

ORDINANCE NO. 1182

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING CHAPTER 1.09, FEES
OF TITLE 1 OF THE SAUSALITO MUNICIPAL CODE**

WHEREAS, California state law allows cities to recover their reasonable costs for providing services; and

WHEREAS, on June 25, 2002 the City Council of the City of Sausalito did duly pass and adopt Ordinance No. 1160 and did thereby add Chapter 1.09 to the Sausalito Municipal Code regarding fees; and

WHEREAS, among other things Chapter 1.09 provides that to the extent feasible the amount of processing fees related to the issuance of permits and other approvals shall be determined on a time and materials basis and thus provide for the recovery of the actual cost of the service provided; and

WHEREAS, it is preferable to return to the flat fee based system in connection with permit processing fees; and

WHEREAS, pursuant to Public Resources Code Section 21080(b)(8) the establishment of charges to meet operating expenses are not subject to the California Environmental Quality Act.

NOW, THEREFORE, the City Council of the City of Sausalito does ordain as follows:

Section 1. Chapter 1.09 Fee is hereby amended in its entirety as set forth in Exhibit A which is attached hereto and incorporated herein by this reference as though set out in full.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 3. Effective Date. This Ordinance shall go into effect on January 1, 2007.

The foregoing Ordinance was duly noticed and introduced with reading waived at a regular meeting of the City Council of the City of Sausalito held in said City on the 17th day of October,

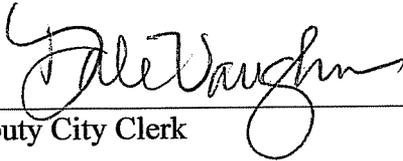
2006, and thereafter adopted at the meeting of the City Council held in said City on the 30th day October, 2006 by the following vote, to wit:

AYES: Councilmembers: Albritton, Belser, Scremin, Vice Mayor Kelly, Mayor Albert
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Mayor of the City of Sausalito

ATTEST:



Deputy City Clerk

EXHIBIT A

TITLE 1

GENERAL PROVISIONS

Chapter 1.09

FEEES

Sections:

- 1.09.010 Set by Resolution
- 1.09.020 Reserved
- 1.09.030 Costs for Consultants
- 1.09.040 Date Effective
- 1.09.050 Waiver of Fees
- 1.09.060 Reserved
- 1.09.070 Failure to Pay

1.09.010 Set by Resolution

The City Council may annually, by resolution, set a fee for any service provided by the city including, without limitation, the issuance of permits, zoning variances, zoning changes, use permits, building inspections, and building permits, the processing of applications, or the performance of administrative services. The amount of the fee shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless the fee in excess of that amount is approved by a popular vote of two-thirds of those voters voting on the issue or as otherwise may be provided by law. Prior to approving a new or increased fee, the City Council shall hold a noticed public hearing.

1.09.020 Reserved.

1.09.030 Costs for Consultants

When the processing of any application requires the services of an outside consultant, the department responsible for processing the application shall charge and collect, or cause to be charged and collected, the estimated cost of any special reports or consultant or consultants' fees that may be required to process the application. Any actual cost that is more than the estimated cost shall be paid by the Applicant prior to the issuance of the permit and any collected estimated cost that is more than the actual cost shall be returned to the Applicant at the time of the issuance of the permit.

1.09.040 Date Effective

Except for development impact fees, newly adopted fees shall become effective at the earliest date permitted by law and shall be applicable to all services rendered after that date and to all projects for which the application has not yet been deemed complete.

1.09.050 Waiver of fees.

The City Council may waive any fees required under this Title for any non-profit organization, public body, district or agency of Federal, State, County or Municipal government or under other circumstances that the City Council in its discretion determines justifies such a waiver.

1.09.060 Reserved.

1.09.070 Failure to Pay

Prior to completion of processing of any phase of a development application, any and all outstanding amounts due pursuant to this Chapter shall be paid. The Community Development Department shall withhold issuance of further plan checks, entitlements, permits, and/or certificates of occupancy until all required processing and inspection fees have been paid in full.

Cost of collection of fees shall be charged to the project applicant.