

ORDINANCE No. 113029

Law Department

COUNCIL BILL No. 105666

The City of Seattle--Legislative

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessment upon business within the area, the deposit of revenues in a special fund, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recom

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Finance *pass as amended 9/1/86*

COMPTROLLER FILE No. 295089

Introduced:	By:
Referred: <u>8-4-86</u>	To: <u>find Pass</u>
Referred:	To:
Referred:	To:
Reported: <u>SEP 8 1986</u>	Second Reading: <u>SEP 8 1986</u>
Third Reading: <u>SEP 8 1986</u>	Signed: <u>SEP 8 1986</u>
Presented to Mayor: <u>SEP 9 1986</u>	Approved: <u>SEP 11 1986</u>
Returned to City Clerk:	Published:
Vetoed by Mayor: <u>SEP 11 1986</u>	Veto Published:
Passed over Veto:	Veto Sustained:

(10)

Committee Chair

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Committee Chair

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ORDINANCE 113029

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

WHEREAS, the owners and /or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Business Improvement Area pursuant to RCW Chapter 35.87A, which is filed in C.F. _____; and pursuant thereto, the City Council adopted Resolution, entitled " _____";

WHEREAS, the Capitol Hill Business Improvement Area (BIA) established herein is for the purpose of enabling businesses within the Area to enhance conditions for the operation of those businesses. The budget of the BIA shall be dedicated to activities in addition to basic services provided by the City of Seattle. Services provided by the City of Seattle shall not be reduced because of BIA activities and shall at all times be maintained at or above a level consistent with services provided to comparable business areas within the city.

WHEREAS, as provided by Resolution 27479, the City Council held a public hearing thereon on 8-28-1986, at 9:30 a.m./p.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a Capitol Hill Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A". (When a street or alley is named, the area boundary is the centerline of the right-of-way. The District shall have two areas as follows:

Area One

East: 10th Avenue East between East Roy Street and a line extending from the southern lot line of lot 2,

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Block 3, S. B. Yesler's 1st Addition, to the center of the right-of-way on 10th Avenue East.

West: The western lot line of lots 21, 22, 23, and 24, Block 3, S. B. Yesler's 1st Addition, and continuing from lot 24, Block 3, S. B. Yesler's 1st Addition to the center of the right-of-way on East Roy Street.

North: The northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition and a line extending from the northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition to the center of the right-of-way on Broadway Avenue East and;

Continuing southward along the center of the right-of-way on Broadway Avenue East for approximately 100 feet to a line extending from the northern lot line of lot 2, Block 6 S. B. Yesler's 1st Addition and;

Continuing along the northern lot line of lots 2 and 13, Block 6, S. B. Yesler's 1st Addition, and extending to the center of the right-of-way on 10th Avenue East.

South: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

Area Two

East: The eastern lot line of Lots 6, 7, 8, 9 and 10, Block 32, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 31, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 30, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 4, 5 and 6, Block 29, Supplemental Plat, A. Pontius Addition; and extending to the eastern lot line of Lot 2, Block 64, John H. Nagle's 2nd Addition and;

Continuing to the center of the right-of-way of East Thomas Street, and extending eastward to the center of the right-of-way of 10th Avenue East and;

Continuing along the center of the right-of-way of 10th Avenue East between East Thomas Street and East John Street, and extending westward along the center of the right-of-way of East John Street to a line extending from Lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 46, John H. Nagle's Addition, and extending to the center of the right-of-way of East Denny Way and;

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Continuing along the center of the right-of-way of Nagle Place between East Denny Way and East Pine Street and continuing to the eastern boundary of Lot 6, John H. Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard Avenue between East Roy Street and a line extending from the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition to its eastern lot line boundary and;

Continuing along the eastern lot line of Lots 6, 7 and 8, Block 33, Supplemental Plat, A. Pontius Addition, and extending to the eastern lot line of Lots 11 and 12, Block 34, Supplemental Pt, A. Pontius Addition; and continuing along the southern lot line of Lot 11, Block 34, Supplemental Plat, A. Pontius Addition, and continuing to the center of the right-of-way of Harvard Avenue East; and continuing along the center of the right-of-way along Harvard Avenue East to East Harrison Street and;

Continuing along the center of the right-of-way along East Harrison Street between Harvard Avenue East and a line extending from Lot 6, Block 36, Supplemental Plat, A. Pontius Addition and;

Continuing along the eastern lot line of Lots 4, 5 and 6, Block 36, Supplemental Plat, A. Pontius Addition; and continuing along the eastern lot line of Lot 3, Block 65, John H. Nagle's Addition; and extending to the eastern lot line of Lot 6, Block 50, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 50, John H. Nagle's Addition; and extending to the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 47, John H. Nagle's Addition; and extending to the eastern lot line of 1, 2, 3, 4, 5 and 6, Block 34, John H. Nagle's Addition; and extending to the center line of the right-of-way of East Howell Street and;

Continuing along the center of the right-of-way of East Howell Street between a line extending from the eastern lot line of Lot 1, Block 34, John H. Nagle's Addition and the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East between East Howell Street and a line extending from the southern lot line of Lot 5, Block 15, John H. Nagle's Addition.

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North: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of Lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

South: The center of the right-of-way of Harvard Avenue East extending to the southern lot line of Lot 5, Block 15, John H. Nagle's Addition; and continuing along the southern lot line of Lot 5, Block 15, John H. Nagle's

Addition; and continuing along the alley way on Block 15, John H. Nagle's addition and extending to the southern lot line of Lot 7, Block 15, John H. Nagle's Addition and;

Continuing along the southern lot line of Lot 7, Block 15, John H. Nagle's Addition; and extending to the southern lot line of Lot 6, Block 14, John H. Nagle's Addition.

Section 2. Levy of Special Assessments. To finance the activities authorized in Section 8, there is levied and shall be collected a special assessment upon the businesses in the area, determined as follows:

- 12) The City will levy special assessments for the purpose of operating a Business Improvement Area Program by applying the following rates against "the gross proceeds of the sales" or "the gross income of the business" as reported for City Business and Occupation or Utility Tax purposes, unless otherwise specified:
 - (a) All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.
 - (b) All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.
 - (c) Seattle Central Community College shall pay a flat rate of \$1,250 annually.
- 2) The total assessment upon any single business site within the area shall not initially exceed \$1,250.00 (One thousand two hundred fifty dollars) annually. A minimum assessment of \$50.00 (fifty dollars) will be applied to every business within the boundaries.

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Section 3. Exemptions. No special assessments shall be levied upon and collected from:

- (1) Organizations, qualified for charitable contribution under the United States Internal Revenue Code (26 USC 170(c));
- (2) Sponsors of public events and concessionaires, and vendors or entertainers, who engage in business activities in the area for less than 30 days in aggregate per year,
- (3) Governmental agencies unless otherwise specified; and
- (4) Newsstands in street right-of-way.

Section 4. Collection Schedule. Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected on a quarterly basis or in such a manner deemed appropriate by the Director of Community Development.

Section 5. Deposit of Revenues. There is hereby established in the City Treasury's Business Improvement Area Fund, a separate account designated the Capitol Hill Business Improvement Area Account (called "the Account"). The following moneys shall be deposited in the Account:

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income to the City from public events financed with special assessments;

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- (c) Gifts and donations for the Account,
- (d) Interest and all other income from the investment of Account deposits; and
- (e) Restitution moneys for expenditures made from the Account and reimbursements due to the Account.

Section 6. Expenditures. Expenditures from the Account shall be made upon vouchers drawn by the Director of Community Development and shall be used exclusively for the statutory purposes in RCW 35.87A.010(1)(b)-(f), each as more fully explained in Section 8 and the petition to establish the area (C.F.):

"Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A (such as decorating public places that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive."

Section 7. Programs. Special Assessment Revenues shall be used for the following types of programs and services:

- (1) Decorating and beautifying public places;
- (2) Sponsoring and promoting public events which are to take place on or in public places;

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- (3) Advertising and promoting retail trade activities;
- (4) Maintaining information and directional signing for pedestrians, as distinct from traffic control devices;
- (5) Improving public relations, generating favorable publicity for the area and general promotion of the area;
- (6) Sweeping sidewalks;
- (7) Cleaning and erasing graffiti;
- (8) Maintaining flowers and greenery in public right-of-way;
- (9) Providing and cleaning receptacles for litter from the public; and
- (10) Providing additional security for people, if needed.

The listing of services are illustrative and not exclusive. All such activities are supplemental to street maintenance provided by the City and are not to displace any services regularly provided by municipal government.

Section 8. Ratepayers Advisory Group. With advice and consultation from the Capitol Hill Chamber of Commerce, the director of Community Development shall appoint an interim Capitol Hill Business Improvement Area Ratepayers Advisory Group comprised of ratepayers from the Area. the interim Ratepayers Advisory Group will recommend and the Department of Community Development will implement procedures to nominate and elect volunteer members to the permanent

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1 Ratepayers Advisory Group to take office no later than
 2 January 1, 1987. Procedures shall be designed to insure
 3 inclusion of members representative of the classifications
 4 subject to assessment, geographic areas as defined in Section
 5 1, and to include formal liaison with the Capitol Hill
 6 Chamber of Commerce. The interim Ratepayers Advisory Group
 7 shall also develop and promulgate bylaws or rules to guide
 8 the operation of the Ratepayers Advisory Group.

9 The Ratepayers Advisory Group shall be responsible for
 10 providing advice and consultation to the Department of
 11 Community Development and any individual or agency hired to
 12 manage the day-to-day operations of the Business Improvement
 13 Area program on all matters related to the operation of the
 14 Business Improvement Area program. Specifically, the
 15 Ratepayers Advisory Group will meet at least once a month;
 16 approve an annual work program and budget; address and
 17 discuss ratepayer concerns and questions regarding the BIA
 18 district and program; review all reports submitted to the
 19 Department of Community Development by the Manager; and
 20 sponsor an annual ratepayers meeting.

21 Section 9. Administration. The Director of Community
 22 Development shall administer the program for the City with
 23 authority to:

- 24 (a) Classify ratepayers within the types of use under
- 25 Section 2; and resolve ambiguities in the application of
- 26 rates.
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- (b) Collect the special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy.
 - (c) Determine and apply the interest rate for late payments contemplated by Section 11.
 - (d) Establish a schedule of proportionate payments for new ratepayers first becoming subject to the assessment.
 - (e) Subject to advice and direction of the Ratepayers Advisory Group, execute an annual program management contract with the Capitol Hill Chamber of Commerce or a suitable substitute program manager.
 - (f) After consultation and with the advice of the BIA Ratepayers Advisory Group, take such other actions as necessary and appropriate to carry out the program with special assessments; and
 - (g) Under the City administrative Code (SMC Chapter 3.02) adopt, publish, and enforce rules, consistent with this ordinance, for carrying out its provisions.

The city's contract with the Capitol Hill Chamber of Commerce or its suitable substitute program manager shall provide for the establishment by the Chamber or its program manager of a

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