

03-5-13
12-B

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CODE SECTION 8.40.070 TO DEAL WITH LITTER GENERATED BY BUSINESSES THAT ACCUMULATES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, on September 18, 2012, the City Council initiated amendments to the City litter code to address accumulated litter generated by local business in the public right-of-way; and

WHEREAS litter generated by businesses that ends up in the public right-of-way has been a growing issue in the City; and

WHEREAS, overflowing trash receptacles, litter in planted areas, and wrappers, plastic bags, food, and other debris in the public right-of-way have been found to accumulate in areas adjacent to and within close proximity to businesses that distribute or sell these items; and

WHEREAS, the City continues to work with the business community to mitigate these issues by increasing the frequency of trash receptacle pick-ups, placing signs directing the public to responsibly dispose of their litter, removing accumulated litter and communicating with businesses when a significant amount of litter is observed to have accumulated as a result of a businesses operation; and

WHEREAS, after analyzing how other cities have mitigated this issue and looking at the needs of our community, staff came to the conclusion that making the businesses that generate the litter responsible for removing the litter was a fair and balanced approach to the issue; and

WHEREAS, the proposed code amendments are not defined as a project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 21065, therefore the request is not subject to CEQA.; and

WHEREAS, on February 19, 2013, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by City staff; and

NOW, THEREFORE, the City Council of the City of San Clemente, California, hereby ordains as follows:

Section 1: Section 8.40.070 of San Clemente Municipal Code is hereby amended to read in its entirety as follows:

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8.40.070 – Merchants duty to remove litter from the public right-of-way

Merchants are to remove the following litter from the public right-of-way:

- a. Any litter property owners or tenants produce or distribute, located in the public right-of-way within 100 feet of their property.
- b. Commercial property owners or tenants shall remove all accumulated litter that abuts their commercial property. See Section 8.40.020 for a definition of the term "litter."

Section 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

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