

ARTICLE 5

BUSINESS IMPROVEMENT AREA - BUSINESS LICENSE FEES

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ARTICLE 5

BUSINESS IMPROVEMENT AREA - BUSINESS LICENSE FEES

SEC. 8-5.00 AUTHORITY. This Article is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1965", being Sections 36000 et seq of the Streets and Highways Code of the State of California.

SEC. 8-5.10 DESIGNATION. There is hereby created and established a Parking and Business Improvement Area to be known and designated as Hayward Central Business Area of the City of Hayward, hereinafter for brevity and convenience sometimes referred to as "Area".

SEC. 8-5.11 DESCRIPTION OF AREA. A description of the boundaries of said Hayward Central Business Area of the City of Hayward is as follows:

Streets, North and South Direction

Foothill Blvd.: both sides from Hazel Ave. on the North and Mission Blvd. on the South.

Main St.: both sides from Hazel Ave. on the North, Foothill Blvd. on the South.

Mission Blvd: both sides from Rose St. on the North, Pinedale Ct. on the South.

Montgomery St.: both sides - "A" St. on North - Commercial St. on South.

Second St.: both sides - Russell Way on North - "E" St. on South.

Prospect St.: both sides - Simon St. on North - Warren St. on South.

Third St.: both sides - "A" St. on North - "B" St. on South.

Streets, East and West Direction

Simon St.: both sides - Main St. on East - Mission Blvd. on West.

"A" St.: both sides - Fourth St. on East - Western Pacific Railroad line on West.

"B" St.: both sides - Fourth St. on East - Western Pacific Railroad line on West.

"C" St.: both sides - Second St. on East - Atherton St. on West.

"D" St.: both sides - Second St. on East - Western Pacific Railroad line on West.

"E" St.: both sides - Carmelita Dr. on East - Mission Blvd. on West.

Jackson St.: both sides - Mission Blvd. on East - Western Pacific Railroad overpass on West.

Walpert St.: both sides - Mt. St. Joseph Cemetery on East - Fletcher Lane on West.

Smalley Ave.: both sides - Mission Blvd. on East - Melvin Ct. on West.

Streets, (Both Sides) and Areas in Their Entirety

1. Streets.

Watkins St., Atherton St., First St., Hazel Ave., Russell Way., Maple Ct., McKeever Ave., Warren St., Levine Ct., Hampton Terrace., Commercial St., Fletcher Ln., "M" St., Melvin Ct., Hotel Ave., Richard Pl., Richard St., Armstrong St., Francisco St., Willis Ave., Dole Way., Rockaway Ln.

2. Areas.

City Center, Downtown BARTD Station, Bret Harte School.

For purposes of graphic illustration, the boundaries of said "Area" are shown on that certain map entitled "Hayward Central Business Area" on file in the Finance Department.

SEC. 8-5.50 BUSINESSES SUBJECT TO ADDITIONAL TAX. All businesses within the boundaries of said "Area", not exempt by law, shall be subject to the provisions of the additional tax imposed by this Article.

SEC. 8-5.55 ADDITIONAL LEVY OF LICENSE TAX. An additional levy of business license tax on businesses conducting their activities in the "Area" which is in addition to the regular business license tax imposed upon such businesses by Article 1 of this Chapter, is hereby imposed. Such additional levy of business license tax shall be an amount equal to thirty percent (30%) of the regular business license tax but not to exceed One Hundred Fifty Dollars (\$150.00) in any one year.

SEC. 8-5.60 DEFINITIONS AND CLASSIFICATIONS. The definitions and classifications of businesses as may be set forth herein, shall be determined by the definitions and classifications as set forth in Article 1 of this Chapter.

SEC. 8-5.65 COLLECTION OF ADDITIONAL TAX. The collection of the additional levy to the license tax imposed by this Article shall be made at the same time and in the same manner as the regular business license tax of the City under the provisions of Article 1 of this Chapter, and such tax shall be computed in the manner provided in said Article 1 for each business, but according to the schedule set forth herein, and shall be due and payable and subject to the penalties provided in said Article 1 of this Chapter; provided, however, the first payment to be made hereunder shall be made within thirty (30) days after receipt of billing by the Tax and License Administrator and the amount of same shall be prorated in accordance with the license payment schedule for the regular business license fee.

SEC. 8-5.66 EXEMPTION. VOLUNTARY CONTRIBUTION. Any business, person, or institution which is exempt from the payment of the regular business license tax of the City by reason of the provisions of Article 1 of this Chapter, the United States or State Constitutions or does not have a fixed place of business within the "Area", is not to be taxed under this Article but may make a voluntary contribution to the City. Such contribution shall be used for the purposes provided in Section 8-5.70 of this Article.

SEC. 8-5.70 PROPOSED USES. The uses to which the proceeds from the additional tax revenue realized from the additional levy of license tax imposed by this Article shall be put are:

- a. The acquisition, construction, and 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".
- e. The general promotion of retail trade activities in the "Area".

SEC. 8-5.80 ADVISORY BOARD. For the purpose of advising the Council and making recommendations as to how the revenue derived from the additional levy of license tax imposed by this Article shall be used within the scope of the purposes set forth in Section 8-5.70 of this Article, and to have and perform such other powers and duties as the Council may determine, there may be created an Advisory Board consisting of nine (9) members to be appointed by the City Council and to serve at its pleasure, said members to be persons who have businesses within the "Area", and pay an additional levy of license tax as provided for by this Article. The Council may annually approve a budget to include an estimate of the expenditures to be made to carry out the purposes of the Business Improvement Area.