

AN ORDINANCE OF THE CITY OF LAKE ELSINORE AUTHORIZING ESTABLISHMENT OF DRAINAGE FEES FOR IMPLEMENTATION OF THE "MASTER PLAN OF DRAINAGE" FOR THE CITY OF LAKE ELSINORE

WHEREAS, The City Council of the City of Lake Elsinore approved and adopted the "Master Plan of Drainage" for the City of Lake Elsinore and

WHEREAS, Master Plan designates fifty-one (51) drainage districts and the proposed drainage facilities to be constructed within each district and the estimated cost of said facilities; and

WHEREAS, the drainage facilities designated in said Master Plan are in addition to existing facilities serving each drainage area at the time of the adoption of said Master Plan; and

WHEREAS, the City Council finds that subdivision and development of property within the drainage districts designed in said Master Plan will require the construction of the drainage facilities described in said Master Plan; and

WHEREAS, the City Council desires to establish drainage fees to fund the costs of providing such drainage facilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lake Elsinore as follows:

SECTION 1. Prior to the approval of any final subdivision map or parcel map subdividing property within any drainage district designated in the Master Plan of Drainage, the subdivider shall pay or cause to be paid the drainage fee established hereby.

SECTION 2. Prior to the issuance of a building permit for the development of property within any drainage district designated in the Master Plan of Drainage for which the drainage fee required hereunder has not previously been paid, the developer shall pay or cause to be paid the drainage fee established hereby.

Development shall not include construction of accessory buildings and structures such as residential garages, antennas, sheds, etc. or the alternation or enlargement of existing buildings or structures, so long as such alteration or enlargement does not result in a change in the classification of occupancy of said building or structure as defined by the Uniform Building Code.

SECTION 3. The City Council may, at its discretion, accept other considerations in lieu of the payment of the drainage fees required hereunder.

SECTION 4. Drainage fees shall be established by resolution of the City Council for each drainage district identified in the master Plan of Drainage for the City of Lake elsinore and delineated on the plate therein.

SECTION 5. The amount of any such fee established hereby shall be based upon the following findings by the City council:

a. That the fees proposed herein below are fairly apportioned within each drainage district on the basis of benefits conferred on property within the drainage district potentially subject to subdivision and/or development and on the basis of need for such drainage facilities within each drainage area which would be created by the subdivision and/or development of property within each drainage district; and

b. That the fees proposed hereinbelow do not exceed the pro-rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such costs were apportioned uniformly on a per acre basis.

SECTION 6. In June of each year, the City Engineer shall make recommendations to the City Council for the adjustment of the drainage fees established hereby to account for inflationary increase, if any, in the estimated costs of constructing the drainage facilities set forth in the Master Plan for Drainage.

SECTION 7. Any fees collected hereunder shall be deposited into a separate "planned drainage facilities' fund" to be established for each drainage district set for in the Master Plan for Drainage.

Moneys in such funds shall be expended solely for the construction or reimbursement for construction of drainage facilities called for in the master Plan within the drainage district from which the fees comprising the fund were collected, to reimburse the City for the cost of constructing such drainage facilities if the funds therefore were advanced from the general fund, or to repay an indebtedness incurred by the City for the construction of such drainage facilities.

SECTION 8. The City may, upon approval of the City Council and in compliance with all other existing laws advance money from the general fund or another drainage district fund to pay the costs of constructing drainage facilities called for in the Master Plan within a drainage area and reimburse the general fund or other drainage district fund for such advances from the fund for the drainage district in which such drainage facilities were constructed.

SECTION 9. The City may, upon approval of the City Council and in compliance with all other existing law, incur an indebtedness for the construction of drainage facilities called for in the Master Plan within a drainage district; provided that the sole security for repayment of such indebtedness shall be moneys in the fund for the drainage district in which such drainage facilities were constructed.

SECTION 10. If a developer constructs a facility or a portion of a facility indicated on the Master Plan of Drainage, the developer shall be eligible for credit from the Drainage District Fund. For the purpose of establishing credit, the cost of construction for Master Plan of Drainage or any portion of these facilities shall be the actual cost as certified by the developer and verified by the City. If the credit exceeds the assessed drainage fee, than the developer will be entitled to a reimbursement.

If the amount in the Drainage District Fund is insufficient to fully reimburse eligible developers, the District shall enter into a reimbursable agreement with the developer. Reimbursement shall be made only as fees are collected in connection with the development of property within that Drainage District. The period for reimbursement shall be limited to ten (10) years. No developer shall receive reimbursement until all developers who have previously executed reimbursement agreements for the Drainage District are fully reimbursed or until such agreements have expired.

SECTION 11. After completion of all drainage facilities and the payment of all claims from any drainage area fund, the City Council shall determine by resolution the amount of the surplus, if any, remaining such fund. Any such surplus shall be used, in such amounts as the City Council may determine, for one or more of the following purposes:

a. For transfer to the general fund, provided that the amount of such transfer shall not exceed five (5%) percent of the total amount expended from such fund;

b. For the construction of additional or modified drainage facilities within the particular drainage area; or

c. As a refund in the manner provided in Government Code Section 66483.2.

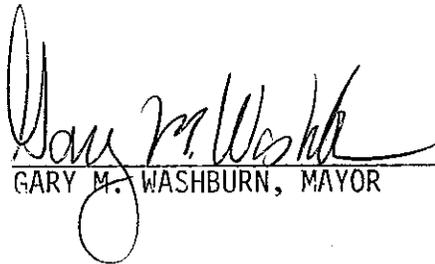
SECTION 12. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED AND PASSED UPON FIRST READING this 13th day of August, 1991, upon the following roll call vote:

AYES: COUNCILMEMBERS: BUCK, DOMINGUEZ, STARKEY, WINKLER, WASHBURN
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE

PASSED, APPROVED AND ADOPTED UPON SECOND READING this 27th day of August, 1991, upon the following roll call vote:

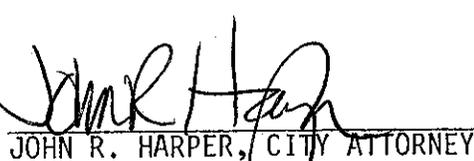
AYES: COUNCILMEMBERS: BUCK, DOMINGUEZ, STARKEY, WINKLER, WASHBURN
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE


GARY M. WASHBURN, MAYOR

ATTEST:


VICKI KASAD, CITY CLERK

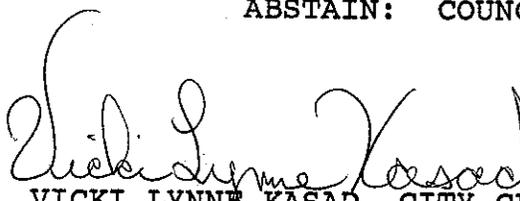
APPROVED AS TO FORM:


JOHN R. HARPER, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS:
CITY OF LAKE ELSINORE)

I, Vicki Lynne Kasad, City Clerk of the City of Lake Elsinore,
DO HEREBY CERTIFY that the foregoing Ordinance had its first reading
on August 13, 1991, and had its second reading on August 27, 1991,
and was passed by the following vote:

AYES: COUNCILMEMBERS: BUCK, DOMINGUEZ, STARKEY,
WINKLER, WASHBURN
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE


VICKI LYNNE KASAD, CITY CLERK
CITY OF LAKE ELSINORE

(SEAL)

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) SS:
CITY OF LAKE ELSINORE)

I, Vicki Lynne Kasad, City Clerk of the City of Lake Elsinore,
DO HEREBY CERTIFY that the above and foregoing is a full, true and
correct copy of Ordinance No. 919 of said Council, and that the
same has not been amended or repealed.

DATED: August 28, 1991


VICKI LYNNE KASAD, CITY CLERK
CITY OF LAKE ELSINORE

(SEAL)