

**CITY OF DANA POINT**  
**AGENDA REPORT**

Reviewed By:	
DH	<u>  X  </u>
CM	<u>  X  </u>
CA	<u>      </u>

**DATE:** JULY 13, 2005

**TO:** CITY MANAGER/CITY COUNCIL

**FROM:** KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT

**SUBJECT:** SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.

**RECOMMENDED ACTION:**

That the City Council adopt an Ordinance of the City of Dana Point (Action Document A) as follows:

AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.

**BACKGROUND:**

The City Council, at its regular meeting of June 22, 2005, introduced the proposed ordinance for its first reading. Staff is bringing it back for adoption at this time.

**NOTIFICATION/FOLLOW-UP:**

None

**FISCAL IMPACT:**

This Ordinance does not set any fees. All fees are established by resolution of the City Council and have been previously enacted by the City.

**ALTERNATIVE ACTIONS:**

1. The City of Dana Point is mandated by the Sate Health and Safety Code to adopt the California Electrical Code.

**ACTION DOCUMENTS:**

**PAGE #**

A. [Ordinance No. 05-XX for Electrical Code](#) ..... 3

**SUPPORTING DOCUMENTS:**

None.

**ACTION DOCUMENT A****ORDINANCE NO. 05-\_\_\_\_****AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.**

The City Council of the City of Dana Point does hereby ordain as follows:

**Section 1 – Effective Date**

Chapter 8.14 CALIFORNIA ELECTRICAL CODE of Ordinance No. 02-12 is hereby deleted and shall be replaced by this Ordinance. This Ordinance shall take effect on August 1, 2005, for all codes.

**Section 2.**

Chapter 8.14 of Title 8 Buildings and Construction of the Dana Point Municipal Code is hereby amended to read as the same as set forth in Exhibit "A" attached hereto and incorporated herein by this reference as if set forth in full.

**Section 3.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or places. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person or place, be declared invalid or unconstitutional.

**Section 4.**

The City Clerk shall certify as to the adoption of the Ordinance and cause the same to be posted.

PASSED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of July, 2005.

\_\_\_\_\_  
WAYNE RAYFIELD, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH EHRLING, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

I, Elizabeth Ehring, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY THAT THE foregoing is a true and correct copy of Ordinance No. 05-\_\_\_ introduced at a regular meeting of the City Council held the 22<sup>nd</sup> day of June, 2005, and passed and adopted at a regular meeting held the 13<sup>th</sup> of July, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
ELIZABETH EHRLING, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

**AFFIDAVIT OF POSTING**

I, Elizabeth Ehring, being first duly sworn, deposes and says: That she is the duly appointed and qualified City Clerk of the City of Dana Point; that in compliance with State laws of the State of California, ORDINANCE NO. 05-\_\_\_ being:

**AN ORDINANCE BY THE CITY OF DANA POINT ADOPTING BY REFERENCE THE 2004 CALIFORNIA ELECTRICAL CODE.**

was caused to be posted in four (4) public places in the City of Dana Point in accordance with City Resolution No. 91-10-08-01 on the 17<sup>th</sup> day of June, 2005 to wit:

Dana Point City Hall  
Capistrano Beach Post Office  
Dana Point Post Office  
Dana Point Library

\_\_\_\_\_  
ELIZABETH EHRING, CITY CLERK

**EXHIBIT 'A'****Chapter 8.14 CALIFORNIA ELECTRICAL CODE****8.14.001 Adoption of the California Electrical Code.**

There is hereby adopted by the City Council of the City of Dana Point for the purpose of prescribing regulations for the installation and maintenance of electric conductors and equipment that certain Code known as the California Electrical Code, 2004 Edition, including the Appendices thereto, and the California Administrative Code Provisions for the National Electrical Code, 2002 Edition. Said Codes are available and are now filed in the Office of the City Clerk; and the same is hereby adopted incorporated as fully as is set forth at length herein.