

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING SECTION 12.40.080 PERMIT—RENEWAL, OF CHAPTER 12.40 WORK WITHIN PUBLIC PLACES, OF TITLE 12 PUBLIC PROPERTY OF THE FOSTER CITY MUNICIPAL CODE TO SET THE FEE BY COUNCIL RESOLUTION

CITY OF FOSTER CITY

WHEREAS, the City adopted the provisions of Chapter 12.40 in order to enforce the proper use of public property to promote public safety and security through an encroachment permit process; and

WHEREAS, Chapter 12.40.080 defines the process for renewing an encroachment permit that will otherwise expire; and

WHEREAS, making a change to the fee structure to allow the City Council to modify the fee for encroachment permits by resolution is consistent with the administration of other encroachment fees and will allow for greater flexibility to amend the fee in the future.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES  
ORDAIN AS FOLLOWS:

Section 1. Amendment. Title 12, Public Property, Chapter 12.40, Work within Public Places, Section 12.40.080 “Permit-Renewal” is hereby amended by deleting section 12.40.080 and replacing it to read in its entirety as follows:

**“12.40.080 Permit-Renewal.**

A permit may be renewed by the payment of a fee established by resolution of the city council, provided no change(s) have been made from the original conditions for issuance of the original permit.”

Unless otherwise identified and amended herein all remaining sections of Chapter 12.40 shall be unchanged.

Section 3. Compliance with CEQA. This Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause

or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 6. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council. This Ordinance was introduced and read on the 1<sup>st</sup> day of May, 2023, and passed and adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
JON FROOMIN, MAYOR

ATTEST:

\_\_\_\_\_  
PRISCILLA SCHAUS, CITY CLERK