



Legislation Details (With Text)

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**Title:** BILL - (For introduction) - Amending Section 13-204(f) of the Fresno Municipal Code modifying the surcharge for failure to secure a permit for street work

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 15-634 Ordinance

Date	Ver.	Action By	Action	Result
7/30/2015	1	City Council	introduced and laid over	Pass

**REPORT TO THE CITY COUNCIL**

**July 30, 2015**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ROBERT N. ANDERSEN, PE, Assistant Director  
Public Works Department, Capital Management Division

**SUBJECT**

BILL - (For introduction) - Amending Section 13-204(f) of the Fresno Municipal Code modifying the surcharge for failure to secure a permit for street work

**RECOMMENDATION**

Staff recommends that the City Council introduce the Amendment to the Fresno Municipal Code (FMC) modifying the surcharge language for failure to secure a permit for street work.

**EXECUTIVE SUMMARY**

The existing surcharge for not obtaining a street work permit prior to beginning work has the dollar amount listed in the FMC. Staff wishes to revise the FMC to refer the surcharge to the current Master Fee Schedule.

**BACKGROUND**

The existing surcharge for not pulling permits prior to starting construction is \$500 or twice the permit fee. This fee has not been updated in years and does not act as a deterrent to the contractors. The City still has instances where contractors start their work in City streets without pulling the required permits and in some cases without approved plans. This can potentially be a very dangerous situation for a number of reasons.

If the contractor has not pulled a street work permit, they also do not have an approved traffic control plan. Without an approved traffic control plan, the work could endanger the traveling public by not having the correct signage, early notification, safe transitions for vehicular traffic, or inadequate accommodations for pedestrians.

Staff is requesting that the City Council introduce the Amendment to the Fresno Municipal Code (FMC) modifying the surcharge language for failure to secure a permit for street work. By removing the surcharge amount from the FMC and simply referring to the Master Fee Schedule, it will be easier in the future to modify the amount of surcharge. Staff will be coming back to Council for revision to this surcharge and other fees in the near future. The Council will retain control in setting the amount of the surcharge through the annual review of the Master Fee Schedule.

The amendment to the Fresno Municipal Code has been reviewed as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project" as defined by CEQA.

## **LOCAL PREFERENCE**

Not applicable.

## **FISCAL IMPACT**

Approval of the Amendment to the Fresno Municipal Code will not have impact to the City General Fund.

Attachment:  
Resolution