



MIKE FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 2 1 1
JUL 2 6 2013

REPORT RE:

DRAFT ORDINANCE TO AMEND SECTION 62.00 AND SUBSECTION (b) OF SECTION 62.61 OF ARTICLE 2 OF CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE TO CODIFY AND INCREASE THE PEAK HOUR COMPLIANCE FEE ASSOCIATED WITH WORK ALONG STREET CLASSIFICATIONS SUBJECT TO WORK HOUR RESTRICTIONS

Honorable City Council
of the City of Los Angeles
Room 395 City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance would amend Section 62.00 and Subsection (b) of Section 62.61 of Article 2 of Chapter VI of the Los Angeles Municipal Code to codify and increase the Peak Hour Compliance Fee associated with work along street classifications subject to work hour restrictions.

CEQA

The California Environmental Quality Act (CEQA) does not apply to the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. State CEQA Guidelines Section 15378(b)(4). The draft ordinance is therefore not subject to CEQA because it codifies and increases the Peak Hour Compliance Fee. The ordinance does not commit the City to any specific project that may result in a potentially significant environmental impact.

Fee Increase Language

We note that, because this ordinance would increase a fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code sections 66018 and 6062a. Those sections of State law require that prior to adoption of a new or increased fee a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.


Council Rule 38 Referral

In accordance with the requirements of Council Rule 38, this Office has forwarded the draft ordinance to affected City departments and incorporated their comments in the enclosed draft ordinance.

If you have any questions regarding this matter, please contact Assistant City Attorney Edward M. Jordan at (213) 978-8199. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:EMJ:fa
Transmittal

ORDINANCE NO. _____

An ordinance amending Section 62.00 and Subsection (b) of Section 62.61 of Article 2 of Chapter VI of the Los Angeles Municipal Code to codify and increase the Peak Hour Compliance Fee associated with work along Street Classifications Subject to Work Hour Restrictions.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first paragraph of Subsection (b) of Section 62.61 of Article 2 of Chapter VI of the Los Angeles Municipal Code is amended to read as follows:

(b) **Permit Required.** No person shall effect a Traffic Lane Closure, perform work within or on any Public Street or public right-of-way, or obstruct any Public Street or public right-of-way for any reason without first applying for and obtaining a permit from the Bureau of Engineering. The person or entity requesting the permit shall pay all applicable permit fees for the issuance of "A," "B," Excavation, Maintenance Hole, Sewer, Excavation "E" and Excavation Utility ("U") permits for work in the public right-of-way or any permit issued by the Bureau of Street Services for obstruction of the public right-of-way. In addition to all other applicable fees, the Bureau of Engineering shall charge and collect a Bureau of Street Services Peak Hour Compliance Fee of \$257.00 for each Excavation Utility ("U") permit for work within Street Classifications Subject to Work Hour Restrictions.

Sec. 2. The definition of "manhole" in Section 62.00 of the Los Angeles Municipal Code is amended to read as follows:

"Manhole" or "Maintenance Hole" shall mean any subsurface structure which is part of any underground system and which has a surface cover with an exposed area of 1 1/2 square feet or more.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Edward M. Jordan (PSE)
EDWARD M. JORDAN
Assistant City Attorney

Date July 26, 2013

File No. _____