

ORDINANCE NO. 12-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING ELK GROVE MUNICIPAL CODE SECTION 22.20.015 AND ADDING CHAPTER 22.150 TO TITLE 22 RELATIVE TO PLANNING SERVICES FEES

WHEREAS, the City of Elk Grove ("City") requires the payment of various types of Planning fees to recover the costs of providing administration, plan review, zoning determination, environmental analysis, and other services related to implementation of the city's General Plan; and

WHEREAS, the City recognizes that the current remittance of payment for planning services does not capture the full cost recovery of the services provided; and

WHEREAS, the repeal of Elk Grove Municipal Code (EGMC) Section 22.20.015 in EGMC Chapter 22.20 will remove all language related to current fees.

WHEREAS, the addition of EGMC Chapter 22.150 to Title 22 will establish language to administer and collect planning fees; and

WHEREAS, the addition of EGMC Chapter 22.150 will allow the adoption of a new planning fee schedule that can be updated as needed by resolution.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to remove EGMC Section 22.20.015 and add EGMC Chapter 22.150 to Title 22 as shown in Section 3, below. This Ordinance is authorized by Article 11, Section 7 of the California Constitution and by Government Code section 66000 et seq. (the Mitigation Fee Act, also known as AB 1600).

Section 2: Findings

Finding: The proposal to remove EGMC Section 22.20.015 and add EGMC Chapter 22.150 to Title 22 will not have a significant adverse impact on the environment and a Notice of Exemption has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: Because the proposed addition only addresses fees related to planning services, no foreseeable physical impacts would result from the adoption of this Ordinance. On the basis of the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Section 3: Repeal

EGMC Section 22.20.015 is repealed.

Section 4: Addition

EGMC Chapter 22.150 is hereby created to read as follows:

CHAPTER 22.150 PLANNING SERVICES FEES

Sections:

22.150.010 Intent.

22.150.020 Fees.

22.150.010 Intent.

A fee shall be paid to the City for planning services fees and other planning services performed, or authorized to be performed, by the City's Planning Director in accordance with the adopted fee schedule, and can be amended from time to time, by resolution of the City Council.

22.150.020 Fees.

Planning Services fees will be set by resolution and can be amended from time to time, and as needed, by resolution of the City Council.

Section 5: Saving Clause

The provisions of this chapter shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal or amendment shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed or amended had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or amended by that provisions of the Elk Grove Municipal Code shall be discharged or affected by such repeal or amendment; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or amended.

Section 6: 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.

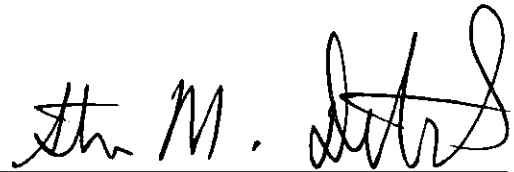
Section 7: No Mandatory Duty of Care

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 8: Effective Date and Publication

This Ordinance shall take effect sixty (60) 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 Government Code 36933(c)(1).

ORDINANCE: 12-2011
INTRODUCED: April 27, 2011
ADOPTED: May 25, 2011
EFFECTIVE: July 24, 2011



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

Date signed: May 31, 2011

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2011

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on April 27, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 25, 2011 by the following vote:


AYES : **COUNCILMEMBERS:** *Detrick, Cooper, Davis, Hume, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California