

**CITY OF OROVILLE
ORDINANCE NO. 1843**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, ADDING SECTION 3.32.145 TO THE OROVILLE MUNICIPAL CODE ESTABLISHING THE DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM.

THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.32.145 is hereby added to the Oroville Municipal Code as follows:

3.32.145 Development Impact Fee Deferrals.

The development impact fees assessed and levied pursuant to the provisions of this Chapter upon the owner of property located within the city incident to the construction of a new building or structure on such property, or incident to the construction of alterations or additions to an existing building or structure on the property, may be deferred by the owner of the property under the following circumstances:

A. Where the owner of the property is constructing a new building on the property, or is constructing alterations or additions to an existing building on the property which is or will be used solely for single-family residential purposes, payment of such building and equipment fee may be deferred by the owner of the property from the date of the issuance of a building permit for such construction work to a date 1 year (365 consecutive days) from the issuance of such building permit, or the date of the issuance of an approved final inspection for the building on which the construction work is being performed, whichever first occurs; provided, that the owner of the property, at the time of issuance of the building permit, has:

1. Entered into an agreement with the city undertaking to pay such deferred development impact fees at the time and in the manner provided for by this subsection, which agreement shall be in a form approved by the city attorney and recorded against the property, or provided a letter of credit from a lending institution, in a form approved by the city attorney, which guarantees payment of such deferred fees at the time and in the manner provided for by this subsection; and

2. Paid to the city an additional fee in the amount equal to two percent of the deferred development impact fees or five hundred dollars, whichever is less, as and for the administrative costs to be incurred by the city by reason of such fee deferral.

B. Where the owner of the property is constructing a new building or structure on the property, or constructing alterations or additions to an existing building or structure on the property which is or will be used for multifamily residential purposes or for a nonresidential purpose, payment of such development impact fees may be deferred by the owner of the property from the date of the issuance of a building permit for such construction work to a date 1 year from the issuance of such building permit, or the date of the issuance of an approved final inspection for the building or structure on which the construction work is being performed, whichever first occurs; provided, that the owner of the property, at the time of issuance of the building permit, has:

1. Entered into an agreement with the city undertaking to pay such deferred development impact fees at the time and in the manner provided by this subsection, which agreement shall be in a form approved by the city attorney;

2. Executed a deed of trust securing performance of the property owner's duties and obligations under such agreement, which deed of trust shall also be in a form approved by the city attorney and shall be recorded against the property as a first deed of trust; and

3. Paid to the city an additional fee in an amount equal to two percent of the deferred development impact fees, or one thousand dollars, whichever is less, as and for the administrative costs to be incurred by the city by reason of such fee deferral.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3. The ordinance shall take effect upon the thirty-first (31st) day after its final passage.

[Ordinance Ending]

PASSED AND ADOPTED by the City Council of the City of Oroville on the 2nd day of June, 2020, by the following vote:

AYES: Hatley, Smith, Pittman, Goodson, Draper, Thomson, Reynolds

NOES: None

ABSTAIN: None

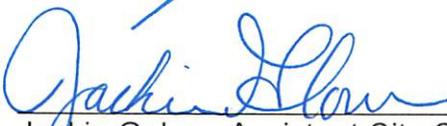
ABSENT: None



Scott E. Huber, City Attorney



Chuck Reynolds, Mayor



Jackie Golver, Assistant City Clerk