

CITY OF OJAI

ORDINANCE NO. 918

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA AMENDING SECTION 7 OF
ORDINANCE NO. 911**

WHEREAS, on November 19, 2020, the City Council of the City of Ojai adopted Ordinance No. 911, amending the City of Ojai Municipal Code to amend the 2019 California Energy Code as locally adopted through Article 10 of Chapter 1 of Title 9 of the Ojai municipal code requiring electric facilities for new construction residential and non-residential buildings;

WHEREAS, Ordinance No. 911 included amendments to be enacted as local amendments to the 2019 California Energy Code;

WHEREAS, Section 7 of Ordinance No. 911, Effective Date stated that the Ordinance cannot be enforced by the City of Ojai until it has further been approved by the California Energy Commission;

WHEREAS, under Section 8 of Ordinance No. 911, Six-Month Review, the City Council shall consider the implementation of, and any desired modifications to, this Ordinance six months after its effective date;

WHEREAS, following consultation with the California Energy Commission and City staff, the City Council now concludes that approval by the California Energy Commission is not needed for the enforcement of Ordinance No. 911.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council hereby determines that the foregoing findings are true and correct and incorporates them herein by reference.

SECTION 2. Amendment. Section 7, Effective Date of Ordinance No. 911 is amended to as follows with additions marked by underlined text and deletions marked by ~~struck-through text~~:

SECTION 7. Effective Date. This Ordinance is enacted pursuant to and in compliance with California Health and Safety Code §§ 17958, 17058.5, 17958.7, 18941.5; and California Public Resources Code § 25402.1(h)(2). This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937, shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law, ~~provided that the all electric requirement of this Ordinance cannot be enforced by the City of Ojai until it has further been approved by the California Energy Commission. (Cal. Pub. Res. Code § 25402.1(h)(2)).~~

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the provisions depicted in this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The City Council of the City of Ojai hereby declares that it would have adopted the 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 thereof shall be declared invalid.

SECTION 4. Environmental Determination. The proposed text amendment is exempt from the California Environmental Quality Act (CEQA) because CEQA only applies to projects which have the potential for causing a significant negative effect on the environment, under CEQA Guidelines Section 15061(b)(3). The proposed text amendment to Ordinance No. 911 will not have a significant negative effect on the environment as it does not permit any new activity or development. Additionally, under CEQA Guidelines Section 15378(b)(5), this text amendment would not be a “project” under CEQA because it would not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment.”

SECTION 5. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published, and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 6. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.

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Ordinance No. 918

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2021.

CITY OF OJAI, CALIFORNIA

By Betsy Stix
Betsy Stix, Mayor

ATTEST:

Gail Davis
Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew T. Summers
Matthew T. Summers, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on June 8, 2021 and adopted at a regular meeting held on June 22, 2021 by the following vote:

AYES: Blatz, Francina, Haney, Stix, Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis
Deputy City Clerk for the City of Ojai