

RESOLUTION 2021-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ENFORCING ORDINANCE 2020-02, THAT ADDED SECTION 28 TO TITLE 5: BANNING THE USE OF CERTAIN PLASTICS AND ESTABLISHING A SUSTAINABLE FOOD SERVICE WARE AND RETAIL BAGS ORDINANCE

WHEREAS, on February 18, 2020, the City Council received its first reading of Ordinance 2020-02, adding Section 28, to Title 5 of the municipal code, banning the use of certain plastics and establishing a sustainable food service ware and retail bag policy, and on March 17, 2020, the second reading was received and the Ordinance became effective April 16, 2020; and

WHEREAS, during its deliberation, the Council agreed that limiting the use of plastics by local businesses will require a transformation of some business practices, and thus established a 60-day grace period to allow this transformation to occur before compliance would be required, and this grace period ended May 16, 2020; and

WHEREAS, also occurring at the February 18, 2020 Council meeting was a re-assurance from staff that an enforcement policy would be brought before the City Council before the end of the May 16, 2020 grace period, for consideration and approval, without specifying the details of this policy; and

WHEREAS, during the current Corona Virus State of Emergency, the City has not taken action to adopt an enforcement policy for Ordinance 2020-02; and

WHEREAS, at its August 18, 2020, City Council meeting, some members of the City Council expressed a need to re-visit this policy and reconsider enforcing it; and

WHEREAS, in response to the current State of Emergency, the City established a Business Forum that meets on Wednesday mornings, and a presentation was made to the business owners Wednesday September 9, 2020, that updated the community about the status of local and regional efforts to reduce the community's reliance on single use plastics, sharing statistics that since the Emergency Declaration, waste production has increased 30%, and reliance on single use plastics increased between 250-300%, but recently, the Center for Disease Control has recognized that the virus is not typically spread by touching surfaces, and the re-usable foodware is preferred if sanitized correctly; and

WHEREAS, Resolution 2020-49 was adopted September 15, 2020, and established that the Ordinance be enforced through the education process implemented by Code Enforcement, reverting to a specific fee schedule if compliance could not be obtained, allowing business owners to come into compliance or submit a request for a one-year extension where if approved, would allow an additional 12-months for a business to comply with a deadline to submit said letters on or before December 31, 2020; and

WHEREAS, only one business owner requested and received a one-year extension, and the impact of the pandemic increased in December and January causing more uncertainty for business owners; and

WHEREAS, in part due to the heightened state of emergency in December and January, the City did not follow through with the direction provided in Resolution 2020-49, and now approximately 30-businesses are not in compliance, and the City Council now needs to reconsider a new recommendation and a new deadline to enforce the policy, and an extension for the one business that did comply; and

WHEREAS, based upon the facts outlined in these recitals as stated above, recognizing that prioritizing health and safety doesn't need to come at a cost to the environment, it is time for the City to consider for a second time, an enforcement policy and implement Ordinance 2020-02.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

SECTION 1. That the above recitals are true and correct.

SECTION 2. The City Council of the City of San Juan Bautista, hereby confirms the need to implement Ordinance 2020-02, that bans the use of Styrofoam, plastic straws, the retail industry's reliance on single use plastic bags, encouraging the use of sustainable food service ware, and hereby establishes a compliance deadline of June 30, 2022 for local businesses and special event participants to comply with Ordinance 2020-02.

SECTION 3. Resolution 2020-49, adopted September 15, 2020 is hereby rescinded and replaced by this Resolution.

SECTION 4. Starting January 2, 2022, failure of a business owner to follow the provisions set forth in Ordinance 2020-02 will result in the issuance of a compliance order (2-7.115), that may ultimately result in the issuance of an Administrative Citation (2-7.120) and be subject to a fine (2-7-150).

PASSED, APPROVED AND ADOPTED this 20th day of April, 2021, by the following roll call vote:


AYES: Jordan, Freels, Freeman, Flores

NOES: Edge

ABSENT: None

ABSTAIN: None

ATTESTED:



Shawna Freels, City Clerk



Leslie Q Jordan, Mayor