

City of Laguna Beach

Consent

AGENDA BILL

8

No. _____

Meeting Date: 06/15/2021

SUBJECT: AN ORDINANCE OF THE CITY OF LAGUNA BEACH RELATING TO THE NEIGHBORHOOD AND ENVIRONMENTAL PROTECTION PLAN

SUMMARY OF THE MATTER

On May 18, 2021, the City Council introduced, on first reading, a proposed Ordinance relating to the Neighborhood and Environmental Protection Plan, which contains a series of amendments to the Laguna Beach Municipal Code. At the time of the introduction and first reading of the Ordinance, the City Council made some minor modifications to include prohibiting the sale, use and distribution of plastic takeout bags, including sleeves. A redlined version of the Ordinance is attached (Attachment 1) to this Agenda Bill that highlights the modifications as directed by the City Council.

The vote at the first reading of the proposed Ordinance was:

AYES: 5 COUNCILMEMBERS: Blake, Iseman, Weiss, Kempf, Whalen

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

Unless directed otherwise by any a member of the City Council, the vote at the second reading will reflect the same vote as at the first reading. If a Councilmember is not present at the second reading/adoption, the vote will be reflected as absent.

(Continued)

RECOMMENDATION:

See Page 2

Appropriations Requested: \$ _____

Submitted By: 
Jeremy Frimond, Sr. Admin. Analyst

Fund: _____

Coordinated with: City Attorney

Attachments: 1) N&EPP Ordinance (pgs. 3-16)

Approved: 
Shohreh Dupuis, City Manager

Neighborhood and Environmental Protection Plan Ordinance

June 15, 2021

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RECOMMENDATION

It is recommended that the City Council adopt the ordinance entitled, "AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADOPTING A NEIGHBORHOOD AND ENVIRONMENTAL PROTECTION PLAN BY (1) RETITLING AND AMENDING CHAPTER 7.05 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO DISPOSABLE FOOD SERVICE WARE; (2) AMENDING SECTION 6.22.070 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO THE PROHIBITION OF FEEDING OF CERTAIN WILDLIFE; (3) AMENDING SECTION 18.04.020 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO CANOPIES, AWNINGS, UMBRELLAS, TENTS AND OTHER COVERS ON CITY BEACHES; (4) ADDING SECTION 18.04.110 TO THE LAGUNA BEACH MUNICIPAL CODE RELATING TO THE PLACEMENT AND STORAGE OF BICYCLES ON MAIN BEACH, THE MAIN BEACH BOARDWALK AND HEISLER PARK; (5) ADDING CHAPTER 8.32 TO THE LAGUNA BEACH MUNICIPAL CODE, AND REPEALING CHAPTER 3.16 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO THE REGULATION OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNCLAIMED PROPERTY; AND (6) AMENDING SECTION 18.05.010 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO CLOSING TIMES FOR NON-COASTAL CITY PARKS" by approving a motion to waive further reading and adopt the Ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADOPTING A NEIGHBORHOOD AND ENVIRONMENTAL PROTECTION PLAN BY (1) RETITLING AND AMENDING CHAPTER 7.05 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO DISPOSABLE FOOD SERVICE WARE; (2) AMENDING SECTION 6.22.070 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO THE PROHIBITION OF FEEDING OF CERTAIN WILDLIFE; (3) AMENDING SECTION 18.04.020 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO CANOPIES, AWNINGS, UMBRELLAS, TENTS AND OTHER COVERS ON CITY BEACHES; (4) ADDING SECTION 18.04.110 TO THE LAGUNA BEACH MUNICIPAL CODE RELATING TO THE PLACEMENT AND STORAGE OF BICYCLES ON MAIN BEACH, THE MAIN BEACH BOARDWALK AND HEISLER PARK; (5) ADDING CHAPTER 8.32 TO THE LAGUNA BEACH MUNICIPAL CODE, AND REPEALING CHAPTER 3.16 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO THE REGULATION OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNCLAIMED PROPERTY; AND (6) AMENDING SECTION 18.05.010 OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO CLOSING TIMES FOR NON-COASTAL CITY PARKS

WHEREAS, the City Council has conducted a legally noticed public meeting and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Chapter 7.05 of the Laguna Beach Municipal Code is hereby retitled and amended to read in its entirety as follows:

CHAPTER 7.05

DISPOSABLE FOOD SERVICE WARE

Sections:

7.05.010	Definitions
7.05.020	Food packaging and sales prohibitions for disposable food service ware
7.05.030	Sale, use and distribution prohibition of plastic beverage straws, stirrers, cutlery, and disposable food service ware, <u>or plastic bags</u>
7.05.040	Prohibition of plastic and polystyrene foam disposable food service ware on city beaches, parks, and trails
7.05.050	Exceptions

7.05.060 Enforcement and notice of violations

7.05.010 Definitions.

“Beverage provider” means any business, organization, entity, group, or individual located in the City of Laguna Beach that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

“City facilities” means any building, structure or vehicle owned, leased or operated by the city, its agents, agencies, departments and franchisees.

“Customer” means any person obtaining prepared food or beverages from a restaurant or retail food vendor.

“Disposable food service ware” means all single-use disposable products for serving or transporting prepared food or beverages, including without limitation takeout foods and/or leftovers from partially consumed meals prepared by a restaurant or food vendor. Disposable food service ware includes containers, bowls, plates, trays, cartons, ice chests, lids, straws, forks, spoons, knives, and other items and utensils.

“Distribute” means the sale, offer for sale, or other transfer of possession of an item for compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of possession of another item for compensation.

“Food vendor” means any restaurant or retail food vendor located or operating within the city, including any sidewalk vendor that sells food.

“Nonrecyclable plastic” refers to any plastic that cannot be feasibly recycled by a municipal recycling program in the state of California, including polystyrene and expanded polystyrene.

“Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.

“Plastic beverage straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. “Plastic beverage straw” includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

“Plastic cutlery” means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, intended for only one-time use., and includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

“Plastic stirrer” means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. “Plastic stirrer” includes compostable and biodegradable petroleum or biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded forms (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, without limitation, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, and ice chests.

“Prepared food” means food or beverages served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the food vendor’s premises or within the city. Prepared food may be eaten either on or near the premises, also known as “takeout food.”

“Recyclable food packaging” means any food packaging including glass, cans, cardboard, paper, or other items which can be recycled, salvaged, composted, processed, or marketed by means other than land filling or burning, whether as fuel or otherwise so that they can be returned to use by society.

“Restaurant” means any establishment located within the city that sells prepared food for consumption on, near or off its premises by customers. Restaurants for purposes of this chapter includes itinerant restaurants, pushcarts and vehicular food vendors as those terms are defined in Chapter 7.04.

“Retail food vendor” means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, other than a restaurant, located within the city that sells prepared food.

7.05.020 Food packaging and sales prohibitions for disposable food service ware.

(A) Retail food vendors are prohibited from dispensing prepared food or beverages to customers in disposable food service ware made from expanded polystyrene foam or nonrecyclable plastic.

(B) Retail food vendors are prohibited from retail sales of expanded polystyrene foam or nonrecyclable plastic products used as disposable food service ware.

(C) All city facilities, city-managed concessions, city-sponsored events, city-permitted events and all franchisees, contractors and vendors doing business with the city are prohibited from using disposable food service ware made from expanded polystyrene or non-recyclable plastic within the city.

(D) The prohibitions set forth in this section shall not apply to containers, plates or trays for raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.

7.05.030 Sale, use and distribution prohibition of plastic beverage straws, stirrers, cutlery, ~~or~~ disposable food service ware, or plastic takeout bags.

(A) No restaurant, including fast food restaurants, beverage provider, or vendor shall use, provide, distribute, or sell plastic or polystyrene beverage straws, plastic or polystyrene stirrers, plastic or polystyrene cutlery, ~~or plastic or polystyrene~~ disposable food service ware, or plastic takeout bags, including sleeves.

(B) Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, or vendors from using or making non-plastic alternatives, such as those made from paper, sugar cane, or bamboo, available to customers. Non-plastic alternative straws, stirrers, or cutlery shall only be provided upon request by the customer.

(C) No person shall distribute plastic beverage straws, plastic stirrers, ~~or~~ plastic cutlery, or plastic bags at any city facility or any city-sponsored event.

7.05.040 Prohibition of plastic and polystyrene foam disposable food service ware on City beaches, parks, and trails.

It is prohibited for any person to bring, use, or distribute plastic or polystyrene foam disposable food ware on city beaches, parks, and trails.

7.05.050 Exceptions.

(A) The city manager or his or her designee may exempt a food vendor or retail food vendor from the requirements of this chapter for a one-year period, upon a showing by the applicant that the conditions of this chapter would cause undue hardship. An "undue hardship" may consist of:

(1) Situations unique to the food provider where there are no reasonable alternatives to compliance with this chapter would cause a severe economic hardship to that food provider; or

(2) Situations where no reasonably feasible available alternative exists to a specific and necessary expanded polystyrene or nonrecyclable plastic.

(B) A food provider granted an exemption must reapply prior to the end of the one-year exemption period and demonstrate continued undue hardship, if it wishes to have the exemption extended. Extensions may only be granted for intervals not to exceed one year.

(C) An exemption application shall include all information necessary for the making of a decision on the application, including, not limited to documentation showing

the factual support for the claimed exemption. The applicant may be required to provide additional information to permit the determination of facts regarding the exemption application.

(D) An exemption application may be approved in whole or in part, with or without conditions.

(E) The city manager or his or her designee may also determine to exempt from the requirements of this chapter the procurement of supplies or services in the event of a proclaimed emergency or when otherwise deemed necessary by the city manager for the immediate preservation of the public health, safety or general welfare.

7.05.060 Enforcement and notice of violations.

(A) The city manager or his or her designee shall have primary responsibility for enforcement of this chapter and shall have authority to issue citations for violation of this chapter. The city manager or his/her designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this chapter or to obtain compliance with this chapter, including, without limitation inspection of any vendor's premises to verify compliance in accordance with applicable law.

(B) Anyone violating or failing to comply with any of the requirements of this chapter or of any regulation or administrative procedure authorized by it shall be guilty of an infraction.

(C) The city attorney may seek legal, injunctive, or any other relief to enforce this chapter and any regulation or administrative procedure authorized hereby.

(D) The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

(E) Administrative Remedies.

(1) For the first violation, the city manager or his or her designee, upon determination that a violation of this chapter has occurred, shall issue a written warning notice in the form of a courtesy citation to the food provider that will specify the violations and the appropriate penalties in the event of future violation.

(2) A fine not exceeding one hundred dollars for the first violation following the issuance of a warning notice.

(3) A fine not exceeding two hundred dollars for the second violation following the issuance of a warning notice.

(4) A fine not exceeding five hundred dollars for the third and any subsequent violation that occurs following the issuance of a warning notice.

(5) Fines are cumulative and each day that a violation occurs shall constitute a separate violation.

SECTION 2. Section 6.22.070 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

6.22.070 Prohibiting of feeding certain wildlife.

(a) It shall be unlawful for any person to feed or in any manner provide food for nondomesticated mammalian predators such as coyotes (*Canis Latrans*). This section shall also include a ban on feeding or providing food to raccoons, foxes, skunks, opossums, and squirrels.

(b) It shall be unlawful for any person to feed or in any manner provide food for any bird species within City parks.

(c) Exceptions:

(1) An owner in legal possession of a nondomesticated animal that is kept under a valid permit issued by the City pursuant to Section 6.22.010 of this code.

(2) When a person provides food and water to a trapped, injured or unweaned nondomesticated animal during the time animal services is notified and the animal has been picked up.

SECTION 3. Section 18.04.020 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

18.04.020 Canopies, awnings, umbrellas, tents and other covers.

(a) No person shall install, erect or maintain any canopy, awning, umbrella, tent or cover over six feet in height or wider than six feet square on or in any public beach, park, street, alley or passageway. Any canopy, awning, umbrella, tent or cover installed, erected or maintained on or in any public beach, park, street, alley or passageway shall have no more than one side closed to public view.

(b) The shade covering or group of shade coverings shall not interfere with a lifeguard's ability to see the water or adjacent lifeguard towers and any shade covering or group of shade coverings shall be relocated at the request of a lifeguard, law enforcement officer, or other authorized personnel.

(c) The shade covering or group of shade coverings shall not obstruct any emergency or public access or be located within twenty (20) feet of any emergency or public access.

(d) To allow for reasonable ingress and egress on any beach, shade coverings or groups of shade coverings, configured to comply with the maximum size restriction, shall maintain a separation of at least five (5) feet from other shade coverings or groups of shade coverings.

SECTION 4. Section 18.04.110 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

18.04.110 Bicycle storage prohibited.

(a) No person shall place or store any bicycles, whether motorized or not, on any portion of Main Beach, the Main Beach Boardwalk, or Heisler Park, except in City-designated storage locations.

(b) For purposes of this section, “store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or to leave in a location.

SECTION 5. Chapter 8.32 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

CHAPTER 8.32

PERSONAL PROPERTY IN PUBLIC AREAS AND UNCLAIMED PROPERTY

Sections:

8.32.010	Purpose and intent
8.32.020	Definitions
8.32.030	Prohibition of storage of personal property in public areas
8.32.040	Chief of Police to receive stored personal property
8.32.050	Notice prior to impoundment
8.32.060	Notice upon impoundment
8.32.070	Holding and disposal of stored personal property
8.32.080	Owner may claim personal property
8.32.090	Unclaimed personal property to be used by City or sold at auction – Notice
8.32.100	Conduct of auction
8.32.110	Proceeds to be deposited in general fund
8.32.120	Unsalable and unusable personal property
8.32.130	Dangerous or perishable personal property; evidence
8.32.140	Provisions not applicable
8.32.150	Violations, penalties and enforcement

8.32.010 Purpose and intent.

The public parks, public streets and alleys, public beaches, public parking lots, public rights-of-way, parkways, public sidewalks, recreational areas and other publicly-owned or controlled property within the City should be readily accessible and available to residents, businesses and the public at large for their intended purposes. The use of these public areas for the storage of personal property interferes with the rights of others to use and enjoy these public areas as they are intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. The purpose of this Chapter is to maintain these public areas within the City in a clean, sanitary, safe and accessible condition, to adequately protect the health, safety,

environment and general welfare of the community, and to ensure that these public areas are used for their intended purposes and remain accessible to all citizens, businesses and visitors in the City. Further, this Chapter is designed to provide a reasonable process for notification and disposition of unclaimed property that comes into the possession of the City. Nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public property.

8.32.020 Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this Chapter.

(a) "Abandoned personal property" means personal property to which the owner surrenders, relinquishes or disclaims all right, title, claim and possession, with intention of not reclaiming it or resuming its ownership, possession or enjoyment. Indicia of abandoned personal property shall include, but not be limited to, the act of leaving the personal property in a public area so that it may be appropriated by the next comer.

(b) "Alley" shall have the meaning set forth in Section 110 of the California Vehicle Code.

(c) "Chief of Police" means the Chief of Police of the City of Laguna Beach, or his/her designee.

(d) "City Clerk" means the City Clerk of the City of Laguna Beach, or his/her designee.

(e) "City Manager" means the City Manager of the City of Laguna Beach, and shall include his/her designee.

(f) "Community Development Director" means the Community Development Director of the City of Laguna Beach, or his/her designee.

(h) "Police Department" means the Laguna Beach Police Department.

(i) "Public area" means a public place, including, but not limited to, any public streets, alleys, public parking lots, public parks, public beaches, public rights-of-way, parkways, public sidewalks, recreational areas or other publicly-owned or controlled property.

(j) "Personal property" means tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, sleeping bags, beds, umbrellas, money, books, and shopping carts or carts. Personal property excludes trash or refuse.

(k) "Store", "stored" or "storage" means to put aside personal property in a public area or accumulate it for use when needed; to place personal property in a public area for safekeeping; and/or to leave personal property unattended in a public area.

(l) "Street" shall have the meaning set forth in Section 590 of the California Vehicle Code.

(m) "Umbrellas or sun shades" means any canopy or cover that is open on all sides, consists of pliable tent-like material such as canvas, nylon or other synthetic fabric, and that is held aloft by one or more supporting metal, plastic or wooden poles.

(n) "Unclaimed personal property" means personal property that has been turned in to the Police Department and that has not been claimed within a period of ninety (90) days by its owner.

8.32.030 Prohibition of storage of personal property in public areas.

(a) It shall be unlawful and a public nuisance for any person to store personal property in any public area, except as otherwise approved in writing by the Chief of Police, the Community Development Director or by resolution of the City Council. Personal property stored in public areas in violation of this section shall be impounded pursuant to the provisions of this Chapter.

(b) Any personal property left in any park or beach at the time it is closed to the public, whether or not the personal property is unattended, shall be immediately impounded, pursuant to the provisions of this Chapter.

8.32.040 Chief of Police to receive stored personal property.

The Chief of Police is authorized to impound personal property pursuant to the provisions of this Chapter, and shall make provisions for the receipt and safekeeping of personal property coming into his or her possession pursuant to this Chapter. A receipt shall be issued to the person delivering such personal property, unless the personal property was found in the course of employment by an employee of the City. The Chief of Police shall notify the owner of the personal property if his or her identity is reasonably ascertainable, or, if the identity of the owner is not reasonably ascertainable, cause a notice to be left in a prominent place on or near the location of the personal property for any personal property impounded pursuant to this Chapter, advising that the Chief of Police is in possession of the personal property and the location where it may be claimed.

8.32.050 Notice prior to impoundment.

(a) Stored personal property may be impounded without notice if there is a reasonable belief that it is abandoned, presents an immediate threat to public health or safety, is evidence of a crime, is evidence in a criminal investigation, or is contraband.

(b) The City may erect signs in public areas stating that any personal property stored in those areas will be impounded. Those signs shall serve to provide the notice required by this section.

(c) If neither subsection (a) nor subsection (b) apply, personal property unlawfully stored in public areas shall be impounded only after a notice is left at or near the location of the personal property advising that the personal property will be impounded if it is not removed. This notice will specify a time when the personal property will be impounded if it is not removed, which shall be at least twenty-four (24) hours after the notice is left.

8.32.060 Notice upon impoundment.

If, after any notice required by Section 8.32.050 is given, personal property remains unlawfully stored in a public area, that personal property may be impounded. The person impounding the personal property shall leave a notice in a conspicuous place at or near where the personal property was located prior to being impounded, advising where the personal property is being kept and when and where it may be claimed by its owner.

8.32.070 Holding and disposal of stored personal property.

Personal property coming into possession of the Chief of Police pursuant to this Chapter shall be deposited in a safe place for a period of at least ninety (90) days. If the personal property consists of money, it shall be deposited with the City's Director of Finance for a period of not less than ninety (90) days, unless sooner claimed by its owner. In the event the personal property or money is not claimed within ninety (90) days, it shall be deemed to be unclaimed personal property, subject to disposition as provided in this Chapter.

8.32.080 Owner may claim personal property.

During the time that any personal property is held by the City, it may be delivered or paid to its owner as follows:

(a) The personal property shall be delivered upon proof of ownership satisfactory to the Chief of Police after ten (10) days' notice by mail to any other person(s) who have asserted a claim of ownership at any address given by such person(s). The City may require payment of a reasonable charge to defray costs of storage and care of the property.

(b) If the personal property consists of money, it shall be paid to the owner upon written order from the Chief of Police to the Director of Finance. The Chief of Police shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of personal property.

(c) If ownership cannot be determined to the satisfaction of the Chief of Police, he or she may refuse to deliver the personal property or refuse to order the

payment of such money to anyone until ordered to do so by a court of competent jurisdiction.

8.32.090 Unclaimed personal property to be used by City or sold at auction – Notice

(a) Upon expiration of the ninety-day period, any personal property received by the City, and not delivered to the owner may be appropriated to the use of the City of Laguna Beach upon order of the City Manager on his or her finding that the personal property is needed for a public use, and any personal property not appropriated to City use may be sold at public auction to the highest bidder.

(b) All unclaimed money received by the Chief of Police, and not delivered to the owner during the ninety-day period, shall thereafter be deposited in the general fund.

(c) Notice of the public auction of such personal property shall be given by the City Clerk at the direction of the Chief of Police at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation.

8.32.100 Conduct of auction.

An auction for the sale of unclaimed personal property shall be conducted by the City Manager.

8.32.110 Proceeds to be deposited in general fund.

After any auction for unclaimed personal property is completed, the proceeds of the auction shall be delivered to the Director of Finance for deposit in the general fund.

8.32.120 Unsalable and unusable personal property.

Any personal property advertised and offered for sale but not sold and not suitable for appropriation to the use of the City shall be deemed to be of no value and shall be disposed of in such manner as the City Manager deems appropriate.

8.32.130 Dangerous or perishable personal property; evidence.

Subject to the provisions of this Chapter, any personal property coming into the possession of the Chief of Police may be disposed of immediately and without notice, in a manner that the Chief of Police determines to be in the public interest, when such personal property is perishable, contraband, evidence of a crime, evidence in a criminal investigation, or constitutes an immediate threat to the public health or safety.

8.32.140 Provisions not applicable.

(a) The provisions of this Chapter shall not apply to real or personal property or money subject to confiscation pursuant to state or federal law, to personal property that

constitutes evidence of a crime, evidence in an ongoing criminal investigation and/or civil proceeding pursuant to state or federal law.

(b) The provisions of this Chapter shall not apply to abandoned personal property, which shall be disposed of forthwith.

(c) Shopping carts or carts shall be subject to release to the owners and operators of businesses which provide shopping carts for the convenience of their customers or abatement and/or disposal thereof in accordance with the provisions of chapter, as the case may be.

(d) Notwithstanding the regulations set forth in this Chapter, the City Manager and/or Chief of Police are hereby authorized to promulgate additional rules and policies for the implementation of this chapter in a manner consistent with state and federal law.

8.32.150 Violations, penalties and enforcement.

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as follows:

(a) A violation of this Chapter may be punishable as a misdemeanor or an infraction;

(b) A violation of this Chapter may be punishable by issuance of an administrative citation;

(c) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law

SECTION 6: Chapter 3.16 (“Unclaimed Money and Property”) of the Laguna Beach Municipal Code is hereby repealed in its entirety.

SECTION 7. Section 18.05.010 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

18.05.010 Closing times.

(a) Except as otherwise provided in this Title 18 of the Municipal Code, all city beaches and coastal-adjacent parks shall be closed to public use at one a.m. and shall remain closed until five a.m.

(b) Except as otherwise provided in this Title 18 of the Municipal Code, all noncoastal-adjacent parks shall be closed to public use at ten p.m. and shall remain closed until five a.m.

SECTION 8. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(2) and 15061(b)(3) in that the proposed amendments are not anticipated to result in a direct or reasonable foreseeable indirect physical change in the environment, nor will the proposed change in penalties have the potential for causing a significant effect on the environment. This Ordinance is further exempt from the provisions of the California Environmental Quality Act pursuant to Section 15308 of the State CEQA Guidelines as an action to assure the maintenance, restoration, enhancement or protection of the environment.

SECTION 9. The provisions of this Ordinance are severable, and the invalidity of any section, paragraph, phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 10. This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and sections thereof inconsistent with this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency and no further any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 11. This Ordinance shall become effective thirty (30) days after its adoption in accordance with the provisions of California law.

SECTION 12. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in the City of Laguna Beach, California.

ADOPTED this _____ day of _____, 2021.

Bob Whalen, Mayor

ATTEST:

City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on _____, 2021, and was finally adopted at a regular meeting of the City Council of said City held on _____, 2021, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk, City of Laguna Beach, CA