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RESOLUTION NO. 40-18
(CODIFIED)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO,
CALIFORNIA, AMENDING SECTION 18R.08.080 OF THE CHICO
MUNICIPAL CODE RELATING TO UTILITY SERVICES**

WHEREAS, the City has previously adopted development standards for the installation of all improvements required by “design criteria and improvement standards” as adopted pursuant to Section 18.35.020; and

WHEREAS, there has been ambiguity whether the code prohibits a subdivider from assessing a reasonable cost to each appropriate utility company for the installation of the utility company service utilities; and

WHEREAS, the City wishes to clarify the Chico Municipal Code to reflect that a subdivider may at their discretion charge a utility company for the reasonable cost of installing their service utility within any subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico:

Section 1. That Section 18R.36.010, Utility Services, of the Chico Municipal Code is hereby amended as follows:

18R.08.080 Utility Services.

- A. Location and Capacity. All utilities (gas, water, electric, telephone and cable TV) shall be installed and placed underground. Their location shall be subject to the requirements of the improvement standards, the recommendation of the utility company and the approval of the director
- B. Access. The location of all utilities shall allow satisfactory equipment and personnel access for maintenance and operation.
- C. Certification. Prior to filing the final map, the subdivider shall provide the city with a certification from each appropriate utility company. This certification shall state that the company will provide its service to the subdivision and that the subdivider has met all of the company’s conditions necessary to provide the service.

1 D. Cost. Unless such is required by federal or state law and/or regulation, nothing in this
2 code shall be construed to require a subdivider to absorb the cost of such installation at
3 their sole cost.

4
5 **Section 2.** The City Council finds and determines that the enactment of this Resolution is
6 not a project under the California Environmental Quality Act (CEQA) (Cal Pub. Resource Code
7 §§ 21000 et seq.) in that the activities described in the Resolution are a continuing administrative
8 activity of the City involving general policy and procedure making and organizational or
9 administrative activities of governments that will not result in direct or indirect physical changes
10 in the environment. (State CEQA Guidelines, Cal. Code of Regs., Title 14, § 15378.) Therefore,
11 no environmental assessment is required or necessary.

12
13 **Section 3.** If any part of this Resolution, or its application to any individual, entity, or
14 circumstance, is held to be invalid, the remainder of the Resolution, including the application
15 or provision to other persons or circumstances, shall be not be affected and shall continue in full
16 force and effect. To this end, the provisions of this Resolution are severable.

17
18 **Section 4.** The City Clerk shall attest to the passage and adoption of this Resolution and shall
19 cause same to be posted as required by law, and this Resolution shall take effect thirty (30)
20 calendar days after its adoption.

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THE FOREGOING RESOLUTION was adopted by the City Council of the City of Chico

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at its meeting held on May 15, 2018, by the following vote.

AYES: Coolidge, Fillmer, Ory, Schwab, Sorensen, Stone, Morgan


NOES: None

ABSENT: None

ABSTAINED: None

DISQUALIFIED: None

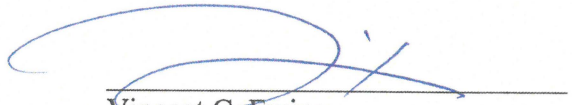
ATTEST:



Deborah R. Presson

City Clerk

APPROVED AS TO CONTENT AND FORM:



Vincent C. Ewing

City Attorney

**Pursuant to the Charter of the City of Chico §906(D)*