

Ordinance Fact Sheet

TO: CITY COUNCIL

DATED: May 1, 2006

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA RELATING TO
UNDERGROUND ELECTRIC VAULTS ON PRIVATE PROPERTY

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA RELATING TO
UNDERGROUND ELECTRIC VAULTS ON PRIVATE PROPERTY.

PURPOSE OF ORDINANCE:

The City Council directed the preparation of this ordinance on March 27, 2006. The purposes of this ordinance are: i) to set forth responsibilities of private electrical vault owners with respect to vault accessibility by Water and Power Department personnel, vault maintenance and repair, and compliance with state and local vault regulations; ii) where the conditions of the vault so warrant, to provide for code enforcement proceedings pursuant to Chapters 1.24, 1.26 or 1.30 of the Pasadena Municipal Code and/or correction of the vault condition by the department itself; and iii) to require vault owners to pay all costs of remediating improper vault conditions.

REASONS WHY LEGISLATION NEEDED:

Violations of the proposed ordinance may be prosecuted as misdemeanors, infractions and administrative penalties under Chapters 1.24, 1.26 or 1.30 of the Pasadena Municipal Code; accordingly, the duties of private electrical vault owners subject to such enforcement measures and the penalties for ordinance violations must be set forth by ordinance.

MEETING OF 05/01/2006

AGENDA ITEM NO. 11.A.1.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The obligations set forth in the ordinance fall on owners of electrical vaults, of which there are approximately 2,000 within the service area of the Water and Power Department. The Water and Power Department and the Code Enforcement Department will have primary responsibility to ensure compliance with the proposed ordinance.


FISCAL IMPACT:

The proposed ordinance provides that vault remediation costs shall be the responsibility of the vault owner, including any work performed by the Water and Power Department; accordingly, there is no anticipated cost to the Power Fund resulting from the adoption of the proposed ordinance. Additional revenue (if any) may be realized from administrative fines imposed through the code enforcement process; however, such revenue cannot be estimated with any degree of accuracy.


POLICY CHANGES:

The proposed ordinance is consistent with present policy, in that it ensures that the Water and Power Department has adequate recourse to remedy unsafe vault conditions and protect the safety of its personnel.

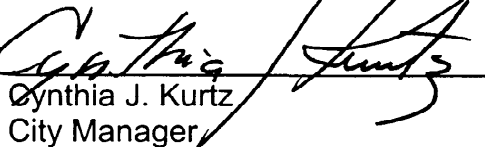
Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


Scott D. Rasmussen
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by _____

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PASADENA ADDING SECTION 13.04.125 TO THE PASADENA MUNICIPAL CODE RELATING TO PRIVATE UNDERGROUND ELECTRIC VAULTS

The People of the City of Pasadena ordain as follows:

SECTION 1. The Pasadena Municipal Code is amended to add a new Section 13.04.125 to read:

“13.04.125 Private Underground Electric Vaults.

A. On reasonable notice, the department may enter upon private property to inspect, repair or replace any private underground electrical vault. It shall be the duty of the owner of a private underground vault to: i) make the vault freely accessible to department employees; ii) maintain the vault in good repair free from water or other unsafe conditions; and iii) comply with all state and local regulations applicable to underground electrical vaults. Any vault which fails to meet these requirements is hereby deemed a nuisance per se.

B. In event the condition of a private underground vault does not meet the requirements set forth in subsection A, the department may proceed with code enforcement proceedings pursuant to Chapters 1.24, 1.26 or 1.30 of the Pasadena Municipal Code. The department may also, in its discretion, remediate the condition of any private underground vault. Prior to such remediation, the department shall notify the vault owner of the problems to correct and the time for correcting them. If the problems are not timely corrected, the department shall notify the vault owner of the department's proposed solutions to the problems and the department's cost to

complete them. The vault owner shall have the right to contest the department's proposed action by filing an administrative appeal with the general manager of the department no later than ten days from the date set forth on the department's notice. In event an appeal is not timely taken, the department's proposed action shall be the final administrative decision and no resort to the courts may be taken therefrom due to failure to exhaust remedies.

C. All costs of remediating the condition of a private electrical vault shall be the responsibility of the vault owner. Such costs shall be billed to the vault owner according to the normal billing procedures and requirements applicable to department customers. In event the vault owner does not timely pay in full, the department may exercise any remedies available to it under this code or other law, including shut-off of electrical service to the premises served by the private underground vault. Costs incurred by the department in remediating the condition of a private underground vault shall also be recoverable in any proceeding brought pursuant to Chapters 1.24, 1.26 or 1.30 of the Pasadena Municipal Code.”

SECTION 2. This ordinance shall take effect upon the thirty-first day following its publication.

Signed and approved this _____ day of _____, 2006.

William Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____ day of _____, 2006, by the following votes:

AYES:

NOES:


ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:


Scott D. Rasmussen
Assistant City Attorney