

**ORDINANCE NO. 1162**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CAMARILLO, CALIFORNIA, AMENDING AND RESTATING  
CHAPTER 9.04 OF THE CAMARILLO MUNICIPAL CODE  
PERTAINING TO INTEGRATED WASTE MANAGEMENT**

The City Council of the City of Camarillo ordains as follows:

**SECTION 1. Findings.** The City Council of the City of Camarillo finds as follows:

A. The City's solid waste regulations are codified in Chapter 9.04 of the Camarillo Municipal Code and were last updated in 2008.

B. Since the last update, there have been numerous changes to the State of California's Integrated Waste Management Act (Public Resources Code § 40000 and following), which, among other things, establishes statewide solid waste regulations, and the City has entered into a new solid waste franchise agreement with its solid waste collector, which establishes numerous local procedures and regulations with respect to solid waste collection and recycling programs.

C. The City desires to update its municipal code to conform to changes in the state law and its current solid waste franchise agreement, and include other clarifying revisions.

**SECTION 2. Environmental Review.** The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA), pursuant to Section 15308 (the action involves actions implementing procedures for integrated waste management, which is related to the protection of the environment); Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

**SECTION 3. Adoption of Chapter 9.04 (Integrated Waste Management).** Chapter 9.04 of the CMC is amended and restated as follows:

## **"Chapter 9.04 – INTEGRATED WASTE MANAGEMENT**

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#### **I. GENERAL REGULATIONS**

##### **9.04.010 - Definitions.**

For the purpose of this chapter, the following words and phrases are defined as follows, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined in this section have the meanings set forth in Division 30, Part 1, Chapter 2 of the Public Resources Code, § 40105 and following, and the regulations of the California Integrated Waste Management Board or its successor agency. If not defined in the Public Resources Code or the Board's regulations, then the applicable definitions found in the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 and following, and the regulations implementing RCRA will apply.

"Act" means the California Integrated Waste Management Act of 1989 (sometimes referred to as "AB 939"), Public Resources Code § 40000 and following as it may be amended, and as implemented by the regulations of CalRecycle.

"Active composting" means that method of waste treatment in which organic solid wastes are biologically decomposed under controlled aerobic or anaerobic conditions.

"Bulky items" means large solid waste or other discarded waste that cannot or would not typically be accommodated within a cart such as large household appliances, furniture, carpets, mattresses, tires and oversized yard waste such as tree trunks and large branches, which a solid waste collector has agreed to collect.

"CalRecycle" means the California Department of Resources, Recycling and Recovery, or any successor agency.

"Charges" means the charges, rates or fees permitted to be made for solid waste collection, related services, equipment rental, and roll-off service, by a franchisee under a residential franchise, a commercial franchise, or a roll-off franchise issued under this chapter.

"Collection" means to take physical possession, remove and transport solid waste.

"Commercial bin" means a bin provided by a franchisee, approximately three cubic yards in capacity, designed for the temporary accumulation and collection of solid waste and placed by a franchisee at commercial premises. Commercial bins do not include construction bins placed at residential premises.

"Commercial premises" means all lots or portions of a lot in the city, other than residential premises, where commercial solid wastes are generated or accumulated.

"Commercial solid waste" means all types of solid waste, including green waste and recyclable solid waste, generated or accumulated at commercial premises and placed in commercial bins for accumulation and collection.

"Composting" means the controlled and monitored process of converting organic waste into compost.

"Construction bin" or "roll-off bin" means any container, commercial roll-off bin or other similar receptacle used for the accumulation, temporary storage and removal of construction and demolition waste or similar material, which is emptied by means of special collection equipment.

"Construction and demolition waste" means used or discarded construction materials arising from the construction, renovation or demolition of a premises or structure.

"Container" means the containers provided by or acceptable to a solid waste collector for the temporary accumulation, collection and removal of solid waste and includes any commercial bin, roll-off bin construction bin, residential solid waste container, recycling container, green waste container, and organic waste container.

"Dispose" or "Disposal" means the final disposition of solid waste collected.

"Franchise" means either a commercial, residential or roll-off franchise.

"Franchise, commercial" means a franchise issued under this chapter that grants to a franchisee the exclusive right to collect and transport on a regular, recurring basis, solid waste from commercial premises located within the city, except as provided in Sections 9.04.040 and 9.04.050.

"Franchise, residential" means a franchise issued under this chapter, which grants to a franchisee the exclusive right to collect and transport solid waste from residential premises, except as provided in Sections 9.04.040 and 9.04.050.

"Franchise, roll-off" means a nonexclusive franchise issued under this chapter to a franchisee allowing such franchisee the right, on a nonexclusive basis, to provide roll-off bin services to responsible persons of commercial premises.

"Franchisee" means a solid waste collector designated as a franchisee pursuant to a commercial franchise, a residential franchise, or a roll-off franchise approved by the city council authorizing the solid waste collector to provide solid waste collection services within the city in accordance with this chapter.

"Green waste" (also sometimes referred to as "yard waste") means a form of solid waste composed of leaves, grass clippings, brush, branches and other forms of organic matter generated from landscapes, farms and gardens, and scrap wood, separated from other forms of solid waste. Green waste does not include large stumps or branches and yucca or palm fronds, which are not suitable for composting.

"Hazardous waste" means any waste materials or mixture of wastes defined as a "hazardous substance" or "hazardous waste" pursuant to RCRA, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 and following or as defined by the California Integrated Waste Management Board. If there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term hazardous waste will be construed to have the broader, more encompassing definition.

"Medical waste" means any item regulated under the Medical Waste Management Act (Part 14, commencing with Section 117600, of Division 104 of the Health and Safety Code) that has not been treated and may not be disposed of at a solid waste disposal facility.

"Organic waste" means food waste, green waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.

"Recyclables" or "Recyclable materials" means materials that can be recycled consistent with the requirements of the Act. The city may adopt a schedule of materials that may qualify as recyclables, which may be revised periodically.

"Recycle" means the process of sorting, cleansing, treating and reconstituting of recyclables, which would otherwise be disposed of at a disposal site, for the purpose of returning the recyclables to the economy in the form of raw materials for reused, remanufactured or reconstituted products.

"Residential premises" means all residentially zoned lots used for residential purposes, excluding premises with multi-family structures consisting of five or more units.

“Residential solid waste” means all types of solid waste, including green waste and recyclable solid waste, generated or accumulated at residential premises and placed in residential containers for accumulation and collection.

“Residentially zoned lots” means all of those lots located within the city that are zoned for and allow a residential building or structure located on the lot, which generates, or which could generate, solid waste.

“Responsible person” means the person responsible for the day to day operation of each commercial or residential premise in the city at which solid waste is generated or accumulated.

“Roll-off service” means the occasional, not regularly recurring, service supplied by a franchisee, upon request of a responsible person, consisting of one or more roll-off solid waste containers, to be used for the temporary storage, accumulation and removal of solid waste resulting from a temporary lawful activity conducted upon a lot, such as the demolition or construction of a building or a structure.

“Scavenge” means the unauthorized removal of recyclables from a container or other collection location on a premises, as prohibited by Public Resources Code section 41950.

“Solid waste” means all putrescible and nonputrescible solid, semisolid, and liquid waste generated or accumulated for collection or disposal within the city. Solid waste includes bulky items, construction and demolition waste, green waste, and organic waste. Solid waste does not include any of the following: (1) hazardous waste, (2) medical waste regulated under the Medical Waste Management Act (Part 14, commencing with Section 117600, of Division 104 of the Health and Safety Code) that has not been treated and may not be disposed of at a solid waste disposal facility, and (3) recyclable material.

“Solid waste collector” means a solid waste enterprise that collects solid waste, or that places bins for the temporary accumulation and collection of solid waste, including construction and demolition waste, in the city, pursuant to a written franchise approved by the city council, authorizing the solid waste collector to provide solid waste services within the city.

“Solid waste officer” means the city manager or other city officer designated to be responsible for the administration and enforcement of this chapter.

In addition to these definitions, where applicable, the definitions contained in this code, including Title 19 (Zoning), apply to this chapter.

#### **9.04.020 - Origin and storage of solid waste.**

No person may store, accumulate or maintain any solid waste on any commercial or residential premises, unless such solid waste was generated by a lawful use located on such premises. The storage and accumulation of solid waste on any premises permitted under this code may be temporary only, and only at such locations as are permitted by this code. Except as expressly provided in this chapter, solid waste must be stored in a container and must be placed for collection at the next regularly scheduled collection date for the premises, following the generation and accumulation of such solid waste, or otherwise removed lawfully from the premises prior to the next regularly scheduled collection date for the premises.

#### **9.04.030 - Collection arrangements required – Exemptions and Exclusions.**

- A. The responsible person for each commercial and residential premise at which solid waste is generated or accumulated in the city must make arrangements with a solid waste collector for the collection of solid waste, or obtain a self-haul permit from the city, as provided for in Section 9.04.050.
- B. Exemption Procedure.
  - 1. A responsible person may apply to the solid waste officer for an exemption from this section if (a) the applicable premises has been vacant and has not generated or accumulated any solid waste for the previous 60 days, and (b) will continue to be vacant for the foreseeable future.
  - 2. Application for a vacancy exemption must be made on the form provided by the city and submitted to the city's solid waste officer for review and a determination as to eligibility in accordance with the city's vacancy exemption policy.
  - 3. An exemption and any extension of such exemption may be for a period of not more than 180 days.
- C. Exclusions.
  - 1. Residential Premises Recyclables Exclusion. No provision of this chapter prevents the responsible person of a residential premise from donating or selling recyclable materials generated at the residential premises.
  - 2. Commercial Premises Recyclables Exclusion. No provision of this chapter prevents the responsible person of a commercial premise from donating or selling any source separated recyclable materials generated at the commercial premises.

#### **9.04.040 - Persons authorized to collect and transport solid waste.**

- A. Except as expressly provided in subsection (B), no person may collect or transport solid waste or green waste from any location within the city unless such person is a solid waste collector or has a self-haul permit from the city. It is unlawful for any person to permit or enter into any agreement for the collection or transportation of solid waste or green waste with any person who is not a solid waste collector.
- B. The collection and transportation of the following types of solid waste under the circumstances indicated are exempt from the provisions of subsection (A):
  - 1. Construction and demolition waste removed from the premises by a licensed contractor using its own employees and equipment as an incidental part of a total service offered by that contractor.
  - 2. Green waste generated by an agricultural use on a lot where such use is permitted under this code.
  - 3. Hazardous waste or medical waste.
  - 4. Recyclable materials generated on a commercial or residential premise that are separated or caused to be separated from solid waste by the responsible person for such premise, and sold or donated.
  - 5. Solid waste removed by a city officer, employee, or agent in the course of official duty.

6. Solid waste generated on a commercial or residential premise removed by the responsible person for such premise on an occasional, nonregular basis.
  7. Waste that is the by-product of sewage treatment.
  8. Yard waste removed from the premises by a gardening, landscaping, or tree trimming contractor as an incidental part of the total service offered by the contractor.
- C. All solid waste collected in the city under subsection (B) must be transported to a materials handling, recovery, transfer, or disposal facility, or other site permitted by the California Integrated Waste Management Board in accordance with all applicable laws and regulations.

**9.04.050 - Self-haul permits.**

- A. A responsible person may apply to the city for a self-haul permit to transport solid waste to a city-designated facility.
- B. Application Form. Application for a self-haul permit must be made on the form provided by the city and submitted to the city's solid waste officer for review and a determination as to eligibility. The applicant must also pay any applicable self-haul permit fee established by city council resolution.
- C. Reporting Requirements. Each responsible person issued a self-haul permit must submit disposal reports to the city containing such information and at a frequency as may be determined by the city's solid waste officer. Such report must include the type, quantity, volume, weight and destination of solid waste, including green waste, collected in the city and transported from the city, as well as gate tickets or receipts that substantiate the information contained in the report.
- D. Persons issued a self-haul permit may not: (1) dispose of the solid waste generated on their premises in the container of another premises or in any public street or park container, or (2) otherwise dispose of their solid waste in violation of this chapter.
- E. Revocation. If the solid waste officer believes that the holder of a self-haul permit is not complying with the conditions of the permit or requirements of this chapter or code, including the failure to submit a disposal report that contains all required information, then the solid waste officer must give written notice to the permit holder of the violation involved and a reasonable period of time to correct the violation before issuing an order of revocation. If the solid waste officer finds that the violation has continued without correction, then the officer may issue and serve a written order of revocation that sets forth the basis for the permit revocation. This order of revocation will be final unless timely appealed in the manner set forth in Chapter 1.14.

**9.04.052 - Commercial recycling required.**

All commercial premises that generate more than the applicable amount of solid waste established under the Act weekly, and all multi-family dwellings with five or more units, must make arrangements for the diversion of recyclables, either through a collection service with a solid waste collector, or by self-hauling to a permitted facility for diversion and reuse.

**9.04.054 - Organic waste recycling required.**

All commercial premises that generate more than the applicable amount of solid waste established under the Act weekly, and all multi-family dwellings with five or more units, must

make arrangements for the diversion of organic waste, either through a collection service with a solid waste collector, or by self-hauling to a permitted facility for diversion and reuse.

#### **9.04.060 - Containers.**

- A. Franchisee Provided. Each franchisee must provide and maintain containers for the temporary storage and disposal of solid waste for the customers of the franchisee.
- B. General Requirements. Containers utilized for the temporary storage of solid waste generated on any lot must be capable of holding without spilling, leaking or emitting excessive odors, all solid waste, which would ordinarily accumulate on the premises between the time of two successive collections. The size of the container must be consistent with city regulations or the provisions of the applicable franchise agreement.
- C. Maintenance. The responsible person for each residential or commercial premises must maintain all containers on the premises in a sanitary condition.

#### **9.04.070 - Use and placement of containers and bulky items.**

- A. General. No person may place for collection any container not in conformance with the types of containers designated by the solid waste collector. No person may place or cause to be placed for collection bulky items or any container containing solid waste, at any place or in any manner other than as provided in this chapter or as authorized in a franchise agreement approved under this chapter. Bulky items may be placed at the same locations as solid waste required to be placed for collection within a container.
- B. Time of Placement. No person may place a container adjacent to a street or public right-of-way before 4 p.m. on the day before the regularly scheduled collection day, nor may any person place any bulky items adjacent to a street or public right-of-way before 4 p.m. on the day before the collection day set by the solid waste collector. All containers or bulky items must be placed in a proper collection location by 6:30 a.m. on the day of collection.
- C. Location of Placement. Any container or bulky items permitted to be placed for collection adjacent to a street, must be placed behind but as close to the curblineline or the street right-of-way line as practicable. Any such container or bulky items permitted to be placed for collection adjacent to an alley, must be placed on the lot, as close to the right-of-way line of the alley as practicable.
- D. Return to Storage Location. After the collection of solid waste, each container must be promptly removed by no later than 8 p.m. on the regular collection day, and returned to a location on the lot where the container cannot be viewed from the street.

#### **9.04.080 - Removal of containers.**

No person, other than a responsible person or a solid waste collector, may remove or move any container from the location where the container was placed for storage or collection without the prior written approval of the responsible person.

#### **9.04.090 - Scavenging prohibited.**

No person other than a responsible person or such person's authorized employees or agents may remove, interfere with, disturb, or otherwise scavenge any solid waste, green waste, or

recyclable materials once placed in the applicable container for temporary storage and collection.

**9.04.100 - Clean up responsibility.**

- A. At Commercial and Residential Premises. Until solid waste has been collected by a solid waste collector, the responsible person of each commercial and residential premises in the city is responsible for the cleanup of any and all solid waste generated, deposited, allowed, released, spilled, leaked, discharged, injected, dumped or disposed, or which otherwise has come to be located outside an authorized container at the applicable premises. This cleanup responsibility includes the cleanup of solid waste, recyclables, and green waste, which has come to be located outside an authorized container, notwithstanding human or animal interference with a container, or wind or other natural forces, during storage or removal of the solid waste.
- B. During Transport. Any person transporting solid waste within the city must clean up immediately, or arrange for the immediate cleanup, of any solid waste released, spilled or dumped during collection, removal or transport.

**9.04.110 - Burning of solid waste prohibited.**

No person may cause or permit the burning of any solid waste, hazardous waste, or medical waste within the city.

**9.04.112 - Commingling of green waste with other forms of solid waste prohibited.**

No person may place or cause to be placed for collection green waste in any container designated for the collection of any other form of solid waste.

**9.04.114 - Unauthorized disposal in another person's container prohibited.**

No person may place solid waste in or otherwise use the solid waste or recyclables or green waste container of another without the written permission of such other person.

**9.04.120 - Unlawful dumping prohibited.**

No person may dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury, or dispose into the environment (including by abandonment or discarding of barrels, containers, and other closed receptacles) any solid waste upon any premises within the city, or cause, suffer, or permit any solid waste to come to be located upon any premises in the city, except in an authorized or permitted container or at an authorized or permitted solid waste collection facility.

**9.04.124 - Collection of solid waste without a franchise or permit prohibited.**

No person may collect any solid waste from any premises within the city except as provided for in this chapter. Each day that any person other than a city approved solid waste collector collects any solid waste from any commercial premises or residential premises within the city constitutes a separate offense for which such person may be cited.

**9.04.130 - Composting.**

The provisions of this chapter do not prohibit active composting in containers, unless such composting is otherwise expressly prohibited under other provisions of this code.

**9.04.140 - Additional regulations and policies.**

In addition to the requirements of this chapter and the provisions of a franchise agreement,

the city manager may issue written regulations and policies to implement the provisions of this chapter.

## **II. FRANCHISE REGULATIONS**

### **9.04.150 - Residential solid waste franchise.**

The city council periodically may award an exclusive residential solid waste franchise to a qualified solid waste collector that authorizes such franchisee to collect, transport, and dispose of all solid waste generated from all residential premises except as provided under Sections 9.04.040 and 9.04.050. The franchisee under a residential franchise must also provide residential roll-off service upon the request of any responsible person.

### **9.04.160 - Commercial solid waste franchises.**

- A. Commercial Franchise. The city council may periodically award an exclusive commercial solid waste franchise to a qualified solid waste collector authorizing such franchisee to collect, transport, and dispose of all commercial solid waste generated from all commercial premises except: (1) as authorized under Sections 9.04.040 and 9.04.050; (2) a franchise under a roll-off franchise, and (3) as permitted by other applicable law.
- B. Roll-off Franchises. The city council may periodically award a nonexclusive roll-off franchise to a qualified solid waste collector authorizing such franchisee to collect, transport, and dispose of commercial solid waste generated from any commercial premises, at the request of a responsible person, on a temporary basis of not more than 30 consecutive days, and not more than 60 total days in any calendar year, for each such commercial premise.

### **9.04.170 - Form of franchise.**

Each franchise awarded under this chapter must be in the form of a written franchise agreement that is approved by city council resolution.

### **9.04.180 - Fees and charges.**

The city may impose fees and charges upon solid waste collectors for costs related to use of the city's right-of-way, and solid waste, recyclable, green waste, and organic waste planning and program development, and administration. Such fees may include costs of preparing and implementing source reduction and recycling elements, household hazardous waste elements, and integrated waste management plans. The city may collect such fees and charges by such means as the city council may elect, except that the city may not collect such fees and charges by recording a lien against any real property.

## **III. LIABILITY FOR CHARGES AND FEES.**

### **9.04.200 - Liability for collection charges and fees.**

The responsible person for each residential and commercial premise is liable for all applicable fees and charges pertaining to the applicable collection service.

### **9.04.210 - Rates and charges.**

A solid waste collector may establish, charge, and collect customer rates and charges as compensation for services related to collecting, handling, transporting, or disposing of solid waste, subject to the regulations provided in this chapter and other restrictions imposed by

the city council as conditions of approval of a franchise to provide solid waste collection services. The rates and charges may not exceed the maximum amounts set by the city council by ordinance, resolution, agreement, or other act. A solid waste service collector will be under no obligation to charge the maximum amounts set by the city council.

**9.04.220 - Delinquent charges and fees – Penalties.**

- A. Delinquent Charges and Fees for Residential Service. If the responsible person for a residential premise fails to pay the solid waste collection charges and fees due for any residential collection service that is billed by the city on behalf of the franchisee on or before the 21st day following the date of the billing, the charges and fees will be deemed delinquent.
- B. Residential Service Penalties. Penalties will be imposed upon all delinquent residential service charges and fees as follows:
  - 1. Basic penalty. A basic penalty of 10% of the total delinquent charges and fees applicable will be imposed as of the date of any such delinquency.
  - 2. Additional penalties. An additional penalty of 10% will be imposed on the total delinquent charges and fees on each billing date upon which the charges and fees remain unpaid.
  - 3. Limit of penalty. The total penalty imposed may not exceed 100% of the total of any such delinquent account.
- C. Cessation of Residential Service for Delinquent Accounts. If residential service charges and fees remain delinquent for two months, following written notice to the responsible person, collection services may be halted and any containers provided by the franchisee removed from the premises. The city, on behalf of the franchisee, may impose a fee for the costs associated with the removal and storage of any container from a residential premise due to nonpayment. If the responsible person causes or permits the interference with the franchisee's ability to remove any container from the premises, charges will continue to accrue for service until the franchisee is able to remove the applicable containers. Upon payment of the delinquent fees and charges, containers will be returned to the premises and the franchisee will resume collection. Payment of any delinquent account by check will generally result in a delay of 12 business days to resume collection service or such time as it takes for the check to clear.”

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This ordinance is effective 30 days after its adoption.

**SECTION 6. Publication.** The City Clerk is directed to cause this ordinance to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED April 10, 2019.

Kevin Kildee  
Mayor

Attested to on 4/11/19  
Jeffrie Madland  
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Ordinance No. 1162 was introduced by the City Council at a meeting held March 27, 2019 and subsequently passed and adopted by the City Council at a regular meeting held April 10, 2019, by the following vote:

AYES: Councilmembers: Craven, Mulchay, Santangelo, Trembley, Mayor Kildee  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

Jeffrie Madland  
City Clerk

