

AGENDA ITEM: 5

MEETING DATE: November 21, 2019

DEPARTMENT: Administration

## **REPORT TO THE CITY COUNCIL**

### **SUBJECT:**

Public Hearing, Second Reading and Adoption of Ordinance No. 08-2019 Adding Chapter 6.36 to the Municipal Code Regulating Smoking and Tobacco Product Use.

### **DISCUSSION:**

The Council received a presentation from various organizations, including the County Department of Public Health requesting an ordinance that prohibited smoking within City buildings, and City parks, or at public events in the City that are sponsored, in whole or in part, by the City. The proposed ordinance prohibits smoking, in all of its conceivable forms including use of electronic vaping devices and/or cannabis use or use of other products that produce vapor or aerosol, whether or not it contains tobacco or cannabis, at all City parks, and all City buildings, and at public events that are sponsored by the City, in whole or in part. The ordinance provides, and it is recommended that to apprise persons of the prohibition appropriate signs be posted at City buildings and parks, otherwise the prohibition is difficult, if not impossible, to enforce. The ordinance itself sets a penalty for a violation that is well below, for a first offense, the amounts for other violations of the Municipal Code, whether those are infractions or misdemeanors. This form of violation would clearly be an infraction and since the idea is to encourage compliance so that we actually have smoke free parks and facilities those fines increase significantly if there is a second or third violation. The ordinance can be enforced in any manner allowed by law or by the Parlier Municipal Code either by administrative citation or criminal citation sent to the District Attorney's Office for prosecution or a civil action against the offender.

### **RECOMMENDATION:**

Conduct Public Hearing, Waive Second Reading and Adopt Ordinance No. 08-2019.

### **FISCAL IMPACT:**

Negligible, although the City would need to pay for the erection of appropriate signs at City buildings and parks.

Prepared by:

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Neal E. Costanzo, City Attorney

**AN ORDINANCE OF THE CITY OF PARLIER  
ADDING CHAPTER 6.36 TO THE MUNICIPAL CODE TO  
REGULATE SMOKING AND TOBACCO PRODUCT USE**

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The City Council of the City of Parlier does ordain as follows:

**SECTION I. FINDINGS.**

The City Council of the City of hereby finds and declares as follows:

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- 480,000 people die prematurely in the United States from smoking-related diseases every year, making tobacco use the nation's leading cause of preventable death; and
- Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths; and

**WHEREAS**, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and
- The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm; and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke occurs at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers; and

- Smoking cigarettes near building entryways can increase air pollution levels by more than two times background levels, with maximum levels reaching the “hazardous” range on the United States EPA’s Air Quality Index; and
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 23 feet away from the source of the smoke, about the width of a two-lane road; and

**WHEREAS**, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke; and
- Secondhand smoke is responsible for an estimated 41,300 heart disease-related and lung cancer-related deaths among adult nonsmokers each year in the United States; and
- Exposure to secondhand smoke increases the risk of coronary heart disease by about 25 percent to 30 percent and increases the risk of stroke by 20 percent to 30 percent; and

**WHEREAS**, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- Between 2009 and 2012, the total annual economic burden of smoking in the United States was between \$289 billion and \$332.5 billion; and
- From 2005 to 2009, the average annual health care expenditures attributable to smoking were approximately \$132.5 billion to \$175.9 billion in direct medical care costs for adults and \$151 billion in lost productivity; and
- The total annual cost of smoking in California was estimated at \$548 per resident or between \$2,262 and \$2,904 per smoker per year; and
- California’s Tobacco Control Program saved the state and its residents \$134 billion in health care expenditures between the year of its inception, 1989, and 2008, with savings growing yearly; and

**WHEREAS**, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs with a review of over 80 peer-reviewed research studies showing that smoke-free policies effectively do the following:

- Reduce tobacco use: tobacco use is reduced by median of 2.7 percent; and

- Reduce exposure to secondhand smoke: air pollution is reduced by a median of 88 percent and biomarkers for secondhand smoke are reduced by a median of 50 percent; and
- Increase the number of tobacco users who quit by a median of 3.8 percent; and
- Reduce initiation of tobacco use among young people; and
- Reduce tobacco-related illnesses and death: there is a 5.1 percent median decrease in hospitalizations from heart attacks and a 20.1 percent decrease in hospitalizations from asthma attacks after such laws are passed; and

**WHEREAS**, laws restricting electronic smoking devices use also have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene; and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and
- The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and
- The State of California's Tobacco Education and Research Oversight Committee (TEROC) "opposes the use of e-cigarettes in all areas where other tobacco products are banned;" and

**WHEREAS**, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use is associated with oral, esophageal, and pancreatic cancers; and
- Smokeless tobacco is associated with increased risk for heart disease and stroke, stillbirth and preterm delivery, and Parkinson's disease; and

**WHEREAS**, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- In 2007, it was estimated that Americans consume 360 billion cigarettes each year; and

- 55.7 percent of smokers admit to littering cigarettes in the last month; and
- In an observational study of nearly 10,000 individuals, after cigarettes were smoked, 45 percent of cigarettes ended up as litter; and
- In 2011, 22.6 percent of all debris collected from beaches and coastal areas are smoking related products; and
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons, and ultimately the ocean; and

**WHEREAS**, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2012, American poison control centers received nearly 8,648 reports of poisoning by the ingestion of cigarettes, cigarette butts, and other tobacco products and 84.5 percent of these poisonings were in children ages five and younger; and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging; and

**WHEREAS**, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

**WHEREAS**, there is broad public recognition of the dangers of secondhand smoke and support for smoke-free air laws, as evidenced by the following:

A 2008 survey of California voters found that 97 percent thought that secondhand smoke is harmful, 88 percent thought secondhand smoke was harmful even outdoors, 65 percent were bothered by secondhand smoke, and 73 percent support laws restricting smoking in outdoor public places; and

**WHEREAS**, as of April 2014, at least 131 local jurisdictions in California prohibit the use of electronic smoking devices in specific locations; and

**WHEREAS**, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas; and

**WHEREAS**, there is no Constitutional right to smoke;

**NOW THEREFORE**, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City of Parlier.

**SECTION II.** Chapter 6.36 is added to the Parlier Municipal Code to read as follows:

**6.36.010 DEFINITIONS.** The following words and phrases, whenever used in this Chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "Electronic Smoking Device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- (b) "Public Place" means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.
- (c) "Reasonable Distance" means a distance of twenty-five (25) feet in any direction from an area in which Smoking is prohibited.
- (d) "Recreational Area" means any area that is owned, controlled or used by the City of Selma and open to the general public for recreational purposes, regardless of any fee or age requirement. The term "Recreational Area" includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.
- (e) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, cannabis smoke, and crack cocaine smoke.
- (f) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, cannabis or

any plant product intended for human inhalation.

(g) “Tobacco Product” means:

(1) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether Smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and

(2) Any Electronic Smoking Device.

(3) Notwithstanding any provision of subsections (1) and (2) to the contrary, “Tobacco Product” includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(h) “Unenclosed Area” means any area that is not an Enclosed Area.

#### **6.36.020 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN UNENCLOSED AREAS**

(a) Smoking and the use of Tobacco Products is prohibited in the Unenclosed Areas of the following places within the City of Parlier:

(1) Recreational Areas;

(2) Other Public Places, when being used for a public event, including but not limited to a farmers’ market, parade, craft fair, festival, or any other event open to the general public, provided that Smoking is permitted on streets and sidewalks used only as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter.

(b) Nothing in this Chapter prohibits any Person, Employer, or Nonprofit Entity with legal control over any property from prohibiting Smoking and Tobacco Product use on any part of such property, even if Smoking or the use of Tobacco Products is not otherwise prohibited in that area.



#### **6.35.030 REASONABLE SMOKING DISTANCE REQUIRED**

- (a) Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited, except while the Person Smoking is actively passing on the way to another destination.
- (b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under this Chapter, except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Unenclosed Area in which Smoking is prohibited.

#### **6.36.040 OTHER REQUIREMENTS AND PROHIBITIONS**

- (a) No Person, Employer, or Nonprofit Entity shall knowingly permit Smoking or the use of Tobacco Products in an area which is under the legal or de facto control of that Person, Employer, or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law.
- (b) No Person, Employer, or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that Person, Employer, or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, including, without limitation, within a Reasonable Distance required by this Chapter from any area in which Smoking or the use of Tobacco Products is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any provision of this Chapter.
- (c) No Person shall dispose of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking or Tobacco Product use is prohibited, including within any Reasonable Distance required by this Chapter.
- (d) Except as otherwise provided by subsection (e) of this section, a Person, Employer, or Nonprofit Entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products is prohibited by this Chapter shall post a clear, conspicuous and unambiguous "No Smoking" and "No Use of Tobacco Products" or "Smokefree" and "Tobacco-Free" sign at each point of ingress to the area, and in at least one other conspicuous point within the area, unless the prohibition is established by law other than this Chapter and that law does not require the placement of signs. The signs shall

have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement. At least one sign with the City of Selma phone number to which complaints can be directed must be placed conspicuously in each place in which Smoking is prohibited. For purposes of this section, the City Manager or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any other provision of this Chapter.

- (e) The City, or other sponsor of any Public Event occurring in Open Public Places shall establish temporary signage at such locations as required by the City Manager or his/her designee notifying persons of the prohibition against smoking at such Public Event.
- (f) No Person, Employer, or Nonprofit Entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who seeks to attain compliance with this Chapter.
- (g) Each instance of Smoking or Tobacco Product use in violation of this Chapter shall constitute a separate violation. For violations other than for Smoking, each day of a continuing violation of this Chapter shall constitute a separate violation.

#### **6.36.050 PENALTIES AND ENFORCEMENT.**

- (a) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Each incident of Smoking or use of Tobacco Products in violation of this Chapter is an infraction subject to a one hundred dollar (\$100) fine. Other violations of this Chapter may, at the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this Chapter shall be the responsibility of the City Manager or his / her designee. In addition, any peace officer or code enforcement official also may enforce this Chapter.
- (c) Each incident of Smoking or use of Tobacco Products in violation of this Chapter, and the fine imposed by this Chapter may be enforced by issuance of an Administrative Citation under the Parlier Municipal Code.

- (d) Violations of this Chapter are subject to a civil action brought by the City of Selma, punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.
- (e) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.
- (f) Any violation of this Chapter is hereby declared to be a nuisance.
- (g) In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

**SECTION III.** Effective date and Posting of Ordinance: This Ordinance shall take effect and be enforce thirty (30) days from and after the date of passage. The City Clerk of the City of Parlier shall cause this Ordinance to be published at least once within fifteen (15) days after its passage in the Selma Enterprise with the names of those City Council Members voting for and against the Ordinance.

**SECTION IV.:** Severability: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

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I, Bertha Augustine, Deputy City Clerk of the City of Selma, do hereby certify that the foregoing Ordinance was introduced at the October 3, 2019 regular City Council meeting and passed at a regular meeting of the City Council of the City of Parlier on the 21<sup>st</sup> day of November 2019, by the following vote, to wit:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:

\_\_\_\_\_  
Alma Beltran, Mayor of the City of Parlier

ATTEST:

\_\_\_\_\_  
Bertha Augustine, City Clerk

AGENDA ITEM: 6

MEETING DATE: November 21, 2019

DEPARTMENT: Administration

## **REPORT TO THE CITY COUNCIL**

### **SUBJECT:**

Public Hearing, Second Reading and Adoption of Ordinance 09-2019 Amending Chapter 5.05 of the Municipal Code Relating to Licensure of Tobacco Product Retailers.

### **DISCUSSION:**

The City adopted in 2012 an ordinance that requires the licensing of persons or businesses that sell “tobacco products” at retail. Since that ordinance was adopted, the Legislature has changed the definition of the tobacco product and smoking to include such things as vaping, use of e-cigarettes, and the use of cannabis or any other device, whether or not it includes tobacco that involves the inhaling of smoke, vapor, aerosol, or the ingesting of any similar substance. The amendment to the Ordinance is to the definitions section of the Ordinance only. It changes the definition of tobacco products and adds a definition of smoking to conform to what California law defines as a tobacco product or smoking.

### **RECOMMENDATION:**

Conduct Public Hearing, waive Second Reading and Adopt Ordinance 09-2019.

### **FISCAL IMPACT:**

None.

Prepared by:

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Neal E. Costanzo, City Attorney

ORDINANCE NO. \_\_\_\_\_

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**AN ORDINANCE OF THE CITY OF PARLIER AMENDING  
SUBDIVISION H OF SECTION 5.05.030 OF CHAPTER 5.05  
OF TITLE 5 OF THE PARLIER MUNICIPAL CODE**

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**WHEREAS**, on April 18, 2012, the City Council of the City of Parlier approved and adopted Ordinance No. 2012-03 adding Chapter 5.05 to Title 5 of the Parlier Municipal Code requiring licensure of tobacco retailers; and

**WHEREAS**, in 2016, the State of California updated and broadened the definitions of tobacco product and smoking to include electronic smoking devices, parts and accessories and other emerging products that may not contain tobacco in State law; and

**WHEREAS**, the City of Parlier wishes to amend Chapter 5.05, Section 5.05.030, containing definitions for the ordinance requiring licensure of tobacco retailers to make the definition of "tobacco product" conform to State law.

**NOW, THEREFORE**, the City Council of the City of Parlier does ordain as follows:

**Section 1.**

The City Council hereby amends to read Section 5.05.030 of Chapter 5.05 of Title 5 of the Parlier Municipal Code as follows:

**CHAPTER 5.05**

**SECTIONS**

**5.05.030 DEFINITIONS.** The following words and phrases whenever used in this Chapter shall have the meaning defined in this section unless the context clearly requires otherwise.

A. "Arms-length transaction" means a sale in good faith and for valuable consideration that reflects the market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violation of this Chapter is not an arms-length transaction.

B. "City Manager" means the City Manager of the City of Parlier or his or her designee.

C. "Department" means the Parlier Police Department.

D. "Drug Paraphernalia" shall have the definition set forth in California Health & Safety Code §11014.5, as that section may be amended from time to time.

E. "Proprietor" means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (19%) or greater interest in the stock, assets or income of a business other than the sole interest of security for a debt. A managerial interest shall be deemed to exist when a person can or does have or shares ultimate control over the day to day operations of a business.

F. "Self-Service Display" means the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form Self-Service Display.

G. "Tobacco Paraphernalia" means any item designated or marketed for the consumption, use, or preparation of tobacco products.

H. "Tobacco Product" means (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic pipe, or electronic hookah; or (3) any component, part or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for Sale as a tobacco cessation product or other therapeutic purposes where such product is marketed and sold solely for such approved purpose. For purposes of this definition and application of this Chapter a "Electronic Smoking Device" means any such device whether manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, electronic cigarillo, electronic pipe, electronic hookah or any other product name or descriptor.

I. "Tobacco Retailer" means any person who sells, offers for sale, exchanges or offers to exchange, for any form of consideration, tobacco, Tobacco Products or Tobacco Paraphernalia, or who distributes free or low-cost samples of Tobacco Products or Tobacco Paraphernalia.

J. "Tobacco Retailing" shall mean selling, offering for sale, exchanging or offering to exchange for any form of consideration tobacco, Tobacco Products or Tobacco Paraphernalia without regard to the quantity sold, offered for sale, exchange or offered for exchange.

K. "Smoking" means inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, cannabis or any plant product intended for human inhalation.

L. "Smoke" means the gasses, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the by-products, except when the combustion or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely of factory, such as, for example, smoke from incense. The term "Smoke" includes but it is not limited to tobacco smoke, electronic smoking device vapors, cannabis smoke and crack cocaine smoke.

## **Section 2.**

This Ordinance shall take effect and be in force and effect 30 days from and after the date of its final passage.

## **Section 3.**

The City Clerk is further authorized and directed to cause this Ordinance or a summary of this ordinance to be published one in a newspaper of general circulation published and circulated in the City of Parlier within 15 days after its adoption. If a summary of this ordinance is published, then the City Clerk shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk. The summary shall be approved by the City Attorney.

## **Section 4.**

It is the intent of the City Council of the City of Parlier to supplement applicable state and federal law and not to duplicate or contradict such laws and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subdivisions, subsections, paragraphs, sentences, clauses, or phrases of this ordinance or its application to any person or circumstance. The City Council of the City of Parlier hereby declares it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

The foregoing Ordinance No. 09-2019 was introduced at a regular meeting of the City Council of the City of Parlier on October 3, 2019, and was passed and adopted at a regular meeting of the City Council on the 21<sup>st</sup> day of November, 2019, by the following vote:



AYES:

NOES:

ABSENT:

ABSTAIN:

By \_\_\_\_\_

Alma Beltran, Mayor

ATTEST

By \_\_\_\_\_

Bertha Augustine, Deputy City Clerk