

**ORDINANCE NO. 09-24 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
REPEALING RICHMOND MUNICIPAL CODE CHAPTER 9.64 - PROHIBITION OF  
NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS**

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**WHEREAS**, Section VII of Article XI of the California Constitution provides that a City may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City Council finds it necessary to update, consolidate, and streamline the Richmond Municipal Code (“RMC”) periodically to comply with recent federal and state law enactments and decisions and to achieve more efficient enforcement of code violations to promote public health, safety, and welfare; and

**WHEREAS**, in light of the Ninth Circuit Decision of *California Restaurant Association v. City of Berkeley*, 89 F.4th 1094 (9th Cir. 2024), with an ordinance functionally indistinguishable from Berkeley’s Ordinance, the City Council has identified the entire Chapter 9.64 of the RMC relating to regulations on a prohibition of natural gas to be preempted; and

**WHEREAS**, the City wishes to ensure that the RMC’s provisions for natural gas are consistent with federal and state law for accuracy in enforcement and transparency for the public; and

**WHEREAS**, said repeal to the RMC are permitted by law, including the California Constitution, Government Code, and Civil Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** The above recitals are true and correct and are incorporated herein.

**SECTION 2:** Chapter 9.64 of the City of Richmond Municipal Code, entitled “PROHIBITION OF NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS” is hereby repealed in its entirety.

**SECTION 3: Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

**SECTION 4: Effective Date.**

This Ordinance becomes effective thirty (30) days after its final passage and adoption.

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First introduced at a regular meeting of the City Council of the City of Richmond held on September 24, 2024, and finally passed and adopted at a regular meeting held on October 1, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Zepeda,  
Vice Mayor Jimenez, and Mayor Martinez.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: Councilmember Willis.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

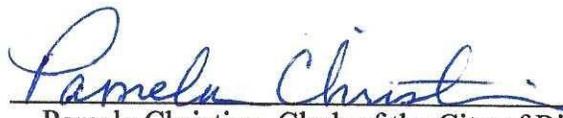
EDUARDO MARTINEZ  
Mayor

Approved as to form:

DAVE ALESHIRE  
City Attorney

State of California            }  
County of Contra Costa        } : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Ordinance No. 09-24 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on October 1, 2024.

  
Pamela Christian, Clerk of the City of Richmond