

ORDINANCE NO. 05-2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING ELK GROVE MUNICIPAL CODE CHAPTER 22.40.037 CALCULATION OF TRAIL IN LIEU FEES FOR TRAIL IMPROVEMENTS TO TITLE 22 LAND DEVELOPMENT

WHEREAS, staff was requested to research a fee that could be collected in lieu of building a section of trail as a condition of approval of a land development application; and

WHEREAS, the mechanism to allow for collecting an in lieu fee would entail modifying Title 22 of the Elk Grove Municipal Code (EGMC) by adding Chapter 22.40.037 Calculation of Trail in lieu fees for Trail Improvements; and

WHEREAS, the proposed addition would allow the applicant to pay a fee in lieu of constructing a trail section prior to recording a final map or issuance of any permits; and

WHEREAS, the cost of the proposed fee would be equivalent to the cost to construct the required trail section.

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

Section 1: Purpose

The purpose of this ordinance is to amend the Elk Grove Municipal Code (EGMC) to include a calculation of Trail in lieu fee for Trail improvements.

Section 2: Add Chapter 22.40.037 Calculation of Trail in lieu fees for Trail Improvements

22.40.037 Calculation of Trail in lieu fees for Trail Improvements.

When a fee is to be paid in-lieu of construction of trails, the applicant shall, in-lieu of constructing the trail, pay a fee equal to the value of the construction of the trail improvements that would otherwise be required to be built by applicant. The fee shall be paid prior to recordation of a final map, issuance of a permit or approval of any development application, as applicable. The total amount may be rounded to the nearest whole dollar. The amount of in-lieu fee shall be determined by the Director in accordance with the following formula:

$$A = L + M$$

Where,

A= the number of dollars paid in lieu of installation of trail improvements.

L= the labor for installation of trail improvements including the payment of prevailing wage.

M= the materials necessary for the installation of trail improvements.

Section 3: 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 4: 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 5: Savings Clause

The provisions of this ordinance 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 shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed 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 altered by said Code shall be discharged or affected by such repeal or alteration; 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 altered.

Section 6: 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 GC 36933(c)(1).


ORDINANCE: 05-2015
INTRODUCED: February 25, 2015
ADOPTED: March 11, 2015
EFFECTIVE: April 10, 2015



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Dated: March 23, 2015

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 05-2015**

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 February 25, 2015 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 11, 2015 by the following vote:

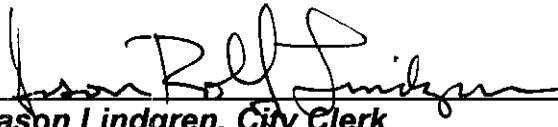
AYES : **COUNCILMEMBERS:** ***Davis, Hume, Detrick, Ly, Suen***

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**