

**ORDINANCE NO. 4023**

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 910 TO THE SANTA ROSA CITY CODE TO ESTABLISH A WASTE REDUCTION PROGRAM FOR CARRYOUT BAGS

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

**Section 1. Findings and Purpose**

The Council finds that single use carryout bags add to the waste stream and contribute to litter in the City and that it is in the public health, safety and interest to adopt a program to reduce such waste.

The purpose of the ordinance is ban the use of single carryout bags within the City-limits and consistent with ordinances adopted by the Sonoma County Waste Management Agency and other jurisdictions in the County.

**Section 2.** Chapter 9-10 is added to the Santa Rosa City Code to read as follows:

**"CHAPTER 9-10  
WASTE REDUCTION PROGRAM FOR CARRYOUT BAGS  
9-10.010 Definitions.**

For the purposes of this Ordinance, the words, terms and phrases as defined herein shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning is intended:

A. "Customer" means any Person obtaining goods from a Retail Establishment.

B. "Nonprofit Charitable Reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

D. "Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw or uncooked meat product.

E. "Recycled Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) Post-consumer Recycled Material; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of Post-consumer Recycled content.

F. "Post-consumer Recycled Material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Post-consumer Recycled Material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

G. "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent (90%) or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.

H. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the Customer; and is located within or doing business within the geographical limits of the County of Sonoma, including the nine incorporated cities and town. Retail Establishment does not include Public Eating Establishments or Nonprofit Charitable Reusers.

I. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A Reusable Bag provided by a Retail Establishment shall be designed and manufactured to withstand repeated uses over a period of time; made from a material that can be cleaned and disinfected; and shall not contain lead, cadmium, or any other heavy metal in toxic amounts.

J. "Single-Use Carryout Bag" means a bag, other than a Reusable Bag, provided at the check stand, cash register, and point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags without handles provided to the Customer (1) to transport produce, bulk food or meat from a produce, bulk food or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

**9-10.020 Single-Use Carryout Bags.**

A. On and after September 1, 2014, no Retail Establishment shall provide a Single-Use Carryout Bag to a Customer for the purpose of transporting food or merchandise out of the establishment except as provided in this Ordinance.

B. On and after September 1, 2014, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of ten cents (\$0.10).

C. Notwithstanding this Section, no Retail Establishment may make available for sale a Recycled Paper Bag unless the amount of the sale of the Recycled Paper Bag is separately itemized on the sales receipt.

**9-10.030 Recordkeeping and Inspection.**

Every Retail Establishment shall keep a monthly report of the total number of Recycled Paper Bags purchased and the total number sold, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee or contractor authorized to enforce this Ordinance. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Retail Establishment address. The provision of false information including incomplete records or documents to the City shall be a deemed a violation of this Ordinance.

**9-10.040 Enforcement.**

The City Manager, or his or her designee, shall have primary responsibility for enforcement of this Ordinance. The City Manager is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this Ordinance. All such rules and regulations shall be consistent with the provisions of this Ordinance.

The City Manager, and or City Attorney, may determine in their discretion to send a notice to cure to a retailer prior to invoking the enforcement provisions of this section if there have not been prior complaints against the retailer for violation of this Chapter.

Anyone violating or failing to comply with any provision of this Chapter shall be guilty of an infraction or misdemeanor as determined by the City Attorney under Chapter 1-28. The City Attorney may seek legal, injunctive, administrative or other equitable relief to enforce this Ordinance. The remedies and penalties provided in this Section are cumulative and not exclusive and nothing in this Section shall preclude the City from pursuing any other remedies provided by law. In addition to any relief available to the City, the City shall be entitled to recover reasonable attorneys' fees and costs incurred in the enforcement of this Ordinance.

The authorized representative of any Retail Establishment may appeal any citation issued under this ordinance in accordance with the provisions of Chapter 1-20.

Penalties for violations of any provision of this Chapter shall as set forth in Chapter 128."

**Section 3. Environmental Determination.** The Sonoma County Waste Management Agency as the lead agency prepared an Environmental Impact Report on the impacts of a county-wide ordinance for reduction of carryout bags which was certified by the Sonoma County Waste Management Agency on January 15, 2014. The Council finds that impacts of adoption of an ordinance consistent with the proposed County-wide ordinance on a municipal level are within the scope of the analysis of the performed by the Agency of potential environmental impacts.

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Date.** This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 11th day of February, 2014.

AYES:(6) Mayor Bartley, Vice Mayor Swinth, Council Members Carlstrom, Combs, Ours, Wysocky

NOES: (0)

ABSENT: (1) Council Member Olivares

ABSTAIN: (0)

ATTEST: /s/ Stephanie A. Williams, Deputy City Clerk

APPROVED: /s/ Scott P. Bartley, Mayor

APPROVED AS TO FORM:

/s/ Caroline Fowler, City Attorney

2658641 - Pub. Feb. 18, 2014

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**NOTICE OF TRUSTEE'S SALE**

T.S. No.: 9985-6455 TSG Order No.: 100134 A.P.N.: 134-082-056-000 NOTE: THERE IS A SUMMARY OF THE INFORMATION IN THIS DOCUMENT ATTACHED (The above statement is made pursuant to CA Civil Code Section 2923.3(c)(1). The Summary will be provided to Trustor(s) and/or vested owner(s) only, pursuant to CA Civil Code Section 2923.3(c)(2).) YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 03/16/2007. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. NBS Default Services, LLC, as the duly appointed Trustee, under and pursuant to the power of sale contained in that certain Deed of Trust Recorded 03/27/2007 as Document No.: 2007034100, of Official Records in the office of the Recorder of Sonoma County, California, executed by: RON S. JORDAN, AN UNMARRIED MAN, as Trustor, WILL SELL AT PUBLIC AUCTION TO THE HIGHEST BIDDER FOR CASH (payable in full at time of sale by cash, a cashier's check drawn by a state or national bank, a check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, savings association, or savings bank specified in section 5102 of the Financial Code and authorized to do business in this state). All right, title and interest conveyed to and now held by it under said Deed of Trust in the property situated in said County and state, and as more fully described in the above referenced Deed of Trust. Sale Date and Time: 03/05/2014 at 10:00 AM Sale Location: In the Plaza at Fremont Park located at 860 Fifth Street, Santa Rosa, CA 95401 The street address and other common designation, if any, of the real property described above is purported to be: 3309 STONY POINT ROAD, SANTA ROSA, CA 95407 The undersigned Trustee disclaims any liability for any incorrectness of the street address and other common designation, if any, shown herein. Said sale will be made in an "AS IS" condition, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by said Deed of Trust, with interest thereon, as provided in said note(s), advances, if any, under the terms of the Deed of Trust, estimated fees, charges and expenses of the Trustee and of the trusts created by said Deed of Trust, to-wit: \$1,008,035.94 (Estimated) as of 02/22/2014. Accrued interest and additional advances, if any, will increase this figure prior to sale. It is possible that at the time of sale the opening bid may be less than the total indebtedness due. NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call, (714)730-2727 for information regarding the trustee's sale or visit this Internet Web site, <https://www.ppsasap.com/>, for information regarding the sale of this property, using the file number assigned to this case, T.S.# 9985-6455. Information about

postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the internet Web site. The best way to verify postponement information is to attend the scheduled sale. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee and the successful bidder shall have no further recourse. NBS Default Services, LLC 301 E. Ocean Blvd. Suite 1720 Long Beach, CA 90802 800-766-7751 For Trustee Sale Information Log On To: <https://www.ppsasap.com/> or Call: (714)730-2727. NBS Default Services, LLC, Suzanne Castle "We are attempting to collect a debt, and any information we obtain will be used for that purpose." A-4442425 02/11/2014, 02/18/2014, 02/25/2014

2658070 - Pub. Feb. 11, 18, 25, 2014

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**NOTICE OF TRUSTEE'S SALE**

T.S. No. 13-25390 APN: 082-125-003-000 YOU ARE IN DEFAULT UNDER A DEED OF TRUST DATED 9/29/2005. UNLESS YOU TAKE ACTION TO PROTECT YOUR PROPERTY, IT MAY BE SOLD AT A PUBLIC SALE. IF YOU NEED AN EXPLANATION OF THE NATURE OF THE PROCEEDING AGAINST YOU, YOU SHOULD CONTACT A LAWYER. A public auction sale to the highest bidder for cash, cashier's check drawn on a state or national bank, check drawn by a state or federal credit union, or a check drawn by a state or federal savings and loan association, or savings association, or savings bank specified in Section 5102 of the Financial Code and authorized to do business in this state will be held by the duly appointed trustee as shown below, of all right, title, and interest conveyed to and now held by the trustee in the hereinafter described property under and pursuant to a Deed of Trust described below. The sale will be made, but without covenant or warranty, expressed or implied, regarding title, possession, or encumbrances, to pay the remaining principal sum of the note(s) secured by the Deed of Trust, with interest and late charges thereon, as provided in the note(s), advances, under the terms of the Deed of Trust, interest thereon, fees, charges and expenses of the Trustee for the total amount (at the time of the initial publication of the Notice of Sale) reasonably estimated to be set forth below. The amount may be greater on the day of sale. Trustor: MIRA D. G. WONDERWHEEL, AN UNMARRIED WOMAN Duly Appointed Trustee: LAW OFFICES OF LES ZIEVE Deed of Trust recorded 10/11/2005 as Instrument No. 2005151502 in book , page of Official Records in the office of the Recorder of Sonoma County, California, Date of Sale:3/4/2014 at 11:00 AM Place of Sale: At the end of the North parking lot turnaround of the City of Petaluma Community Center in Lucchesi Park 320 N. McDowell Blvd., Petaluma, CA Estimated amount of unpaid balance and other charges: \$229,777.05 Note: Because the Beneficiary reserves the right to bid less than the total debt owed, it is possible that at the time of the sale the opening bid may be less than the total debt owed. Street Address or other common designation of real property: 9474 RIO VISTA ROAD FORESTVILLE, CA 95436 Described as follows: LOT 93, AS NUMBERED AND DESIGNATED UPON THE MAP ENTITLED "RIO DELTA SUBDIVISION NO. 1", FILED FEBRUARY 16, 1928 IN BOOK 47 OF MAPS, PAGE 27, SONOMA COUNTY RECORDS. A.P.N #: 082-125-003-000 The undersigned Trustee disclaims any liability for any incorrectness of the street address or other common designation, if any, shown above. If no street address or other common designation is shown, directions to the location of the property may be obtained by sending a written request to the beneficiary within 10 days of the date of first publication of this Notice of Sale. NOTICE TO POTENTIAL BIDDERS: If you are considering bidding on this property lien, you should understand that there are risks involved in bidding at a trustee auction. You will be bidding on a lien, not on the property itself. Placing the highest bid at a trustee auction does not automatically entitle you to free and clear ownership of the property. You should also be aware that the lien being auctioned off may be a junior lien. If you are the highest bidder at the auction, you are or may be responsible for paying off all liens senior to the lien being auctioned off, before you can receive clear title to the property. You are encouraged to investigate the existence, priority, and size of outstanding liens that may exist on this property by contacting the county recorder's office or a title insurance company, either of which may charge you a fee for this information. If you consult either of these resources, you should be aware that the same lender may hold more than one mortgage or deed of trust on the property. NOTICE TO PROPERTY OWNER: The sale date shown on this notice of sale may be postponed one or more times by the mortgagee, beneficiary, trustee, or a court, pursuant to Section 2924g of the California Civil Code. The law requires that information about trustee sale postponements be made available to you and to the public, as a courtesy to those not present at the sale. If you wish to learn whether your sale date has been postponed, and, if applicable, the rescheduled time and date for the sale of this property, you may call (714) 573-1965 or visit this Internet Web site [www.priorityposting.com](http://www.priorityposting.com), using the file number assigned to this case 13-25390. Information about postponements that are very short in duration or that occur close in time to the scheduled sale may not immediately be reflected in the telephone information or on the Internet Web site. The best way to verify postponement information is to attend the scheduled sale. Dated: 2/6/2014 Law Offices of Les Zieve, as Trustee 30 Corporate Park, Suite 450 Irvine, CA 92606 For Non-Automated Sale Information, call: (714) 848-7920 For Sale Information: (714) 573-1965 [www.priorityposting.com](http://www.priorityposting.com) Christine O'Brien, Trustee Sale Officer THIS FIRM IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAINED WILL BE USED FOR THAT PURPOSE P1082075 2/11, 2/18, 02/25/2014

2658021 - Pub. Feb. 11, 18, 25, 2014

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**FICTITIOUS  
BUSINESS NAME STATEMENT  
FILE NO. 2014-00263**

Jamba Juice, located at 617 E. Washington St., Petaluma, CA 94952, Sonoma County, is hereby registered by the following owner(s): One Whirlid, Inc, 24 H St., San Rafael, CA 94901

This business is conducted by: A Corporation.

The registrant commenced to transact business under the fictitious name or names above on 12/17/13.

I declare that all information in this statement is true and correct. Signed: Victoria Pedersen, President.

This statement was filed with the County Clerk of SONOMA COUNTY on JAN 22, 2014.

I hereby certify that this copy is a correct copy of the original statement on file in my office.

WILLIAM F. ROUSSEAU  
Sonoma County Clerk  
By /s/ M. Judith Sevilla-Garcia  
Deputy Clerk

SEAL

2657026 - Pub. Feb. 4, 11, 18, 25, 2014

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