

ATTACHMENT A

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING EXHIBIT A TO NEWPORT BEACH MUNICIPAL CODE SECTION 3.36.030 RELATED TO COST RECOVERY

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, the City funds certain municipal services, which are typically performed without request by the user, benefit the public generally and are traditionally funded by tax revenue;

WHEREAS, the City performs other services which are funded in whole, or in part, by a person requesting the service;

WHEREAS, Subsection 3.36.030(A) of the Newport Beach Municipal Code ("NBMC") provides the cost recovery for user service fees specifically requested by a person shall be at one hundred percent (100%), unless the amount is modified by the City Council in Exhibit A to Section 3.36.030 (Cost Recovery Percentages) of the NBMC;

WHEREAS, the Finance Department conducts regular fee studies and makes recommendations to the City Council regarding adjustments that may be made to the cost recovery amounts provided in Exhibit A to Section 3.36.030 (Cost Recovery Percentages) of the NBMC, to ensure compliance with the law, consistency with current practices, and the maintenance of a high level of customer service for our residents;

WHEREAS, on March 9, 2021, the City Council adopted Resolution No. 2021-21, which approved the increase in the cost of black and white copies at the City Library's copiers from \$0.15 to \$0.30;

WHEREAS, on March 23, 2021, the City Council adopted Ordinance No. 2021-7, which amended Exhibit "A" to Section 3.36.030 (Cost Recovery Percentages) of the NBMC;

WHEREAS, in order to align black and white copy fees with libraries comparable to the City and provide the public with an affordable means to photocopy documents, furthering the Library's role as a community resource, City staff recommends the cost of black and white copies be returned to \$0.15; and

WHEREAS, City staff recommends the City Council adopt the proposed revision as depicted in Exhibit A to Section 3.36.030 (Cost Recovery Percentages) of the NBMC.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Exhibit "A" to Section 3.36.030 (Cost Recovery Percentages) of the NBMC, is hereby amended to read as follows:

Exhibit A

The City's cost of providing the following services shall be recovered through direct fees charged for services. Exhibit "A" limits cost recovery fees to the percentages or dollar amounts indicated below.

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Community Development Department	
Chapter 17.65 Appeal—Applicant Successful	0%
Chapter 17.65 Appeal to City Council – Applicant Unsuccessful	\$940
Chapter 17.65 Appeal to Harbor Commission – Applicant Unsuccessful	\$1,250
Building	
Appeals Board Hearing—Applicant Successful	0%
Appeals Board Hearing—Applicant Unsuccessful	\$1,715
Harbor Construction	50%
Preliminary Plan Review	First Two Hours Free, Full Cost Thereafter
Planning	
Appeals to City Council	\$1,715
Appeals to Planning Commission	\$1,715

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Coastal Development Permit Application	0%
Appeals from Zoning Administrator to Planning Commission	
Reasonable Accommodation	0%
Finance Department	
Admin. Cite Hearings	0%
Parking Hearings	0%
Payment Plans (Except Parking)	\$25
Short Term Lodging Permit Suspension or Revocation Hearing – Applicant Successful	0%
Short Term Lodging Permit Suspension or Revocation Hearing—Applicant Unsuccessful	50%
Zero Bill Reprint	0%
Fire Department	
Emergency Medical Services	
Advanced Life Support (ALS)—Nontransport	\$400
Basic Life Support (BLS)—Nontransport	\$400
ALS First Responder Fee	\$400
BLS First Responder Fee	\$400
Fire Prevention	
Candle Permit Program	76%
Care Facilities 7—99 Clients	36%
Care Facilities > 99 Clients	40.8%
Commercial Day Care Facilities	36%
Hotels/Motels 50—299 Rooms	36%
Hotels/Motels 300 or More Rooms	92.4%
Operational Permits—Level 1	40%
Operational Permits—Level 2	38.1%
Residential Care Facility Prelicense Inspection	96%
Special Event Permits—Single Event	88%
State Fire Clearance	82%

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Harbor Department	
Chapter 17.65 Appeal—Applicant Successful	0%
Chapter 17.65 Appeal to City Council – Applicant Unsuccessful	\$940
Chapter 17.65 Appeal to Harbor Commission – Applicant Unsuccessful	\$1,250
Library Services Department	
Black and White copies	\$0.15
Passport Photo	\$10
Use Fees—Materials	\$1
Inter-Library Loan	\$5
Police Department	
Bike Licenses	17%
Secondhand/Pawn Dealer Tag Check	0%
Registrant—Narcotics	0%
Animal Shelter	
Adoption Fee—Dogs	\$150
Adoption Fee—Puppies	\$225
Adoption Fee—Cats	\$90
Adoption Fee—Kittens	\$110
Adoption Fee—Small Animals	\$45
Boarding Fee (per day)—Animals	\$25
Boarding Fee (per day)—Small Animals	\$10
Owner Turn-In Fee	\$100
Impound Fee—Dogs, Cats, Small Animals	\$55
Public Works Department	
Chapter 17.65 Appeal—Applicant Successful	0%
Chapter 17.65 Appeal to City Council – Applicant Unsuccessful	\$940
Chapter 17.65 Appeal to Harbor Commission – Applicant Unsuccessful	\$1,250
RGP Dredging Permit	42%
Recreation and Senior Services	

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Department	
Adult Sports	50%—95%
Administrative Processing Fee	\$5
Badge Replacement	\$5
After School/Camp Programs	
Camps	20%—50%
After-School/Teen Program	20%—50%
Pre-School Program	20%—50%
Aquatics	20%—50%
Contract Classes	50%—95%
Class Refunds	
\$74 or less	\$10
\$75 or more	\$20
Youth Sports	20%—50%
Special Events—Levels 1, 2, and 3	
Resident, Level 1 and Late Fees for Level 1	0%—20%
Resident, Levels 2—3 and Late Fees for Levels 2—3	20%—50%
Nonresident, Levels 1—2 and Late Fees for Level 1	20%—50%
Nonresident, Level 3 and Late Fees for Levels 2—3	50%—95%
Appeal to City Council	50%—95%
Natural Resources Programs	0%—20%
Senior Services	
Oasis Transportation	\$1—\$3 each way
Contract Classes	20%—50%
Fitness Center	50%—95%
Utilities Department	
Construction Water Meter Establishment	50%
Fats, Oils, and Grease (FOG) Annual Permit	0%
City Council, Board, Commission, Committee or Any Individual Member	

Service	Percentage of Cost or Amount to Be Recovered from Direct Fees
Thereof When Acting within the Scope of Their Official Duties	
Review from a Lower Body or Official	\$0

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 6: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 8th day of June, 2021 and adopted on the 22nd day of June, 2021, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

BRAD AVERY, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY