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(O-2016-72)

3/22

ORDINANCE NUMBER O- 20628 (NEW SERIES)

DATE OF FINAL PASSAGE APR 06 2016

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 4, RELATING TO PARK AND RECREATIONAL FACILITIES FEES.

WHEREAS, the park and recreation facilities fees contained in Chapter 9, Article 6, Division 4 of the San Diego Municipal Code are no longer collected since the City collects Development Impact Fees for park facilities attributable to new development; NOW, THEREFORE,

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

Section 1. That Chapter 9, Article 6 of the San Diego Municipal Code is amended by repealing Division 4.

Section 2. That park and recreation fees previously collected prior to passage of this ordinance shall continue to be used in accordance with San Diego Ordinance O-17093.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

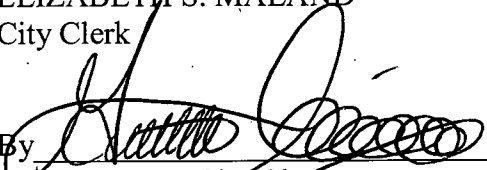
APPROVED: JAN I. GOLDSMITH, City Attorney

By Heidi K. Vonblum
Heidi K. Vonblum
Deputy City Attorney

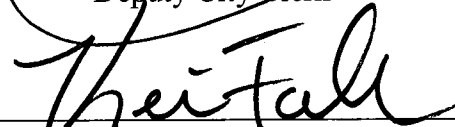
HKV:nja
10/20/15
Or.Dept: Facilities & Financing
Doc. No.: 1154239

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 22 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/5/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 4, RELATING TO PARK AND RECREATIONAL FACILITIES FEES.

~~**Article 6: Refrigeration Code**~~

~~**Division 4: Miscellaneous Fees**~~

~~**Fees Relating to Park and Recreational Facilities**~~

~~§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.~~

~~§96.0402~~ ~~**Application**~~

~~The provisions of this Division 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. The provisions of this Division shall not apply to a building permit issued for the purpose of reconstructing, repairing or replacing a building which has been or is hereafter damaged or destroyed by fire, explosion, act of God, or act of the public enemy, provided the number of dwelling units on the lot or parcel is not increased by the reconstruction, repair or replacement to a number that exceeds the number of dwelling units that legally existed on the lot or parcel prior to the event that damaged or destroyed the building. The provisions of this paragraph shall apply to park fees which are required to be paid by this Division or any other section of this Code.~~

~~Fees prescribed herein are in addition to those required by Section 91.0107, Section 102.0805 and other sections of this Code.~~

§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, \$100.00 per including modular housing and mobile homes 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 California 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.~~

§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, (3) the rehabilitation of existing park or recreational facilities only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park or (4) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.~~

§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.~~

§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.

HKV:nja
10/20/15
Or.Dept: Facilities & Financing
Doc. No.: 1154218

Passed by the Council of The City of San Diego on MAR 28 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 06 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], 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

MAR 08 2016, and on APR 06 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20628