CHAPTER 17.16

REAL PROPERTY DEVELOPMENT FEES

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17.16.010 Definitions.

A. For the purpose of this chapter, the following words, phrases and terms shall have the meaning given in this section:

1. A "Builder" means any person, firm or corporation constructing any improvements on real property.

2. A "City Clerk" means the city clerk of the city of Ripon.

3. A "City Council" means the city council of the city of Ripon.

4. A "Developer" means any person, individual, firm, partnership, corporation or unincorporated association developing real property.

5. A "Owner" means any person, firm or corporation owning or having an interest in real property.

6. A "Person" means any person, individual, form, partnership, corporation or unincorporated association.

7. A "Real property" means and includes a single lot, parcel of land, acreage or an entire subdivision of real property.

B. Whenever any reference is made to any portion of this chapter, such reference shall apply to all amendments and additions thereto, now or hereafter made, including any resolutions adopted pursuant to this chapter.

C. The present tense shall include the past and future tense, and the future tense shall include the present; the singular number shall include the plural, and the plural number shall include the singular; each gender shall include the other gender.

D. "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

E. A "Fee" means a monetary exaction other than a tax or special assessment which is charged by a local agency to the applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the cost of public facilities relating to a development project.

F. A "Public Facilities" includes public improvements, public services and community amenities. (Ord. 412 § 1, 1989; Ord. 294 § 1, 1980; Ord. 758 §5 (part), 2007)

17.16.020 Applicability, Payment and Tracking of Fees

A. The City Council finds and declares that the Public Facilities Finance Plan prepared by Taussig and Associates, and adopted by the City Council on June 1, 1999, as well as the AB 1600 Fee Justification Study adopted and approved by the City Council on June 1, 1999, as updated on December 20, 2005 adequately and completely analyze and quantify, and establish a reasonable

relationship between the fees and charges established therein and the impact of new development within the City of Ripon, both in the areas specifically studied within the Public Facilities Finance Plan and AB 1600 Fee Justification Study, but also within the remainder of the City of Ripon which were not studied therein. The City Council further finds that there is a need for the establishment of uniform and consistent developer impact fees in connection with the development of real property within the City of Ripon, to finance the public facilities, public improvements, and community amenities within the City necessitated by such development. The City Council further finds that the fees and charges set forth in the Public Facilities Finance Plan and AB 1600 Fee Justification Study are necessary and proper and required in order that the owner or developer=s fair share of public facilities impacts within the City are mitigated.

B. Any acreage, lot or parcel of real property, even though it may not be legally defined as a "subdivision" within the meaning of this Code or the California Subdivision Map Act, shall nonetheless pay, at the time of development, all applicable development fees, as set forth in this Chapter, just as if the real property was in fact a subdivision. All fees applicable to the development of real property within the City shall be paid prior to the issuance of building permit(s) for development of the property, unless specified otherwise within this Code; except in the case of a single lot split of real property within the City, in which case, the development fees set forth in this Chapter shall be applicable only to the undeveloped parcel of real property in any single lot split.

C. The development impact fees specifically set forth in the Public Facilities Finance Plan and the AB 1600 Fee Justification Study are hereby adopted and approved, and are applicable throughout the entire City of Ripon, in accordance with the provisions of this Chapter. The aforementioned development impact fees shall be automatically adjusted as of January 1 of each year, pursuant to the Engineering News Record Building Cost Index. In addition, the City Council may, from time to time, adjust the development impact fees adopted pursuant to this Chapter, by resolution.

D. Nothing in this Chapter shall be deemed to limit the discretion of the City Council to negotiate Development Agreements with property owners which Development Agreements may provide for the payment of development impact fees of different types and amounts, based upon the nature and impact of the development project proposed by the property owner.

E. Nothing in this Chapter shall be deemed to modify or waive any obligation of a property owner to repay Benefit Assessment District assessments, which assessments are to be paid at the time of development of real property. Benefit Assessment District Fees may be collected at the time of approval of a Subdivision Improvement Agreement prior to the recording of a Final Subdivision Map, or at such time as may be provided in a Development Agreement for the property.

F. Real property development fees previously imposed and collected in the City pursuant to the requirements of the Mitigation Fee Act (AB 1600) shall, for monitoring purposes, be allocated to the real property development fees imposed pursuant to the Public Facilities Finance Plan, the AB 1600 Fee Justification Study, and the provisions of this Chapter, as set forth in the AB 1600 Fee Conversion Table, attached hereto as Attachment One. (Ord. 616 § 4(b), 1999; Ord. 758 §5 (part), 2007)

G. Notwithstanding any other provision of this Chapter, for public projects owned or operated by the Ripon Consolidated Fire District, such project(s) shall be exempt from all City of Ripon development impact fees and inspection fees, except that where inspections are performed by third party inspectors, any fees incurred by the City shall be reimbursed by the Ripon Consolidated Fire District. (Ord. 812, 2014)

17.16.030 Garbage collection capital fee.

A. There is imposed a garbage collection capital fee on the construction of any new residential building, commercial building or industrial building where garbage refuse is generated.

B. The fee, payable concurrently with the issuance of a building permit, is fixed at one hundred dollars per unit.

C. For purposes of this section, a unit shall be defined as follows:

1. Housing. A single-family unit shall be one unit; a duplex shall be two units; a triplex shall be three units; each subsequent living unit in addition thereto shall be considered an additional unit for the payment of a unit fee.

2. Commercial and Industrial Buildings. In a building constructed for more than one tenant or office, each separate tenant's office or suite of offices for a tenant shall be considered to be a unit.

D. There shall be no fee imposed on the remodeling of any building unless it shall result in the addition of another unit to the particular building.

E. All sums collected pursuant to this section shall be placed in a special account to be used for capital equipment used in connection with garbage collection in the city. The above fees may be adjusted by resolution of the city council. Annually, as of July 1st of each year here-after, the fee shall be adjusted to reflect any increase or decrease as shown in the Engineering News Record Index published and in effect on July 1st of each year hereafter. The estimated necessary income and the expenses of the various projects contemplated and affected by this garbage collection capital fee is as set forth in the Report of the Council Committee RE AB1600, dated December 23, 1988, filed with the city clerk. (Ord. 412 § 7, 1989; Ord. 347 § 4, 1985; Ord. 294 § 2(i), 1980; Ord. 758 §5 (part), 2007)

17.16.040 Fee for Processing

The City Council may adopt, by resolution, a schedule of fees for staff processing, including outside engineering and legal services, as appropriate, to be paid by the owner or applicant for a development project, where the permit application fee will not, in the sole discretion of the Director, fully defray the costs associated with processing the application. (Ord. 294 § 2 (d), 1980; Ord. 758 §5 (part), 2007)

17.16.050 Deposit to guarantee installation.

The owner, builder or developer of any real property other than that contained in a subdivision, as defined in the subdivision ordinance of the city, shall also guarantee the installation of or shall pay a deposit to the city sufficient to cover the actual cost at the time of development of the installation of curbs, gutters, sidewalks and street paving. The type of installation, and the amount of any such deposit or other guarantee, shall be as determined by the city engineer. The guarantee of the installation of these improvements or the deposit, as the case may be, shall apply to, be charged to, and paid by the owner, builder on, or developer of, any real property sought to be annexed to the city prior to its actual annexation, and shall also apply to, be charged to and paid by the owner, builder on, or developer of, any real property already situated within the city, sought to be improved or developed in any manner, which presently does not already have curbs, gutters, sidewalks and street paving. In the case of any lot, parcel or acreage of real property already situated within the city, the guarantee of the installation of these improvements, or the payment of the deposit covering the cost of any such installation as required that exceed one thousand dollars in value as estimated by the city engineering department, shall be paid prior to the issuance of any building permit or other necessary authorization required to be given by the city in connection with any such improvements sought to be made on the real property. For improvements that do not exceed one thousand dollars as estimated by the city engineering

department, the owner, builder or developer shall not be required to post a deposit for these improvements prior to the issuance of a building permit. In those cases where the owner, builder or developer chooses not to post a deposit guaranteeing installation of the improvements, the city building department shall only conduct building inspections up to and including the foundation inspection. All subsequent inspections will not be made until all improvements are completed to the city standards therefore. The above fee shall be adjusted by resolution of the city council. The improvement cap shall be adjusted annually as of July 1st of each year hereafter to reflect any increase or decrease as shown in the Engineering News Record Index published and in effect on July 1st of each year hereafter. The city council, for good cause shown, shall have the right to waive or modify any or all of the requirements of this section should they so determine, where special circumstances exist to justify such action. (Ord. 412 § 8, 1989; Ord. 294 § 2(e), 1980; Ord. 758 §5 (part), 2007)

17.16.060 Engineering Fees.

A. Plan Check Fee. A plan check fee is fixed in the amount of three percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or building thereof on any real property, which improvements require any inspection by the City.

B. Inspection Fee. An inspection fee is fixed in the amount of three percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspection by the City.

C. GIS Fee. A GIS programming fee is fixed in the amount of one percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspection by the City. (Ord. 616 § 4(g), 1999; Ord. 758 §5 (part), 2007)

17.16.070 Installation costs.

The owner, developer or subdivider of any subdivision proposed to be annexed to the city or of any subdivision on real property already situated within the city, in addition to paying the costs and fees as set forth in this chapter which may be applicable thereto, shall also pay for the costs of the installation of all improvements therein as set forth and the Ripon Municipal Code and any amendments thereto of the city, and shall also enter into a written subdivision agreement with the city as provided therein guaranteeing the construction of the improvements as a condition to the approval by city of any final map thereof, and in any event prior to the issuance of any building permits for any improvement therein by the city clerk. (Ord. 364 §§1, 2, 1986; Ord. 294 § 2(g), 1980; Ord. 758 §5 (part), 2007)

17.16.080 Pro rata acreage fee.

Whenever any fees as set forth in this chapter are charged on an acreage basis, any real property subject thereto which is less than one acre shall pay its pro rata share of any such acreage fee based upon the proportion that the total square footage contained

therein bears to one acre. (Ord. 294 §3, 1980; Ord. 758 §5 (part), 2007)

17.16.090 Pro rata fee on existing homes on lots which are part of a larger acreage.

A. When a single home is already situated on an existing lot or parcel of land which is only part of a larger parcel or acreage, the subdivision fee and sanitary annexation fee as provided for in this chapter, attributable to and to be paid by the owner of the existing home thereon, shall be paid at the time any improvement is made to the existing home for which a building permit is required, or if either city water or sanitary sewer service is then being used on the smaller lot or parcel of land or is sought to be used by the owner of the home on the smaller lot or parcel of land. The fee to be paid shall be fixed as the smaller lot or parcel=s proportionate share of the total subdivision and sanitary annexation fees for the total real property then in effect, determined by using the front footage of the smaller lot or parcel of land, multiplied by one hundred feet or the actual depth of the lot or smaller parcel of land on which the home is located, whichever is the greater.

B. All remaining fees, including annexation and sanitary sewer service, which may be due and payable for the remainder of the total original acreage of the owner shall be due and payable at such time as any of the remaining real property is sought to be improved or developed, or a building permit is required for any improvements thereon, or either city water or sanitary sewer service is then used thereon or is sought to be used by the owner or developer of the remaining original real property which was not included as a part of or in the original fee computation and payment provided for in subsection (A) of this section for the smaller lot or parcel of land. (Ord. 399 §1, 1987; Ord. 758 §5 (part), 2007)

17.16.100 Pro rata fees for existing commercial or industrial business on lots which are part of a larger acreage.

A. When a commercial or industrial enterprise or business is already situated on an existing lot, parcel, or portion of land which is only part of a larger parcel of land or acreage, under common ownership, the annexation fees and benefit district fees imposed pursuant to this chapter which are attributable to the existing commercial or industrial enterprise or business, shall be paid at the time any improvement is made to the existing buildings in which the commercial or industrial enterprise of business is operated. City staff shall determine the fee to be paid which shall be fixed as the smaller lot, parcel, or portion of land's proportionate share of the total annexation and benefit district fees for the total real property then in effect, determined by using the front footage of the smaller lot, parcel, or portion of land, multiplied by 100 feet or the actual depth of the lot, parcel, or portion of land on which the business or commercial enterprise is then located, whichever is the greater. However, if either city water or sanitary sewer service is being used in connection with the commercial or industrial enterprise or business on the smaller lot, parcel, or portion of the land at the time of annexation, all such fees shall be immediately due and payable.

B. In the case of expansion of existing commercial or industrial enterprises or business, where City staff determines that the expansion will result in the build-out of 50% or less of the lot or parcel of land or acreage, including required setbacks and other dedications, the property owner shall be charged a pro rata share of the annexation and benefit fees based on the amount of acreage covered

by the expansion of the existing business or industry. The entire amount of annexation and benefit district fees shall be due and payable when more than 50% of this lot, parcel, or acreage is developed.

C. Notwithstanding the foregoing provisions of

this Section, if the property owner at any time after annexation elects to connect to either city sewer services or city water services, or both, all of the annexation and benefit district fees applicable to the entire lot, parcel or acreage shall be immediately due and payable prior to the connection to and use of city sewer or water services. The property owner may apply to the City Council for a postponement of the payment of fees upon a showing or special circumstances. (Ord. 516 § 1, 1994; Ord. 758 §5 (part), 2007)

17.16.110 Appeal

Any person aggrieved by the decision of the city clerk, city engineer, or any other officer or employee of the city as to the application of the terms of this chapter or the amount of or application thereto of any fee or deposit charged under this chapter shall have the right to file a written appeal within ten days to the city council, who shall thereafter hold a public hearing thereon as soon as the same may legally be done. The decision of the city council on any such appeal shall be final. (Ord. 294 §5, 1980; Ord. 758 §5 (part), 2007)

17.16.120 Violation-Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Chapter 1.08 of this code. (Ord. 294 §7, 1980; Ord. 758 §5 (part), 2007)