

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CONFIRMING AND RATIFYING THE DECLARATION ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES SUSPENDING THE ENFORCEMENT OF SINGLE USE PLASTIC BAG ORDINANCE IN THE SAN JOSE MUNICIPAL CODE

WHEREAS, on March 10, 2020, the City Council of the City of San José (“City”) ratified the Director of Emergency Service’s Proclamation of Local Emergency due to the outbreak of a novel coronavirus in the City; and

WHEREAS, Government Code Section 8634 and Section 8.08.250 of Chapter 8.08 of Title 8 of the San José Municipal Code empower the Director of the Emergency Services (City Manager or Designee) to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; and

WHEREAS, Section 8.08.250 of the San José Municipal Code requires such rules and regulations made and issued by the Director of Emergency Services to be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on April 30, 2020, the Director of Emergency Services issued a Declaration suspending enforcement of the single use carry out bag ordinance in the San José Municipal Code to the extent that it prohibits retail establishments (a) from providing without charge reusable or recycled paper bags to customers at a point of sale; or (b) from providing single use carryout bags to customers at a point of sale where it is not possible to provide reusable or recycled paper bags; and

WHEREAS, the associated emergency conditions are on-going and the Declaration should not be terminated at this time;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Declaration of the Director of Emergency Services issued on April 30, 2020 suspending enforcement of San José Municipal Code Section 9.10.2020, to the extent that it prohibits retail establishments (a) from providing without charge reusable or recycled paper bags to customers at a point of sale; or (b) from providing single use carryout bags to customers at a point of sale where it is not possible to provide reusable or recycled paper bags, is hereby ratified and confirmed.
2. The Declaration shall remain in place until terminated by the Director of Emergency Services, the City Council, or upon the termination or expiration of the Proclamation of Local Emergency.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk