

ORDINANCE NO. 1422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA UPDATING CHAPTER 12.04 - ENCROACHMENTS AND MAKING A FINDING OF EXEMPTION UNDER CEQA.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Municipal Code. The City Council hereby adopts the updated section of the Palm Desert Municipal Code Chapter 12.04 - Encroachments, attached hereto as Attachment "A."

SECTION 2. CEQA Exemption. The City Council finds and determines that the proposed ordinance amendment qualifies for exemption from the California Environmental Quality Act (CEQA) for the "common sense" exemption under Section 15061(b)(3). The ordinance introduces procedures specifically designed to safeguard environmental interests without authorizing physical changes. There is no possibility of a significant environmental impact. The ordinance primarily addresses administrative processes and regulatory guidance, without permitting construction activities, or any physical alterations. It refines regulatory compliance and oversight rather than promoting physical development. No specific encroachments are approved under this ordinance. Thus, the ordinance is procedural in nature and it bears no potential for significant environmental impact, supporting its qualification for the CEQA "common sense" exemption.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. Posting and Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the *Desert Sun*, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON \_\_\_\_\_, 2024.

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KARINA QUINTANILLA  
MAYOR

ATTEST:

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ANTHONY J. MEJIA  
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1422 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on November 14, 2024, and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on \_\_\_\_\_.

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ANTHONY J. MEJIA  
CITY CLERK

**ATTACHMENT "A"**  
**ENCROACHMENT ORDINANCE AMENDMENT**

**SECTION 1. Amendment to Palm Desert Municipal Code.** Palm Desert Municipal Code Section **12.04.145 Fee Waiver** is hereby added as follows:

12.04.145 Fee Waiver

The City Manager of the City of Palm Desert is hereby authorized to waive City Encroachment Permit fees for certain City-sponsored events or municipal projects. The City Manager may waive encroachment permit fees for projects funded by the following funding sources: General Fund; Gas Tax/SB1 funds; Measure A funds; Fire Tax funds; Aquatic Facility funds; Library funds; Capital Reserve Project funds; and Housing Authority/Housing Assets funds