

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA ADDING SECTION 17.64.040 "CASE/APPLICATION ABANDONMENT" TO ADMINISTRATION OF ABANDONED CASES/APPLICATIONS

WHEREAS, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, the current code sections proposed to be amended by this ordinance are housekeeping in nature, and are made to ensure internal consistency; and

WHEREAS, the proposed Ordinance clarifies when a permit application has been considered to "abandon" the proposed project; and

WHEREAS, on July 28, 2020, the Planning Commission held a public hearing on this Ordinance; and

WHEREAS, the Planning Commission recommended that the City Council adopt this Ordinance; and

WHEREAS, the Planning Commission and the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance in question may have a significant effect on the environment; and

WHEREAS, the City Council deems this ordinance necessary for the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1. RECITALS

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2. ADDITION OF SECTION 17.64.040 "CASE/APPLICATION ABANDONMENT" TO THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.64.040 of the Desert Hot Springs Municipal Code shall be added to read as follows:

17.64.040 Case/Application Abandonment

Any application submitted by an applicant for any permit, license or otherwise, under Title 17, shall be considered abandoned and of no force and effect if the applicant is inactive for 180 days.

Section 3. SEVERABILITY

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 4. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 5. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 6. EFFECTIVE DATE

That this ordinance shall be effective thirty days after the second reading of the ordinance.

Section 7. CERTIFICATION

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

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PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Scott Matas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney