

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING SECTION 5.04.010 [DEFINITIONS] AND SECTION 5.04.080 [EXEMPTIONS FROM TAX PAYMENTS] OF CHAPTER 5.04 [GENERAL PROVISIONS] OF TITLE 5 [BUSINESS LICENSES AND REGULATIONS] OF THE FORT BRAGG MUNICIPAL CODE

ORDINANCE NO. 946-2019

WHEREAS, Section 5.04.040 of the City of Fort Bragg Municipal Code states that it is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from the City to do so and paying the tax hereinafter prescribed or without complying with any and all application provisions of Chapter 5.04; and

WHEREAS, The City of Fort Bragg General Plan includes the stated goal of promoting the economic vitality of commercial areas; and

WHEREAS, The City of Fort Bragg City Council has reviewed a proposal to exempt commercial landlords from paying a business license tax when the tenant and landlord are related entities; and

WHEREAS, The City of Fort Bragg City Council has determined that the proposed exemption will better align the City's municipal code with the City's General Plan; and

WHEREAS, The City of Fort Bragg City Council wishes to exempt commercial landlords from paying a business license tax when the tenant and landlord are related entities.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. City of Fort Bragg Municipal Code sections 5.04.010 and 5.04.080 have been reviewed to identify necessary changes to ensure that commercial landlords shall be exempt from paying a business license tax for the lease of their property when the landlord and tenant are related entities.
2. Amending sections 5.04.010 and 5.04.080 in the manner described in this ordinance is in the public interest for it will promote the economic vitality of the City's commercial areas.
3. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA").

Section 2.

TITLE 5 BUSINESS LICENSES AND REGULATIONS

Section 5.04.010 entitled **Definitions** is hereby amended with the addition of the following terms:

5.04.010 DEFINITIONS

COMMERCIAL LEASE. A commercial lease is any building or portion thereof located on non-residential property within the City that is subject to a lease agreement for the operation of any business, trade, profession, calling, and/or occupation.

Section 5.04.080 entitled **Exemptions from Tax Payments** is hereby amended with the addition of the following paragraph:

5.04.080 EXEMPTIONS FROM TAX PAYMENTS

F. Any person who is the landlord in a commercial lease with a tenant that is a related entity to the landlord shall be exempt from taxes or fees imposed under this chapter of the Municipal Code. For purposes of this section, a tenant is a related entity to a landlord if 80% or more of the ownership interests in both value and voting power of the tenant and the landlord are held, directly or indirectly, by the same person or persons.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on April 22, 2019 and adopted at a regular meeting of the City of Fort Bragg held on June 10, 2019 by the following vote:

AYES:	Councilmembers Albin-Smith, Morsell-Haye, Norvell, Peters and Mayor Lee.
NOES:	None.
ABSENT:	None.
ABSTAIN:	None.

RECUSED: None.

William V. Lee
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: (by summary).
EFFECTIVE DATE: .