

ORDINANCE NUMBER 643-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDING CHAPTER 6, ADDING ARTICLE X, ENTITLED "VIOLATION PENALTY FOR WORK WITHOUT PERMITS", IN THE NEEDLES MUNICIPAL CODE

WHEREAS, construction without a building permit leads to possible problems that are common among projects such as risks of leaks, electrical malfunctions, and fires; and

WHEREAS, City Council, at the March 11, 2021, meeting gave direction to staff to draft an ordinance to provide additional enforcement tools and establish a fee for persons who commence any construction work before obtaining the necessary permits; and

WHEREAS, City proposes to impose an investigative fee equal to the permit fee when City determines that work has commenced without first obtaining the necessary building permit, in addition to the administrative fines set forth in section 2A-04(a)(1)(ii) of the Needles Municipal Code (NMC); the investigative fee is necessary to cover the reasonable costs of the inspection by City staff; and

WHEREAS, a public hearing notice for the City Council meeting was published in the Needles Desert Star on July 28, 2021, posted in two conspicuous locations; and

WHEREAS, on August 10, 2021, the City Council held a duly noticed and advertised a public hearing to receive oral and written testimony relative to the amendment to the NMC; and

WHEREAS, building codes are minimum requirements that help safeguard the health, safety, and welfare of all building occupants; and

WHEREAS, ensuring safety is the primary focus of the building code and by getting a permit the City can validate the work completed on a building was completed properly.

NOW, THEREFORE, the City Council of the City of Needles does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by the and through this Ordinance.

SECTION 2. CEQA. Pursuant to Section 15060(c)(2) of the California CEQA Guidelines, adoption of the subject Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant to Section 15060(c)(3) the activity is not a "project" as defined in Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Addition to Needles Municipal Code. Chapter 6, Article X, Violation Penalty For Work Without Permits, is hereby added to the Needles Municipal Code as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.


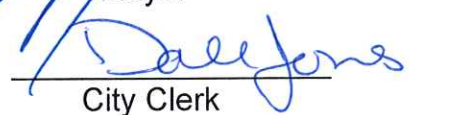
SECTION 4. Effective Date. This action shall become final and effective thirty (30) days after this decision by the City Council as provided by the Needles Municipal Code.

SECTION 5. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 6. Certification. The City Clerk shall certify to the adoption of this Ordinance and shall transmit copies of the same to the applicant.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 12th day of October, 2021, by the following roll call vote:

AYES: Council Members Campbell, Evans, Merritt, Paget, Belt and Longacre
NOES: None
ABSENT: None
ABSTAIN: None

Attest: 
Mayor

City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 26th day of October, 2021.

AYES:
NOES:
ABSENT:
ABSTAIN:

(Seal)

Attest:

Mayor

City Clerk

Approved as to form:



City Attorney

Exhibit "A"
to Ordinance 643-AC

CHAPTER 6. ARTICLE X. VIOLATION PENALTY FOR WORK WITHOUT PERMITS

Section 6-50. Violation Penalty For Work Without Permits. The City Council of the City of Needles hereby specifically finds ensuring safety is the primary focus of the building code and by getting a permit the City can validate the work completed on a building was completed properly. Building codes are minimum requirements that help safeguard the health, safety, and welfare of all building occupants.

The city seeks to implement penalties for any person who fails to comply with the building code. A violation of any of the provisions of this proposed article shall constitute a violation of the Needles Municipal Code and be subject to the following penalties:

A. Penalties within a twelve (12) month period:

- **First Offense:** an investigation fee equal to the permit fee plus an administrative citation fine of fifty dollars (\$50);
- **Second Offense:** an investigation fee equal to the permit fee plus an administrative citation fine of five hundred dollars (\$500.00);
- **Third Offense:** an investigation fee equal to the permit fee plus an administrative citation fine of one thousand dollars (\$1,000.00);
- **Four or More Offenses:** Four or more offenses shall result in referral of the matter to the City Attorney for prosecution.

B. The foregoing penalties, applicable to first and second offenses for those commencing work without all necessary permits, supersede any conflicting provisions of this code governing the penalties for violation of any provision thereof.