

ORDINANCE NO. 2497

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING THE
CHICO MUNICIPAL CODE, TITLE 5, BUSINESS REGULATIONS, CHAPTER 5.16,
ENTITLED “SOLID WASTE COLLECTORS”**

WHEREAS, the City Council of Chico (“City”) finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, the State of California has found and declared that the amount of garbage generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from landfilling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of the Act, directed the responsible State agency, and all local agencies, to promote disposal site diversion and to maximize the use of feasible garbage reduction, re-use, recycling, and composting options in order to reduce the amount of garbage that must be disposed of in disposal sites; and

WHEREAS, pursuant to California Public Resources Code Section 40059(a) as may be amended from time to time, the City has determined that the public health, safety, and well-being require that exclusive rights be awarded to qualified contractors to provide for collection of garbage, recyclable materials, and organic waste materials, except as may be excluded by the City’s Municipal Code, or other services specifically excluded as set forth in an exclusive franchise agreement; and

WHEREAS, the City further declares its intent to regulate and set the maximum rates a contractor will charge customers for the collection, transportation, processing, recycling, composting, and/or disposal of garbage, recyclable materials, and organic waste materials; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Chico:

SECTION 1. REPEALING OF CODE. Chico Municipal Code, Title 5, Business Regulations, Chapter 5.16, entitled “Solid Waste Collectors” is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF CODE. Chico Municipal code, Title 5, Business Regulations, Chapter 5.16, entitled “Solid Waste Collectors” is hereby replaced by a new Chapter 5.16, entitled “Solid Waste Collection, Removal, Disposal, Processing and Recycling” to read as follows:

Chapter 5.16

SOLID WASTE COLLECTION, REMOVAL, DISPOSAL, PROCESSING AND RECYCLING

Section:

- 5.16.010** **Definitions.**
- 5.16.020** **Exclusive Franchise required.**
- 5.16.030** **Exclusive Franchise exceptions.**
- 5.16.040** **Exclusive Franchise – Authority of council to issue or deny.**

- 5.16.050 **Exclusive Franchise – Administrative Modification.**
- 5.16.060 **Exclusive Franchise – Quarterly and Annual Reports.**
- 5.16.070 **Exclusive Franchise – Requirements of Franchised Hauler.**
- 5.16.080 **Exclusive Franchise – Payments to City.**
- 5.16.090 **Exclusive Franchise – Standards.**
- 5.16.100 **Exclusive Franchise – Recyclable Solid Waste Collection.**
- 5.16.110 **Exclusive Franchise – Recyclable Organic Waste Collection.**
- 5.16.120 **Exclusive Franchise – Termination.**
- 5.16.130 **Exclusive Franchise – Termination Procedures.**
- 5.16.140 **Exclusive Franchise – Monetary penalty in lieu of termination.**
- 5.16.150 **Collection vehicles and drop boxes.**
- 5.16.160 **Rates to be fixed by council.**
- 5.16.170 **Business License Tax.**
- 5.16.180 **Performance bond – Bond not relief from liability of grantee under chapter.**
- 5.16.190 **Financial responsibility.**
- 5.16.200 **Hours of collection.**

5.16.010 Definitions.

- A. The definitions contained in Section 8.04.010 of this code apply to the provisions of this chapter.
- B. Additional Definitions.
 - 1. Contractor. “Contractor” or “Exclusive Franchisee” means any person who has been issued an exclusive franchise.
 - 2. Exclusive Franchise. “Exclusive Franchise” or “Franchise” means an agreement or contract awarded by city council pursuant to this chapter for the exclusive right to provide solid waste collection, removal, disposal, processing and recycling of a type of solid waste within the city or a proscribed area of the city.

5.16.020 Exclusive Franchise required.

- A. It shall be unlawful for any business entity, person or enterprise, other than the city, to engage in the collection and/or transportation of solid waste in the city of Chico without exclusive rights granted pursuant to this chapter, except as otherwise provided in this chapter.

5.16.030 Exclusive Franchise exceptions.

The following persons may collect solid waste without first obtaining a solid waste contractor’s franchise agreement, contract, or collection service agreement.

- A. A person engaged in a recycling business who charges no fee for the collection of source-separated recyclable solid waste;
- B. A person engaged in a rendering business;
- C. A person who removes such person’s own solid waste or recyclable solid waste to an approved disposal or recycling facility;

- D. A person who collects source-separated vegetable matter or food waste to use for animal food or composting without further processing or separation within city;
- E. A person who operates a lawful business having waste material, or refuse residue, which is created by the nature of their work, and is collected, transported, and disposed of in the natural course of their business, including, but not limited to gardeners, tree trimmers, street sweepers, roofers, and construction or demolition contractors who clean up a construction or demolition project site and then transport the residual material resulting from the project to a disposal or recycling facility;
- F. A person, acting as part of a recognized charitable or nonprofit organization as registered under the Revenue and Taxation Code of the State of California, who collects rubbish or recyclables in exchange for a donation; and
- G. A person in the business of collecting or transporting hazardous waste as defined in State or Federal law or regulation.

5.16.040 Exclusive Franchise – Authority of council to issue or deny.

The city council is hereby authorized to award a franchise agreement, contract, or collection service agreement to any person the city council determines has or can obtain the skills, equipment, and personnel necessary to provide solid waste collection services to the residents of the city in a manner that complies with the standards of the franchise agreement, contract, or collection service agreement and other requirements of this chapter.

5.16.050 Exclusive Franchise – Administrative Modification.

An exclusive franchise authorizing services to specified properties may be modified by the city manager to include additional properties that are annexed into the city after the date the exclusive franchise is issued.

5.16.060 Exclusive Franchise – Quarterly and Annual Reports.

It shall be a condition of every exclusive franchise that the contractor submit quarterly and annual reports. Such reports shall be in a form prescribed by the city manager.

5.16.070 Exclusive Franchise - Requirements of Franchised Hauler.

- A. The franchise agreement, contract or collection service agreement between the city and its franchised hauler shall govern all requirements of the franchised hauler.
- B. In the case of any conflict between any terms or provisions of this chapter and any terms or provisions of the collection service agreement related to solid waste collection services provided by the franchised hauler, the terms or provisions of the collection service agreement shall govern.

5.16.080 Exclusive Franchise – Payments to City.

- A. Each contractor shall pay the city a franchise fee in the amount of 10% of the annual gross receipts received from all customers served within the city. The franchise fee shall be due and payable to the city in arrears on a quarterly basis with payments due on January 31st, April 30th, July 31st, and October 31st.

- B. Each contractor, as part of its annual report, shall submit to the city manager, not later than 45 days after the end of prior calendar year, an annual statement containing all financial information reflecting the total amount of gross receipts obtained from the contractor from operations within the city boundaries during the year covered by that annual statement. Such financial statements shall be prepared by an independent public or certified accountant, or by a financial officer of the contractor. Proprietary information contained therein, with the exception of annual gross receipts, shall not be released as a public record. Such statements and each of the several items therein contained shall be subject to audit and verification by the city manager, who are hereby authorized to examine, audit, and inspect such books and records of any contractor as may be necessary in their judgment to verify or ascertain the amount of fee due.

5.16.090 Exclusive Franchise – Standards.

The following standards must be met and maintained by a solid waste contractor in order to be awarded and maintain an exclusive franchise:

- A. Pay a business license tax when it is due and before it is delinquent;
- B. Collect solid waste, recyclable organic waste and recyclable solid waste as required by the franchise agreement and this chapter;
- C. Comply with the provisions of the solid waste collection rate, as adopted by resolution of the city council;
- D. Submit for approval to the city manager any notice regarding solid waste collection services which a solid waste contractor intends to send or otherwise give to a customer. All such notices, including those sent with bills or invoices, shall be sent to the city manager at least 14 days prior to the date such notice is to be sent or otherwise provided to a customer. The failure of the city manager to respond to such notice at least 7 days prior to such date notice is to be sent or otherwise provided to customer shall constitute the city manager's approval of same.

Provided, however, that bills or invoices sent to a customer in the regular course of business for services rendered or to be rendered, and/or a notice of termination of services by reason of the non-payment of such bills or invoices shall be exempt from the approval process required pursuant to this subsection;

- E. Submit an annual statement to the city manager in a form prescribed by the city manager and containing all financial information relating to a solid waste contractor's prior year of operations within the corporate boundaries of the city, which the city manager deems necessary in order to evaluate the need for any adjustment to the maximum solid waste collection rates. Said statement shall be prepared by an independent public accountant or certified public accountant licensed under the laws of the state of California and shall be submitted to the city manager by May 1st of each year for any adjustment in the maximum collection fees to take place the subsequent July 1st.

In order to verify such statements, the finance director shall have the right to audit the accounts and other related financial records of each solid waste contractor. Upon evaluation of the need for solid waste collection rate adjustment, city manager shall take all necessary steps to present such rate adjustment to the city council for approval;

- F. Maintain at all times a current list of residential and commercial customer names, addresses and collection schedules, which shall be made available to the city finance director or other appropriate city representative upon request, for the purpose of audit. Such list shall be available for audit at any time during the business day. Failure to comply with this section will be grounds for revocation of the exclusive franchise;
- G. Submit quarterly and annual reports to the city manager which are in a form prescribed by the city manager and as may be required by the solid waste contractor's franchise agreement as may be awarded by the city which sets forth such information on the solid waste contractor's recycling, organic waste and solid waste disposal operations as is operated both within and outside of the corporate boundaries of the city, as may be determined by the city manager to be necessary in order to evaluate the solid waste contractor's compliance with the city's recycling and organic waste programs. Said reports shall be submitted to the city manager no later than 30 days after the end of the quarter and 45 days after the end of the preceding calendar year. Documentation supporting the amount of recyclable solid waste and recyclable organic waste collected and processed, marketed for re-use, or otherwise disposed of, and any other documentation and/or materials necessary to verify the solid waste contractor's recycling, organic waste and solid waste disposal operations, shall be maintained by each solid waste contractor for at least two years and shall be subject to audit by the city;
- H. Not allow any solid waste, recyclable organic waste, or recyclable solid waste --including in the form of a liquid-- to spill, drop, fall or remain on the ground or surface in or upon any public street, alley, way or place;
- I. Maintain a business office with at least one responsible person in charge to respond to customer questions and complaints during collection hours. Contractor shall maintain an office that provides local or toll-free telephone access to residents and businesses of the city and shall be open during normal business hours, 8:00am to 5:00pm Monday through Friday, except holidays;
- J. Provide rear-yard solid waste and recyclable solid waste collection services to each single-family and two-family lot (as defined in CMC sec. 19.04.020) customer who elects to receive same, unless otherwise prohibited by the city. Notice of the availability of such service shall be provided to single-family and two-family customers upon commencement of service with the solid waste contractor;
- K. Collect recyclable solid waste and recyclable organic waste from residential customers on the same day(s) and with the same frequency established for the collection of solid waste;
- L. Collect recyclable solid waste, a recyclable organic waste and solid waste from multi-family and commercial customers on the day(s) and with the same frequency necessary to maintain sanitary conditions and comply with AB 341 and AB 1826;
- M. Coordinate the route collection operations of solid waste, recyclable solid waste and recyclable organic waste with the city's street sweeping and leaf collection services;
- N. Provide no fewer than two free bulky waste collection each year to single-family and two-family residential customers;
- O. Provide no fewer than one free bulky waste collections each year to multi-family residential complexes as may be arranged by the multi-family complex management;

- P. Fully cooperate with any contract compliance and performance review as may be undertaken by the city for solid waste services provided by contractor;
- Q. Develop and maintain a website dedicated to services provided by the contractor in the city that is accessible by the public; and
- R. Provide public outreach and education information, and sustainability staff support regarding the contractor's recycling and organic waste service, instructions and benefits of participating in recycling organic waste diversion programs provided by the contractor, the type of materials collected and not collected, and the procedures for preparing recyclable solid waste and recyclable organic waste for collection to all new residential and commercial customers, and to existing residential and commercial customers on at least a semi-annual basis.

5.16.100 Exclusive Franchise - Recyclable Solid Waste Collection.

Each solid waste contractor issued an exclusive franchise to collect solid waste from single-family, two-family residential, and multi-family residential and commercial customers within the city or portion of the city pursuant to the provisions of this chapter shall be required to provide to single-family and two-family residential customers a curbside recycling program, and to multi-family residential and commercial customers a recycling program within each multi-family or commercial complex, to allow for the separation and collection of recyclable solid waste as defined in section 8.04.010 of this code. At the election of each solid waste contractor, front yard or rear yard recycling collection may be provided to each single-family and two-family customer.

Single-family and two-family shall not be required by the provisions of this chapter to recycle their solid waste. However, for those customers who elect to recycle, it shall be the responsibility of the customer to separate recyclable solid waste from their solid waste prior to collection of recyclables.

Multi-family and commercial customers are required by the provisions of this chapter to recycle their recyclable waste in compliance with AB 341. It shall be the responsibility of the multi-family and commercial customer to separate recyclable waste from their solid waste prior to collection of recyclable waste.

5.16.110 Exclusive Franchise – Recyclable Organic Waste Collection.

Each solid waste contractor issued an exclusive franchise to collect solid waste from single-family, two-family residential, and multi-family residential and/or commercial customers within the city pursuant to the provisions of this chapter shall be required to provide to single-family and two-family residential customers a curbside organic waste program, and to multi-family residential and commercial customers an organic waste recycling program within each multi-family or commercial complex, to allow for the separation and collection of organic waste as defined in section 8.04.010 of this code. At the election of each solid waste contractor, front yard or rear yard organic waste collection may be provided to each single-family and two-family customer.

Single-family, two-family customers shall not be required by the provisions of this chapter to recycle their organic waste. However, for those customers who elect to recycle their organic waste, it shall be the responsibility of the customer to separate recyclable organic waste from their solid waste prior to collection of organic waste.

Multi-family and commercial customers are required by the provisions of this chapter to recycle their organic waste in compliance with AB 1826. It shall be the responsibility of the multi-family and commercial customer to separate recyclable organic waste from their solid waste prior to collection of organic waste.

5.16.120 Exclusive Franchise – Termination.

The city council may, following a public hearing, terminate the exclusive franchise issued to any solid waste contractor found by the council to be operating a solid waste collection business in violation of the provisions of this chapter or the solid waste contractor's franchise agreement as may have been authorized by the city, including, but not limited to, the standards adopted pursuant to this chapter.

Notice of such hearing shall be served on such solid waste contractor by certified mail, return receipt requested, addressed to such solid waste contractor at such solid waste contractor's last known address, at least ten days prior to the date set for the hearing. Said notice, in addition to setting forth the time and date of the hearing, shall specify the grounds upon which the council will consider the termination of such solid waste contractor exclusive franchise and shall include a statement of such solid waste contractor's right to appear and be heard at the hearing.

5.16.130 Exclusive Franchise – Termination Procedures.

Upon termination of an exclusive franchise, the following procedure shall be followed:

- A. The city shall send a registered letter to the solid waste contractor containing notification of exclusive franchise termination.
- B. A solid waste contractor whose exclusive franchise has been terminated shall not collect solid waste, recyclable solid waste, or recyclable organic waste, or otherwise perform the duties and business of a solid waste contractor within the city after a period of 30 days following the date of termination.
- C. The solid waste contractor shall notify all of contractor's customers of termination within a period of 15 days following the date of said termination, or the city shall notify said customers at the sole expense of the contractor and recoverable from the performance bond of said solid waste contractor, as provided for within this chapter.
- D. The solid waste contractor shall notify the city manager upon the completion of customer notification.

5.16.140 Exclusive Franchise – Monetary penalty in lieu of termination.

If the city council, after convening a hearing on the proposed revocation of an exclusive franchise issued to a solid waste contractor pursuant to the provisions of this chapter, determines that such solid waste contractor, although having violated the provisions of this

chapter, has nevertheless corrected such violation subsequent to the date the solid waste contractor was served with a notice of such hearing, the city council may, in lieu of terminating the exclusive franchise issued to the solid waste contractor, assess a monetary penalty against the solid waste contractor in the amount of five hundred dollars (\$500) or in an amount equal to the costs and expenses incurred by the city for the staff time committed to the preparation for such hearing, whichever amount is greater. All such monetary penalties assessed by the city council shall be due and payable no later than the thirtieth day following the date of such hearing and the failure to pay such sum within such time shall be further grounds for the termination of the exclusive franchise issued to the solid waste contractor against whom such penalty was assessed.

5.16.150 Collection vehicles and drop boxes.

- A. It shall be unlawful for any solid waste contractor to use any truck or other vehicle for the removal or transportation of any solid waste, recyclable solid waste, or recyclable organic waste from any property within the city unless the same conforms to the specifications set forth in this chapter.
- B. Collection vehicles must be of the mechanical-compaction type, provided that in the case of an emergency such as mechanical breakdown or other cause beyond the control of the solid waste contractor, the city manager may, upon the request of the solid waste contractor, approve the use of non-mechanical-compaction-type equipment for a limited period of time during such emergency, as determined by the city manager. Enclosed covered-body-type vehicles may be used in the collection of rubbish and/or waste matter only.
- C. Contractor shall provide for its collection vehicles to be in full compliance with all then-applicable local, State and Federal clean air requirements, including, but not limited to, the California Air Resources Board Heavy Duty Engine Standards; the Federal EPA's Highway Diesel Fuel Sulfur regulations, and any other applicable air pollution control.
- D. Each collection vehicle shall be maintained in a clean and mechanically safe condition.
- E. All collection vehicles shall be painted and have the name of the solid waste contractor distinct and unique from all other licensed solid waste contractors in the city. Said names, colors, and size of lettering must first be approved and recorded by the city manager.
- F. Each collection vehicle shall be constructed and maintained in such manner that it is watertight and free from odor leakage.
- G. Doors and openings to collection vehicle bodies, including top openings, shall be kept closed at all times when said vehicles are not being loaded or unloaded of solid waste, recyclable solid waste, or recyclable organic waste.
- H. All collection vehicles shall be of such type and design and shall be operated in such manner so as not to incur any damage to public or private property in their use and operation.
- I. Any exclusive franchise granted pursuant to this chapter shall include the right to utilize "drop boxes" for the use by customers for collection of dry rubbish and waste matter (not garbage), provided that:
 1. Such boxes shall contain the name of the solid waste contractor owning or otherwise entitled to possession of the box in a conspicuous place on the exterior of the box;

2. Such boxes shall not be dropped or placed on a public sidewalk, street or way, except in that portion of a sidewalk, street or way that may have been temporarily closed during the course of construction of an improvement on an adjoining property by order of the city; and
3. Such boxes shall be so maintained and handled so as not to permit the contents placed therein to fall or be blown therefrom.

5.16.160 Rates to be fixed by council.

- A. Rates for Collection of Solid Waste, Recyclable Solid Waste and Recyclable Organic Waste.

The city council is authorized to establish by resolution the maximum rates or charges that may be charged by solid waste contractors for the collection of solid waste, recyclable solid waste and recyclable organic waste in the city. Such rates or charges for single-family, two-family and multi-family residential, and commercial customers shall include an amount sufficient to adequately compensate solid waste contractors for the collection of solid waste, recyclable solid waste and recyclable organic waste, with the city council having determined that the collection of such rates or charges from such single-family, two-family and multi-family residential, and commercial customers is necessary in order to make a citywide recycling and organic waste programs economically feasible.

- B. Schedules of rates.

The current schedules of maximum rates so fixed by the council shall be at all times on file in the office of the city clerk, and a copy shall be available to each solid waste contractor.

5.16.170 Business License Tax.

Nothing in this chapter shall be construed to exempt solid waste contractors from any business license tax as set forth in chapter 3.32 of this code which the council may impose for revenue purposes.

5.16.180 Performance bond – Bond not relief from liability of grantee under chapter.

- A. The solid waste contractor issued an exclusive franchise shall file with the city manager, and at all times thereafter maintain in full force and effect for the term of the exclusive franchise, at the solid waste contractor's sole expense, a corporate surety bond with a company and in a form to be approved by the city attorney, in the minimum amount of \$1,000,000.00, continuous in form and conditioned upon the faithful performance by the solid waste contractor of all the terms and conditions of the franchise agreement and the provisions of this chapter, including the duty to not cause damage to public property; and, further, in the event the solid waste contractor shall fail to comply with any one or more of the provisions of this chapter, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the city as a result thereof, including a reasonable allowance for attorney's fees and costs, up to the full amount of the bond, such condition to be a continuing obligation for the duration of such franchise agreement and thereafter until the solid waste contractor has liquidated all of its obligations with the city that may have arisen from the execution of such franchise agreement. The

bond shall provide that ten (10) days' prior notice of intention not to renew, cancellation, or material change, be given to the city.

- B. The council shall have the authority at any time during the term of the franchise agreement to require the amount of such bond to be increased to a greater sum than the minimum sum herein provided, if, in the exercise of its discretion as determined by resolution, such increase is required for the better protection of the rights and interests of the city. Such additional bond, if so required, shall be furnished and delivered by the solid waste contractor to the city within 30 days from the receipt of a copy of such resolution.
- C. Neither the provisions of this section, any bond accepted by the city pursuant thereto, nor any damages recovered by the city thereunder shall be construed to excuse faithful performance by the solid waste contractor, or limit the liability of the contractor under such franchise agreement, or for damages, either to the full amount of the bond or otherwise.

5.16.190 Financial responsibility.

- A. Each solid waste contractor issued an exclusive franchise pursuant to the provisions of this chapter shall maintain in full force and effect public liability insurance obtained from one or more insurance companies licensed to do business in the state of California which has combined single limits of at least ten million dollars (\$10,000,000) and provides coverage for any liabilities arising out of the operation of a solid waste collection business within the city, including but not limited to any liabilities arising out of the operation of a vehicle engaged in the collection of solid waste within the city. Such insurance coverage shall be evidenced by a certificate of insurance or such other form of documentation of insurance coverage as may be acceptable to the city manager, executed by an authorized official of the insurer or insurers. In addition to the coverage hereinbefore provided for, such certificate of insurance or other documentation of insurance coverage shall provide that the city, its boards and commissions, and members thereof, its officers, employees and agents are named as additional insureds under the coverage afforded, that the coverage afforded is primary to any other insurance coverage which may be available to the city, and that the insurer or insurers will provide to the city at least thirty (30) days' prior notice of cancellation or material change in coverage.
- B. The city manager may, based on an increase in the Consumer Price Index or by reason of the number or types of claims which have or might result from the operations of a particular solid waste contractor within the city, require such solid waste contractor to increase the limits of the public liability insurance coverage required by this section; provided that the city manager shall serve such solid waste contractor with a notice of any required increase in its limits of public liability insurance coverage at least thirty (30) days prior to the date that such insurance must be in effect.

5.16.200 Hours of collection.

- A. Central Business District. It shall be unlawful for any solid waste contractor to collect any garbage, rubbish or waste matter between the hours of 8:00 a.m. and 7:00 p.m. in the central business district area described as follows: Bounded on the north by Big Chico Creek, on the south by the south line of Fifth Street, on the west by the west line of Salem Street, and on the east by the east line of Wall Street. This restriction is intended to prohibit collections

from any and all properties fronting on the aforementioned boundary streets, as well as the area within said boundaries between the hours of 8:00 a.m. and 7:00 p.m.

- B. Adjacent to or Within Residential Districts. It shall be unlawful for any solid waste contractor to collect any garbage, rubbish, or waste matter between the hours of 6:00 p.m. and 6:00 a.m., either in or within five hundred feet of any residential district established pursuant to Title 19, entitled "Land Use Regulation," of this code.
- C. Commercial District. It shall be unlawful for any solid waste contractor to collect any garbage, rubbish, or waste matter between the hours of 6:00 p.m. and 5:00 a.m., either in or within five hundred feet of any residential district established pursuant to Title 19, entitled "Land Use Regulation," of this code.
- D. City Collection Services. It shall be unlawful for any solid waste contractor to collect any garbage, rubbish, or waste matter between the hours of 7:00 p.m. and 6:00 a.m. from city facilities, with the exception of city sponsored events.

SECTION 3. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Chico held on June 6, 2017 and was thereafter, at a regular meeting held on June 20, 2017 passed and adopted by the following vote:

AYES: Coolidge, Schwab, Sorensen, Stone, Fillmer, Morgan


NOES: Ory

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None

ATTEST



Deborah R. Presson, City Clerk

APPROVED AS TO FORM*



Vincent C. Ewing, City Attorney

*Pursuant to the Charter of the City of Chico §906