

ORDINANCE NO. 2153

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING THE MANHATTAN BEACH MUNICIPAL CODE SECTION 5.48.330 PROHIBITING OPERATION OF LEAF BLOWERS AND SECTION 1.04.010 TO ALLOW VIOLATIONS OF THE MUNICIPAL CODE TO BE CHARGED AS EITHER A MISDEMEANOR OR AN INFRACTION

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. This ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it is an action by the City for protection of the environment, and is therefore categorically exempt from further CEQA review under Cal. Code Regs. Title 14, § 15308. The proposed amendment is also exempt in that it is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the amendment will have a significant effect on the environment, the amendment is not subject to CEQA.

SECTION 2. The City Council hereby amends Manhattan Beach Municipal Code to amend subparagraph C of Section 5.48.330 to read as follows:

**"Enforcement.** Violation of this section shall be punishable as described in Chapter 1.04 of this Code."

SECTION 3. The City Council hereby amends the introductory provisions of Manhattan Beach Municipal Code section 1.04.010 to read as follows, without any change to subparagraphs A through D:

"It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements of this Code or any condition of any permit or license approved pursuant to any provision of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor, unless it is specifically stated in the applicable chapter that it is an infraction, or unless such violation is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction."

SECTION 4. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 5: Repeal or amendment of any provision of the Manhattan Beach Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 6: The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in the manner prescribed by law within fifteen (15) days after its passage, and said ordinance shall become effective thirty (30) days after adoption.

SECTION 7: The City Clerk shall cause this ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and

a certified copy of the full text of this ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this ordinance is to be adopted. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall cause a summary to be published with the names of those City Councilmembers voting for and against this ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this ordinance along with the names of those City Councilmembers voting for and against the ordinance.

PASSED, APPROVED, and ADOPTED this 20<sup>th</sup> day of September, 2011.

Ayes: Lesser, Howorth, Montgomery, Powell and Mayor Tell.  
Noes: None.  
Absent: None.  
Abstain: None.

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Mayor, City of Manhattan Beach, California

ATTEST:

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City Clerk