

Town of Yountville

Ordinance Number 23-518

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING SECTION 13.160.120 OF CHAPTER 13.160 OF DIVISION 8 OF TITLE 13 OF THE YOUNTVILLE MUNICIPAL CODE TO UPDATE REFERENCES TO THE CALIFORNIA PUBLIC RECORDS ACT

Recitals

- A. The California Public Records Act (CPRA) requires the Town to make its records available for public inspection, unless an exemption from disclosure applies.
- B. On January 1, 2023, Assembly Bill No. 473 (Chapter 614, Statutes of 2021) took effect, recodifying the CPRA from Government Code section 6250, et seq., to 7921.000, et seq.
- C. The Town of Yountville desires to update the Yountville Municipal Code to remove references to outdated sections of the CPRA in accordance with new state law.

Now, therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. CODE AMENDMENT: Section 13.160.120 of Chapter 13.160 of Division 8 of Title 13 of the Yountville Municipal Code is hereby repealed and replaced to read as follows:

13.160.120 Inspections and investigations by Town or designee.

A. Town representatives and its designee are authorized to conduct inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or source separated materials to confirm compliance with this chapter by organic waste generators, commercial businesses (including multifamily residential dwellings), property owners, commercial edible food generators, haulers, self-haulers, food recovery services, and food recovery organizations, subject to applicable laws. This section does not allow the Town to enter the interior of a private residential property for inspection. Such inspections and investigations may include confirmation of proper placement of materials in containers, edible food recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (1) access to an entity's premises; (2) installation and operation of remote monitoring equipment; or (3) access to records for any inspection or investigation is a violation of this chapter.

1. Any records obtained by the Town and/or its designee during its inspections and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act.

2. Town representatives and its designee are authorized to conduct any inspections or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws.
3. The Town and/or its designee shall receive written complaints from persons regarding an entity that may be potentially noncompliant with SB 1383 Regulations, including receipt of anonymous complaints.

SECTION 2. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

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 final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council 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, phrases or portions might be declared invalid or unconstitutional.

SECTION 4. Effective Date: This Ordinance shall take effect 30 days after final adoption.

SECTION 5. Certification: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 7th day of March 2023.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the [REDACTED] day of [REDACTED], 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Margie Mohler, Mayor

Eddy Gomez, Town Clerk

Gary Bell, Town Attorney