



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

June 24, 2019

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Amending Title 5 of the Palo Alto Municipal Code to Establish Regulations Related to Disposable Foodware Items and Other Disposable Products at Food Service Establishments (Chapter 5.30), and to Require the use of Compostable Produce Bags at Retail Service Establishments and Farmers Markets (Chapter 5.35) (FIRST READING: June 10, 2019 PASSED: 6-0 DuBois Absent)

This was first heard by the City Council on Monday, June 10, 2019 where it was adopted without change, 6-0, DuBois absent. It is now before the City Council for the second reading, with two changes now being recommended by Staff.

The first recommended change is to delete the restriction on printed receipts contained in new Section 5.30.025, subsection d (shown in the attached ordinance in double strikethrough). That restriction would have required Food Service Establishments to only provide a printed receipt if requested by the customer. Staff is proposing to delete this requirement at this time due to concerns raised about the impact and implementation, and in view of the fact that this provision (which is not a core part of the regulation on disposable plastic) was added late in the public engagement process, staff would like to undertake additional public engagement with Food Service Establishments before bringing this item to Council for adoption.

The second recommended change is the addition of an exemption clarifying that single-use plastic straws may be made available to individuals who require and request them due to disability or other medical or physical conditions or circumstances. The question of whether the ordinance would prevent the availability of straws to disabled persons was raised prior to and at the Council meeting, and staff had conveyed an intent to address this issue through regulations. However, staff determined that the better course is to include this provision in the ordinance, and thus recommends the proposed addition at this time. The added language is shown in double underline as new subsection v of Section 5.30.030 in the attached ordinance.

ATTACHMENTS:

- Attachment A: Food Waste Ordinance (PDF)

Department Head: Beth Minor, City Clerk

Not Yet Adopted

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Title 5 of the Palo Alto Municipal Code to Establish Regulations Related to Disposable Foodware Items and Other Disposable Products at Food Service Establishments (Chapter 5.30) and to Require the Use of Compostable Produce Bags at Retail Service Establishments and Farmers Markets (Chapter 5.35)

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

A. Disposable foodware items and single-use non-recyclable produce bags are intended to be used once then discarded. These items pose waste management challenges and can persist in the environment for many years, causing harm to wildlife and blight to waterways. The production, use and disposal of these items have substantial environmental impacts, including environmental contamination; consumption of energy, water, and non-renewable, polluting fossil fuels; emissions of greenhouse gases; release of air and water pollutants; depletion of natural resources; litter on streets and in waterways; plastic pollution; and increased waste clean-up and management costs.

B. Plastics in waterways and oceans break down into smaller pieces that are not biodegradable. Among other hazards, plastic debris attracts and concentrates ambient pollutants in seawater and freshwater, which can transfer to fish, other seafood and salt that is eventually sold for human consumption. Disposable foodware can also contain harmful fluorinated chemicals that are linked to serious health conditions.

C. The practice of freely giving customers disposable foodware and single-use, non-recyclable produce bags encourages customers, retailers, and food vendors to pay little attention to the quantity of disposable packaging products they consume and the associated environmental impact.

D. The City of Palo Alto updated its Zero Waste Plan in 2018, with new provisions designed to help the City reach its goal of 95% diversion of materials from landfills by 2030, and 80% reduction of greenhouse gases by the same year. Disposable foodware and single-use, non-recyclable produce bags pose difficulties for composting or recycling, hampering Palo Alto from achieving zero waste.

E. Policies that promote reusable and/or compostable foodware and produce bags encourage both reuse of materials and reduction of pollutants. These twin strategies are crucial for conserving resources and protecting the environment, and integral to Palo Alto's goal of zero waste.

Not Yet Adopted

SECTION 2. Chapter 5.30 of Title 5 (Health and Sanitation) is hereby amended to read as follows:

Chapter 5.30

**Plastic Foam and Non-Recyclable Food Service Containers and Packaging Items
Disposable Foodware Items and Other Disposable Products**

5.30.010 Definitions.

~~(a) "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics and any amendments or successor standards thereto.~~

~~(a)(b)~~ "City Facilities" refers to any real property, building, structure or vehicle owned or operated by the City of Palo Alto, its agents, departments and franchises.;

(b) "Compostable" means items deemed acceptable within the City's compost collection program as determined by the Director of Public Works and identified on the City's website.

(c) "Disposable" means items designed to be used once or a limited number of times and then discarded, whether the item is non-recyclable, Recyclable or Compostable.

~~(c)(d) "Disposable Food Service Container" means single-use disposable a product used by Food Service Establishments for serving or transporting prepared and ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, lids, trays and hinged or lidded containers. This does not include single-use disposable straws, utensils, or hot cup lids;~~

~~(d)(e)~~ "Food Service Establishment" means any establishment, located or providing food within the City of Palo Alto, which provides prepared and ready to consume food or beverages, for public consumption including but not limited to any Retail Service Establishment, eating and drinking service (as defined in Title 18), takeout service (as defined in Title 18), supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready-to-consume food or beverages, for public consumption, whether open to the general public or limited to certain members of the public (i.e., company cafeteria for employees).;

~~(e) "Non-Recyclable Plastic" means all plastics that do not meet the definition of Recyclable Plastic;~~

(f) "Foodware Item" means any item used or provided by Food Service Establishments to serve or consume food or beverages. Foodware Items include Food Service Containers, condiment

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cups and packets, straws, utensils (forks, spoons, sporks, knives, chopsticks), drink stirrers, beverage spill plugs, napkins, and other drink or food accoutrements.

~~(f)(g)~~ “Plastic Foam” shall mean~~s~~ blown expanded and extruded plastic foams made from polystyrene or other resins which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam resins are generally used to make disposable cups, bowls, plates, trays, egg cartons, clamshell containers, ice chests, shipping boxes and packing materials.;

~~(g)(h)~~ “Plastic Foam Products” shall mean~~s~~ Disposable Plastic Foam ice chests, cups, bowls, plates, clamshells, shipping boxes containers, egg cartons, packaging peanuts, packing blocks or other packaging materials that are not wholly encapsulated or encased by a more durable material. Additional Plastic Foam Products may be added by administrative regulation promulgated by the Director of Public Works ~~or his/her designee.~~;

~~(h)(i)~~ “Prepared Food” means any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique, including but not limited to cooking, chopping, slicing, mixing, freezing, squeezing, or brewing, and which requires no further preparation to be consumed. Prepared Food includes uncooked fruits or vegetables, “take-out” food, or food prepared to be consumed off the Food Service Establishment premises. Prepared Food does not include any uncooked meat, fish or poultry.;

(i) “Recyclable” means items deemed acceptable within the City’s recycling collection program as determined by the Director of Public Works and identified on the City’s website.

~~(i) “Recyclable Plastics” include any plastic which can be accepted for recycling or composting by the City’s municipal recycling program. For purposes of this Chapter, Recyclable Plastic does not include any expanded Plastic Foam labeled with recycling symbol #6, or any other Plastic Foam made with other plastic resins;~~

~~(j)(k)~~ “Retail Service Establishment” shall have the same meaning as Retail Service as defined in Title 18 of this Code.

(l) “Reusable Foodware” means a Foodware Item made of durable materials and designed to be used repeatedly with a useful life greater than one year.

5.30.020 Prohibition on the use of expanded plastic foam products and non-recyclable plastic.

(a) Except as provided by Section 5.30.030, Food Service Establishments are prohibited from providing Prepared Food in Disposable Food Service Containers made from Plastic Foam or other non-recyclable plastic ~~Non-Recyclable Plastic.~~;

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(b) Except as provided by ~~§~~Section 5.30.030, Retail Service Establishments are prohibited from selling, leasing or otherwise providing Plastic Foam Products;

(c) Except as provided by section 5.30.030, all City facilities and vendors at City sponsored events or City owned facilities are prohibited from using Disposable Food Service Containers, packaging or other products made from Plastic Foam or Non-Recyclable Plastic;

(d) Nothing in this ~~Ordinance~~ Section shall be interpreted to restrict the use or sale of any form of fiber or paper disposable food service container, or the use of any form of biodegradable or plastic food service container meeting ASTM Standards or other products authorized by Administrative Regulation.

5.30.025 Limitation on the use of Disposable Foodware Items and other Disposable products.

Effective January 1, 2020:

(a) Food Service Establishments are prohibited from providing the following Disposable Foodware Items:

1. Plastic straws
2. Plastic utensils (e.g., forks, knives, spoons, sporks, chopsticks)
3. Plastic drink stirrers, drink plugs, and other drink accoutrements such as novelty cocktail accessories
4. Plastic food picks and toothpicks

(b) Food Service Establishments, City Facilities, and vendors at City-sponsored events shall provide the following Foodware Items only if they are Reusable or Compostable:

1. Straws
2. Utensils (e.g., forks, knives, spoons, sporks, chopsticks)
3. Drink stirrers, drink plugs, and other drink accoutrements such as novelty cocktail accessories
4. Food picks and toothpicks

(c) Food Service Establishments shall provide permitted Disposable Foodware Items, other than Food Service Containers, only upon customer request or at a self-serve station.

~~(d) Food Service Establishments shall provide a printed receipt only at the request of the customer.~~

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5.30.030 Exemptions.

(a) The following exemptions shall apply:

(i) Foods prepared or packaged outside the City of Palo Alto are exempt from the provisions of this Chapter. Purveyors of food prepared or packaged outside the City of Palo Alto are encouraged to follow the provisions of this Chapter.

(ii) The Director of Public Works, ~~or his/her designee,~~ may exempt a Food Service Establishment, Retail Service Establishment or City Facility/vendor from the requirements of this Chapter for a period of up to one year, if the applicant for such exemption can demonstrate that the conditions of this Chapter would cause an undue hardship. An "undue hardship" includes, but is not limited to situations unique to the applicant where there are no reasonable alternatives to Plastic Foam Products or ~~Non-recyclable Plastic Disposable Food Service Containers~~ and compliance with this Chapter would cause significant economic hardship to that applicant, or cause them to be deprived of a legally protected right.

(iii) A Food Service Establishment, Retail Service Establishment or City Facility/vendor seeking an exemption application shall include all information necessary for the City to make its decision, including but not limited to documentation showing the factual support for the claimed exemption. The Director may require the applicant to provide additional information to permit the Director to determine facts regarding the exemption application.

(iv) Emergency Supplies and Service Procurement. City Facilities, Food Service Establishments, Retail Service Establishments, City contractors and vendors doing business with the City shall be exempt from the provisions of this Chapter, in a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety.

(v) Nothing in this Chapter shall restrict, or be construed to restrict, the availability of single-use plastic straws to individuals who may require and request the use of single-use plastic straws due to disability or other medical or physical conditions or circumstances. It shall not be a violation of this Chapter for any Food Service Establishment, City Facility or City-sponsored event vendor to provide single-use plastic straws to such individuals who request plastic straws.

5.30.040 Reserved Operative dates.

~~All Food Service Establishment, Retail Service Establishments and City facilities and vendors must comply with the requirements of this Chapter by March 1, 2016.~~

Not Yet Adopted

5.30.050 Severability.

If any provision or clause of this Chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Chapter, and clauses of this Chapter are declared to be severable.

5.30.060 Enforcement and penalties.

(a) The Director of Public Works ~~or his or her designee~~ shall have primary responsibility for enforcement of this Chapter. The Director of Public Works ~~or his or her designee~~ is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, entering the premises of any Food ~~Provider~~ Service Establishment to verify compliance and the types of Recyclable and Compostable Foodware Items ~~compostable foodware items~~ acceptable in the City's collection program.

(b) Anyone violating or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction as set forth in Chapter 1.08 of the Palo Alto Municipal Code.

(c) Anyone violating or failing to comply with any of the requirements of this Chapter shall be subject to an administrative penalty or administrative compliance order as set forth in Chapters 1.12 and 1.16 of the Palo Alto Municipal Code.

(d) The remedies and penalties provided in this Section are cumulative and not exclusive.

5.30.070 Construction.

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-city or interstate commerce. It shall be construed in accordance with that intent.

SECTION 3. Section 5.35.010 of Chapter 5.35 (Retail and Food Service Establishment Checkout Bag Requirements) of Title 5 (Health and Sanitation) of the Palo Alto Municipal Code is hereby amended to read as follows:

5.35.010 Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

(a) "Checkout Bag" means a bag that is provided by a Retail Service Establishment at the checkstand, cash register, point of sale or other point of departure for the purpose of

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transporting food or merchandise out of the establishment. Checkout Bags do not include Produce Bags or Product Bags as defined in this Chapter.

(b) "Compostable Produce Bags" means paper bags and bags made of plastic-like material if the material meets the ASTM Standard Specifications for compostability D6400 or D6868, or the product is Biodegradable Products Institute (BPI) certified, or is considered acceptable within the City's compost collection program.

~~(b)~~(c) "Food Service Establishment" means any establishment, located or providing food within the City of Palo Alto, which provides prepared and ready-to-consume food or beverages, for public consumption including but not limited to any Retail Service Establishment, eating and drinking service (as defined in Chapter Title 18), takeout service (as defined in Chapter Title 18), supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready-to-consume food or beverages, for public consumption, whether open to the general public or limited to certain members of the public (i.e., company cafeteria for employees).

~~(c)~~(d) "Produce or product Bag" means: any bag without handles provided to a customer to carry produce, meats, bulk food, or other food items to the point of sale inside a store and protects food or merchandise from being damaged or contaminated by other food or merchandise when items are placed together in a Reusable bag or Recyclable Paper Checkout Bag.

- ~~i. Any bag without handles provided to a customer to carry produce meats, bulk food, or other food items to the point of sale inside a store;~~
- ~~ii. To hold prescription medication dispensed from a pharmacy;~~
- ~~iii. To protect food or merchandise from being damaged or contaminated by other food or merchandise when items are placed together in a reusable bag or recyclable paper checkout bag;~~
- ~~iv. A bag without handles that is designed to be placed over articles of clothing on a hanger.~~

(e) "Product Bag" means a bag provided to a customer to protect merchandise from being damaged or contaminated by other merchandise when items are placed together in a Reusable Bag or Recyclable Paper Checkout Bag; a bag to hold prescription medication dispensed from a pharmacy; or a bag without handles that is designed to be placed over articles of clothing on a hanger.

~~(d)~~(f) "Recyclable Paper Checkout Bag" means a paper bag that meets one of the following criteria:

- i. Pre-approved standard. A paper bag that meets all of the following requirements:
 1. Contains no old growth fiber;

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2. Is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content;
3. Displays the word "Recyclable" on the outside of the bag; and
4. The manufacturer, the location (country) where manufactured and the percentage of post-consumer recycled content in an easy-to-read size font.

ii. Alternative materials. The Director of Public Works ~~or his or her designee~~ is authorized to approve alternate materials or testing methods meeting this Section's requirements provided that the Director ~~or designee~~ finds that the proposed materials or testing standards satisfactorily comply with the intent, quality and effectiveness in order to meet the purposes of this Chapter. The particulars of any approval made by the ~~director of public works or his or her designee~~ Director under this subsection shall be entered upon the records of the Public Works Department and a signed copy shall be furnished to the applicant.

iii. Alternative standard. Any other published uniform recyclable paper bag standard as approved by the Director of Public Works ~~or his or her designee~~.

~~(e)~~(g) "Retail Service Establishment" means any establishment providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, including but not limited to the following: groceries, meat, vegetables, dairy products, baked goods, candy, and other food products; liquor and bottled goods, household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, household pets and supplies, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies, musical instruments, hardware and homeware, and garden supplies; bicycles; mopeds and automotive parts and accessories (excluding service and installation); cookie shops, ice cream stores and delicatessens.

~~(f)~~(h) "Reusable Checkout Bag" shall mean a bag with handles that is specifically designed and manufactured for multiple reuse which can be washed or wiped clean and meets all of the following criteria:

- i. Bags with a capacity of 15 liters or greater must meet all of the following requirements:
 1. To confirm durability, bags must meet EcoLogo ATP-001 standards (including future amendments or any successor legislation):
 - a. Capacity test - minimum of 15 liters.

Not Yet Adopted

- b. Dynamic test - minimum of 5 sets of 300 cycles (1,500 cycles total).
 2. To confirm bag thickness of 2.25 mils thick or greater, bags will be measured according to ASTM D6988-08 or ISO 4593:1993 or ISO 4591:1992 standards (for embossed film) (including future amendments or any successor legislation).
 3. To confirm the absence of heavy metals causing environmental hazards upon entering the solid waste stream, state methods are to be used for preparing and for testing samples of each unique bag component following the Model Toxics in Packaging Legislation; and
 4. Is either:
 - a. Labeled in an easy-to-read sized font with the name of the manufacturer, the country of origin where manufactured, the material from which it is manufactured, the percentage of post-consumer recycled content, and a statement that the bag does not contain heavy metals; or
 - b. As an alternative, information about the manufacturer, the country of origin where manufactured, the material from which the bag is manufactured, the percentage of post-consumer recycled content, and a statement that the bag does not contain heavy metals can be provided through the reporting requirements set forth under Section 5.35.030(d).
- ii. Reusable Bags ~~that~~ with a capacity of less than 15 liters must meet all of the following requirements:
 1. Is 2.25 mils thick or greater as measured according to ASTM D6988-08 or ISO 4593:1993 or ISO 4591:1992 standards (for embossed film) (including future amendments or any successor legislation).
 2. To confirm the absence of heavy metals causing environmental hazards upon entering the solid waste stream, state methods are to be used for preparing and for testing samples of each unique bag component following the Model Toxics in Packaging Legislation; and
 3. Is either:
 - a. Labeled in an easy-to-read sized font with the name of the manufacturer, the country of origin where manufactured, the material from which it is manufactured, the percentage of post-consumer recycled content, and a statement that the bag does not contain heavy metals; or

Not Yet Adopted

b. As an alternative, information about the manufacturer, the country of origin where manufactured, the material from which the bag is manufactured, the percentage of post-consumer recycled content, and a statement that the bag does not contain heavy metals can be provided through the reporting requirements set forth under Section 5.35.030(d).

iii. Alternative materials. The Director of Public Works ~~or his or her designee~~ is authorized to approve alternate materials or testing methods meeting this section's requirements provided that the Director ~~or the designee~~ finds that the proposed materials or testing standards satisfactorily complies with the intent, quality and effectiveness in order to meet the purposes of this Chapter. The particulars of any approval made by the Director under this subsection shall be entered upon the records of the ~~public works department~~ Public Works Department and a signed copy shall be furnished to the applicant.

iv. Alternative standard. Any other published uniform bag standard as approved by the Director of Public Works ~~or his or her designee~~.

~~(e)~~(i) "Single-use Plastic Checkout Bag" means any bag made predominately of plastic derived from natural gas, petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale which does not meet the definition of a Reusable Checkout Bag.

SECTION 4. Section 5.35.020 of Chapter 5.35 (Retail and Food Service Establishment Checkout Bag Requirements) of Title 5 (Health and Sanitation) of the Palo Alto Municipal Code is hereby amended to read as follows:

5.35.020 Types of checkout bags permitted at retail service and food service establishments.

(a) Retail Service Establishments within the city of Palo Alto shall provide or make available to a customer only Reusable Bags or Recyclable Paper Checkout Bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter.

i. Single-use Plastic Bags exempt from the Chapter include those integral to the packaging of the product, ~~produce or~~ Product Bags, newspaper bags, door-hanger bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste or yard waste bags.

ii. Food Service Establishments within retail stores must comply with those requirements listed under Section 5.35.020(b) below.;

iii. Effective January 1, 2020, ~~F~~farmers markets shall only ~~may~~ provide Compostable Produce or product Bags to hold produce, meats, bulk food or bulk other food items.

Not Yet Adopted

~~Single-use Plastic Checkout Bags, Produce Bags or Product Bags shall not be provided by farmers markets for produce or meats. charges for these bags are not required at farmers markets unless checkout bags used to hold produce or product bags are provided.~~

(b) Effective November 1, 2013, Food Service Establishments shall provide or make available to a customer only Recyclable Paper Checkout Bags or Reusable Bags, at their discretion, for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter.

i. Produce or Product Bags without handles may be used at Food Service Establishments to hold containers of food items that are free liquids such as soups or stews that might be susceptible to spilling.

(c) The City of Palo Alto encourages, but does not require in-store public education and encouragement to customers about the use of Reusable Bags. In-store education for Retail Service Establishments and Food Service Establishments is available at www.cityofpaloalto.org/plastics.

(d) Nothing in this Chapter prohibits customers from using bags of any type that they bring to the establishment themselves or from carrying away goods that are not placed in a bag at point of sale, in lieu of using bags provided by the establishment.

(e) A Retail Service or Food Service Establishment may provide a Reusable Bag at no charge if it is distributed as part of an infrequent and limited time promotion. Infrequent and limited time promotions shall not exceed a total of 14 days in any consecutive 12 month period.

SECTION 5. Chapter 5.35 (Retail and Food Service Establishment Checkout Bag Requirements) of Title 5 (Health and Sanitation) of the Palo Alto Municipal Code is hereby amended to add a new Section 5.35.035 to read as follows:

5.35.035 Use of Compostable Produce Bags at Retail Service Establishments.

Effective January 1, 2020, Retail Service Establishments shall only provide Compostable Produce Bags to carry produce, meats, bulk food, or other food items to point-of-sale within the store.

SECTION 6. Chapter 5.35 (Retail and Food Service Establishment Checkout Bag Requirements) of Title 5 (Health and Sanitation) of the Palo Alto Municipal Code is hereby amended to delete Section 5.35.040 as follows:

5.35.040 Reserved ~~Delayed implementation for food service establishments.~~

~~All food service establishments shall comply with the requirements of Section 5.35.020 of this Chapter beginning November 1, 2013.~~

SECTION 7. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 8. The Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Ordinance is also exempt from CEQA pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

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SECTION 9. This Ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Public Works