

## **ORDINANCE NO. 20-2015**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING SECTION 5335 (FINES FOR VIOLATIONS RELATED TO LITTERING OF PERSONAL PROTECTIVE EQUIPMENT) TO CHAPTER 3 (LITTER AND WEED CONTROL) OF ARTICLE V (SANITATION AND HEALTH) OF THE CARSON MUNICIPAL CODE REGARDING INCREASED LITTERING FINES RELATED TO PERSONAL PROTECTIVE EQUIPMENT**

**WHEREAS**, due to the worldwide pandemic of a novel respiratory illness known as COVID-19 that was first identified in December, 2019, there has been widespread use all over the world, including in the City of Carson (“City”), of Personal Protective Equipment, including but not limited to, gloves, facemasks, goggles and face shields (“PPE”), to guard against and minimize transmission of COVID-19; and

**WHEREAS**, while the City has encouraged use of PPE among its residents, businesses and visitors alike, the increased use of PPE has resulted in increased instances of littering of PPE in and around the City; and

**WHEREAS**, Chapter 3 (Litter and Weed Control) of Article V (Sanitation and Health) of the City’s Municipal Code (“Littering Ordinance”) sets forth the regulations for and prohibitions against littering within the City, but without express provisions for fines in the event of any violations for littering, including littering of PPE; and

**WHEREAS**, Section 1200 (“Section 1200”) of the City’s Municipal Code (“CMC”) provides that any person violating any provision or failing to comply with any mandatory requirement of the CMC expressly stated by the CMC to be an infraction, shall be guilty of an infraction, and subject to penalties; and

**WHEREAS**, Section 1200 provides that the penalty amounts shall be as follows: (i) a fine not exceeding \$100.00 for a first violation, (ii) a fine not exceeding \$200.00 for a second violation within one (1) year from the date of the first violation, and (iii) a fine not exceeding \$500.00 for each additional violation within one (1) year from the date of the first violation; and

**WHEREAS**, the City Council now desires to increase the fines associated with violations of the Littering Ordinance where PPE has been littered so that the fine amounts for such violations do not exceed (i) \$250.00 for the first violation, (ii) \$350.00 for a second violation within one (1) year from the date of the first violation, and (iii) \$500.00 for each additional violation within one (1) year from the date of the first violation.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**SECTION 1. RECITALS.** The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

**EXHIBIT NO. 1**

**SECTION 2. AMENDMENT.** Section 5335 (Fines for Violations Related to Littering of Personal Protective Equipment) of Chapter 3 (Litter and Weed Control) of Article V (Sanitation and Health) of the Carson Municipal Code is hereby added as follows:

**“5335 Fines for Violations Related to Littering of Personal Protective Equipment.**

Notwithstanding Section 1200 of the Carson Municipal Code and without limiting the applicability of Section 1200 to this Chapter, the following shall apply to violations of this Chapter where Personal Protective Equipment has been littered within the jurisdictional boundaries of the City:

- (a) Any person violating any provision of this Chapter where Personal Protective Equipment has been littered shall be deemed to have committed an infraction, and a fine shall be imposed and payable directly to the City.
- (b) ‘Personal Protective Equipment’ means protective clothing, helmets, gloves, face shields, goggles, facemasks and/or face coverings or other equipment designed, intended, used or worn to protect the wearer from injury or the spread of infection or illness.
- (c) Each and every violation of this Chapter where Personal Protective Equipment has been littered constitutes a separate and distinct offense.
- (d) Fines shall be assessed in the amounts specified as follows:
  - (i) A fine not exceeding \$250.00 for a first violation;
  - (ii) A fine not exceeding \$350.00 for a second violation within one (1) year from the date of the first violation; and
  - (iii) A fine not exceeding \$500.00 for each additional violation within one (1) year from the date of the first violation.”

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance 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 ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 5. CERTIFICATION.** The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this 20<sup>th</sup> day of October, 2020.

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Albert Robles, Mayor

ATTEST:

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Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:

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Sunny K. Soltani, City Attorney