

ORDINANCE NO. 19-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE SECTION 16.96.080 TO AUTHORIZE EQUIVALENT EXEMPTIONS TO THE MEASURE A MITIGATION FEE AS OUTLINED IN THE AGREEMENT ON PROTOCOLS PREVIOUSLY ADOPTED BY SACRAMENTO COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF ELK GROVE

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

Section 1. Purpose and Authority

This Ordinance amends Section 16.96.080 of the Elk Grove Municipal Code to align the City of Elk Grove's authorized exemptions to the Measure A Mitigation Fee with the exemption granted by the Sacramento Transportation Authority (STA). As part of adoption process of the Measure A Mitigation Fee Program, the City and STA entered into an Agreement on Protocols approved by the City Council in Resolution No. 2009-15 adopted January 14, 2009. The Protocols Agreement was subsequently authorized by the City Manager on January 16, 2009.

Section 2. Amendment

Section 16.96.080 of the Elk Grove Municipal Code is hereby amended to read in its entirety as follows:

16.96.080 Exemptions.

- A. The following shall be exempted from payment of the fees established by this chapter:
 1. The rehabilitation or reconstruction of any lawful residential structure, including an expansion of an existing dwelling unit, that does not create an additional dwelling unit.
 2. The rehabilitation or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.
 3. New low income housing as defined in Health and Safety Code Section 50079.5 and very low income housing as defined in Health and Safety Code Section 50105.
 4. Any development project that is the subject of a valid development agreement entered into pursuant to Government Code Section 65864 prior to April 1, 2009, that includes a provision exempting it from future fees or fee increases; provided, however, that if the term of such development agreement is extended after April 1, 2009, the Measure A Mitigation Fee shall be imposed.
 5. Any development project for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete prior to April 1, 2009.

B. Any claim of exemption with respect to the fees established by this chapter shall be made no later than the time for application for fee adjustment pursuant to Section 16.96.150 of this chapter.

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 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 Government Code 36933(c)(1).

ORDINANCE: 19-2009
INTRODUCED: August 26, 2009
ADOPTED: September 9, 2009
EFFECTIVE: October 9, 2009



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: September 16, 2009

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2009

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

I, Susan J. Blackston, 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 August 26, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 9, 2009 by the following vote:

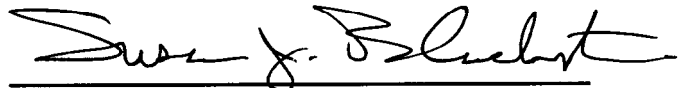
AYES : **COUNCILMEMBERS:** *Hume, Scherman, Cooper, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Davis*

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



Susan J. Blackston, City Clerk
City of Elk Grove, California