

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6, BY REPEALING DIVISION 9, TITLED “SINGLE USE PLASTIC REDUCTION,” BY REPEALING SECTIONS 66.0901, 66.0902, 66.0903, 66.0904, 66.0905, 66.0906, AND 66.0907, RELATING TO SINGLE USE PLASTIC REDUCTION.

WHEREAS, in January 2019, the City Council passed San Diego Ordinance O-21030 (Jan. 24, 2019), the Single Use Plastic Reduction ordinance, to restrict the distribution of polystyrene foam products and plastic utensils throughout the City; and

WHEREAS, the City was sued in the case of *Jose Gameros, et al. v. The City of San Diego* after Ordinance O-21030 passed; and

WHEREAS, the City agreed with Plaintiff to settle the case; and

WHEREAS, as part of the Settlement Agreement the City agreed to stay enforcement of Ordinance O-21030, to prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act, and to: (1) certify the EIR, (2) repeal the Ordinance O-21030, (3) re-adopt that Ordinance, and/or (4) adopt a new ordinance regulating, prohibiting or relating to the distribution or use of polystyrene foam in the City of San Diego under any terms the City deems appropriate pending public consideration; and

WHEREAS, pursuant to the Settlement Agreement, the City prepared an EIR that is being presented to the City Council for certification along with a request directing the Clerk to file a Notice of Determination, to repeal sections 66.0901, 66.0902, 66.0903, 66.0904, 66.0905, 66.0906, and 66.0907, which were added to the Municipal Code by the 2019 ordinance, and then re-adopt those sections from the Single Use Plastic Reduction Ordinance with minor clarifications and a delayed effective date; and

WHEREAS, this ordinance repeals Ordinance O-21030 by amending the Municipal Code to repeal sections added by Ordinance O-21030, namely sections 66.0901, 66.0902, 66.0903, 66.0904, 66.0905, 66.0906, and 66.0907; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 6, Division 9 of the San Diego Municipal Code is amended by repealing Division 9, titled “Single Use Plastic Reduction,” and by repealing sections 66.0901, 66.0902, 66.0903, 66.0904, 66.0905, 66.0906, and 66.0907.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
Noah J. Brazier  
Deputy City Attorney

NJB:nja  
09/23/2022  
Or. Dept: ESD  
Doc. No.: 3125695

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor