

## ORDINANCE 06-9

### OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO REPEALING AND ADDING CHAPTER 8.08 OF THE CITY OF WEST SACRAMENTO MUNICIPAL CODE, RELATING TO REFUSE

The City Council of the city of West Sacramento does ordain as follows:

#### Section 1. Purpose.

The purpose of this ordinance is to repeal in its entirety Chapter 8.08 of the City of West Sacramento Municipal Code relating to Refuse and to add a new Chapter 8.08 relating to Refuse and Recycling.

#### Section 2. Repeals.

Chapter 8.08 of the West Sacramento Municipal Code is hereby repealed.

#### Section 3. Additions.

Chapter 8.08 of the West Sacramento Municipal Code is hereby added to read as follows:

#### **8.08.000 Chapter title.**

This Chapter shall be referred to as the City of West Sacramento Refuse and Recycling Ordinance.

#### **8.08.010 Findings.**

The City Council finds and declares that:

A. Orderly, effective and exclusive removal of refuse, green waste and recyclables from within the city by the city, or its collector, is essential to the health, safety, welfare and environment of the residents of the city in that, among other results, it ensures the regular collection of such wastes in a sanitary manner pursuant to unified procedures.

B In order to meet these goals it is necessary that the City promotes the reduction of solid waste generated and reduces the quantity of solid waste going to landfills.

C. Under California law as embodied in the California Integrated Waste Management Act (California Public Resources Code) Sections 40000 et seq.), the city is required to prepare, adopt and implement source reduction and recycling elements to reach diversion goals, and is required to make substantial reductions in the volume of waste materials going to landfills, under the threat of penalties.

D. Debris from construction and demolition of buildings represents a large portion of the volume of wastes being generated in the city, and that much of said debris is suitable for recycling.

E. The city's commitment to the diversion of waste and to compliance with state law requires the establishment of programs for waste reduction, recycling, and salvaging residential, commercial and construction and demolition materials.

#### **8.08.020 Definitions.**

For purposes of this chapter the following definitions apply:

"Bulky waste" means household furniture, tree and brush limbs larger than two inches in diameter, tree stumps and intact dead trees.

“City” means the city of West Sacramento.

“Collector” means the person under contract with the city to collect refuse, green waste or recyclables.

“Commercial service” means all refuse collection service that is not residential service.

“Construction and/or demolition” means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of “Designated Recyclable and Reusable Materials.”

“Construction and/or demolition debris” means discarded materials generally not considered water soluble, and non hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, wood and lumber from the construction or destruction of a structure as part of a construction, renovation, demolition or landscaping project, and including rocks, soils, tree remains, green waste and bulky waste that normally results from land clearing, landscaping and development operations for a construction and demolition project.

“Construction and Demolition Debris Recycling Plan” means a written plan, on a form prescribed by the City Manager or his designee, and submitted by a project applicant for the purpose of compliance with this chapter, including a goal to achieve a 50% diversion requirement.

“Container” means the cart, bin, box or other receptacle approved by the city.

“Covered project” means and includes any project which consists of one or more of the following:

- A. Demolition of a building or structure.
- B. Demolition of a portion of a building or structure where a demolition permit is required by the building official.
- C. Construction, addition or alteration of a single residential, commercial, industrial, or institutional building or structure of greater than five thousand square feet.; or
- D. Construction of a single residential, commercial, industrial, or institutional building or structure of less than five thousand square feet if more than one such building is being constructed as part of the same development project. Examples include, but are not limited to, single family homes built within a subdivision and multiple structures built on a single parcel of land. “Designated recyclable and reusable materials” means:

A. Masonry building materials, including all products generally used in construction, including, but not limited to, asphalt, concrete, rock, stone and brick.

B. Wood materials, including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.

C. Vegetative materials, including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction and demolition or other use.

D. Metals, including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.

E. Roofing materials, including wood shingles, as well as asphalt, stone- and slate-based roofing material.

F. Salvageable materials includes all salvageable materials and structures, including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

“Drop box” or “Debris box” means a receptacle of size to be classified as a roll-off container.

“Garbage” means and includes, but is not specifically limited to, all animal and vegetable waste matter and household waste that shall have been prepared for or intended to be used as food, or shall have resulted from the preparation of food, and all animal and vegetable waste from places where foodstuffs intended for consumption are handled.

“Green waste” means all tree and plant trimmings, grass cuttings, plants, weeds, leaves, branches, and other similar materials, other than bulky waste or garbage.

“Hazardous waste” means any solid or liquid waste that is defined under Section 40141 of the California Public Resources Code, as amended periodically.

“Inert fill” refers only to rubbish consisting of such materials as dirt, brick, concrete, used asphalt, clay, asbestos or asphalt pipe, or any other material which does not readily break down chemically or biologically when buried.

“Permit holder” means any person issued a permit pursuant to this Chapter, other than the collector, who obtains a permit to collect and/or remove refuse, or an entity holding, or required to hold, a contractor’s license of any type under the laws of the state of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, landscaping or clean-up service relating to buildings or accessory structures in the city of West Sacramento.

“Person” means any person, firm or corporation acting as principal, agent or officer, servant or employee, for himself or any other person, firm or corporation.

“Property owner” means any person(s) owning a lot or parcel within the city. “Public Works and Community Development Department” means the city department, which includes Public Works, the Building Division, the Engineering Division, and the Planning Division. The “Building Division” issues certificates of occupancy.

“Recyclables” means any materials capable of being containerized and placed at curbside for the purpose of being collected and diverted from the landfill, including, but not limited to, magazines, newspapers, office paper, cardboard, chipboard, aluminum, tin and plastic beverage containers and other items that from time to time are classified as eligible for recycling.

“Refuse” means garbage, rubbish, construction and/or demolition debris, or all of these.

“Residential service” means all collection service provided to a single-family dwelling or each unit of a duplex, triplex, fourplex or other multiple-unit dwelling or mobile home receiving individual service.

“Rubbish” means and includes all waste (other than garbage, green waste, bulky waste, and construction/demolition debris), including, without limiting the generality of, the foregoing: rags, sawdust, sweepings, plaster, brick, window glass, cement, crockery, shells, metals, metal products, ashes, and all nonorganic accumulations from garden and/or yard areas, not including construction and/or demolition debris.

“Scavenging” means the uncontrolled or unauthorized removal of refuse and/or recyclables.

“Vectors” means insects or rodents which could act as carriers of infectious material which could cause disease.

**8.08.030 City refuse collection service mandatory—Application required— Exclusive use.**

A. It is unlawful for any person, other than the city, its collector, or franchise permit holder acting pursuant to a permit as provided in this chapter, to collect, remove or carry any refuse through any street or road in the city. Every owner of property at which refuse can be or is accumulated shall apply for the city refuse collection service provided by the city collector(s).

B. Each property owner must submit a separate collection application for each lot or parcel, accept the service required, and pay the proper charge for such service until the property owner notifies the city in writing to discontinue service by reason of vacancy, nonuse of the property, or transfer of ownership to another person.

C. No person, other than the property owner who applied for service, shall deposit refuse into a container for the purpose of receiving service unless that person receives that property owner's consent.

**8.08.040 City recycling service.**

A. No person, other than the property owner who applied for service, shall deposit recyclables into a container for the purpose of receiving service unless that person receives that property owner's consent.

**8.08.050 Unlawful disposal prohibited.**

A. Scavenging is unlawful and is expressly prohibited.

B. Burying or burning of refuse, green waste and/or recyclables is unlawful and is expressly prohibited.

C. It is unlawful for any person to place inert fill in any curbside container without the express permission of the city or franchise permit holder.

D. It is unlawful to have commercial service at residential units on a permanent basis. Temporary commercial service at residential units may be provided if there is compliance with city encroachment and/or franchise permit requirements. No service shall extend past ninety days in any twelve-month period.

**8.08.060 Exceptions to mandatory city refuse collection service.**

Refuse may be collected and removed by persons other than the city's collector or a franchise permit holder only in the following circumstances:

A. A person may dispose of his or her own refuse without obtaining a city franchise permit as long as the refuse has been created on the property of the person and the refuse is being collected and/or removed without charge to any person by the person owning or managing the same property or by a full-time employee of that person who collects and/or removes refuse only as a portion of his or her duties and incidental thereto.

B. A person may collect and/or remove refuse for another person solely as a friendly, neighborly or filial gesture without a city franchise permit as long as the person collecting or removing it receives no compensation or consideration and such collection or removal occurs on a non-regular basis.

C. Green waste, bulky waste, and rubbish may be collected and removed by any person when that person has been hired or contracted solely to cut, trim, mow, or clean up the property on which such green waste, bulky waste, or rubbish has been created and when such collection

and removal is done as part of and incident to such hiring or contracting. This exception does not apply to persons removing construction and/or demolition debris from the site; such persons must obtain a city franchise permit as provided in this chapter, regardless of the type or style of equipment and vehicle(s) used or the collection method employed.

D. Emergency work (demolition, construction, addition, or alteration performed in conjunction with an emergency due to a disaster or other reasonable cause for immediate action) shall not be subject to the provisions of this chapter.

#### **8.08.070 Recycling of debris from covered projects.**

A. Covered projects shall divert at least fifty percent of the construction and/or demolition debris generated from the project except that concrete/asphalt shall be diverted to the maximum amount feasible as determined by administrative policy. All materials shall be diverted from disposal in solid waste landfills by using recycling, reuse, and other diversion programs.

B. No grading, building or demolition permit shall be issued for a covered project until the city has approved a "construction and demolition debris recycling plan" for the covered project. The plan shall be submitted to the Department of Public Works and Community Development, in a format prescribed by the city manager or his designee, as a component of the building or demolition process. The plan shall contain a reasonably accurate estimate of the tonnage or other specified units of debris expected to be generated by the covered project.

C. During the term of the construction or demolition project, the applicant shall recycle or divert the required percentage of materials, in accordance with the construction and demolition debris recycling plan and any procedures established by the city manager or his designee, and keep records thereof, including the weight of the materials diverted.

D. Within sixty days following the completion of the construction and/or demolition project, the applicant shall submit a "recycling report" to the Department of Public Works and Community Development Department, which demonstrates compliance with the requirements of the above section. The report shall be in a format prescribed by the city manager or his designee. The report shall show the amount of materials recycled, supported by written documentation of the records of measurement from recycling companies and organizations, deconstruction contractors, and/or landfill and disposal operators. Receipts and weight tags may be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Department of Public Works and Community Development Department before issuance of a building permit for the construction project. No certificate of occupancy will be issued by the Building Division unless the city manager or his designee determines that the recycling plan has been fulfilled.

E. Any applicant who does not comply with any requirement of this chapter may be assessed an administrative penalty for noncompliance. The amount of the penalty assessed may be up to five thousand dollars for covered demolition projects and up to ten thousand dollars for all other covered projects. The city manager or his designee, upon determining noncompliance with this chapter, shall determine whether a penalty should be assessed. The city manager or his designee shall notify the applicant in writing and shall identify the amount of the penalty assessed, the specific noncompliance reason for which the penalty is being assessed, and inform the applicant that it has a right to a hearing to protest the validity or amount of the assessed penalty.

F. Failure to comply with the requirements of the construction and demolition debris recycling plan may be grounds for issuance of a "stop work" order.

**8.08.080 Permit required.**

A. Persons who do not qualify for an exception to mandatory city refuse collection service pursuant to section 8.08.060, and who are not collectors pursuant to contract with the city, may apply for a franchise permit from the city to collect, remove and/or dispose of refuse within the city so long as they comply with city standards approved by the city manager or his designee and pay the franchise permit fee set by city council. City standards governing franchise permit approval shall be set by administrative policy pursuant to section 8.08.300.

**8.08.090 Recycling encouraged.**

Nothing in this chapter shall limit the right of an individual to donate, sell or otherwise dispose of recyclables, provided that such disposal is in accordance with the provisions of this chapter.

**8.08.100 Proper disposal of refuse and recyclables required.**

A. All refuse, recycling and green waste collected, removed and/or disposed pursuant to this chapter must be removed to a legal point of disposal and must be handled so that none of the material drops, falls or spills upon the ground or in any way constitutes a nuisance.

B. Removal of bulky waste to a legal point of disposal is the responsibility of the property owner

**8.08.110 Containment requirements.**

A. All refuse shall be kept in leakproof containers, covered at all times except when loading or unloading; provided, however, bins, drop boxes or debris boxes may be used for refuse by commercial services in lieu of the above described containers, so long as any garbage is first placed in a plastic bag with a sealed top prior to placement in the container and so long as the container is leakproof and has a perforated cover that is closed at all times, except when loading or unloading. For residential service, all refuse, recyclables and green waste must be placed in containers provided by the city.

B. Each container lid must close tightly over the container, which shall not be overfilled.

C. No hazardous waste shall be deposited into any container provided by the city, and all biomedical waste must be securely encased before depositing into container.

D. The city may adopt standards for the capacity and type of containers and enclosure to be used. In establishing standards, the city shall consider health and safety factors, the nature and extent of the activity conducted on the property, the type of solid waste produced or accumulated, and the location or other physical characteristics of the property.

**8.08.120 Containers—Number.**

In all cases, a sufficient number of containers shall be ordered to contain any and all refuse and/or recyclables and green waste accumulating on the owner's property and shall be kept clean at all times and in a manner and place accessible to the collector so as not to create a public nuisance or to cause the breeding of vectors.

**8.08.130 Collection frequency.**

Refuse, recyclables and/or green waste shall be collected as directed by the city council, but no less frequently than once each week from containers serviced by automated front- or side-loader equipment.

**8.08.140 Service location.**

A. All containers for refuse, recyclables and green waste from residential units shall be placed at the curb for collection before six o'clock a.m. on collection days, but not earlier than twelve o'clock noon the day preceding the collection day.

B. The container(s) shall not be placed on the sidewalk or obstruct the right-of-way, traffic, driveways, drainage, or fire hydrants, shall not impede access by service personnel, and shall be placed at least three feet from parked vehicles.

C. Containers shall be returned to a location such that they will not be a public nuisance or in any degree offensive as soon as possible after collection, but no later than twenty-four hours after the time of collection.

D. For all service, all containers for refuse, recyclables and green waste shall be placed in a public location accessible to the city or its collector.

E. The city retains the discretion to decide whether to enter onto private streets or easements for the purpose of collection of refuse, recyclables and green waste. No refuse, recyclables and green waste collection shall be provided on private roads unless those roads are designed to safely accommodate the weight and turning radius of service vehicles. The city may require that the property owner enter into a private road agreement with the city as a condition to providing service.

**8.08.150 Rates—Charges—Adjustments.**

A. For the services of collecting and disposing of refuse, recyclables and green waste, each person or owner of each place upon which refuse, recyclables and green waste accumulates, and for whom collection service shall be provided by the city or its collector, shall be charged and shall pay the applicable rates set forth.

B. Annually, effective January 1, 2006, of each year beginning January 1, 2006, fees and charges shall be adjusted based on seventy-five percent of the annual net percentage change in the Consumer Price Index (CPI) for all urban consumers of the San Francisco-Oakland Area, as prepared and released by the United States Department of Labor, Bureau of Labor Statistics, from the base index of 611.9 (1967 = 100) as of June 2004.

C. Service rates may also be adjusted once annually on January 1 of each year, commencing January 1, 2006, to recover any annual increases in diesel fuel and landfill disposal costs, only to the extent necessary to recover actual annual cost increases in excess of the CPI adjustment (pass-through costs).

1. The diesel fuel adjustment will be equal to the annual net percentage change in the Producer Price Index for diesel fuel (Code 0573 03) as prepared and released by the United States Department of Labor, Bureau of Labor Statistics, from the base index of 335.1 (1973 = 100) as of October 1986.

2. The landfill disposal costs adjustment will be equal to the annual net percentage change in the disposal rate at Yolo County landfill from base per ton rate of thirty-six dollars as of October 2004.

D. There shall be an extra fee assessed for return collection service to pick up refuse, recyclables and green waste that were not placed out in time for regular service.

E. There shall be an extra fee assessed for special collection service to pick up refuse that is beyond the regular collection service provided.

**8.08.160 Combined billing.**

Rates and charges for refuse, recyclables and green waste services may be billed on the same bill and collected together with rates and charges for other city services. Whenever rates and charges for refuse, recyclables and green waste services are billed together with rates and charges for other city services, the city may discontinue any or all the services for which the billing is rendered, in the manner hereinafter provided, if all or any part of such billing is not paid.

**8.08.170 Billing period.**

The city shall issue bills for residential, commercial and all other forms of service rendered pursuant to this chapter at least every sixty days. The city may issue bills every thirty days for service rendered. In switching from one billing period to another billing period, the city may issue bills for a service period longer than thirty, but less than sixty days. Each bill shall specify the dates of the service period.

**8.08.180 Direct billing—Liability.**

A. The city shall bill the property owner directly for all service provided to the owner's property.

B. The property owner shall be liable for payment of all city charges regardless of whether the bill is sent to the owner's personal business or residential address or to the address of the owner's property to which the service was supplied.

**8.08.190 Date due, delinquent.**

The city's bill for service rendered is due and payable when received. Each bill shall specify the date it is issued. A bill shall be delinquent if the city does not receive payment for the entire amount of the bill on the later of:

- A. The last day of the service period specified on the bill; or
- B. Twenty-seven days after the date the bill is issued by the city.

**8.08.200 Delinquencies—Penalty.**

A. A one-time basic penalty of ten percent of the rate for one month shall be added to each delinquent bill for the first month the bill is delinquent.

B. After assessing the basic penalty provided in subsection A of this section, thereafter an additional penalty of one-half percent per month for two months and thereafter one and one-half percent per month shall be added to all delinquent charges and basic penalties remaining unpaid, until the city council requests the city finance director to include the amount of all delinquencies on the bills for taxes levied against the appropriate premises as set forth in Section 8.08.180.

C. Basic penalty and additional penalty may be reduced in accordance with criteria authorized by the City Council.

**8.08.210 Delinquency—Payment/partial payment.**

Moneys paid where any portion of an account is delinquent shall first be credited to the delinquent portion of the bill and then to the current billing.



**8.08.220 Delinquency—Liens.**

Delinquent charges remaining unpaid may be recorded as a lien with the county and, after recordation, shall constitute a lien upon all real property owned or thereafter acquired by the property owner in the county. The city shall include a statement to this effect on its bills to each property owner. The city may from time to time compile lists of such delinquent charges, and record them with the county recorder as liens.

**8.08.230 Delinquency—Collection with taxes.**

All rates, charges, penalties and interest that remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the city for the forthcoming fiscal year as follows:

A. The city shall prepare a written report, which shall be filed by the city clerk. The report shall describe each parcel of real property for which there are any delinquencies in any rates or charges for services rendered to each parcel during the preceding year, and the amount of the delinquency. The report of delinquent refuse charges may be combined with the report of any other delinquent charges, as long as the report identifies the delinquent charges for each service for each parcel.

B. The city clerk shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The city clerk shall also mail written notice of the report's filing to each property owner whose property or parcel is identified as being subject to delinquent charges, setting forth individually each property, and each of the services and charges due for that property.

C. At the time stated in the notice, the city council shall hear and consider all objections or protests, if any, to the report concerning the delinquencies. Thereafter, the city council may adopt, revise, change, reduce or modify any delinquency or overrule any or all objections thereto. The city council shall then make its determination on each delinquency identified in the report; the city council's determination shall be final.

D. Following the city council's hearing, on or before August 10th of each year, the city clerk shall file with the finance director a copy of the report, signed by the city clerk, stating the city council has adopted the report. The city clerk shall request the finance director to include the amount of delinquencies on the bills for taxes levied against the properties identified in the report.

**8.08.240 Billing adjustments.**

The city manager may adjust or grant a rebate from the rates or fees provided in this chapter in the event of a dispute relating to a charge to a customer; provided, however, that all parties affected shall have a right to appeal the city manager's determination to the city council within seven days after receipt of the city manager's written decision. The decision of the city council thereon shall be final and binding on all parties.

**8.08.250 Default—Recovery of costs.**

A. In the event that any property owner fails to make any payment provided for in this chapter, the property owner and subject property shall be deemed to be in default, and the city may declare the balance, or any remaining balance, due and payable.

B. In the event the city is required to bring legal action to enforce any provision of this chapter, including but not limited to the collection of delinquent fees, penalties or other charges, the city shall be entitled to recover its reasonable attorney's fees, interest, court costs and other costs incurred by the city to bring such action.

**8.08.260 Payment for regular collection.**

Collection and/or removal of refuse by other than the collector does not relieve a person of the responsibility to pay for regular collection by the collector.

**8.08.270 Discontinuance, restoration of service.**

As an alternative method of enforcing the provisions of this chapter or of any other city ordinance, rule or regulation, the city shall have the authority to discontinue service to property in the following manner:

A. At least ten days before the proposed discontinuance, the city shall provide written notice to the customer and the property owner, if other than the customer, of the city's intent to discontinue service and the procedure for, and the availability of, an opportunity to discuss the reasons for the proposed discontinuance of service.

B. Before discontinuing service, the customer or property owner shall have the opportunity to discuss the reason for the proposed discontinuance with an employee designated by the city manager who shall be empowered to review disputed bills, rectify any errors and settle controversies pertaining to the discontinuance of service.

C. When service has been discontinued as provided in this section, the customer or property owner shall pay all unpaid charges, including penalties and interest, plus all city expenses and charges for the discontinuance and restoration of service, prior to the restoration of the discontinued service.

D. No service shall be discontinued on any Saturday, Sunday, legal holiday or at any time during which the city's offices are not open to the public.

**8.08.280 Remedies deemed cumulative.**

All remedies set forth in this chapter for the collection and enforcement of charges, rates and penalties are cumulative and may be pursued alternatively or consecutively.

**8.08.290 Standards for containers and for vehicles collecting and/or removing refuse.**

Every vehicle that the city, its collector, or franchise permit holder uses to collect and/or dispose of refuse in the city shall:

- A. Be kept clean on the inside, and clean and well-painted on the outside;
- B. Be in good repair, free of dents or other damage and in compliance with all safety standards;
- C. Have a bed sufficiently tight so as not to leak and have proper covers so that the refuse shall not be offensive;
- D. Have a sign on each side of such vehicle with appropriate words in letters not less than four inches in height indicating such vehicle is engaged in the work of sanitary service. The refuse shall be loaded so that none of it shall fall, drop or spill upon the ground; and
- E. Have a sign on each container clearly marked with the name, address and phone number of the business.

**8.08.300 Promulgation of regulations.**

The city manager or his designee is authorized to promulgate and establish administrative rules and regulations not in conflict with this chapter and which are deemed necessary to provide the most efficient administration of this chapter.

**8.08.310 Violation—Misdemeanor—Administrative Penalties—Appeal—Remedies cumulative.**

A. A violation of any provision of this chapter is a misdemeanor, punishable by a fine not to exceed five hundred dollars or by imprisonment in the county jail not to exceed six months, or both. Each and every day, or part of a day, a violation of this chapter continues shall be deemed a separate offense under this chapter and shall be punishable as such.

B. Any person who violates any requirement of this chapter also may be assessed an administrative penalty up to five hundred dollars. The city manager or his/her designee shall verify that noncompliance has occurred, contact the person to request compliance, and if that is unsuccessful, notify the person of the assessed penalty. The notice of violation shall be in writing and shall identify the amount of the penalty assessed, the nature of the violation, a deadline for compliance, and the right to an appeal hearing to protest the validity of the notice and/or the amount of the assessed penalty. The notice shall be considered a final appealable decision.

C. Appeals from a notice of violation shall be filed and conducted according to the procedures in Chapter 1.08 entitled "Appeal and Hearing Procedure."

D. Nothing in this chapter precludes the use of any other type of enforcement if administrative fines are imposed under this section.

Section 4. Severability.

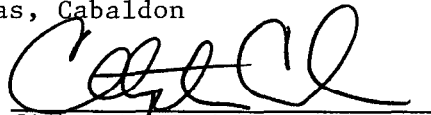
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Effective Date and Notice.

This ordinance shall take effect thirty days after its adoption, and within fifteen days after its passage shall be published at least once in a newspaper of general circulation published and circulated within the city of West Sacramento.

**PASSED AND ADOPTED** by the City Council of the city of West Sacramento this 15th day of March 2006, by the following vote:

AYES: Beers, Kristoff, Pierson, Villegas, Cabaldon  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
Christopher L. Cabaldon, Mayor

ATTEST: None

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kryss Rankin, City Clerk

  
\_\_\_\_\_  
for Robert E. Murphy, City Attorney

CODIFY