

**ORDINANCE NUMBER 1303**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING ORDINANCE NO. 1263 TO EXEMPT NEWLY CONSTRUCTED SPECIALLY ADAPTED HOMES FOR SEVERELY DISABLED VETERANS UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM***

The City Council of the City of Perris hereby ordains as follows:

Section 1.     Title.

This Ordinance shall be known as Amendment No. 1 to the “Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009” (“Ordinance”).

Section 2.     Findings.

A.     The City of Perris (“City”) is a member agency of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside, the March Joint Powers Authority, and 17 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the “Regional System”) could be made up in part by a Transportation Uniform Mitigation Fee (“TUMF”) on future residential, commercial and industrial development.

B.     WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to adopt one new exemption under the Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009. The exemption is for newly constructed, specially adapted homes for severely disabled veterans designed for maximum freedom of movement and the ability to live more independently, and constructed by qualified non-profit organizations at no cost to qualified disabled veterans.

C.     The City Council finds and determines that the new exemption because of its small number of estimated properties, will not threaten the reasonable and rational relationship between the use of the TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development in which the TUMF will be levied. The City Council has also estimated the cost of the new exemption and understands that the TUMF fees will not be used to cover the fair share of these exempted properties on the Regional System.

D.     On June 10, the City Council conducted a duly noticed public hearing introducing the first reading of Ordinance No. 1303, considered testimony and materials in the staff reports, accompanying documents and exhibits.

Section 3.     Definitions.

The following new definition shall be added to Ordinance No. 1263.

“Disabled Veteran” means any veteran who is retired or is in the process of medical retirement from military service who is or was severely injured in a theatre of combat operations, and who has received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

“Non-Profit Organization” means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service.

Section 4.     Exemption: Specially Adapted Homes for Disabled Veterans

The following new exemption shall be added to Ordinance No. 1263:

“New single family homes, constructed by Non-Profit Organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.”

Section 5.     Effect.

No provisions of this Ordinance shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment because of this new exemption.

Section 6.     Severability.

If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 7.     Judicial Review.

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

Section 8.     Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption.

Section 9.     Certification.

The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

Section 10. Full Force and Effect.

Except to the extent expressly modified or amended hereunder, all of the terms, covenants, and conditions of Ordinance No. 1263 shall remain in full force and effect. This Ordinance shall not have any effect on Ordinance Nos. 1274, 1275, 1281, or 1282, which were adopted as temporary reductions in TUMF fees.

***ADOPTED, SIGNED AND APPROVED*** this 8th day of July 2014.

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Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    )  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk of the City of Perris certify that the foregoing Ordinance Number 1303 was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 8th day of July, 2014, and that it was so adopted by the following vote:

AYES: ROGERS, YARBROUGH, LANDERS, RODRIGUEZ, BUSCH  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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Nancy Salazar, City Clerk