

ORDINANCE NO. 928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
RIPON AMENDING CHAPTER 17.16 "REAL PROPERTY  
DEVELOPMENT FEES" OF THE RIPON MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIPON AS FOLLOWS:

**SECTION 1. AMENDMENT TO CODE.** The purpose of this ordinance is to amend Chapter 17.16 Real Property Development Fees of the Ripon Municipal Code providing updates to the encroachment fee structure for utility companies.

**SECTION 2. AMENDMENT OF CHAPTER.** Chapter 17.16.010 of the Ripon Municipal Code is hereby amended to define "Utility Company".

Chapter 17.16.010 is hereby amended to read as follows:

**17.16.010 Definitions.**

A. For the purpose of this chapter, the following words, phrases and terms shall have the meaning given in this section:

1. A "Builder" means any person, firm or corporation constructing any improvements on real property.

2. A "City Clerk" means the city clerk of the city of Ripon.

3. A "City Council" means the city council of the city of Ripon.

4. A "Developer" means any person, individual, firm, partnership, corporation or unincorporated association developing real property.

5. A "Owner" means any person, firm or corporation owning or having an interest in real property.

6. A "Person" means any person, individual, form, partnership, corporation or unincorporated association.

7. A "Real property" means and includes a single lot, parcel of land, acreage or an entire subdivision of real property.

B. Whenever any reference is made to any portion of this chapter, such reference shall apply to all amendments and additions thereto, now or hereafter made, including any resolutions adopted pursuant to this chapter.

C. The present tense shall include the past and future tense, and the future tense shall include the present; the singular number shall include the plural, and the plural number shall include the singular; each gender shall include the other gender.

D. "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

E. A "Fee" means a monetary exaction other than a tax or special assessment which is charged by a local agency to the applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the cost of public facilities relating to a development project.

F. A “Public Facilities” includes public improvements, public services and community amenities. (Ord. 412 § 1, 1989; Ord. 294 § 1, 1980; Ord. 758 §5 (part), 2007)

G. A “Utility Company” includes any individual, firm, partnership, or corporation that installs and maintains services to parcels such as electricity, natural gas, and telecommunications.

**SECTION 3. AMENDMENT OF CHAPTER.** Chapter 17.16.060 of the Ripon Municipal Code is hereby amended to update the encroachment fee structure for utility companies.

Chapter 17.16.060 is hereby amended to read as follows:

**17.16.060 Engineering Fees.**

A. Plan Check Fee. A plan check fee is fixed in the amount of three percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or building thereof on any real property, which improvements require any inspection by the City. Utility companies shall exclude the cost of facilities which shall remain the property of the utility from the total estimated construction cost.

B. Inspection Fee. An inspection fee is fixed in the amount of three percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspection by the City. Utility companies shall exclude the cost of facilities which shall remain the property of the utility from the total estimated construction cost.

C. GIS Fee. A GIS programming fee is fixed in the amount of one percent of the total estimated construction costs, which shall be included as a part of any written subdivision agreement with the City as required under this Title and/or the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspection by the City. Utility companies shall exclude the cost of facilities which shall remain the property of the utility from the total estimated construction cost. (Ord. 616 § 4(g), 1999; Ord. 758 §5 (part), 2007)

D. Storm Water Development Submittal Review Fee. A Storm Water Development Submittal Review Fee shall be listed in the City Fee Schedule and shall be applied to “regulated” projects as defined by the most current version of the City Storm Water Development Standards for each review performed, which shall be included within any Subdivision Improvement Agreement with the City as required under this Title and/or imposed pursuant to the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspections or permits by the City. A second review fee shall be applied to applicants when, in the opinion

of the City Engineer, the submittal received requires excessive time to review which is above and beyond standard practice due to an inadequate design after the initial review. The above fee may be adjusted by resolution of the City Council updating the City Fee Schedule. Annually, as of January 1st of each year here-after, the fee may be adjusted to reflect any increase or decrease as shown in the Engineering News Record Index published and in effect on July 1st of each year hereafter. (Ord. 867 § 2, 2017; Ord. 898 § 2, 2020)

E. Survey Monument Preservation Fee. A survey monument preservation fee shall be included in the City Fee Schedule and shall be applied according to the most current version of the Survey Monument Preservation Policy, which shall be included within any Subdivision Improvement Agreement with the City as required under this Title and/or imposed pursuant to the California Subdivision Map Act. This fee shall also apply and be charged in connection with the construction of any improvements of any type in, on, or along city rights-of-way by the owner, developer, or builder thereof on any real property, which improvements require any inspections or permits by the City. The above fee may be adjusted by resolution of the City Council updating the City Fee Schedule. Annually, as of January 1st of each year here-after, the fee may be adjusted to reflect any increase or decrease as shown in the Engineering News Record Index published and in effect on July 1st of each year hereafter. (Ord. 867 § 2, 2017; Ord. 898 § 2, 2020)

F. USA Markings Removal Deposit. When the owner, developer, or builder plan to construct any improvements in, on, or along city rights-of-way or any real property, and such improvements require inspections or permits by the City, the engineering supervisor shall have the discretion to require a deposit to guarantee satisfactory removal of USA markings made for the improvements. The above deposit shall be listed in the City Fee Schedule, which may be adjusted by resolution of the City Council. Annually, as of January 1st of each year here-after, the deposit may be adjusted to reflect any increase or decrease as shown in the Engineering News Record Index published and in effect on July 1st of each year hereafter. (Ord. 898 § 2, 2020)

#### **SECTION 4. REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

**SECTION 5. NO MANDATORY DUTY OF CARE.** This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any officer, agent, employee or volunteer, thereof a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

**SECTION 7. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall go into effect 30 days after its adoption and a summary of this ordinance shall be published five (5) days prior

to and within fifteen (15) days following its adoption in the Manteca Bulletin, the official paper of the City of Ripon.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 10th day of September, 2024, by the following vote:

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Daniel de Graaf, Vice Mayor

**SECONDER:** Michael Restuccia, Council Member

**AYES:** Zuber, de Graaf, Barton, Uecker, Restuccia

**THE CITY OF RIPON,**  
A Municipal Corporation

By

  
LEO ZUBER, Mayor

ATTEST:

By:

  
LISA ROOS, City Clerk