ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 8.40.150 OF THE CAPITOLA MUNICIPAL CODE TO REMOVE THE SUNSET PROVISION FROM CHAPTER 8.40 (CAPITOLA SAFE DRUG AND SHARPS DISPOSAL)

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City of Capitola (the "City") to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, on September 8, 2016, the City Council adopted Ordinance No. 1006, which added Chapter 8.40 ("Capitola Safe Drugs and Sharps Disposal") to the Capitola Municipal Code, establishing a producer-funded product stewardship program for the safe collection and disposal of unwanted drugs and sharps within the City; and

WHEREAS, subsection (G) of Section 8.40.150 of the Capitola Municipal Code provides that "[t]his chapter shall be in effect for a period of ten (10) years following enactment," and, by operation of that provision, Chapter 8.40 will expire immediately unless the sunset provision is removed; and

WHEREAS, the California Pharmaceutical and Sharps Waste Stewardship program (Senate Bill 212, Stats. 2018, ch. 1004), codified at Public Resources Code section 42036.2, does not apply to a jurisdiction that is subject to a local drug and sharps stewardship program pursuant to an ordinance that took effect before April 18, 2018, and provides that such a pre-existing local program may continue in operation; and

WHEREAS, Chapter 8.40 took effect before April 18, 2018, and the City's local program is therefore exempt from the state program for so long as Chapter 8.40 remains continuously in effect; and

WHEREAS, the amendment made by this Ordinance is narrow, removing only the sunset provision and leaving the remainder of Chapter 8.40 in full force and effect, and is intended to keep the existing pre-2018 local program continuously in effect rather than to enact a new program; and

WHEREAS, a lapse of Chapter 8.40 would result in the removal of manufacturer-funded sharps collection kiosks currently available to City residents, materially reducing safe disposal options and increasing the risk of improper disposal of drugs and sharps, accidental poising, needlestick injury, substance misuse, and environmental contamination, as more fully described in the recitals to Ordinance No. 1006; and

WHEREAS, the City Council has concurrently adopted an urgency ordinance removing the same sunset provision effective immediately, and adopts this Ordinance through the ordinary legislative process to provide a permanent amendment of the Capitola Municipal Code; and

WHEREAS, the City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines (Title 14, California Code of Regulations) section 15307 and the common-sense exemption in section 15061(b)(3), consistent with the environmental findings made in connection with Ordinance No. 1006, because it can be seen with certainty that removing the sunset provision to continue an existing regulatory program will not have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council of the City Capitola finds and declares that the Recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. California Environmental Quality Act. The City Council finds, for the reasons stated in the recitals, that adoption of this Ordinance is exempt from CEQA, and directs staff to file a Notice of Exemption if appropriate.

Section 3. Amendment to Section 8.40.150(G). Subsection G of Section 8.40.150 of the Capitola Municipal Code, which reads in its entirety, "This chapter shall be in effect for a period of ten (10) years following enactment," is hereby deleted in its entirety. All other provisions of Section 8.40.150 and of Chapter 8.40 of the Capitola Municipal Code remain unchanged and in full force and effect.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases by declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption by a majority vote of the City Council.

Section 6. Publication. The City Clerk shall cause this ordinance, or a summary thereof, to be posted and/or published in the manner required by law.

INTRODUCED at a special meeting of the City Council of the City of Capitola on the __ day of ____, 2026, and **PASSED AND ADOPTED** at a regular meeting of the City Council on the ___ day of ___, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Margaux Morgan, Mayor

ATTEST: _____
Julia Gautho, City Clerk

APPROVED AS TO FORM:

_____
Marc Tran, City Attorney