

ORDINANCE NO. 1638

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 5, CHAPTER 8 TO IMPLEMENT ASSEMBLY BILL 1276 REGARDING SINGLE-USE FOODWARE ACCESSORIES AND STANDARD CONDIMENTS AND DESIGNATE THE CITY AS ASSOCIATED ENFORCEMENT AGENCY.

THE CITY COUNCIL OF THE CITY OF EL SEGUNDO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8 of Title 5 (Health and Sanitation) of the El Segundo Municipal Code ("ESMC") to read as follows:

"Chapter 8

SINGLE-USE FOODWARE ACCESSORIES AND STANDARD CODIMENTS

5-8-1 Findings and Purpose.

This chapter is adopted in accordance with Article XI, § 7 to protect public health, safety, and well-being by reducing the detrimental environmental and public health impacts associated with single-use foodware and standard condiments which contribute to litter in storm drains and the ocean and impose unseen costs on consumers, taxpayers, and public entities. This chapter is adopted to implement Assembly Bill ("AB") 1276's legal requirements restricting the use of single-use foodware accessories and standard condiments.

5-8-2 Compliance with State Law.

It is unlawful to fail to comply with the provisions of California Public Resources Code Division 30, Part 3, Chapter 5.2 (Single Use Foodware Accessories and Condiments), i.e., § 42270, et seq., as may subsequently be amended.

5-8-3 Enforcement.

- A. The City Council authorizes the City Manager, or designee, to utilize one or more City departments enforce this chapter's provisions. The City Manager, or designee, may establish regulations or administrative procedures or take other reasonable actions to further this chapter's purposes.
- B. The City Council may, by resolution, designate additional enforcement agencies to enforce this chapter's provisions.
- C. The first and second violations of this chapter will result in a notice of violation without a fine. Any subsequent violation will constitute an infraction punishable by a \$25 fine for each day in violation, not to exceed \$300 annually.

- D. Subject to Subsection C, and unless limited by law, the City may enforce this chapter in accordance with this code's provisions and state law."

SECTION 2. *Environmental Review.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. This Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15307 and 15308 as actions taken by regulatory agencies to assure the maintenance, restoration, enhancement of natural resources, or protection of the environment.

SECTION 3. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4. *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5. *Enforceability.* Repeal or amendment of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7. *Recording.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the city of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

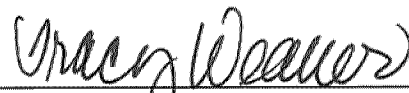
SECTION 8. *Execution.* The Mayor, or presiding officer, is hereby authorized to affix his signature to this Ordinance signifying its adoption by the City Council of the City of El Segundo, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 9. *Effectiveness.* This Ordinance will take effect on the 30th day following its final passage and adoption. It may be enforced commencing on January 1, 2022.


ORDINANCE NO. 1638 HAD ITS FIRST READING ON AUGUST 16, 2022. ITS SECOND READING ON SEPTEMBER 6, 2022 AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AT ITS REGULAR MEETING OF SEPTEMBER 6, 2022.


Drew Boyles, Mayor

ATTEST:


Tracy Weaver, City Clerk

APPROVED AS TO FORM:


Mark D. Hensley, City Attorney

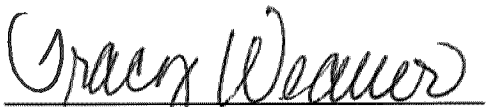
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL SEGUNDO)

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1638 was duly introduced by said City Council at a regular meeting held on the 16th day of August, 2022, and was duly passed, and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 6th day of September, 2022, and the same was so passed and adopted by the following vote:

- AYES: Mayor Boyles, Mayor Pro Tem Pimentel, Council Member Pirsztuk, and Council Member Giroux
- NOES: None
- ABSENT: Council Member Nicol
- ABSTAIN: None

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this 6th day of September, 2022.



Tracy Weaver, City Clerk
of the City of El Segundo,
California