

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN UNCODIFIED UGENCY ORDINANCE
RESCINDING INTERIM ORDINANCE NO.
964-2021 THAT PLACED A
MORATORIUM ON THE APPROVAL OF
APPLICATIONS FOR FORMULA
BUSINESS IN THE INLAND ZONING
AREA**

**URGENCY ORDINANCE
NO. 973-2021**

WHEREAS, on April 12, 2021, the City Council adopted Urgency Ordinance No. 964-2021 (“Moratorium”), which established a forty-five (45) day moratorium on approval of applications for Formula Businesses, as defined in Ordinance No. 964-2021, in the Inland Zoning Area; and

WHEREAS, on May 24, 2021, the City Council extended the Moratorium on approval of applications for Formula Businesses for an additional 315 days to provide for sufficient time to adopt Formula Business regulations; and

WHEREAS, on September 13, 2021 the City Council approved Ordinance No. 970-2021 adopting regulations on formula businesses in the inland zoning area; and

WHEREAS, Government Code Sections 36937 and 36934 authorize the City Council to adopt an urgency ordinance by a four-fifths vote that is effective immediately when necessary to preserve public peace, health or safety; and

WHEREAS, given that the City has now enacted regulations governing formula businesses, the City Council finds that immediately terminating the Moratorium so formula businesses can quickly obtain the necessary City approvals will preserve the public peace, health, and welfare; and

WHEREAS, this Ordinance is exempt pursuant to the California Environmental Quality Act (“CEQA”) and Title 14 of the California Code of Regulations (“CEQA Guidelines”) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

The City Council ordains as follows:

Section 1. The above findings are true and correct and incorporated into this Ordinance.

Section 2. Ordinance No. 964-2021 is hereby rescinded, and the Moratorium terminated.

Section 3. **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the

Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. This Ordinance shall take effect immediately to preserve the public peace, health and welfare as set forth in this Ordinance.

The foregoing Urgency Ordinance was introduced by Councilmember _____ and adopted by no less than the required 4/5 vote at a regular meeting of the City Council of the City of Fort Bragg held on October 25, 2021 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Bernie Norvell
Mayor

ATTEST:

June Lemos, CMC
City Clerk

PUBLISH: November 4, 2021.
EFFECTIVE DATE: October 25, 2021.