

CITY COUNCIL AGENDA ITEM NO. 2

Meeting Date: April 25, 2023

Subject/Title: An ordinance amending the Brentwood Municipal Code to add Chapter 5.74 (Lost, Stolen, or Abandoned Shopping Carts), requiring private management of shopping carts and retrieval of carts from public and private spaces; and an ordinance amending the Brentwood Municipal Code to add Chapter 8.38 (Commercial Property Maintenance), specifying maintenance requirements and standards for non-residential buildings.

Prepared by: Roberta Portillo-Bienemann, Code Enforcement Supervisor

Submitted by: Alexis Morris, Director of Community Development

PURPOSE AND RECOMMENDATION

The appearance and maintenance of commercial property located in the city impacts property values and the general welfare of the City. Staff is proposing two new ordinances that will create new regulations related to lost, stolen or abandoned shopping carts and the maintenance of commercial property in order to provide greater clarity about property owners' responsibilities and provide better enforcement tools for City staff.

Staff recommends that the City Council take the following actions:

1. Introduce, and waive the first reading of An Ordinance of the City Council of the City of Brentwood Adding Chapter 5.74, Lost, Stolen, or Abandoned Shopping Carts, to the Brentwood Municipal Code.
2. Introduce, and waive the first reading of an Ordinance of the City Council of the City of Brentwood Adding Chapter 8.38, Commercial Property Maintenance, to the Brentwood Municipal Code.

CITY COUNCIL STRATEGIC INITIATIVE

Not applicable.

PREVIOUS ACTION

Staff initiated the proposed ordinances based on operational issues, therefore there are no previous Council actions related to this item.

BACKGROUND

The Municipal Code currently does not contain regulations related to business and property owners' responsibilities for lost, stolen or abandoned shopping carts, which can make it difficult to enforce prompt removal of shopping carts found on City property or off-premises of the business. The Municipal Code also does not have property maintenance regulations specific to commercial property in the City. There are various maintenance requirements that can be applied to any property in the City, but these generally-applicable maintenance requirements fail to adequately account for the unique design and uses of commercial properties.

The appearance and maintenance of commercial property located in the City impacts property values and the general welfare of the City and the lack of clear regulations can make

enforcement related to these issues less effective. Furthermore, ensuring quality maintenance of commercial properties in the City will increase in importance as these properties age and mature over time. Therefore, staff worked with outside counsel and the City Attorney's Office to draft two new ordinances that would create clearly understood and enforceable requirements related to shopping carts and commercial property maintenance.

DISCUSSION

Proposed Shopping Cart Ordinance

The City has a substantial interest in promoting the public health, safety, and welfare of its residents, visitors, and businesses, and the aesthetic qualities of the City. Abandoned or unattended shopping carts off the premises of retail establishments can interfere with pedestrian and vehicle traffic and the use of public streets, sidewalks, public areas, and public rights-of-way for their intended purposes, and can create dangerous conditions for users of those public spaces. They also contribute substantially to litter, clutter, and visual blight.

The goal of the proposed ordinance is to improve cart security by providing a mechanism to place primary responsibility for managing carts with retailers who provide shopping carts to their customers and to set requirements for the prompt retrieval of carts that have been taken off the business premises. Since no City ordinance like the one proposed currently exists, shopping cart owners often do not actively retrieve carts, leaving the City to remove abandoned shopping carts from public spaces.

State law, specifically Sections 22435 through 22435.13 of the California Business and Professions Code, permits cities to adopt an ordinance with regulations to eliminate the accumulation of abandoned shopping carts within city limits. The proposed ordinance is consistent with State law and is consistent with the shopping cart ordinances of other California cities.

The proposed ordinance would deem abandoned or unattended shopping carts found off the premises of retail establishments, on either public or private property, to be a public nuisance. The carts would be subject to abatement by the City if the private retail owners of the shopping carts do not fulfill their obligations to maintain their carts on site or retrieve those that have migrated offsite.

The intent of the ordinance is to:

1. Provide for pedestrian and vehicle safety;
2. Ensure that the flow of pedestrian or vehicle traffic is not unreasonably interfered with, including ingress into or egress from any residence, place of business, street, sidewalk, public area, public right-of-way, or any legally parked or stopped vehicle;
3. Protect streams, riparian areas, and other natural areas; and
4. Reduce litter, clutter and visual blight associated with abandoned or unattended shopping carts.
5. Divert cart waste from the landfill; and
6. Balance the rights and interests of the owners of shopping carts with the rights and interests of those who do not own shopping carts, but are negatively impacted by shopping carts on private and public property.

This proposed ordinance adds Chapter 5.74 to the City's Municipal Code to facilitate the retrieval of abandoned shopping carts in the City of Brentwood and defines "abandoned

shopping cart” as “any cart removed from a business establishment’s premises without written permission of the cart’s owner and located on either public or private property”.

The ordinance encourages responsibility of retrieval by the shopping cart owner. It also establishes requirements for cart containment and retrieval by cart owners, procedures for impoundment of abandoned carts by the City, and recovery from the cart owner of fines and costs incurred by the City.

Loss prevention measures include the development and approval of a shopping cart prevention and retrieval plan for all businesses that provide or intend to provide 25 or more shopping carts to customers. Staff has identified 21 businesses that provide more than 25 carts and eight businesses that provide fewer than 25 carts in the City. Owners must reclaim carts within three days after notice by the City. Any owner who fails to timely obtain an approved shopping cart plan or fails to timely reclaim a cart may be issued an administrative citation fine for noncompliance.

Proposed Commercial Property Maintenance Ordinance

The property values and the general welfare of the city are founded, in part, upon the appearance and maintenance of property located within the city. The proposed ordinance adds Chapter 8.38 to the City’s Municipal Code to encourage the maintenance of commercial (non-residential) property located within the City. Commercial properties can constitute public nuisances when the maintenance of improvements is not performed in a coordinated and uniform manner. The definition of commercial property in the proposed ordinance is: “Commercial property” means non-residential property primarily used for business or retail purposes located in a commercial or industrial zone or a legal nonconforming property used for business or retail purposes and located outside of a commercial or industrial zone, regardless of whether the property is occupied or vacant, developed or vacant land”.

There are various maintenance requirements within the Brentwood Municipal Code applicable to *all* properties and buildings in the City. However, generally applicable maintenance requirements fail to adequately account for the unique design and uses of commercial/non-residential properties and buildings.

Staff is proposing an ordinance that specifies maintenance requirements and standards for non-residential buildings that are designed to prevent such properties and buildings from becoming public nuisances due to visual blight, safety hazards, and other blighting conditions. Specifically, this ordinance is intended to give Community Enrichment staff enhanced tools to address a variety of concerns occurring at commercial properties, including deteriorated parking lot striping, lack of landscape maintenance, lack of adequate lighting, lack of adequate garbage service, and graffiti, among others.

Enforcement of the proposed ordinance is intended to address unmaintained commercial properties and prospectively encourage property owners and business operators in Brentwood to maintain attractive places of business to encourage patronage Citywide, and to provide a positive effect on the overall appearance of the City.

Next Steps

If the City Council votes to introduce and waive the first readings of the two new ordinances on April 25th, the ordinances would have an effective date of June 9th. The City Manager sought received feedback from the Brentwood Chamber of Commerce and the Downtown Business Coalition in the development of the ordinances, and Community Enrichment staff will

communicate the new requirements of each ordinance to property owners and businesses prior to the new ordinances taking effect.

Staff will mail letters and send emails to all commercial businesses with a valid City of Brentwood Business Tax Certificate to provide notification of the two new ordinances. In addition, staff will create a handout and a Shopping Cart Retrieval and Prevention Plan Application that will be sent to the 29 businesses identified as providing shopping carts for their customers, eight of which provide fewer than 25 shopping carts. This information will also be available on the Community Enrichment page of the City's website. Additionally, the information will be disseminated via social media and the Brentwood Buzz Newsletter.

FISCAL IMPACT

No direct financial impact is anticipated for the adoption of either proposed ordinance, although there will be indirect costs related to staff time expended to address, enforce and administer the proposed ordinances.

Attachments:

Commercial Property Maintenance ordinance
Shopping Cart Ordinance

ORDINANCE NO. 1057

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD
ADDING CHAPTER 5.74, LOST, STOLEN, OR ABANDONED SHOPPING
CARTS, TO THE BRENTWOOD MUNICIPAL CODE**

WHEREAS, pursuant to the California Constitution, article XI, section 7 and under the City's general police powers, the City of Brentwood is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

WHEREAS, the City has a substantial interest in promoting the aesthetic qualities of the City; and

WHEREAS, abandoned or unattended shopping carts off the premises of retail establishments can interfere with pedestrian and vehicle traffic and the use of public streets, sidewalks, public areas, and public rights -of-way, can constitute a hazard to streams, riparian areas and other natural areas, and contribute substantially to litter, clutter and visual blight; and

WHEREAS, the purpose of this Ordinance is to amend the Brentwood Municipal Code to add Chapter 5.74 entitled "Lost, Stolen, or Abandoned Shopping Carts," to regulate and prohibit the removal of shopping carts from the premises of retail establishments, including designated parking areas, without the written authorization or consent of the cart's owner, and to regulate the retrieval and disposition of abandoned or unattended shopping carts that are found off the premises of retail establishments; and

WHEREAS, the City Council finds that the adoption and implementation of the procedures and standards set forth below for the regulation of shopping carts within the City is within the power and authority of the City to protect the public health, safety, and welfare of the City's citizens;

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Incorporation of Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. Amendment of the Brentwood Municipal Code. The City Council of the City of Brentwood hereby adopts Chapter 5.74 of the Brentwood Municipal Code, entitled Lost, Stolen, or Abandoned Shopping Carts, to read in its entirety as follows:

"Chapter 5.74 LOST, STOLEN, OR ABANDONED SHOPPING CARTS

5.74.010 Findings and purpose.

In enacting this chapter, the city council finds as follows:

A. The property values and the general welfare of the city are founded, in part, upon the appearance and maintenance of property located within the city.

B. Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City. The accumulation of wrecked, dismantled and abandoned shopping carts on public or private property also tends to create conditions that reduce property values, promoting blight and deterioration in the City. The purpose of this chapter is to ensure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots, to make the removal of shopping carts a violation of this Code, and to facilitate the retrieval of abandoned carts as permitted by State law.

C. This chapter is intended to supplement existing State law regarding shopping carts as set forth in Business and Professions Code sections 22435 through 22435.8

D. This chapter is reasonably related to the proper exercise of the city's police power and protects the health, safety, and general welfare of the public.

5.74.020 Definitions.

For purposes of this chapter, the following words and phrases will have the meanings set forth below:

"Abandoned shopping cart" means any shopping cart that is removed from a business establishment's premises, as identified by the affixed sign, without the written authorization or consent of the cart's owner and located on either public or private property.

"Cart" means a basket mounted on wheels or a similar device generally used by a customer for the purpose of transporting goods of any kind within a retail establishment or designated parking or loading area of that business establishment.

"Enforcement officer" means any police officer, code enforcement officer, or other City employee authorized to enforce the provisions of this chapter.

"Owner" means any person who owns or provides shopping carts for use by customers in connection with the operation of a business.

"Person" means any natural person or legal entity, however formed, as well as any trustee, heir, executor, administrator, receiver, or assign, or any combination of such persons.

"Premises" means the entire area owned and utilized by a retail establishment that provides shopping carts for use by customers, including any parking lot or other off-street area provided by an owner, or shared with other retail establishments, for use by customers for parking automobiles or other vehicles.

5.74.030 Scope.

This chapter applies to all businesses located in the City that provide shopping carts for customer use, and to all shopping carts on and off the premises of businesses within the City. All businesses that provide 25 or more shopping carts for customers must comply with 5.74.090 Shopping Cart Prevention and Retrieval Plan.

5.74.040 Authority to enforce chapter.

A. Any enforcement officer has the authority to administer and enforce this Chapter.

B. The City Manager may adopt supplemental regulations or policies to implement and interpret this Chapter. These regulations or policies must conform with the purpose of this Chapter.

C. To the extent otherwise permitted by law, an enforcement officer may enter onto any public or private property in the City to retrieve, remove, store, and dispose of any lost, stolen, or abandoned shopping cart, or any part thereof.

5.74.050 Prohibition against removal or possession of abandoned cart.

A. It is unlawful for any person to temporarily or permanently remove a cart from a business premises or parking area of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment.

B. It is unlawful for any person to be in possession of a cart that has been removed from a business premises or parking area of a business establishment.

C. An owner may permit customer off-premises use of a shopping cart for transportation of purchased items. The authorization must be in writing with date(s) and time(s) of authorized use. Any shopping cart taken off premises must be returned to the owner's premises within seventy-two hours.

D. Removal or possession of a cart for the purpose of repair, maintenance, or disposal is exempt from this section.

5.74.060 Required signs and identification.

A. Pursuant to Section 22435.1 of the Business and Professions Code 22435.1, every shopping cart owned or provided by an owner must have a sign permanently affixed to the shopping cart that includes the following information:

1. The cart owner's name, business address, and phone number;
2. Notice of the procedure to be utilized for authorized removal of the shopping cart from the premises;
3. Notice that unauthorized removal of the shopping cart from the premises or parking area of a retail establishment, or the unauthorized possession of the shopping cart, is a violation of State law and this Chapter.
4. A valid telephone number and address for returning the shopping cart removed from the business premises or parking area of a business establishment to the owner.

5.74.070 Cart containment and retrieval by owners.

A. Every shopping cart owner must lock or otherwise securely contain all shopping carts of the owner after business hours in a manner that prevents theft or removal from the premises. All shopping carts located on the premises of a retail establishment, other than an establishment open for business twenty-four hours per day, must be collected at the end of each business day by the owner, employees, or authorized agents of the retail establishment and be collectively confined in a secured manner in a designated cart confinement area on the premises until the commencement of the next business day.

B. All shopping carts located on the premises of any retail establishment open for business twenty-four hours per day, other than carts then currently in use by a customer, must be collected by the owner, employees, or authorized agents of the retail establishment and returned to a designated cart confinement area on the premises at least twice per calendar day between the hours of 12:00 p.m. (noon) and 12:00 a.m. (midnight) on each day the retail establishment is open for business. This section does not apply to:

1. Shopping carts located within an enclosed building;
2. Shopping carts removed from the premises of a retail establishment for purposes of repair or maintenance that are in the possession or custody of the party to whom removal has been authorized in writing by the shopping cart owner; or
3. Shopping carts being transported by the owner, or an officer, employee, or authorized agent of the owner, to or from a business location of the owner.

C. All abandoned shopping carts that are found off premises must be retrieved as soon as practicable by the owner, or an authorized agent of the owner, including a cart retrieval service retained by the owner. The city will notify the owner of an abandoned shopping cart when such shopping cart is located in a place that can be accessed safely by the owner. Such notice, which will include the cart's location, may be given by telephone, e-mail, or text message to the owner or owner's agent designated in the abandoned shopping cart prevention and retrieval plan, if an approved plan is in place. Within three business days from the date the owner of the cart is provided with notice by the city that an abandoned shopping cart of the owner has been located, the owner or agent will cause the identified shopping cart(s) to be retrieved.

D. Persons retained to perform shopping cart retrieval services must carry written authorization from the owner to be presented upon request by the City Manager. Vehicles used by retrieval services must bear conspicuous signs identifying the name of the cart retrieval service.

5.74.080 Impoundment and retrieval of abandoned shopping carts.

- A. **Impoundment Pursuant to State Law.** The enforcement officer may immediately retrieve and impound any shopping cart, in accordance with the provisions outlined in Business and Professions Code section 22435.7.
- B. **Impoundment Following Three-Day Notice.** A shopping cart that has a sign affixed to it in accordance with the provisions of this chapter and Business and Professions Code Section 22435.1 may be impounded by the city provided both of the following conditions are met:
1. The shopping cart is located outside the business premises or parking area of the business establishment. The parking area of a business establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.
 2. Except as provided in subsection C of this section, Impoundment Without Three-Day Notice, the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or their agent, receives actual notice from the city of the shopping cart's discovery and location.
- C. **Impoundment Without Three-Day Notice.** The city may retrieve and impound any abandoned shopping cart without first giving three days' notice provided:
1. The enforcement officer provides actual notice to the owner, or their agent, of the impoundment of the shopping cart within twenty-four hours following the impound;
 2. The notice informs the owner, or their agent, of the location where the shopping cart may be claimed;
 3. Any shopping cart reclaimed by the owner, or their agent, within three business days after the date of actual notice to the owner, or their agent, of the impound, must be released and surrendered to the owner, or their agent, at no charge,

including the waiver of any impound and storage fees or fines which otherwise would be applicable; and

4. The shopping cart is held at a location that is both: (i) reasonably convenient to the owner of the shopping cart; and (ii) open for business at least six hours of each business day.

D. Immediate Retrieval and Impoundment by City for Impeding Emergency Services. The enforcement officer may immediately retrieve and impound any shopping cart from public or private property if the location of the shopping cart impedes emergency services.

E. Any cart reclaimed by the owner or their agent within three business days from the date the owner of the shopping cart, or their agent, is given actual notice by the city of the shopping cart's discovery and location, or impoundment, will not be deemed an occurrence for purposes of this chapter.

F. It is unlawful for any owner of any shopping cart to fail to reclaim a shopping cart within three business days after the date the owner has been given actual notice by the city of the shopping cart's discovery and location, or impoundment. Such an owner is subject to prosecution or the imposition of administrative costs, fees, fines, interest and other penalties applicable under this chapter commencing four business days after the date of notice.

5.74.090 Shopping cart prevention and retrieval plan.

A. **Compliance Approved Plan Required.** Every owner who provides, or intends to provide, 25 or more shopping carts to customers must develop, implement, and comply with the terms and conditions of an approved plan that provides for the prevention of and retrieval of unauthorized shopping cart removal from a business premises.

B. **Plan Contents.** At minimum, the prevention and retrieval plan must include the following:

1. *Preliminary Information.* The name of all owners, the business name, the physical address where the business is conducted, and the name, address, email address, and phone number(s) of the on-site and off-site owner, if different.
2. *Inventory of Carts.* A complete list of all shopping carts maintained on or in the premises.
3. *Community Outreach.* A description of a community outreach process under which the owner will cause notice to be provided to customers that the removal of shopping carts from the premises is prohibited and is a violation of state and city ordinance. This notice may include, but is not limited to, flyers distributed at the premises, warnings on shopping bags, signs posted in prominent places near door and parking lot exits, direct mail, announcements using intercom systems at the premises, website or other means demonstrated to be effective to the reasonable satisfaction of the City Manager.
4. *Cart Identification.* Signs and shopping cart identification requirements must conform to state law. Owners will attach an example of the proposed shopping cart ownership identification sign that must conform to Business and Professions Code Section 22435.1.
5. *Languages.* The information required above must be provided in English and Spanish, and in such other language(s) the City Manager may reasonably require.

6. *Loss Prevention Measures.* A description of the specific measures that the owner will implement to prevent shopping cart removal from the owner's premises may include, but are not limited to, electronic or other disabling devices on the shopping carts so they cannot be removed from the premises, effective management practices, use of courtesy clerks to accompany customers and return the shopping carts to the store, use of security personnel to prevent removal, security deposit for use of shopping cart, or other demonstrable measures acceptable to the City Manager that are likely to prevent shopping cart removal from the premises. Cart owners must conduct regular maintenance to ensure any disabling devices and security deposit systems are working properly. If at any time a cart owner determines the disabling device installed on a cart is not working properly, the cart must be pulled from circulation until it is repaired. The cart owner must inspect, test, and repair an abandoned cart returned to the owner before making the returned cart available for use.
7. *Employee Training.* A description of an ongoing employee training program that will be implemented by the owner must be designed to educate new and existing employees on the plan and any conditions contained therein at least annually.
8. *Mandatory Cart Retrieval.* A plan for retrieval of abandoned shopping carts by the owner within three business days after knowing of a cart's removal from the owner's premises or after receiving notice from the City that the shopping cart has been abandoned.

C. **Review and Approval of Plans.** Each prevention and retrieval plan will be evaluated by, and must be approved by, the City Manager. The City Manager may deny the plan if the requirements of this Chapter have not been satisfied. The City must serve the applicant with a written notice of denial. The notice must state the reasons for the denial to assist the owner with obtaining plan approval. An owner must submit a new prevention plan within 15 days of receiving a notice of denial. The City Manager may impose conditions on the approval of a plan, if they determine it to be reasonably necessary to ensure compliance with the requirements of this Chapter. Such conditions may include disabling devices on all carts used by the business in order to prevent removal of carts from the business premises and parking lots.

D. **Plan Validity.** A prevention and retrieval plan is valid upon approval and continues in effect until a change in ownership. A prevention and retrieval plan approved under this Chapter is valid only as to the owner and approved location, and is therefore nontransferable to other persons or locations.

E. **Plan Amendments.** If an owner proposes any amendment in the operations or information in an approved plan, the owner must notify the City in writing of any such proposed amendment, and the proposed amendment must be approved by the City Manager before the amendment takes place.

F. **Plan Revocation or Modification.** The City Manager may revoke or modify an approved prevention and retrieval plan in any of the following circumstances:

1. The owner has failed to comply with the requirements of this chapter or the approved prevention and retrieval plan.
2. The revocation or modification is reasonably necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare.

The City Manager must serve the owner with a written notice of revocation or modification. Any revocation or modification is final. In the event a plan is revoked, the owner must reapply in accordance with Section 5.74.090.

G. **Existing Owners.** Upon adoption of this Chapter, owners of existing businesses subject to the plan requirement must submit a plan for approval within 30 days of receiving notice from the City that such a plan is required.

5.74.100 Owner responsibility.

It is the responsibility of the owner to ensure that the business complies with the prevention and retrieval plan at all times. In construing and enforcing this Chapter and any regulations promulgated under this Chapter, the act, omission, or failure of an agent, officer, representative, or other person acting for or employed by an owner, within the scope of their employment or office, will in every case be deemed the act, omission, or failure of the owner.

5.74.110 Disposal of carts.

The City may immediately sell or otherwise dispose of any cart that meets one of the following conditions:

A. That is not reclaimed from the city within 30 days of notification to the owner, or the owner's agent, of the cart's discovery and location, or impoundment.

B. The owner of the cart cannot be determined for any reason, including if the cart fails to have the identification required by state law or this chapter.

C. If the cart's condition renders it unusable as determined by the City Manager in their sole discretion.

5.74.120 Enforcement and penalties.

A. Whenever a city enforcement officer has determined that a violation of this chapter exists, the enforcement officer may use the procedures set forth in this chapter for the abatement of such public nuisance that is being committed on public property or may utilize any other procedure authorized by law. The remedies, procedures, and penalties provided by this chapter are cumulative to each other and to any other available remedy under city, state, or federal law.

B. When a city enforcement officer determines there is a violation of the provisions of this chapter, he or she is authorized to issue an administrative citation to a responsible party, as provided by Chapter 1.24 of this Code.

C. When an enforcement officer determines there is a violation of the provisions of this chapter, he or she is authorized to issue an infraction citation to a responsible party as provided by Chapter 1.20 of this Code.

D. The City Attorney is authorized to bring a civil or equitable action, at their discretion, to seek the abatement of any violation of this chapter.

SECTION 3. CEQA Exempt. The City Council finds that this ordinance is not subject to CEQA pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, the City Council finds that this ordinance is exempt under CEQA pursuant to Section 15061 (b)(3) (there exists no possibility that the activity will have

a significant adverse effect on the environment) of the CEQA Guidelines because this ordinance will not cause a change in any of the physical conditions within the area affected by the ordinance.

SECTION 4. Entry into Municipal Code. The City Clerk is requested to cause the quoted text in Section 2 above to be entered in the Municipal Code.

SECTION 5. Publication. This ordinance will be published in accordance with Government Code Section 36933 by either posting or publishing the ordinance in accordance with that law.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, the holding will not affect the validity or enforceability of the remaining provisions, and the City Council declares that it would have adopted each provision of this ordinance irrespective of the validity of any other provision.

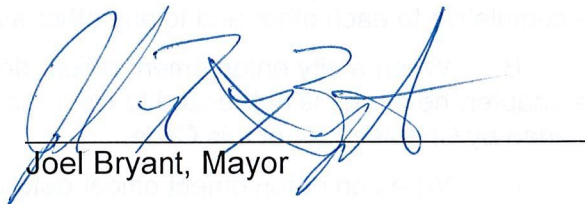
SECTION 7. Effective Date. This ordinance will take effect and be in force 30 days following its adoption.

THIS ORDINANCE was introduced with the first reading waived at a regular meeting of Brentwood City Council on the 25th day of April, by the following vote:

- AYES:** Mendoza, Meyer, Oerlemans, Pierson and Mayor Bryant
- NOES:** None
- ABSENT:** None
- RECUSE:** None

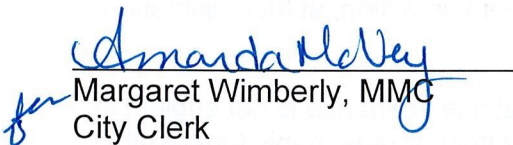
THIS ORDINANCE was adopted with the second reading waived at a regular meeting of Brentwood City Council on the 9th day of May, by the following vote:

- AYES:** Mendoza, Meyer, and Mayor Bryant
- NOES:** Oerlemans, Pierson
- ABSENT:** None
- RECUSE:** None



Joel Bryant, Mayor

ATTEST:



Margaret Wimberly, MMC
City Clerk