased by the amount of increase in the Consumer Price Index, San Francisco area, all items, most recently available prior to the date of increase, provided, however, that in no event shall any automatic increase, hereunder, exceed ten percent (10%), and provided that the amounts of the charges which result from the application of the automatic increase, hereunder, shall be rounded to the nearest whole dollar.

SECTION 7.

Title 23, Chapter 23.13, Section 23.13.1006 of the Sacramento City Code is hereby added to read as follows:

23.13.1006 Exemption; Voluntary Contribution

Any business, person, or institution, located in the Area, which is exempt from the payment of the ordinary business operations tax of the City by reason of the provisions of the laws of the United States or the City or by reason of the provisions of the United States or California Constitution, is not to be charged under this proceeding, but may make a voluntary contribution to the City. Such contributions shall be used for the purposes provided in this chapter.

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**SECTION 8.**

Title 23, Chapter 23.13, Section 23.13.1007 of the Sacramento City Code is hereby added to read as follows:

**23.13.1007 Modification or Disestablishment of the Area**

The City Council, by ordinance, may modify the provisions of this chapter and may disestablish the Area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the Area, and shall state the time and place of a hearing to be held by the City Council to consider the proposed action.

If businesses in the Area which pay a majority of the charges imposed file a petition with the City Clerk requesting the Council to adopt a resolution of intention to modify or disestablish the Area, the Council shall adopt such resolution and act upon it as hereinafter provided. Signatures on such petition shall be those of a duly authorized representative of businesses in the Area; and the petition shall be filed with the City Clerk within six weeks of the date on which the first signature was affixed.

The City Clerk shall cause such resolution to be published at least once in the official newspaper of the City of Sacramento, and shall also mail a complete copy thereof, postage prepaid, to each business in the Area, or, if it is proposed to enlarge the boundaries of the Area, to each business in the Area as it is proposed to be enlarged. Such publication and mailing shall be completed at least fifteen (15) days prior to the date of the said hearing.

In the event the resolution proposes to modify any of the provisions of this ordinance, including changes in the existing charges or in the existing boundaries of the Area, such proceedings shall terminate if protest is made by businesses in the Area, or in the Area as it is proposed to be enlarged which pay or will pay a majority of the charges imposed or to be imposed, provided that the City Council may modify the boundaries or charges as specified in the Streets and Highways Code Section 26528.

In the event the resolution proposes disestablishment of the Area, the City Council shall disestablish the Area; unless at such hearing, protest against disestablishment is made by a majority of the businesses in the Area.

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At the hearing, the City Council shall hear all protests and receive evidence for and against the proposed action. The Council's determination in this regard shall be final. The Council may continue the hearing from time to time.

SECTION 9.

Title 23, Chapter 23.13, Section 23.13.1008 of the Sacramento City Code is hereby added to read as follows:

23.13.1008 Administration

The Council may provide for the administration of the Area's activities by entering into a contract with an entity that in the opinion of the City Council will have the capability of representing the interests of the businesses in the Area, whose general objectives will be consistent with the purposes of this chapter, and who will provide the resources to effectively achieve those objectives. However, in such event the City Council shall reserve for itself sole discretion as to how the revenue derived from the charges hereunder shall be used within the scope of the said authorized purposes.

SECTION 10.

Title 23, Chapter 23.13, Section 23.13.1009 of the Sacramento City Code is hereby added to read as follows:

23.13.1009 Payment of Charge - Effective Date

The collection of the charges imposed, hereunder, shall be at the same time and in the same manner as the general business operations tax under Title 23 of the Sacramento City Code commencing April 1, 1995.

A special fund is hereby created known as the "South Natomas Business Improvement Area Fund," and the charges imposed by this chapter shall be deposited in such fund.

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**SECTION 11.**

Title 23, Chapter 23.13, Sections 23.13.1010 to 23.13.1050 of the Sacramento City Code are hereby added to read as follows:

23.13.1010 to 23.13.1050 Reserved


DATE PASSED FOR PUBLICATION: **JAN 31 1995**

DATE ENACTED: **FEB 7 1995**

DATE EFFECTIVE: **MAR 9 1995**

  
MAYOR

ATTEST:

  
CITY CLERK

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