



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
June 4, 2014**

TO: Mayor and City Council
FROM: Tim Tucker, City Engineer
Michael Chandler, Sr. Management Analyst
SUBJECT: Single-Use Carryout Bag Ordinance – Public Hearing
DATE: May 28, 2014

RECOMMENDATION:

Staff recommends that after conducting a public hearing, the City Council review and introduce the proposed ordinance prohibiting all retailers and eating establishments from distributing single-use carryout plastic bags to customers.

BACKGROUND:

On November 6, 2013 the Council approved a motion directing staff to complete the required CEQA review and draft an ordinance to ban the distribution of single-use plastic bags.

Most plastic bags do not biodegrade but instead persist in the environment for many years. Rather than breaking down, they slowly break up through abrasion, tearing and photo-degradation into toxic plastic bits that contaminate soil and water, entering the food web where marine and domestic animals inadvertently ingest them.

The City is located adjacent to local creeks and the bay, which is connected to the world’s oceans through its stormwater conveyance system and wind streams. Plastic bag litter from the City also contributes to the problem of causing harm to marine and domestic animal life as well as to recreational activities within these water bodies.

California’s Department of Resources Recycling and Recovery (CalRecycle) estimates that Californians use nearly 20 billion single-use plastic bags per year and discard over 100 plastic bags per second. According to a 2011 CalRecycle report on plastic bag and film recycling collected in California stores, single-use plastic bags were recycled at a three percent rate in 2009. Despite establishing a statewide infrastructure for plastic bag recycling (AB 2449, Levine 2006 Statutes), recycling efforts have failed. AB 2449, which became effective July 1, 2007, requires all large supermarkets and retail stores to make available at-store containers for the collection and recycling of single-use plastic bags, and reusable bags for purchase. The goal was to ‘encourage the use of reusable bags by consumers and retailers and to reduce the consumption of single-use carryout bags.’ Although this requirement may increase the recycling rate of single-use plastic bags (currently at less than five percent), no recycling rate benchmarks were established.

The City, as the owner of the local stormwater collection system, is subject to a countywide regional stormwater permit. This federally mandated permit, identified under the federal National Pollutant Discharge Elimination System (NPDES), is overseen by the California Regional Water Quality Control Board, San Francisco Bay Regional. The Permit requires the City to develop ‘control measures and best management practices’ to reduce litter within the City of Martinez. This Ordinance would help the City further the efforts of this requirement by reducing plastic bag waste in Martinez.

Proposed Ordinance:

Staff participated in a countywide model ordinance committee. The proposed Ordinance has been modified from the model distributed to cities and county staff and closely models the recently approved Walnut Creek ordinance. The ordinance would:

- Prohibit distribution of single-use plastic bags by all retailers (this includes department stores, clothing stores, liquor stores, convenience stores, book stores, drug stores, specialty stores, etc.) and restaurants, take-out food establishments, or any other business that receives 90 percent of its revenue from the sale of prepared food to be eaten on or off premises.
- Exclude non-profit charitable reuser/thrift stores (i.e. Salvation Army or Goodwill).
- Exclude residents receiving WIC and CalFresh food stamps.
- Require retailers to charge a minimum bag fee at a range between 10 cents and 25 cents for each paper bag at the point of sale (checkout), which will be retained by the retailers.
- Require carryout paper bags to contain at least 40 percent post-consumer recycled content.
- Allow exceptions for ‘protective’ plastic and paper bags without handles for meat, fresh produce, dry-cleaned clothes, prepared foods, and prescription medications as well as other items identified in the Ordinance.
- Establish fines for noncompliance.
- Become operative January 1, 2015.

Community Engagement Process:

Staff began coordinating with the Chamber of Commerce and Main Street Martinez to discuss the proposed plastic bag ban soon after the City Council’s direction to complete the CEQA review. As a result of those collaborative meetings, it was determined a phased implementation would be confusing to both merchants and the public. Both business organizations recommended that all businesses affected by the ordinance should be implemented at the same time.

The City Council approved a budget of \$19,000 on February 19, 2014 to support the initial phase of the City’s Plastic Bag Ban outreach effort. This initial phase included the purchase and distribution of high-quality, 100% recycled content reusable plastic bags that are made in the USA and machine washable. Republic Services contributed \$2,000 to the City’s reusable bag order and the City proceeded with an order for over 3,000 of the reusable bags. The reusable bags included a design inspired by a student from the New Leaf Sustainable Living Collaborative on one side and educational information about the reusable bag and its importance on the other. The City has already distributed over 1,300 of these bags through parent “Open House” events at two elementary schools and the Junior High and Recreation special events including Pool Play days at the Rankin Aquatic Center and Oohs, Aahs and Giggles at City Hall.

The initial order of reusable bags will continue to be distributed through City Recreation events this summer. The City will also look to partner with charitable organizations such as the local Food Bank, an organization that could distribute free reusable bags as part of its regular provision of food at the Boys and Girls Club twice per month. Additionally, the California Youth Energy Services (CYES) Program will also distribute bags to 250+ Martinez families during its “Green House Calls” over a six-week period in the second half of June and into July. School registration events at John Swett and Morello Park Elementary schools in August will also provide a good opportunity to distribute several hundred of the bags. The City will also coordinate the purchase of promotional materials to support public and merchant education and outreach efforts, including posters, flyers, and self-adhesive decals reminding the public of the pending bag ban, as well as a second order of reusable bags at a lower price point to continue to provide reusable bags to residents free of charge in advance of the plastic bag ban’s effective date.

Staff held two workshops for business owners and residents on May 28, 2014. The Chamber, Main Street and owners of approximately ten local businesses attended the early morning workshop, and four residents attended the evening workshop. This workshop was very constructive. The business owners brainstormed on how to manage the impacts of the ordinance on their businesses. To some business owners, the ordinance was viewed as an opportunity to sell and make profits on reusable bags. The City will continue dialogue with the Chamber and Main Street on ways the merchants can coordinate to develop specific branding/marketing around the reusable bags as well as make bulk purchases to lower the cost. Lastly, it was recommended that the ordinance not take effect until January 1, 2015 to give retailers a chance to exhaust their current supply of single use plastic bags through the holiday shopping season. Other items discussed were the catalyst for the regulations and the details of the ordinance. The feedback from the residents was positive and some in attendance expressed an interest in attending the public hearing to voice their support for the plastic bag ban.

Many cities and counties in the State of California, including all of Alameda County and the cities of Richmond, El Cerrito, San Pablo, Pittsburg and Walnut Creek within Contra Costa County, have adopted ordinances to reduce plastic bag litter as well as to promote sustainability. Passing this Ordinance would not only decrease blight, but will assist the City’s efforts to reduce one of the more persistent sources of litter. The ordinance encourages a change in behavior for shoppers as well as retailers and restaurateurs. The challenges are outweighed by the benefits of reducing litter and clean-up costs paid by taxpayers, preserving wildlife and protecting human health. Reducing plastic bag litter provides a positive image of a clean and healthy community, enhances the City’s recreational economy and economic development, and improves the quality of life for all residents.

Environmental Review:

The Ordinance is subject to CEQA, Public Resources Code section 21000 et.seq., and the State CEQA Guidelines. Three Categorical Exemptions are appropriate for the City’s Single-Use Bag Ordinance apply. These Categorical Exemptions are 14 CCR Section 15307- Actions by Regulatory Agencies for Protection of Natural Resources, Section 15308—Actions by Regulatory Agencies for Protection of the Environment, and Section 15061(b)(3)—the general exemption for projects where it can be seen with certainty that there is no potential for significant

effect. With the publication of *Save the Plastic Bag Coalition v. County of Marin* (2013) 218 Cal.App.4th 209, there is authority for using categorical exemptions as CEQA compliance for a local plastic bag ordinance. Marin County relied on CEQA Guidelines sections 15307 and 15308.

In *Martinez*, the per-bag charge initiated at 10 cents will minimize waste by creating a disincentive for the use of both plastic and paper bags and inducing the use of reusable bags. In addition, the Ordinance as a whole will promote use of alternative recyclable, compostable, and biodegradable materials. Finally, as noted in the *Marin* case, the “environment would be enhanced without plastic or paper bag waste.” *Id.* at 228.

Staff filed a Notice of Exempt with the County Clerk on May 9, 2014.

FISCAL IMPACT:

The Council previously approved an allocation of \$19,000 to purchase high-quality reusable shopping bags and other promotional materials as part of the initial public outreach campaign. Additional funds will be budgeted in FY 14-15 for more purchases of reusable bags and other promotional materials related to the plastic bag ban. Staff costs are budgeted in both the Clean Water and Waste Reduction programs.

ACTION:

By motion introduce an Ordinance amending the Martinez Municipal Code by deleting Sections 8.18.350 through 8.18.380; and by adding to Title 8, (Health and Safety) Chapter 18.23, Carry-out Bags, Section 8.23.010 through 8.23.070 Prohibiting Retailers and Public Eating Establishments from providing single-use carryout bags to customers, requiring retailers to impose a minimum charges for recycled paper carryout bags, and promoting the use of reusable bags by retail and public eating establishments customers; and finding that the adoption of this Ordinance is exempt pursuant to the California Environmental Quality Act (CEQA), Sections 15307, 15308 and 15061(B)(3).

Attachment:
Ordinance

APPROVED BY:


Interim City Manager

ORDINANCE NO. C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ AMENDING THE MARTINEZ MUNICIPAL CODE BY DELETING SECTIONS 8.18.350 THROUGH 8.18.380; AND BY ADDING TO TITLE 8, (HEALTH AND SAFETY) CHAPTER 8.23, CARRYOUT BAGS, SECTIONS 8.23.010 THROUGH 8.23.070 PROHIBITING RETAILERS AND PUBLIC EATING ESTABLISHMENTS FROM PROVIDING SINGLE USE CARRYOUT BAGS TO CUSTOMERS, REQUIRING RETAILERS TO IMPOSE MINIMUM CHARGES FOR RECYCLED PAPER CARRYOUT BAGS, AND PROMOTING THE USE OF REUSABLE BAGS BY RETAIL AND PUBLIC EATING ESTABLISHMENT CUSTOMERS AND FINDING THAT THE ADOPTION THEREOF IS EXEMPT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), SECTIONS 15307, 15308 AND 15061(B)(3)

WHEREAS, the use of all single use shopping bags (plastic, paper, biodegradable) have severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation; and

WHEREAS, many of these single-use carry out bags are made from plastic or other material that does not readily decompose; and

WHEREAS, approximately nineteen billion (19,000,000,000) single-use plastic bags are used annually in California but less than 5% are recycled; and

WHEREAS, numerous studies have documented the prevalence of single-use carryout bags littering the environment, blocking storm drains and fouling rivers and beaches; and

WHEREAS, the City taxpayers must bear the brunt of clean-up costs; and

WHEREAS, from an overall environmental and economic perspective, the best alternative to single-use plastic and paper carryout bags is a shift to reusable bags; and

WHEREAS, over 90 jurisdictions in California have approved ordinances that impose paper bag fees on the customers requesting these bags and these fees have proven very effective at generating a major shift in consumer behavior toward the use of reusable bags and significantly reducing single use bag consumption; and

WHEREAS, this ordinance requires retail stores that decide to make recycled paper carryout bags available to their customers to pass-through the reasonable cost of providing these bags; and

WHEREAS, the proceeds from the collection of the paper bag pass-through would be retained by the retailer, the City will not receive any revenues from the retailers' collection of the paper bag cost pass-through, and this ordinance does not specify how the retailers must expend the monies collected; and

WHEREAS, customers can avoid this cost pass-through by using reusable bags; and

WHEREAS, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags when shopping at retail establishments and to promote a shift towards the use of reusable bags by City of Martinez consumers; and

WHEREAS, it is the City's desire to lead by example and whenever possible to conserve resources, reduce the amount of solid waste, and to protect the public health and welfare including local wildlife, all of which increase the quality of life for City of Martinez residents and visitors.

The City Council of the City of Martinez does ordain as follows:

SECTION 1. CEQA Findings. The City Council finds that there is no possibility that the adoption and implementation of this Ordinance will have significant effects on the environment, as pursuant to Title 14 California Code of Regulations, Chapter 3, Sections 15307 and 15308, this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) in that the City Council of the City of Martinez, acting as a regulatory agency, is taking actions to protect natural resources (15307) and the environment (15308), the adoption of this ordinance protects natural resources and the environment by reducing the use of single use bags which cause harm to streams, lakes and other water bodies, contribute substantially to greenhouse gas emissions, litter, harm to wildlife, atmospheric acidification, water consumption and solid waste generation. Furthermore, as per Section 15061(b)(3), the project is exempt as it can be seen with certainty that there is no potential for significant effect, in that there are no unusual circumstances surrounding these regulations or the properties to which they would apply which would result in a reasonable possibility that the activity would have a significant effect on the environment. No project is proposed for a site subject to listing in accordance with Section 65962.5 of the California Government Code, located within a flood plain, or a state scenic highway or which could affect an historic resource.

SECTION 2.

Chapter 8.18 of Title 8 of the Martinez Municipal Code is hereby amended by deleting the following sections as follows:

- 8.18.350 Plastic Film Voluntary Phase Out Period.
- 8.18.360 Returnable and Recyclable Plastic Film Shopping and Dry leaning Bags.
- 8.18.370 Plastic Film Reporting Requirements.
- 8.18.380 Plastic Film Packaging Exemptions.

**CHAPTER 8.18
REDUCTION AND RECYCLING**

~~8.18.350 - Plastic Film Voluntary Phase Out Period.~~

~~The City encourages the immediate, voluntary phase out of plastic film shopping and drycleaning bags used at retail establishments within the City, that is neither returnable, nor made with a significant amount of post-consumer recycled material.~~

~~(Ord. 1198 C.S., 1993.)~~

~~8.18.360 - Returnable and Recyclable Plastic Film Shopping and Drycleaning Bags.~~

~~A. On and after January 1, 1995 at least 25% by volume of each retail establishment's shopping and/or drycleaning bags provided to customers shall be returnable or recyclable.~~

~~B. On and after January 1, 1997 at least 50% by volume of each retail establishment's shopping and/or drycleaning bags provided to customers shall be returnable or recyclable.~~

~~(Ord. 1198 C.S., 1993.)~~

~~8.18.370 - Plastic Film Reporting Requirements.~~

~~A. On and after January 1, 1995 all retail establishments providing shopping and/or drycleaning bags to customers shall maintain a written statement from bag suppliers or manufacturers specifying:~~

~~1. The identity of the bag manufacturer.~~

~~2. Whether the bag is returnable.~~

~~3. Whether the bag is recyclable.~~

~~4. The minimum amount of post-consumer recycled material in the bag material.~~

~~The written statement shall be made available to any person upon request.~~

~~B. It shall be unlawful for any bag manufacturer or retail establishment to make any misstatement of material fact to the City Manager or his/her designee regarding the returnable or recyclable nature of the bag material.~~

~~C. A retail establishment shall maintain written records evidencing its compliance with this Chapter.~~

~~D. A retail establishment shall confirm its compliance with this Chapter on its annual business license renewal form.~~

~~E. All statements and documents required by this Chapter shall be made available for inspection by the City Manager or his/her designee.~~

~~(Ord. 1198 C.S., 1993.)~~

~~8.18.380 — Plastic Film Packaging Exemptions.~~

~~The City Manager or designee may exempt plastic film packaging material from the provisions of this Chapter for a 1-year period, renewable annually, upon proper written application and a showing of undue hardship or a showing that no appropriate substitute packaging is available. Such application shall include a list of all packaging suppliers or manufacturers contacted regarding the availability of substitute packaging.~~
~~(Ord. 1198 C.S., 1993.)~~

SECTION 3.

Title 8 of the Martinez Municipal Code is hereby amended to add Chapter 8.23 to read as follows:

CHAPTER 8.23 CARRYOUT BAGS

8.23. Carryout Bags

8.23.010 Definitions.

8.23.020 Plastic Carryout Bags Prohibited.

8.23.030 Permitted Bags.

8.23.040 Regulation of Recycled Paper Carryout Bags for Retail Establishments.

8.23.050 Use of Reusable Bags.

8.23.060 Inspection

8.23.070 Enforcement.

8.23.010. Definitions.

For the purposes of this chapter only, the following words and phrases shall have the meanings defined in this section unless the context clearly requires otherwise:

- a) "Carryout Bag" means any bag, including a Plastic Bag, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food, merchandise, or other goods out of a Retail Establishment or a Public Eating Establishment. Carryout Bags do not include Product Bags or plastic garment bags.
- b) "Customer" means any person purchasing goods from a Retail Establishment or a Public Eating Establishment.
- c) "Inspector" means an individual designated by the City Manager to conduct any inspections required or permitted under this Chapter.
- d) "Operator" means the person in control of, or having the responsibility for, the operation of a Retail Establishment or Public Eating Establishment, which may include, but is not limited to, the owner of a Retail Establishment or a Public Eating Establishment.
- e) "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- f) "Plastic Bag" means any bag made predominantly of plastic derived from either petroleum, ethylene derived from natural gas, or a biologically-based source, such as corn or other plant sources. The term "Plastic Bag" includes compostable and biodegradable bags but does not include Reusable Bags, Recycled Paper Carryout Bags, Produce Bags, or Products Bags.
- g) "Postconsumer Recycled Material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer Recycled Material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

- h) "Prepared Food" means foods or beverages which are prepared on premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed, other than heating. Prepared food does not include any raw, uncooked meat product or fruits or vegetable which are chopped, squeezed or mixed.
- i) "Produce Bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a Retail Establishment or to prevent such food items from coming into direct contact with other purchased items.
- j) "Product Bag" means a bag integrated into the packaging of the product or a bag used (1) to hold prescription medication dispensed from a pharmacy; or (2) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled paper Carryout Bag (examples include small paper bag for greeting cards, paper bags to protect Glass Bottles, plastic bags around ice cream or other wet items, paper bags used to weigh candy, etc.) (3) plastic garment bags.
- k) "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that received 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- l) "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purposes of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- m) "Recycled Paper Carryout Bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) Postconsumer Recycled Material; (3) displays the word "Recyclable" in a highly visible manner on the outside of the bag; and (4) and displays the percentage of Postconsumer Recycled Material used. Recycled Paper Carryout Bags do not include Produce Bags or Product Bags.

- n) "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to a Customer; and is located within or doing business within the geographical limits of the City of Martinez. Retail Establishment does not include Nonprofit Charitable Reuser organization.
- o) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) is machine washable or capable of being cleaning and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 2.25 mils thick.
- p) Nonprofit Charitable Reuser means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

8.23.020 Plastic Carryout Bags Prohibited.

Effective January 1, 2015, no Retail Establishment or Public Eating Establishment shall provide any Carryout Bag to a Customer except as provided in this Chapter.

8.23.030 Permitted Bags.

All Retail Establishments or Public Eating Establishments shall provide or make available to a Customer only Recycled Paper Carryout Bags or Reusable Bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this ordinance. Nothing in this Chapter prohibits Customers from using bags of any type that they bring to the Retail Establishment or Public Eating Establishment themselves or from carrying away goods that are not placed in a bag.

8.23.040 Regulation of Recycled paper Carryout Bags for Retail Establishments.

1. Any Retail Establishment that provides a Recycled Paper Carryout Bag to a Customer must charge the Customer for each bag provided, except as otherwise as exempted in paragraph 4 below.
2. Except as exempted in paragraph 4 below, the minimum charge per recycled paper Carryout Bag will initially be ten cents (\$0.10). The City Manager may increase the minimum charge up to no more than twenty-five cents (\$0.25) if he or she finds the amount should be increased to appropriately disincentivize consumers from electing to use Recycled Paper Carryout Bags. All collected monies will be retained by the Retail Establishment.
3. All Retail Establishments must indicate on the Customer receipt the number of Recycled Paper Carryout Bags provided and the total amount charged for the bags.
4. All Retail Establishments must provide at the point of sale, free of charge, either reusable bags or Recycled Paper Carryout Bags or both, at the Retail Establishment's option, to any Customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or the Supplemental Food Program Pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutional Code, the State Department of Social Security's Food Stamp program, other government-subsidized purchase programs for low income residents.

8.23.050 Use of Reusable Bags.

1. All Retail Establishments must make Reusable Bags available to Customers for purchase. Exemptions will be made for sanctioned reusable bag giveaway events that are intended to promote the use of Reusable Bags not exceeding a total of 90 days in any consecutive 12-month period.
2. Each Retail Establishment is strongly encouraged to educate its staff to promote Reusable Bags and to post signs encouraging Customers to use Reusable Bags.

8.23.060 Inspection.

An Inspector shall have the right to enter any Retail Establishment or Public Eating Establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this Chapter.

8.23.070 Enforcement.

1. The City Manager and Chief of Police or their designees are authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating

violations, issuing citations, and entering the premises of any Retail Establishment or Public Eating Establishment during business hours. Other City staff may assist with this enforcement responsibility by entering the premises of a Retail Establishment or Public Eating Establishment as part of their regular inspection functions and reporting any alleged violations to the City Manager, Chief of Police or his/her designee.

2. If any of those individuals specified above determine that a violation of this Chapter has occurred, he/she will issue a written warning notice to the Operator of the retail Establishment or Public Eating Establishment that a violation has occurred and the potential penalties that will apply for future violations.
3. Any Retail Establishment or Public Eating Establishment that violates or fails to comply with any of the Requirements of the Chapter after a written notice has been issued for a previous violation shall be guilty of an infraction punishable as specified in Title 1 of this Code.

SECTION 4. Severability. It is the intent of the City Council of the City of Martinez to supplement applicable state and federal law and not to contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 5. Effective date. This ordinance shall become effective 30 days after the date of adoption and shall become operative January 1, 2015.

SECTION 6. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the day of _____, 2014, and duly passed and adopted at a Regular Meeting of said City Council held on the day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ
CITY CLERK, CITY OF MARTINEZ