

ORDINANCE # 2012-02

AN ORDINANCE OF THE CITY OF AMERICAN CANYON, CALIFORNIA, AMENDING TITLE 15, CHAPTERS 15.08 AND 15.12 OF THE CITY OF AMERICAN CANYON MUNICIPAL CODE, TO AUTHORIZE THE CITY COUNCIL TO AMEND THE TIMING FOR PAYMENT OF DEVELOPMENT OR MITIGATION IMPACT FEES, OTHER THAN SEWER AND WATER FEES

WHEREAS, the City of American Canyon ("City") may exact development or mitigation impact fees as a condition of granting discretionary land use and development permits and approvals and pursuant to its police power under California Constitution Article XI, Section 7, subject to the limitations of the Mitigation Fee Act, Government Code Section 66000 *et seq.* (the "Mitigation Fee Act"); and

WHEREAS, the City has discretion as to when the City collects development or mitigation impact fees subject to the limitations of the Mitigation Fee Act; and

WHEREAS, Government Code Section 66007(a), a provision of the Mitigation Fee Act, expressly provides that the City may collect development impact fees on the date of issuance of a certificate of occupancy; and

WHEREAS, the City created an economic development incentive program called the American Canyon Can Thrive Now Program (ACT Now) designed to grow the local economy to help address unemployment and bolster City General Fund Revenues; and

WHEREAS, from time to time the City Council revisits the ACT Now Program to evaluate its effectiveness and to add features to further its mission of growing the local economy; and

WHEREAS, on September 7, 2010 the City Council adopted Resolution 2010-84 directing the City Attorney to draft an ordinance that would make payment of all existing Mitigation or Development Impact Fees, except Sewer and Water Capacity Fees, payable at time of the issuance of an occupancy permit; and

WHEREAS, the Ordinance is exempt from environmental review under CEQA.

NOW THEREFORE, the City Council of the City of American Canyon does hereby ordain the following:

SECTION 1. Title 15, Chapter 15.08 of the Municipal Code is hereby amended as replacing existing Section 15.08.060 as follows:

15.08.060 Collection of fees.

The development impact fees set forth in this chapter shall be collected from new construction prior to issuance of a building permit, and for subdivisions prior to approval of a final map, unless other provisions are adopted as a part of an approved development agreement, or the City Council authorizes an alternative to the timing of such fees by resolution.

SECTION 2. Title 15, Chapter 15.12 of the Municipal Code is hereby amended as replacing existing Section 15.12.060 as follows:

15.12.060 Collection of fees.

The development impact fees set forth in this chapter shall be collected from new construction prior to issuance of a building permit, and for subdivisions prior to approval of a final map, unless other provisions are adopted as a part of an approved development agreement, or the City Council authorizes an alternative to the timing of such fees by resolution.

The foregoing ordinance was **PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon, State of California held on the 21st day of February, 2012 by the following vote:

MAYOR GARCIA:
VICE MAYOR COFFEY:
COUNCILMEMBER B. BENNETT:
COUNCILMEMBER J. BENNETT:
COUNCILMEMBER JOSEPH:

yes
yes
yes
yes
yes

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney