

## **ORDINANCE NO. 4-2005**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING CHAPTER 16.95 OF THE ELK GROVE MUNICIPAL CODE RELATING TO DEVELOPMENT IMPACT FEES FOR ROADWAY FACILITIES**

The City Council of the City of Elk Grove does ordain as follows:

#### **SECTION 1. PURPOSE AND AUTHORITY.**

The purpose of this ordinance is to amend Chapter 16.95 of Elk Grove City Code relating to development impact fees for roadway facilities within the City of Elk Grove to make them applicable in all parts of the City. The City Council enacts this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

#### **SECTION 2. AMENDMENT.**

Section 16.95.110, titled "Other Roadway Fee Program Not Affected," is hereby repealed.

#### **SECTION 3. IN LIEU LEVY.**

The payment and administration of Roadway Fees levied pursuant to Chapter 16.95 will be in lieu of all other roadway fees paid and administered pursuant to Chapters 16.85 (Laguna Area Roadway Fee) and 16.86 (Laguna Stonelake Public Facilities Financing Plan Development Impact Fee Program ) of the Elk Grove Municipal Code. The Citywide Roadway Fee Program serves as the successor fee program to the Laguna Area Roadway Fee and the Stonelake Roadway Fee.

#### **SECTION 4. NO MANDATORY DUTY OF CARE.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

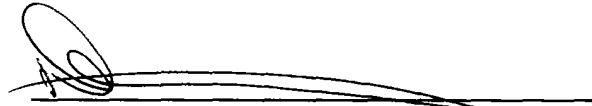
#### **SECTION 5. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

**SECTION 4. EFFECTIVE DATE AND PUBLICATION.**

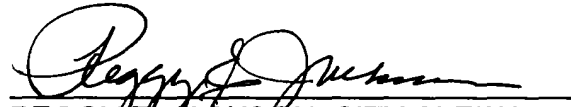
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to section 36933(c)(1) of the Government Code.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 2<sup>nd</sup> day of February 2005.



DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: March 4, 2005**

**AYES: Briggs, Leary, Scherman, Soares**  
**NOES: None**  
**RECUSED: None**  
**ABSENT: Cooper**