

ORDINANCE NO. 2021- __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING CHAPTER 18 OF THE LA PALMA MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

WHEREAS, SB 1383 and the related regulations contained in 14 California Code of Regulations (CCR), Div. 7, Ch. 12 require all California cities to provide a program for the diversion of organic waste from landfills, and that such program include an edible food recovery program; and

WHEREAS, SB 1383 and the related regulations contained in 14 CCR, Div. 7, Ch. 12 further require all California cities to adopt an ordinance to enforce violations of its program for the diversion of organic waste from landfills and its edible food waste recovery program; and

WHEREAS, Chapter 18 of the City of La Palma Municipal Code addresses the City's rules and regulations pertaining to solid waste, and needs to be updated to include the requirements of SB 1383 and 14 CCR, Div. 7, Ch. 12, and

WHEREAS, City staff have analyzed and determined that the revisions to Chapter 18 of the Municipal Code are not considered a "project" pursuant to the CEQA; and

WHEREAS, on September 7, 2021, the City Council of the City of La Palma introduced and conducted a first reading of this Ordinance; and

WHEREAS, on October 5, 2021, the City Council of the City of La Palma conducted a second reading and adoption of this Ordinance.

NOW, THEREFORE, the City Council of the City of La Palma Ordains as follows:

SECTION 1. The foregoing Recitals are incorporated herein and made a part hereof.

SECTION 2. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment nor will they have the potential of creating a significant effect on the environment.

SECTION 3. Chapter 18 of the La Palma Municipal Code is hereby amended to read in its entirety as set forth in the attached Exhibit A.

SECTION 4. City staff is hereby authorized and directed to file a Notice of Exemption with respect to the adoption of this Ordinance.

SECTION 5: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one

or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 6: All required proceedings and consideration precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 7: The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken.

SECTION 8: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the Ordinance shall take effect thirty (30) days after adoption.

SECTION 9: Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed and declared to be of no further force and effect.

APPROVED AND ADOPTED by the City Council of La Palma at a regular meeting on the seventh day of September 2021.

Nitesh Patel
Mayor

ATTEST:

Kimberly Kenney, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, KIMBERLY KENNEY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the ____ day of ____ 2021 and that it was so adopted by called vote as follows:

AYES:

NOES:

Kimberly Kenney, CMC
City Clerk