

ORDINANCE O2024-20

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING SECTIONS 3.20.060, FEE - AMOUNT, 13.04.020, CONNECTION FEES AND CAPACITY CHARGES, 13.12.070, PAYMENT, 13.42.080, FEE PAYMENT, 13.44.070, FEE PAYMENT, AND 13.46.050, COLLECTION OF RTIF PROGRAM FEES, OF THE MANTECA MUNICIPAL CODE

WHEREAS, California law allows local government to establish and charge a fee on residential and non-residential development to fund the facilities necessary to service population growth; and

WHEREAS, cities in California charge new development fees to help offset the cost of population growth impacts; and

WHEREAS, the City adopted impact fees to fund those public improvements and they were codified in the Manteca Municipal Code (MMC) for Parks Acquisition and Improvements (MMC 3.20), Waterworks (MMC 13.04), Sewer Connections (MMC 13.12), Agricultural Mitigation (MMC 13.42), San Joaquin County Facilities (MMC 13.44), and San Joaquin County Regional Transportation (MMC 13.46); and

WHEREAS, the application date of the fees is inconsistent with other fees in the Municipal Cod and the language for the date on which the rate is set for these fees is either ambiguous, unreasonable or it creates conflicts with other impact or user fees when applying them to building permits; and

WHEREAS, other impact fees collected by the City of Manteca are calculated based upon the date on which a complete building permit application has been submitted to the City of Manteca; and

WHEREAS, the City seeks to provide consistency amongst all of its impact fees that apply to building permits; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment, Section 3.20.060 is hereby amended to read as follows:

3.20.060 Fee – Amount.

Every person constructing any dwelling unit or mobile home space in the city, for which a park acquisition and improvement fee is required, shall pay to the city a fee in an amount that may be established and revised periodically by resolution of the city council. The fees assessed shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development.

SECTION 2: Amendment, Section 13.04.020(F) is hereby amended to read as follows:

F. Notwithstanding subsection C, the surface water capital fee required by this section for a residential development shall be paid upon final inspection, or the date the certificate of occupancy is issued, whichever occurs first. The fees assessed shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development. If the required fee is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, shall execute a "Development Fee Deferral Agreement and Notice of Lien with Power of Sale" to pay the fee or charge, or applicable portion thereof, within the time specified above. The contract shall be recorded with the San Joaquin County recorder and shall constitute a lien for the payment of the fee. No certificate of occupancy for a dwelling unit within a residential development subject to this section will be issued unless and until the fees are paid in full. For purposes of this section, "final inspection" and "certificate of occupancy" shall be defined as those terms are defined in Government Code Section 66007, as amended.

SECTION 3: Amendment, Section 13.12.070(B) is hereby amended to read as follows:

B. The fees assessed shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development.

SECTION 4: Amendment, Section 13.42.080(B) is hereby amended to read as follows:

B. The fees assessed shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development.

SECTION 5: Amendment, Section 13.44.070(B) is hereby amended to read as follows:

B. The fees assessed shall be paid in an amount equal to the fees in effect at the time

that a developer submits a complete and adequate application for a building permit for such development.

SECTION 6: Amendment. Section 13.46.050(B) is hereby amended to read as follows:

B. Payment of RTIF Program Fees. Payment of the RTIF program fees shall be as follows:

1. The RTIF program fees shall be paid at the time of issuance of a building permit for the development project, or as otherwise required or permitted pursuant to Government Code Section 66007.
2. The amount of the RTIF program fees shall be paid in an amount equal to the fees in effect at the time that a developer submits a complete and adequate application for a building permit for such development.
3. RTIF program fees shall not be waived.

SECTION 7: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 8: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: 
GARY SINGH

ATTEST: 
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 20th day of August, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the 3rd day of September, 2024, by the following vote:

AYES: Breitenbucher, Halford, Morowit, Nuño, Singh

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
CASSANDRA CANDINI-TILTON
City Clerk