

ORDINANCE NO. O-23-1410

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARINO EXTENDING THE TERM OF ORDINANCE NO O-21-1385-U, ESTABLISHING A TEMPORARY MORATORIUM ON THE INSTALLATION OF ARTIFICIAL TURF AND SYNTHETIC GRASS IN THE CITY OF SAN MARINO

THE CITY COUNCIL OF THE CITY OF SAN MARINO DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

WHEREAS, the City of San Marino ("City"), currently does not regulate the design, installation or use of artificial turf and synthetic grass within the City; and

WHEREAS, under the police powers granted to it by the California Constitution, the City has the authority to enact laws to promote the health, safety, and general welfare of its residents; and

WHEREAS, Government Code section 53087.7 currently grants the City the authority to enact reasonable restrictions on the type of artificial turf and synthetic grass that may be installed on residential property, and the method of its installation, but prohibits the City from banning the installation of artificial turf and synthetic grass; and

WHEREAS, SB 676 would allow the city to completely ban the installation of artificial turf and synthetic grass on residential property in recognition of the health and safety impacts that unregulated artificial turf and synthetic grass pose to the City and its residents; and

WHEREAS, it is known to the City that certain types of artificial turf and synthetic grass create impenetrable barriers which prohibit or severely limit the absorption of ground water, and when unmitigated, create the serious risk of overwhelming the capacity of the City's stormwater drainage system that has been designed under flow analysis, projections, and assumptions that did not take into account impermeable artificial turf and synthetic grass being installed throughout the City; and

WHEREAS, numerous studies, including an on-going study by the California Office of Environmental Health Hazard Assessment, have identified that artificial turf and synthetic grass contain a wide range of chemicals depending on their source materials, which have the capability to leach into the environment and cause irreparable damage to the City' ecosystem and watershed; and

WHEREAS, there are additionally other unknown health impacts that artificial turf and synthetic grass pose to residents, especially children, given the wide-ranging types of chemicals found in artificial turf and synthetic grass, including chemicals that are known to be toxic and cause cancer, and left completely unregulated, the discharge of such chemicals could pose health risks to residents; and

WHEREAS, based on the findings above, the continued unregulated installation of artificial turf and synthetic grass poses a current and immediate threat to the public health, safety, and welfare of the residents of the City, necessitating a continued temporary moratorium on the installation of artificial turf and synthetic grass within the City; and

WHEREAS, to allow time for the City to consider, study, and enact appropriate regulations related to the installation of artificial turf and synthetic grass, including potentially a prohibition, it is necessary to temporarily prohibit the installation of artificial turf and synthetic grass within the City, to avoid conflict with any anticipated ordinance that shall be developed and presented to the City Council within a reasonable time; and

WHEREAS, under Government Code section 65858, the City is expressly authorized to extend adopt by a four-fifths vote after a public hearing, an interim ordinance prohibiting any uses that might be in conflict with, among other things, the anticipated ordinance regulating artificial turf and synthetic grass that the City Council intends to enact following appropriate study within a reasonable time.

SECTION 2. FINDINGS

This Interim Ordinance is declared by the City Council to be necessary to address the current and immediate threat to public health, safety and welfare based upon all the findings set forth and recited above, in the accompanying staff report, and the entirety of the record before the City Council, including any comments made at the October 27, 2023 City Council meeting.

SECTION 3. PROHIBITED USE

For the period of this Interim Ordinance no artificial turf or synthetic grass shall be installed within the City of San Marino. This temporary moratorium shall apply to all land-use zones in the City.

SECTION 4. AUTHORITY

This Interim Ordinance is enacted in accordance with the authority granted by Government Code section 65858.

SECTION 5. CEQA.

The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines. State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, as in instances such as these where the regulation is only temporary in nature.

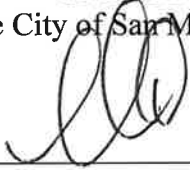
SECTION 6. EFFECTIVE DATE; TERM

Upon adoption by four-fifths of the City Council, this Interim Ordinance shall be in full force and effect and shall extend the term of Ordinance No. O-21-1385-U, to and through September 12, 2024.

SECTION 7. PUBLICATION

The Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of San Marino held on October 27, 2023.



STEVE TALT
MAYOR

ATTEST:



ALISON WALKER
CITY CLERK

APPROVED AS TO FORM:



JOSEPH MONTES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN MARINO)

I HEREBY CERTIFY that the foregoing City of San Marino Ordinance No. O-23-1410 was adopted at a meeting of the City Council held on the 27th day of October, 2023 by the following vote:

AYES: Council Member Chou, Council Member Lo, Council Member Shepherd
Romey, Vice Mayor Huang, and Mayor Talt

NOES: None

ABSTAIN: None

ABSENT: None



ALISON WALKER
CITY CLERK