

# INDIAN WELLS CITY COUNCIL

## September 5, 2024



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**To:** City Council  
**From:** City Attorney  
**Prepared by:** Todd Leishman, Best Best & Krieger LLP  
**Subject:** **Ordinance to Amend and Strengthen Code-Enforcement Provisions of the Municipal Code**

### RECOMMENDED ACTIONS:

Council **ADOPTS** Ordinance No. 758 to be read by title only and further reading waived, amending Chapter 8.08 of the Indian Wells Municipal Code relating to nuisance abatement and adding Chapter 1.28 of the Indian Wells Municipal Code relating to nuisance-abatement cost-recovery; and

**FINDS** the action to be exempt from the provisions of the California Environmental Quality Act ("CEQA") under state CEQA Guidelines section 15378(b)(5).

### FISCAL IMPACT:

The proposed ordinance will not result in any new cost to the City, but it should increase the likelihood and extent of the City recovering its costs of enforcement.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because the Ordinance is not a CEQA "project" under State CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects, and here the proposed amendments refine and clarify Municipal Code provisions and correct clerical errors. Further, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. The Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance only provides for summary abatement procedures for nuisances and does not propose nor authorize any action that would have the potential to cause a physical change in the environment, directly or indirectly. Further, the Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance merely

removes the current requirement under the Municipal Code that involuntary abatement procedures have an automatic hearing. Accordingly, the City Council directs staff to file a notice of exemption within five days of the adoption of this Ordinance.

## **ATTACHMENTS:**

1. Ordinance