

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING THE FEE DEFERRAL
PROGRAM TO REQUIRE PAYMENT OF FEES PRIOR TO
BUILDING PERMIT FINAL INSPECTION INSTEAD OF
BUILDING PERMIT ISSUANCE

WHEREAS, on January 6, 2009, City Council passed Ordinance No. 3120 establishing the Development and Processing Impact Fee Payment Plan Program ("Fee Deferral Program") to encourage the construction of residential and non-residential development projects within the City. This Ordinance allowed Developers to pay all fees subject to the Fee Deferral Program up to 12 months from the date of issuance of building permits, in addition to limiting the duration of the Fee Deferral Program to December 31, 2010; and

WHEREAS, on April 21, 2009, City Council expanded the Fee Deferral Program to include Park Fees by the adoption of Ordinance No. 3126; and

WHEREAS, on September 14, 2010, City Council adopted Ordinance No. 3163 modifying the Fee Deferral Program to allow for the payment of the fees subject to the Fee Deferral Program prior to final inspection or certificate of occupancy upon request of the Developer and the determination by the City that such fees were not needed at an earlier time; and

WHEREAS, on December 6, 2011, City Council adopted Ordinance No. 3220 to extend the Fee Deferral Program to December 31, 2012; and

WHEREAS, on December 11, 2012, City Council adopted Ordinance No. 3242 to extend the Fee Deferral Program to December 31, 2013; and

WHEREAS, on November 19, 2013, City Council adopted Ordinance No. 3280 to extend the Fee Deferral Program to December 31, 2014; and

WHEREAS, City staff is recommending that City Council adopt an ordinance to permanently require the fees subject to the Fee Deferral Program prior to final inspection. If at a later date, City Council determines that these fees are needed at a time earlier than final inspection, it can take another Council action per Government Code 66007 to establish a new timing for payment.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Section 8 of Ordinance No. 3163 to be amended as follows:

Section 8. Expiration of this Ordinance

This Ordinance shall take effect thirty days after final passage. Notwithstanding the foregoing, any building permit issued prior to expiration of this Ordinance shall not be required to pay fees until Final Inspection, provided none of the events identified in Section 6(B) have occurred.

Section II. All other provisions of Ordinance No. 3163 shall remain in full force and effect.

Section III. This amendment of Ordinance No. 3163 shall take effect 30 days after its second reading and approval.

Section IV. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section V. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section VI. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VII. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney