

ORDINANCE NO. 2021-1087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 8.20 OF THE YORBA LINDA 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

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

WHEREAS, The City Council desires to amend the City of Yorba Linda Municipal Code so as to be in compliance with the requirements of SB 1383 and 14 CCR, Div. 7, Ch. 12, and

WHEREAS, City staff have analyzed and determined that the amendments to Chapter 8.20 of the Municipal Code is not considered a “project” pursuant to CEQA.

NOW, THEREFORE, the City Council of the City of Yorba Linda 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 8.20 of the Yorba Linda 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: 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 7: 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 8: 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.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this ___ day of _____, 2021.

PEGGY HUANG, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

CITY ATTORNEY

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

I, _____, City Clerk of the City of Yorba Linda, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the ____ day of _____, 2021 and was carried by the following roll call vote:

AYES:
NOES:
ABSENT:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA