

ORDINANCE NO. 11672  
(New Series)

SEP 3 1975

AN ORDINANCE AMENDING CHAPTER IX OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING ARTICLE 9, SECTIONS 99.0101 THROUGH 99.0106, RELATING TO FEES FOR PARK AND RECREATIONAL FACILITIES, AND BY ADDING ARTICLE 6, DIVISION 4, SECTIONS 96.0401 THROUGH 96.0406, RELATING TO MISCELLANEOUS FEES AND FEES FOR PARK AND RECREATIONAL FACILITIES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 9, of the San Diego Municipal Code be, and it is hereby amended by repealing Article 9, Sections 99.0101 through 99.0106, and all titles and subtitles thereof, indicated as follows:

ARTICLE 9

FEES FOR PARK AND RECREATIONAL FACILITIES

- SEC. 99.0101 STATEMENT OF POLICY
- SEC. 99.0102 APPLICATION
- SEC. 99.0103 PAYMENT OF FEES
- SEC. 99.0104 USE OF FEES COLLECTED
- SEC. 99.0105 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP
- SEC. 99.0106 SEVERABILITY

Section 2. That Chapter IX of the San Diego Municipal Code be, and it is hereby amended by adding Article 6, Division 4, Sections 96.0401 through 96.0406 to read as follows:

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ARTICLE 6  
MISCELLANEOUS FEES  
DIVISION 4  
FEES RELATING TO PARK  
AND RECREATIONAL FACILITIES

SEC. 96.0401 STATEMENT OF POLICY

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.

SEC. 96.0402 APPLICATION

The provisions of this Article shall apply to all building permits issued which create dwelling units for human habitation or add to the number of such units in any structure.

Fees prescribed herein are in addition to those required by Section 91.02.0303 (Section 303(a) of the Uniform Building Code), Section 102.0805 and other sections of this Code.

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SEC. 96.0403 PAYMENT OF FEES

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

- |                                                                                                 |                            |
|-------------------------------------------------------------------------------------------------|----------------------------|
| 1. Construction of new single-family dwelling units, including modular housing and mobile homes | \$100.00 per dwelling unit |
| 2. Construction of new multi-family dwelling units                                              | \$75.00 per dwelling unit  |

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the Uniform Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

SEC. 96.0404 USE OF FEES COLLECTED

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, or (3) to reimburse those who may have donated

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land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

SEC. 96.0405 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas," showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification along with the Park Service Districts review.

SEC. 96.0406 SEVERABILITY

If any section, sentence, clause or phrase of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Ted Bromfield  
Ted Bromfield, Deputy

TB:lc  
6/27/75

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Passed and adopted by the Council of The City of San Diego on SEP 3 1975,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 20 1975

SEP 3 1975

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED  
 CITY CLERK'S OFFICE  
 1975 JUL -7 AM 8:41  
 SAN DIEGO, CALIF.

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MAY 8 1978

Office of the City Clerk, San Diego, California	
Ordinance Number <u>11672</u>	Adopted <u>SEP 3 1975</u>

RECEIVED  
CITY CLERK'S OFFICE  
1975 SEP 16 PM 2:49  
SAN DIEGO, CALIF.

ATTORNEY(S)

San Diego, City of  
12th Floor City Admin. Bldg.  
San Diego, Ca. 92101  
Martinez

*gw*

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Miscl. fees for Park & Rec. Facilities

SEP 16 1975 *gw*

1, PATRICIA M. APPLESTILL hereby certify  
that San Diego Daily Transcript is a daily newspaper of general  
circulation within the provisions of the Government Code of the  
State of California, printed and published in the City of San Diego,  
County of San Diego, State of California; that I am the principal  
clerk of said newspaper; and the

ORDINANCE NO. 11672 (New Series)

is a true and correct copy of which this certificate is annexed  
and was published in said newspaper on

September 12, 1975

I certify under penalty of perjury that the foregoing is true  
and correct, at San Diego, California, on

September 12, 1975

*Patricia M. Applestill*  
\_\_\_\_\_  
(Signature)

18" @ 4.84 \$ 87.12  
40 slips @ 6.00 \$ 240.00  
\$ 93.12 (71)

00531

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(New Series)

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SEC. 99.0102 APPLICATION  
SEC. 99.0103 PAYMENT OF FEES  
SEC. 99.0104 USE OF FEES COLLECTED  
SEC. 99.0105 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP  
SEC. 99.0106 SEVERABILITY**

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**ARTICLE 6  
MISCELLANEOUS FEES  
DIVISION 4  
FEES RELATING TO PARK AND RECREATIONAL FACILITIES  
SEC. 96.0401 STATEMENT OF POLICY**

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.

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**SEC. 96.0406 SEVERABILITY**  
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Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 20, 1975.  
Passed and adopted by the Council of The City of San Diego on September 3, 1975.

**AUTHENTICATED BY:**  
PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By KATHLEEN MARTINEZ,  
Deputy.

(SEAL)  
Pub. Sept. 12, 1975

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