

RESOLUTION NO. 2022-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ADOPTING FEES FOR CANNABIS SCREENING APPLICATIONS, CANNABIS PERMITS, GENERATOR PERMITS, AND FIELD RENTAL FEES

WHEREAS, Article XI, section 5, of the California Constitution authorizes the City to make and enforce all ordinances and regulations regarding municipal affairs; and

WHEREAS, Article XI, section 7, of the California Constitution authorizes the City to make and enforce within in its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Article III of the City Charter authorizes the City to make and enforce all laws and regulations regarding municipal affairs, and to exercise any and all rights, powers and privileges established, granted or prescribed by any law of the state, by the City Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the California Constitution; and

WHEREAS, Article XIII C, section 1, subdivision e(4) allows the City to establish fees for the use of its property without limiting those fees to the cost of service; and

WHEREAS, the City desires to establish the following fees:

1. Dog and Cat Microchipping (Gov. Code, § 66016);
2. Unaltered Dog Turn-in Fee (Gov. Code, § 66018);
3. Unaltered Cat Turn-in Fee (Gov. Code, § 66018);
4. Feral & Working Cat Adoption (Gov. Code, § 66018);
5. Commercial Fire Sprinkler Modifications of 1 to 49 Sprinkler heads (Gov. Code, § 66018; Grass Valley Municipal Code, § 15.06.010)

WHEREAS, Article XIII C, section 1, subdivision (e), of the California Constitution provides that a “tax” does not include: (1) a charge imposed for a specific government service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service, and (2) a charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof; and

WHEREAS, on April 29, 2022 and May 5, 2022, the City provided notice of the above-described fees, including making the information available and publication in a newspaper of general circulation, in accordance with Government Code sections 66016, 66018, and 6062a; and

WHEREAS, City Staff prepared the report, attached hereto as Exhibit A and incorporated herein by this reference, analyzing the costs associated with the above fees and recommending the amounts therefor based on the amount of staff time required for each permit multiplied by the hourly rate for such staff, and the City Council has reviewed the report; and

WHEREAS, on May 10, 2022, the City Council held a public hearing as part of a regularly scheduled meeting at which oral and written presentations could be made, and published notice of the time and place thereof, in accordance with Government Code sections 66016, 66018, and 6062a.

NOW, THEREFORE, BE IT RESOLVED by the City council of the City of Grass Valley as follows:

1. The City Council hereby establishes the following fees:
 - a. The fee for Dog and Cat microchipping be \$15.
 - b. The fee for Unalter Dog Turn-in shall be \$86.
 - c. The fee for Unalter Cat Turn-in shall be \$50.
 - d. The fee for Feral and Working Cat adoption shall be \$45.
 - e. The fee Commercial Fire Sprinkler Modifications of 1 to 49 sprinkler heads shall be \$165.
2. As demonstrated by the report prepared by City Staff and attached hereto as Exhibit A, the City Council finds that the amounts of the fees referenced in section 1, subdivision a. through d. above: do not exceed the reasonable costs of providing the service, and the fee referenced in section 1, subdivision e. above: do not recover more than the regulatory costs incurred by the City for issuing the permits, performing investigations, inspections, and audits related thereto, and the administrative enforcement and adjudication thereof.
3. The City Clerk is authorized and directed to include the above fees in the City's Master Fee Schedule.

PASSED AND ADOPTED as a Resolution by the City Council of the City of Grass Valley at a regular meeting thereof on the ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

EXHIBIT A

(Insert Staff Report Described Above)