

TOWN OF PARADISE  
ORDINANCE NO. 627

AN URGENCY ORDINANCE OF THE TOWN COUNCIL  
OF THE TOWN OF PARADISE ESTABLISHING REQUIREMENTS  
FOR THE USE OF CERTAIN PROPERTIES IN CONJUNCTION WITH THE  
UNDERGROUNDING OF UTILITIES FOLLOWING THE CAMP FIRE

The Town Council of the Town of Paradise, California, ordains as follows:

**Section 1. Emergency Findings.** This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

- A. Conditions of extreme peril to the safety of persons and property within the Town were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.
- B. The Camp Fire consumed more than 153,336 acres and led to the destruction of thousands of residences, multiple family dwellings, commercial buildings, and other structures in the Town.
- C. The Camp Fire was caused by faulty above-ground electrical transmission lines. It is widely understood that underground electrical lines and utilities offer an increased level of safety for residents and the Town.
- D. Pacific Gas and Electric and other utility providers have agreed to relocate their utility lines to underground facilities. This undergrounding can cause significant trip travel for workers and heavy equipment, which congests the Town's roads and increases the risk of further incident to the public health and safety to citizens of the Town.
- E. The implementation of "laydown yards" where supplies can be staged near the location where the undergrounding of utilities is occurring is one measure to mitigate the risks to the public health and safety. In addition, standards, protocol and procedures are needed to facilitate and ensure "laydown yards" do not further disrupt Town residents in the vicinity of the undergrounding activity.

- F. It is essential that this Ordinance become immediately effective to mitigate the harm that could be caused to the public health and safety related to the process of utility undergrounding.

**Section 2. Effective Period.**

This Ordinance shall take effect immediately upon adoption and shall remain in effect until December 31, 2025.

**Section 3. Temporary Uses Associated with Utility Undergrounding**

- A. Notwithstanding any other provision of the Paradise Municipal Code, during the duration of this urgency ordinance the Community Development Director (hereafter "Director") or his/her designee is empowered to grant a temporary use permit and/or an administrative permit to authorize or conditionally authorize the following temporary land use within the Industrial-Service, Community-Commercial, Central-Business, Multiple-Family, Community-Services, Community-Facilities, Resource Conservation, Agricultural, or Neighborhood-Commercial zones, or grant an administrative permit within the agricultural-residential, rural-residential, and town-residential zones when directly associated with utility undergrounding programs:

(1) General vehicle/equipment storage as defined in Paradise Municipal Code Section 17.04.500, hereafter referred to in this Section as "temporary storage yard".

- B. The Director or his/her designee may authorize such temporary storage use based on substantial evidence that:

(1) The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.

(2) The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.

(3) The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.

- C. The Director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts, which may include but is not limited to the following:

(1) Hours and frequency of operation;

(2) Temporary arrangements for parking and circulation;

(3) Requirements for screening or enclosure;

(4) Guarantees for site restoration and cleanup following the temporary storage use;

- (5) Posting of a sign at the entrance of the temporary storage yard with site and utility contact information;
  - (6) Requirements for noticing residents within a reasonable distance of the temporary storage yard regarding the estimated construction duration, on-site contact information, and utility supervisor contact information for escalation of complaints;
  - (7) Restrict access to septic tank and leech field areas on the temporary storage yard property; and
  - (8) Requirements for dust control and maintenance of temporary storage yard property; and (9) use of a private road easement shall not be permitted unless written consent to such use is provided by all property owners having legal interest in the private road easement.
- D. Notice. At least ten (10) calendar days prior to issuance of an administrative permit, pursuant to this section, the Paradise Community Development Department shall provide a mailed notice to property owners within 300' of the property line of the subject parcel(s). The notice shall include all applicable standards and limitations placed upon the temporary storage yard and the phone number and email of a designated contact for concern regarding the temporary storage yard's proposed operations. The administrative permit shall be issued without a formal hearing unless one is requested by either the applicant or other affected persons within ten (10) calendar days from mailing of the notice. If a hearing is requested, it shall be scheduled for the next available planning commission meeting and the planning commission shall hear the request. The planning commission may impose conditions and requirements in addition to the standards set forth above, or may deny the administrative permit to mitigate impacts to uses on surrounding properties in its sole discretion. Unless otherwise appealed to the town council within ten (10) calendar days of the planning commission action, the decision of the planning commission shall be final.

#### **Section 4. Enforcement.**

- A. When the Director determines that an activity is being performed in violation of this Ordinance, the Director may immediately suspend the temporary use permit and/or administrative permit. In addition, pursuant to California Constitution Article XI, Section 7; California Health and Safety Code Section 101040, California Government Code Section 38773, and the Paradise Municipal Code, if the Director determines that a violation of this Ordinance has created an emergency condition which seriously endangers the public health or safety, the Town may abate the condition within the Town.

- (1) Pre-Abatement Notice. Unless emergency conditions preclude doing so, the Director shall issue a Summary Abatement Notice and Order with reasonable notice. The Notice and Order shall be mailed to the temporary use permit and/or administrative permit holder. A summary of the Notice and Order shall be posted in a conspicuous location on the property to be abated at least 3 calendar days prior to the summary abatement action.
- (2) Appeal and Waiver. The temporary use permit and/or administrative permit holder or any person or entity having a legal interest in the property may submit a written appeal of the Director's Order to the Town Council no later than 2 calendar days from the date of mailing of the Notice and Order. The written appeal shall state the basis for the appeal. The appeal shall be heard by a Town-appointed hearing officer regarding the appeal and shall issue a written decision (the "Decision") no later than 10 calendar days after receipt. The Decision shall uphold, rescind or modify the determination of the Notice and Order. The Decision on the appeal shall be final. Failure to appeal within the time prescribed shall constitute a waiver of the right to contest the summary abatement.
- (3) Post Abatement Notice. After the summary abatement is completed, the Director shall serve the temporary use permit and/or administrative permit holder with a post abatement notice that sets forth: (a) the actions taken by the Town; (b) the reasons for the actions; (c) a statement of the costs, expenses and attorney's fees, if any, of the abatement and notice of the Town's intent to collect those costs; and (d) right to appeal the costs determination within ten (10) calendar days of the notice.

**Section 5. Judicial Enforcement Action.** The Town Attorney is authorized to initiate judicial enforcement as to a violation of any provision of this Ordinance without further Town Council approval.

**Section 6. Remedies not exclusive.** The remedies identified are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided in this Ordinance shall be cumulative and not exclusive.

**Section 7. CEQA Exemption.** Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to


mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

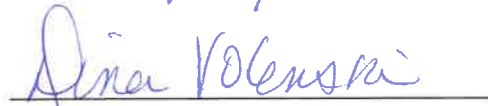
**Section 8. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

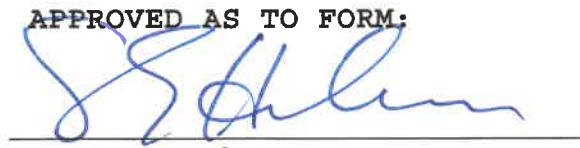
**Section 9. Effective Date and Publication.** This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote of the Town Council. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Town Councilmembers voting for or against the same, in a newspaper of general circulation published in the Town of Paradise, State of California. A complete copy of this Ordinance is on file with the Town Clerk and is available for public inspection and copying during regular business hours in the office of the Town Clerk.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 28<sup>th</sup> day of June, 2023 by the following vote:

**AYES:** Steve Crowder, Steve "Woody" Culleton, Ron Lassonde, Rose Tryon and Greg Bolin, Mayor  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
\_\_\_\_\_  
Greg Bolin, Mayor

**ATTEST:** *July 12, 2023*  
  
\_\_\_\_\_  
Dina Volenski, CMC,  
Town Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Scott E. Huber  
Town Attorney