

ORDINANCE NO. 20-0021

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING SECTIONS 7.40.040 AND 7.40.070 OF
MUNICIPAL CODE CHAPTER 7.40 OF TITLE 7
REGARDING CONSTRUCTION SITE TEMPORARY
ENCROACHMENT PERMIT

THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. 7.40.040 - Permit fees is hereby amended to read as follows:

A permit fee and associated inspection fee as established by the Council under separate resolution shall be charged by the Administrative Authority for the issuance of a temporary encroachment permit. No refund shall be made on permit fees, and all monies collected shall revert to the City.

A deposit may be charged as established by the Council under separate resolution to be used if the Director of Public Works or his/her agent find it necessary to install any type of structure or device to prevent or correct any adverse condition resulting from the building or completion of any construction, excavation or demolition, or to pay for any violations cited against said permittee by qualified city officers.

If the cost against the sum of this deposit depletes said deposit or exceeds it, then the permittee shall provide any additional funds required by the City.

Any part of the deposit made by the permittee which is not used shall be returned to the depositor upon written request within ninety (90) days after the completion of work under the permit.

SECTION 2. 7.40.070 - Location of materials is hereby amended to read as follows: 7.40.070 - Reapplication for permit.

Application for renewal must be made prior to the expiration date of the permit, and must be accompanied by a renewal fee as established by the Council under separate resolution; otherwise a new permit must be filed in accordance with the previous Section and a new inspection fee, which shall be added to the preliminary deposit, must be paid.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment, and the action taken herein is not a "project" within the meaning of CEQA.

SECTION 4. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent

with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 5. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

ADOPTED OCTOBER 20, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney