

**TOWN OF PARADISE
ORDINANCE NO. 538**

**AN ORDINANCE OF THE TOWN COUNCIL OF PARADISE AMENDING
SECTION 3.40.070 OF THE PARADISE MUNICIPAL CODE RELATING TO THE
DEVELOPMENT IMPACT FEE ADJUSTMENTS BOARD AND REPEALING
SECTION 8.12.030 OF THE PARADISE MUNICIPAL CODE RELATING TO THE
TREE ADVISORY COMMITTEE**

**THE TOWN COUNCIL OF THE TOWN OF PARADISE DOES ORDAIN AS
FOLLOWS:**

Section 1. Section 3.40.070 of the Paradise Municipal Code is hereby amended to read as follows:

- A. A developer of any project subject to the fees described in this chapter may apply for a reduction, adjustment or waiver of any one or more of the fees, based upon the absence of any reasonable relationship or nexus between the impacts of their development and either the amount of the fee(s) charged or the type of facilities to be financed.
- B. The application shall be submitted to and acted upon by the Community Development Director.
- C. The application shall be made in writing and filed with the office of the town community development department together with a minimum nonrefundable application fee established by resolution of the town council, and shall be filed not later than ten days after imposition and payment of the fees for the development project or at the time of imposition of such fees prior to the issuance of the development permit.
- D. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment of the fee(s).
- E. The Community Development Director shall consider and act on the application during a public meeting conducted within a time period not exceeding thirty days after the filing of the fee adjustment application. The meeting shall be noticed by public posting of an agenda and conducted in a manner as prescribed by the Ralph M. Brown Act or other applicable laws of the town for public meetings on development permits.
- F. If a reduction, adjustment or waiver of the fee(s) is granted, any change in use or scope of the project shall invalidate the waiver, adjustment or reduction of the fee if such change in use would render the same inappropriate. In addition, the town shall not pay any interest on prior development impact fees paid by an applicant that are later reduced, adjusted or waived by action of the town council.

- G. Determinations on fee adjustment applications made by the Community Development Director pursuant to the provisions of this section may be appealed to the town council by filing a written request with the town clerk within seven calendar days of fee adjustment application determination, together with a minimum nonrefundable fee amount established by resolution of the town council.
- H. The town council may, from time to time, and as the need may arise, set forth by resolution, specific limitations which will apply to reductions, adjustment or waivers of development impact fees which may be made pursuant to the provisions of this section. In this regard, this chapter shall be considered enabling and directory

Section 2. Section 8.12.030 of the Paradise Municipal Code, establishing the Tree Advisory Committee and its duties, is hereby repealed in its entirety.

Section 3. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

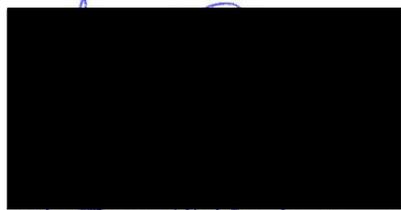
PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 11th day of March 2014, by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, Jody Jones and Scott Lotter, Mayor

NOES: None

ABSENT: John J. Rawlings

ABSTAIN: None



Scott Lotter, Mayor

Attest:



Joanna Gutierrez, CMC, Town Clerk

3-11-2014

Approved as to form:



Dwight L. Moore, Town Attorney