

ORDINANCE NO. 3288

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FULLERTON, CALIFORNIA, AMENDING CHAPTER 8.75 OF THE
FULLERTON MUNICIPAL CODE REGULATING SIDEWALK VENDORS

WHEREAS, on September 17, 2018, California Governor Edmund Gerald Brown signed Senate Bill 946 ("SB 946") into law, which adds Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the California Government Code to regulate sidewalk vendors throughout the state, including within the City of Fullerton; and

WHEREAS, SB 946 became effective January 1, 2019, and limits the authority of cities and counties in the state to regulate sidewalk vendors, except as otherwise specifically and expressly provided; and

WHEREAS, existing provisions of the Fullerton Municipal Code prohibit or limit the activities of sidewalk vendors in a manner that may be in conflict with the provisions of SB 946; and

WHEREAS, the City Council adopts this Ordinance in accordance with the authority granted by SB 946; and

WHEREAS, the City Council declares that the regulations enacted by this Ordinance are intended to promote and protect the health, safety and welfare of the City's residents, businesses, and visitors and are in furtherance of the City's police powers; and

WHEREAS, the City Council further declares that the provisions of this Ordinance are intended to regulate the time, place, and manner of sidewalk vending directly relating to public health, safety, and welfare objectives and concerns.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

A. The purpose of this Ordinance is to regulate sidewalk vendors consistent with Government Code section 51036 through 51039 while also protecting the health, safety, and welfare of the public.

B. Prohibiting sidewalk vending in streets and medians is necessary to protect the health and safety of vendors, because they are at risk of being struck by vehicles and/or causing vehicular accidents if they vend in streets or medians.

C. Limiting sidewalk vendors' hours of operation within residential neighborhoods to specific daylight hours consistent with a residential atmosphere is necessary to protect the safety of vendors and residents who would be more vulnerable to criminal activities

during evening hours, and to promote the welfare of the residents by prohibiting commercial activities and associated noise and traffic during hours when residents should be able to enjoy peace and quiet.

Further, preventing stationary sidewalk vendors in residential neighborhoods and limiting the amount of time a roaming sidewalk vendor may stay in one location within a residential neighborhood is necessary for the welfare of the residents of the City, because allowing sidewalk vendors to operate at a fixed location in residential neighborhood may subject the residents to increased noise and traffic, which may be appropriate for commercial areas, but will interfere with the peace and quiet that residential occupants should enjoy while in their homes.

D. Limiting sidewalk vendors' hours of operation in commercial areas to daylight hours or to the same hours as other open businesses in the vicinity where the sidewalk vendor operates in the evening hours is necessary to protect the vendors' health and safety, as they are more vulnerable to crime during nighttime hours, especially if operating where no other businesses are open.

E. Prohibiting soliciting within 500 feet of schools is necessary to protect the health and safety of the K-12 school children, because if vendors operated closer there is a danger that school children may run into traffic and be injured or killed trying to reach the vendor.

F. Preventing soliciting from residences with "No Solicitation" or "Do Not Disturb" signs protects the health and welfare of those who wish to avoid commercial activities while in their residences from unwanted interruptions.

G. Preventing sidewalk vendors from physical contact without permission, from persistently soliciting a person after the person rejects the offer, and from threatening injury or damage to a person while soliciting are necessary to protect the safety and health of persons who may feel threatened or in physical danger if these activities occur.

H. Preventing sidewalk vendors from intentionally obstructing the free movement of people on any street, sidewalk, or other place open to the public is necessary to protect the health, safety, and welfare of those who may be seeking emergency services or who are otherwise uninterested in the goods or services offered and desire to pass through the public area unimpeded.

I. Preventing soliciting from a captive audience is necessary to protect the health, safety, and welfare of those people who are not able to walk away or otherwise retreat from an unwanted solicitation.

J. Preventing sidewalk vendors from using sound amplifying devices is necessary to protect the welfare of residents and visitors to the City by preventing excessive noise from disturbing the peace and quiet of residential areas or from an accumulation of excessive noise in commercial and other areas. Further, sound amplifying devices may cause traffic

hazards by distracting drivers resulting in automobile accidents and harm to pedestrians, so prohibiting their use is necessary for the health and safety of motorists and pedestrians.

K. Compelling sidewalk food vendors to provide certification of completion of a food handler course, is necessary to protect the health, safety and welfare of residents and visitors to the City.

L. Preventing sidewalk vendors from operating within 50 feet of a marked or unmarked crosswalk, bus stop or bus shelter or within a sidewalk less than 8 feet in width, is necessary to protect the health, safety and welfare of a disabled person in maintaining Americans with Disabilities Act, as well as the City's senior residents and visitors, with paths of access in areas commonly utilized by pedestrians.

M. Preventing sidewalk vendors from operating within 18 inches from the edge of the curb face or within 10 feet of a driveway is necessary to protect the health, safety and welfare of the vendor, customer, and/or motorists, as it reduces exposure to pedestrian versus vehicle contact.

N. Preventing sidewalk vendors from operating where placement impedes pedestrian access to or the use of an abutting property, including but not limited to residences and places of business, is necessary to protect the welfare of residents of the City by maintaining property values and use of said buildings.

O. Preventing sidewalk vendors from operating within portions of the City's Downtown and Transportation Center areas is necessary to protect health, safety and welfare of residents and visitors to the City, as it eliminates the repeated and regular need for law enforcement assistance to address and resolve public safety problems caused by congregation of Downtown area bar patrons at or near sidewalk vending in the Downtown area from dusk to dawn; and/or eliminates unsafe conditions between sidewalk vendor operations and heavy pedestrian occupancy of limited available sidewalk in the Fullerton Transportation Center.

P. Requiring sidewalk vendors to obtain insurance is necessary to protect the health and safety of the public and employees of sidewalk vendors, because insurance would cover medical expenses and other liabilities from injuries or damages resulting from sidewalk vendors' activities that may not otherwise be covered. Further, compelling sidewalk vendors to provide commercial general liability with the City named as an additional insured with respect to liability arising out of a vendor's use of City property is necessary to protect the City against claims for bodily and property damage.

Q. Denying a sidewalk vendor certificate to applicants who have been convicted of crimes of moral turpitude is necessary to protect the health, safety, and welfare of the public, in order to prevent those applicants from repeating offenses of moral turpitude while operating mobile businesses, which grants sidewalk vendors access to more members of the public and, because of the mobile nature of the businesses, to elude law

enforcement because mobile vendors may hide and flee easier than stationary, fixed business owners.

SECTION 2. Chapter 8.75 (Pushcarts) of Title 8 of the Fullerton Municipal Code is hereby amended to read as follows:

Chapter 8.75

SIDEWALK VENDORS

8.75.010 Definitions.

As used in this chapter:

1. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
2. "Citation" means any Administrative Citation issued pursuant to this chapter.
3. "Health Permit" means the food vending permit required by the Orange County Health Department.
4. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
5. "Push Cart" means a small cart, limited to two or four wheels, that can be pushed by an individual by hand, as one used by street vendors.
6. "Sidewalk" means a concrete or paved surface in the public right-of-way, directly adjacent to a street or highway, provided for the exclusive use of pedestrians.
7. "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk.
8. "Special Event" means any event requiring City approval that will be conducted outdoors to which is private or the general public is admitted or invited. Such events include, carnivals, festivals, tent or car shows, circuses, parades, auctions, rallies, filming activity, sporting event, or similar kinds of temporary outdoor exhibitions or performances. A block party is a type of Special Event.
9. "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

8.75.020 Sidewalk Vendor Certificate of Operation Required.

A. It shall be unlawful for any person to engage in any sidewalk vending activity within the City without having first obtained a sidewalk vendor certificate from the City.

B. Insurance.

Sidewalk vendors shall not be allowed to operate within the City without first having obtained general liability insurance, in a form approved by the City, in an amount established by resolution of the City Council for coverage related to all activities associated with sidewalk vending activities, with the City named as an additional insured under such policy. Sidewalk vendors shall submit a certificate of insurance evidencing they have obtained this required insurance together with the completed application for sidewalk vendor license.

C. Application Requirements.

The Director of Administrative Services, or his/her designee, shall develop a Sidewalk Vendor Certificate of Operation application form and procedures for reviewing and issuing the certificate consistent with the requirements of this chapter. A non-refundable annual sidewalk vendor certificate application fee, in an amount set by resolution of the City Council, shall be paid to the City with the completed application. An annual sidewalk vendor certificate application shall contain the following information:

1. A schedule of the applicant's proposed hours of operation, items of sale, and area of operation;
2. A description of all food vending equipment, signs, or other means of advertisement proposed to be used;
3. Evidence of a permit from the County Health Department for the sale of food or beverages, as may be required.
4. Evidence of proof of Commercial General Liability Insurance as required.
5. Copy of State issued identification with photo identification and taxpayer identification number.
6. One photograph of the sidewalk vendor and of each of the applicant's employees, at least two inches by two inches in size, taken within the six-month period immediately preceding the date of the application shall be submitted.

7. The applicant's fingerprints and the fingerprints of all applicants' employees. The applicant and all employees shall complete the Live Scan fingerprint process and are responsible for paying any fees associated with this check.

D. Application Review.

1. The Chief of Police, or his/her designee, shall review the results of the Live Scan Fingerprinting submittal and either approve or deny the application based on its findings and/or the applicants background. The Chief of Police, or his/her designee, shall conduct said review within 30 days of the filing of the Live Scan Fingerprinting application.

Approval of an applicant or operators background is contingent on neither the applicant nor any operator of a pushcart or other vending conveyance being convicted or pleading nolo contendere or found guilty within five years prior to his or her application for a sidewalk vendor license to a misdemeanor or felony crime of moral turpitude or drug-related misdemeanor or felony crime, including but not limited to: the sale of a controlled substance as specified in Cal. Health and Safety Code §§ 11054 through 11058, and crimes involving any of the following actions, which are considered crimes of moral turpitude for the purposes of this subsection: assault with intent to commit murder, attempted lewd acts on a minor, arson, burglary, child abuse, criminal threats, domestic violence when committed against a spouse, failure to register as a sex offender, felon in possession of a firearm, felony hit and run, grand theft auto, murder, perjury, possession for sale of controlled substances, rape, receiving stolen property, robbery, trespass with the intent to injure any property or property rights, or interference with the conduct of business, voluntary manslaughter, and welfare fraud.

The investigating City employee is specifically authorized to obtain state summary criminal history record information as provided for in Cal. Penal Code § 11105. Any complaint for the charges listed in subdivision (5) of this subsection pending before a court of law shall cause the application to be considered pending until adjudication of the complaint.

If an application is deemed pending, the Chief of Police, or appointed designee, shall within 30 days after the adjudication of the pending criminal matter, notify the Director of Administrative Services, or his/her designee, of the results of the background check.

An applicant shall be notified in writing by the Director of Administrative Services, or his/her designee, when an application has failed the Live Scan Fingerprinting process or applicant background review. Such notice shall contain the grounds upon which the denial is based and the right to seek an appeal. If no appeal is filed, denial, suspension or revocation of the certificate shall become effective ten (10) calendar days after notice is served. If an

appeal is filed, the denial shall become effective upon final determination of the appeal by the City.

Notification shall be deemed to have been served when it is personally served upon the applicant or certificate holder or when deposited in the United States mail with postage prepaid and addressed to the applicant or certificate holder at the last known address of the applicant or certificate holder.

Any person whose certificate is denied pursuant to this sub-section shall not be eligible to apply for a new certificate for a period of one year.

Upon approval of the Live Scan Fingerprinting application and background, the Chief of Police, or his/her designee, shall notify the Director of Administrative Services, or his/her designee, as whether the applicant has passed the background check unless the applicant has a pending criminal matter.

2. Upon Police Department approval, the Director of Administrative Services, or his/her designee, shall review said application to ensure the application is complete and that the proposed operation will be in compliance with the City's operational requirements.

E. Issuance of Certificate of Operation.

The Director of Administrative Services, or his/her designee, shall issue the Sidewalk Vendor Certificate of operation only if he or she finds that all of the following requirements have been met:

1. Payment of an annual certificate fee in an amount set by resolution of the City Council to defray the costs of administering the certificate.
2. The application contains all the information required by this chapter.
3. The applicant has not knowingly made a material misrepresentation of fact in the application.
4. The applicant has fully cooperated in the investigation of the application.

F. Sidewalk Vendor Certificate of Operation and Renewal.

The term for a Sidewalk Vendor Certificate of operation, unless sooner suspended or revoked, shall be valid for the calendar year applied or portion thereof. Upon the expiration of such term, the applicant may renew the sidewalk vendor certificate by submitting a new application together with such renewal fee as may be established by

resolution of the City Council. No sidewalk vendor certificate shall be sold, leased, transferred conveyed or granted to any other person.

G. Denial, Suspension or Revocation of Sidewalk Vendor Certificate; Appeal.

1. If the Director of Administrative Services, or his/her designee, does not find that all of the requirements set forth in this subsection have been met, he or she shall deny the application for a sidewalk vendor certificate.
2. Any Sidewalk Vendor Certificate of Operation issued under this chapter may be denied, suspended or revoked by the City for any of the following reasons:
 - a. Falsehood of any information supplied by the applicant upon which issuance of the sidewalk vendor certificate was based.
 - b. Failure of the applicant to promptly notify the City's Business Registration Division within 30 days of any change occurring subsequent to the issuance of the certificate in the information supplied by the applicant upon which the issuance of the certificate was based.
 - c. Revocation, suspension or non-renewal of the certificate of eligibility issued to the applicant by the Orange County Health Department.
 - d. Conviction of, or plea of guilty or nolo contendere by the applicant of any offense which would have constituted ground for denial of a sidewalk vendor certificate.
3. An applicant for or holder of a Sidewalk Vendor Certificate of Operation shall be notified in writing by the Director of Administrative Services or his or her designee when a certificate has been denied, suspended or revoked. Such notice shall contain the grounds upon which the suspension or revocation is based and the right to seek an appeal to the Director of Public Works. If no appeal is filed, suspension or revocation of the certificate shall become effective ten (10) calendar days after notice is served. If an appeal is filed, the suspension or revocation shall become effective upon final determination of the appeal by the Director of Public Works. Notification shall be deemed to have been served when it is personally served upon the applicant or certificate holder, or when deposited in the United States mail with postage prepaid and addressed to the applicant or certificate holder at the last known address of the applicant or certificate holder at the address set forth in the application.

4. An appeal of a denial, suspension or revocation must be filed in writing with the City Clerk's office within ten (10) calendar days from the date the notice was served and shall include a statement setting forth the factual basis for the appeal. The Director of Public Works or his or her designee shall act as the hearing officer to consider an appeal filed under this chapter.
5. If an appeal is timely filed, the Director of Public Works or his or her designee shall, within fifteen (15) calendar days of the filing of the appeal, notify the appellant of the date, time and location for the hearing to consider the appeal, which date shall not be less than ten (10), nor more than sixty (60), calendar days following the notice to the appellant of the appeal hearing. Within fifteen (15) calendar days following the appeal hearing, the Director of Public Works, or his or her designee, shall notify the appellant in writing of the decision on the appeal, which decision shall be final.
6. If no appeal is filed, the denial, suspension or revocation of the permit shall become effective ten (10) calendar days after the notice was served. If an appeal is filed, the denial, suspension or revocation shall become effective upon final determination of the appeal by the Director of Public Works or his or her designee.
7. Any person whose certificate is denied or revoked shall not be eligible to apply for a new certificate for a period of one year following such denial or revocation.

H. Fee Waivers.

Veterans, as defined by Sections 16001 and 16001.5 of the California Business and Professions Code, shall not be required to pay any, certificate, permit or license fee to hawk, peddle or sell goods, wares or merchandise owned by them, except alcoholic beverages.

8.75.030 Operating requirements:

A. Sidewalk vendors are prohibited from operating within a City parking structure or surface lot pursuant to section 8.48.050, without supplemental authorization issued by the administering department of the City. Sidewalk vendors may operate in areas zoned for residential use from 9:00 a.m. to 5:00 p.m. In residential areas, stationary sidewalk vendors are prohibited and roaming sidewalk vendors cannot stay in one location for more than 10 minutes.

B. Sidewalk vendors may operate in any area zoned for any non-residential use between 8:00 a.m. and dusk, except they may operate beyond said limits in areas

zoned for commercial use where businesses are open during those hours, provided the sidewalk vendor is located within 200 feet of the open business.

C. Sidewalk vendors shall dispose of all trash into trash receptacles. Used cooking oil, grease, or other cooking fluids must be disposed of in a sink with a grease trap only. Wastewater shall be disposed of legally in a sewer system and not in a storm drain, catch basin or gutter. Sidewalk vendors shall comply with all applicable National Pollutant Discharge Elimination System (NPDES) and Health Code requirements.

D. Sidewalk vendors shall not setup or operate in a manner that blocks access by disabled persons. Sidewalk vendors must provide a minimum of 48 inches of access to allow for disabled access and may not set up any closer than 50 feet to a bus stop or bus shelter, marked or unmarked crosswalk, to allow for Americans with Disabilities Act path of access.

E. No sidewalk vendor shall solicit at any dwelling, including but not limited to a house, apartment, business, or condominium without explicit permission of the property owner.

F. No sidewalk vendor shall touch, come into physical contact with, or affix any object to any member of the public, without first receiving express permission to do so from such member of the public.

G. No sidewalk vendor shall persistently solicit any member of the public after such member of the public expresses his or her desire not to be solicited.

H. No sidewalk vendor shall intentionally obstruct the free movement of any member of the public on any street, sidewalk or other place open to the public generally.

I. No sidewalk vendor shall solicit from a captive audience. "Captive audience" shall be defined as purposefully stationary persons, such as persons in line or seated in public areas.

J. No sidewalk vendor shall threaten any injury or damage to any member of the public who declines to be solicited.

K. Sidewalk vendors shall be required to obtain a business certificate as required by Title 4, Chapter 4.02 et seq. of the Fullerton Municipal Code.

L. Sidewalk vendors may not operate within 1,000 feet of any certified farmers' market, Special Event, sporting event, or swap meet, without written agreement or permission from the City.

M. Sidewalk vendors may not operate within 500 feet of any K-12 public or private school building or grounds thereof during any day; or within 10-feet of any driveway.

N. During an urgent or emergency public safety event, including, but not limited to, a traffic accident, medical emergencies, gas leaks, natural disasters, fires, the City may temporarily require sidewalk vendors to relocate to another location if doing so is necessary to protect the public's health, safety, or welfare.

O. Sidewalk vendors may not operate within the Fullerton Downtown area during the hours of 7:00 p.m. to 7:00 a.m. or within the Fullerton Transportation Center as defined herein, except as set forth below, provided that such vending conforms to all other requirements of this chapter.

1. The Fullerton Downtown area is the area bordered on the north by Chapman Avenue, on the east by Lemon Street, on the south by Walnut Avenue, and Highland Avenue to the west. Within this area vending is permitted on the sidewalks of both sides of Chapman Avenue, Commonwealth Avenue, Whiting Avenue, Wilshire Avenue and Amerige Avenue.
2. The Fullerton Transportation Center is bordered on the north by Commonwealth Avenue, on the west by Harbor Boulevard, on the south by Walnut Avenue, and Lemon Street to the east. Within this area vending is permitted on the sidewalks of both sides of Commonwealth Avenue, Pomona Avenue and Santa Fe Avenue east of Pomona Avenue.

P. Sidewalk vendors may operate in a public park with a supplemental Parks & Recreation Park Use Permit. The City may not authorize a Park Use Permit that would allow stationary sidewalk vending when the City has a third-party agreement for exclusive concessions inside the park, or that would allow vending during private event(s) where that event is subject to a temporary special event permit. If authorized, sidewalk vendors may only operate during posted park hours. The City may limit the number, location, or concentration of sidewalk vendors in City parks due to health, safety and welfare concerns, when necessary to ensure the public's use and enjoyment of the park or to prevent an undue concentration of commercial activity that unreasonably interferes with the character of the park.

Q. Sidewalk vendors may not utilize sound amplifying equipment or non-amplified musical or noise making devices.

R. Size of vendor cart shall not exceed width, length, or height expectations for the intended purpose of a "push cart" that may impede pedestrian movement, create an unsafe condition, or be visually unsightly for surrounding conditions, based on

reasonable expectations of common opinion. Additional equipment such as but not limited to tables, chairs, tents, etc., shall not be permitted.

S. A decal issued by the City, certifying the issuance of Business Registration Certificate for the purpose of sidewalk vending, shall be affixed to and prominently displayed on two sides of any cart used by a vendor; or affixed to and prominently displayed upon any stand, display, showcase, or rack. Decals shall be affixed such that they are easily viewable by the public. Street vendor shall also have a copy of the original City issued certificate in their possession while conducting business. Any permit required from the Health Department shall be affixed in accordance with their requirements.

T. No cart shall be chained or fastened to any pole, sign, tree or other object in the public right-of-way or left unattended.

U. Vending of illegal or counterfeit merchandise is prohibited.

V. Vending of services is prohibited.

W. Food vending equipment utilizing cooking measures with open flames (regardless of fuel source) for food preparation shall comply with all Fire Codes. Any vendor who uses combustible cooking media (e.g. vegetable or animal oils and fats) shall maintain a class K extinguisher on hand.

X. Notwithstanding any specific prohibitions in this subsection, no vendor shall install, use or maintain a cart where placement endangers the safety of persons or property.

8.75.040 Exemptions.

This chapter shall not apply to any City-sponsored event where the sidewalk vendor is subject to a contract with the City for said City-sponsored event.

8.75.050 Enforcement.

A. Administrative Citations Exclusive Remedy.

Notwithstanding any other provision of the Fullerton Municipal Code, this chapter shall be enforced exclusively through the City's administrative citation process, and citation fees shall not exceed the limits set forth in subdivisions (B) and (C) below. No other civil or criminal remedies may be used to enforce the provisions of this chapter unless allowed by state law.

B. A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending certificate from the City is punishable only by an administrative citation pursuant to Chapter 1.10, in amounts not to exceed the following:

1. One hundred dollars (\$100) for a first violation.
2. Two hundred dollars (\$200) for a second violation within one year of the first violation.
3. Five hundred dollars (\$500) for each additional violation within one year of the first violation.

C. A person engaged in sidewalk vending without a valid City sidewalk vending certificate is punishable by an administrative citation pursuant to Chapter 1.10, in amounts not to exceed the following, in lieu of the amounts set forth in subdivision (C):

1. Two hundred fifty dollars (\$250) for a first violation.
2. Five hundred dollars (\$500) for a second violation within one year of the first violation.
3. One thousand dollars (\$1,000) for each additional violation within one year of the first violation.

D. Upon proof of a valid certificate of operation issued by the City, the administrative fines set forth in subsection C shall be reduced to the administrative fines set forth in subsection B, or any successor sections.

E. The Director of Administrative Services, of his or her designee, may rescind a certificate issued to a sidewalk vendor for the term of that certificate upon the fourth violation or subsequent violations.

F. City's Determination of Violators' Ability to Pay Administrative Fines.

1. When assessing an administrative fine for a violation of this chapter, if the violator meets the criteria contained in Government Code Section 68632, subdivision (a) or (b), the City shall accept twenty percent (20%) of the administrative fine imposed in full satisfaction of the fine.
2. The City's administrative citation enforcement official shall give notice to the violator of his or her right to request an ability-to-pay determination by including the notice and a checklist for eligibility of the reduced fine amount under Government Code Section 68632 together with the administrative citation. If eligible for the reduced fine, the violator must indicate, by signing under penalty of perjury, which criteria he/she meets and return the form together with the fine to the City. If the violator fails to return the form to the City prior to any

hearing requested under Section 1.10.070, he or she may claim eligibility for the reduced fine amount at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

8.75.060 Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

The City Council declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phases thereof is declared invalid or unconstitutional.

SECTION 3. CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment, and further that this Ordinance is not a project pursuant to the California Environmental Quality Act (CEQA). Accordingly, this Ordinance is not subject to the requirements of the CEQA pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON SEPTEMBER 15, 2020.

Jennifer Fitzgerald
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date