

-DRAFT-

**REUSABLE FOODWARE
AND WASTE REDUCTION ORDINANCE**

A. FINDINGS

1. The City of Napa has a duty to protect the natural environment, the local economy, and the health of its citizens. Napa is committed to being a leader in sustainability and combating climate change.
2. The production, management, consumption and end use associated with disposable foodware, typically used for only a few minutes before being discarded, have significant environmental impacts, including environmental contamination; consumption of precious resources; emissions of greenhouse gases; air and water pollution; litter on streets; harm to wildlife, and plastic pollution in waterways and oceans. Discarded waste litters the City's streets, parks, public places, and open spaces.
3. Food and beverage packaging comprises approximately one quarter of California's disposed waste stream annually,¹ In the Bay Area, food and beverage packaging comprises the majority of street litter, and is a significant contributor to the total amount of waste entering the waste stream. Disposable foodware constitutes a substantial portion of the litter found within Napa County and the rest of the Bay Area. It is in the interest of the health, safety and welfare of all who live, work and do business in the City of Napa that the amount of litter on public streets, parks and in other public places be reduced.
4. Most significant among the unsustainable impacts of plastics is that it also exacerbates climate change. Greenhouse gas emissions from plastic jeopardize our ability to keep the global temperature rise below 1.5°C².
5. According to the EPA, In 2018 only 8.7 percent of plastics in the United States were recycled. Plastics in waterways and oceans break down into smaller pieces, called microplastics, that do not biodegrade and are present in most of the world's oceans. Microplastics consumed by marine organisms make their way into animals' tissues and are beginning to show up in the fish that humans consume. Plastic debris also attracts and concentrates ambient pollutants

¹ CalRecycle Packaging Reform Workshop Background Document (2017) citing CalRecycle waste characterization study entitled "2014 Disposal Facility-Based Characterization of Solid Waste in California."

<https://www2.calrecycle.ca.gov/PublicNotices/Documents/8345>

² Center of International Environmental Law (2019), "Plastic & Climate: The Hidden Costs of a Plastic Planet report". <https://www.ciel.org/reports/plastic-health-the-hidden-costs-of-a-plastic-planet-may-2019/>

in seawater and freshwater, which can transit to fish and other seafood that are eventually sold for human consumption. Approximately eight million tons of plastic end up in the oceans annually. Without action, scientists estimate that by 2050 the mass of plastic pollution in the ocean will exceed the mass of fish.³

6. Polystyrene is a petroleum-based, lightweight plastic material commonly used as foodware by retail food vendors. Products made from expanded polystyrene foam are not biodegradable, returnable or recyclable. Polystyrene foam easily breaks up into smaller pieces and, because it is lightweight, may be carried by the wind even when it has been disposed of properly.
7. Eliminating the use of polystyrene foam and other noncompostable and nonrecyclable items will maximize the operating life of our landfills and will lessen the economic and environmental costs of waste management for the businesses and citizens of Napa.
8. Compostable products use natural resources such as water, paper and energy in their production, transportation, use and end of life. However they offer alternatives to noncompostable and nonrecyclable products currently used for disposable foodware. Products that are BPI Certified (or other third party product certification recognized by the City), Natural Fiber based, and fluorinated chemical free can be processed into valuable material to support agriculture and landscaping, consequently reducing the need for water and pesticides on those applications.
9. Disposable plastic bottles have environmental impacts including littering waterways and streets, generating greenhouse gases, harming wildlife, and water consumption during manufacturing, and solid waste generation.
- 10 The most effective ways to reduce the negative environmental impacts of disposable foodware include, in order of priority, using reusable foodware, and using natural fiber based compostable materials. Many of these are made from renewable resources. When products are reused, natural resources are spared, less energy is used for the production of new products, and premium landfill space is preserved.

B. DEFINITIONS

1. “Accessory Foodware” means any disposable foodware item such as straws, stirrers, napkins, and utensils; condiment cups and packets; cup sleeves, tops, lids, and spill plugs; and any other similar accessory or accompanying foodware item used as part of food or beverage service or packaging.

³ World Economic Forum (2016), “The New Plastics Economy Rethinking the future of plastics” http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf

2. "Bottled Beverage" means drinking water, sparkling water, enhanced water, soda, sports drinks, juice, or other similar product in a rigid plastic bottle having capacity of twenty-one fluid ounces or less, and intended primarily as a single-service container.
3. "City Facilities" means any building, structure or vehicle owned or operated by the City of Napa, its agencies, departments and the integrated waste franchisees that are located within the City of Napa.
4. "City Manager" means the City Manager of the City of Napa or the City Manager's designee.
5. "City Property" means real property, including buildings thereon, owned or leased by the City of Napa. This includes but is not limited to City offices and facilities, plazas, parks, and public right-of-way (sidewalks and streets).
6. "City Street" means the public right-of-way including without limitation all City streets, sidewalks, and public alleys.
7. "Compostable" means (1) all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner and (2) is Natural Fiber-based . Compostable items may include those that are made entirely of Natural Fiber or Natural Fiber-based items that are coated or lined with biologically based polymer, such as corn or other plant sources (e.g. compostable plastics), if certified by Biodegradable Product Institute (BPI) or other third party product certification recognized by the City and are free of intentionally added fluorinated chemicals. Regulations issued by the City Manager or his or her designee will determine the specific products or product types that are considered compostable for purposes of this ordinance.
8. "Customer" means any person obtaining prepared food from a food vendor.
9. "Disposable Cup" is a beverage cup designed for single use to serve beverages, such as water, cold drinks, hot drinks and alcoholic beverages.
10. "Disposable Foodware" includes all containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, napkins, condiment cups and packets, cocktail/toothpicks (and the packaging that these individual items are wrapped in, if any), cup sleeves, tops, and spill plugs; and other foodware items designed for one-time use for prepared foods, including without limitation serviceware for take-out foods and/or leftovers from partially consumed meals prepared by food providers. The term "disposable foodware" does not include items composed entirely of aluminum or glass.
11. "Event Promoter" means an applicant for any event permit issued by the City.
12. "Food Provider" means any Food Vendor, business, organization, entity, group or individual, including any Restaurant or Food Establishment, including a motor vehicle or mobile unit based Vendor of Prepared Food located or operating within the City of Napa or providing food or beverage to the public, and any provider of Prepared Food at organized or special events.
13. "Food Service Establishment" means any store, shop, sales outlet, restaurant, or other establishment, other than a restaurant, including but not limited to a grocery store, delicatessen, vehicle or mobile unit based Vendor, drive-in, coffee shop, cafeteria, short-order cafe, luncheonette, grill, sandwich shop, hotel, motel, movie house, theater, bed and breakfast inn, tavern, bar, cocktail lounge, tasting room, nightclub, roadside stand, Takeout Food place, industrial feeding establishment, catering kitchen, commissary, special event, food market, produce stand, food stand, or similar place in which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food

is processed, prepared, stored, served or provided to customers and that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the California Revenue and Taxation Code).

14. "Food Vendor" means any restaurant, Vendor, business, non-profit, organization, entity, group or individual that provides Prepared Food at a retail level, including a Food Service Establishment, vehicle, or mobile unit based Vendor. Food Vendor includes all establishments that carry a Food Permit from the Napa County Department of Environmental Health.
15. "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental entity.
16. "Natural Fiber/Natural Fiber-based" means a plant or animal-based, non- synthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat stems/stalk, hay, wood, etc.
17. "Polystyrene" means a thermoplastic petrochemical material utilizing a styrene monomer and processed by various techniques such as fusion of polymer spheres ("expandable bead polystyrene"), injection molding, form molding, and extrusion- blow molding ("extruded foam polystyrene"), blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation). Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.
18. "Prepared Food" means food or beverages prepared for consumption on the food establishments' premises or within the City that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption and includes takeout food. For the purposes of this section, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.
19. "Recyclable" means material that can be sorted, cleaned, and reconstituted using recycling collection programs available in the city of Napa for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
20. "Reusable Foodware" means all foodware, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups and utensils, that is manufactured of durable materials and that is specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing according to applicable regulations.
21. "Rigid Plastic Bottle" means any formed or molded container made of predominantly plastic resin, having a relatively inflexible fixed shape or form, and intended primarily as a single-service container.
22. "Store" means any of the following retail establishments located within the geographical limits of the City of Napa that meets the following requirements:
 - a. "Supermarket" means a full line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more, and which sells a line of dry grocery, canned goods or nonfood items and some perishable items.
 - b. "Retail store" means a store with retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code).

- c. "Convenience food store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, sodas, and snack foods including those stores with a Type 20 or 21 license issued by the California Department of Alcoholic Beverage Control. (Ord. 1434, eff. 1/3/2014; Ord. 1440, eff. 6/19/2015. Formerly 5477)
- 23. "Takeout Food" means food or beverages requiring no further preparation to be consumed and which generally are purchased to be consumed off the premises or away from the facilities of the retail Food Vendor.
- 24. "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of Napa, including "Food Service Establishments," and "Food Providers."

C. FOODWARE WASTE REDUCTION

1. REUSABLE FOODWARE FOR DINING ON PREMISES ("EATING-IN")

- a. All food served for consumption on the premises of a Food Service Establishment shall be served using Reusable Foodware, except that disposable paper food wrappers, foil wrappers, paper napkins, paper straws and paper tray- and plate liners shall only be allowed for dining on premises, provided they meet the Disposable Foodware Standards at Section C.3.
- b. Zoning permits and business licenses for Food Vendors applied for, renewed and/or deemed complete on or after the effective date of this Ordinance shall only be granted to Food Vendors that demonstrate compliance with Section C.1.a. Installation and/or maintenance of appropriate dishwashing capacity shall be included as a specific condition of approval for such permits and licenses.

2. REUSABLE CUSTOMER FOODWARE

- a. Customers may provide their own Reusable Foodware for beverage and food service in accordance with the California Retail Food Code Section 114121.(a). Food Vendors and Food Providers may refuse, at their sole discretion, any customer-provided Reusable Foodware that is cracked, chipped or corroded, appears inappropriate in size, material, or condition for the intended beverage or food item, or that appears to be excessively soiled or unsanitary. If the Customer provided Reusable Foodware is rejected, the Food Vendor or Food Provider may instead require use of Reusable Foodware for consumption on the premises of the Food Service Establishment, or use of a Disposable Foodware item for a beverage or food item to be consumed off the premises of the Food Service Establishment, together with any fee charge as specified pursuant to Section C.5.c.

3. DISPOSABLE FOODWARE STANDARDS

- a. All Disposable Foodware, including Accessory Foodware, shall be Compostable as defined in Section B.7.
- b. The City of Napa City Council may add or remove standards for specific foodware products via resolution.
- c. The City of Napa shall maintain on its website a list of suppliers that offer Disposable Foodware that complies with the standard and shall be updated regularly.

4. ACCESSORY FOODWARE ITEMS

- a. Accessory Foodware items shall be provided only upon request by the Customer. Self serve stations may only provide reusable or refillable items. Disposable cups for delivery by a Food Vendor or Food Provider may include tops, spill plugs, and sleeves without request, as necessary for safe transport. In such situations Customers shall be subject to the conditions in Sections C.3 and C.5.
- b. Food Vendors and Food Providers must provide options for Customers to affirmatively request Accessory Foodware items separate from orders of food and beverages across all ordering/point of sale platforms, including but not limited to web, smartphone and other digital platforms, telephone and in-person.
- c. Food Vendors and Food Providers that customarily offer straws shall maintain a supply of straws which meet the Disposable Foodware Standards set forth in Section C.3, which may be provided to customers upon specific request for a straw. Food Vendors shall provide plastic straws, only On Request, to accommodate any person's access needs.
- d. Food prepared for off-site consumption or leftovers of partially consumed food on premises shall not be provided to customers in single-use plastic bags.
- e. Food Vendors and Food Providers offering condiments are encouraged to use dispensers rather than pre-packaged disposable condiment packets.

5. DISPOSABLE FOODWARE CHARGES

- a. Takeout Food shall only be served in foodware that conforms to the Disposable Foodware Standards at Section C.3.
- b. Accessory Foodware shall conform with the Disposable Foodware Standards at Section C.3.
- c. Food Vendors and Food Providers shall charge Customers twenty-five cents (\$0.25) for each Disposable Cup provided. Food Vendors and Food Providers shall charge Customers twenty-five cents (\$0.25) for all other Disposable Foodware provided per order. The maximum charge per order for all Disposable Cups and other Disposable Foodware shall be one dollar (\$1.00). In addition, Food Vendors and Food Providers shall provide a minimum twenty-five cent (\$0.25) discount for Customers who bring their own Reusable Foodware for Take-out Food. Food Vendors and Food Providers may provide a larger discount at their own discretion.
 - (1) Income from the charge shall be retained by the Food Vendor or Food Provider.

- (2) Charges for Disposable Foodware shall be identified separately on any receipt provided to the customer. Customers placing orders by telephone shall be informed verbally of Disposable Foodware charges.

6. CITY OF NAPA: PURCHASES PROHIBITED

- a. The City of Napa shall not purchase any Disposable Foodware that does not comply with the Disposable Foodware Standards at Section C.3., nor shall any City Sponsored event utilize non-compliant foodware.

7. PROHIBITED USE OF POLYSTYRENE DISPOSABLE FOODWARE

- a. The following prohibitions shall be effective **TBD**.
 - (1) Food Vendors, Food Providers, Food Service Establishments, Restaurants and Retail Stores are prohibited from providing Prepared Food to Customers in Polystyrene Foodware.
 - (2) Polystyrene Foodware shall not be sold or provided by any Food Vendor or Event Promoter in the City of Napa, unless it is wholly encapsulated or encased within a more durable material, as exempted in Section C.9.b.(1)(d). This specifically includes, but is not limited to, cups, plates, bowls, clamshells and other products intended primarily for food service use, as well as coolers, containers and ice chests.
 - (3) No Polystyrene Foodware may be used in any City Facilities. All individuals, entities or organizations using City Facilities for public or private events shall comply with the requirements in this Article.
 - (4) No City department may purchase or acquire Polystyrene Foodware for use at City Facilities, for City events or otherwise in the conduct of City business.
 - (5) All rental agreements to use any City Facility shall require contracting parties to prevent the use or distribution of Polystyrene Foodware in the City Facility. The agreement shall provide that the contractor's security deposit will be forfeited if the City Manager or his or her designee determines that Polystyrene Foodware was utilized in violation of the rental agreement.
 - (6) The City shall not sponsor or co-sponsor events at which Polystyrene Foodware is used or distributed by Event Promoters, Food Vendors and any other party (including nonprofit organizations) which enters into an agreement with the Event Promoter to sell Prepared Food at or provide service to the event. The City's monetary contribution to such an event shall be refunded to the City if the City Manager or his or her designee determines that Polystyrene Foodware was used at the event in violation of this prohibition.
 - (7) Violation of the requirements set forth in this Article shall subject the Food Vendor to penalties as set forth in this Article.

8. WAIVERS

a. Food Vendors, Food Providers, Food Service Establishments, or Retail Stores that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse, and sanitize Reusable Foodware in compliance with the California Health and Safety Code may request a waiver or partial waiver.

(1) All Disposable Foodware used on the premises of a Food Service Establishment operating under full or partial waivers obtained shall conform to the Disposable Foodware Standards in Section C.3.

b. Any Food Vendor, Food Provider, Food Service Establishment, and Retail Store may petition the City Manager or his or her designee for a waiver or waivers for specific Disposable Foodware items that the City of Napa has not exempted if the owner or operator documents and demonstrates the following:

(1) No alternative Disposable Foodware item exists with substantially similar size, performance, and/or utility that complies with the Disposable Foodware Standards at Section C.3. The Disposable Foodware item to be used in lieu of a compliant item must be Recyclable in the City of Napa Recyclable collection program.

(2) If the owner or operator demonstrates that application of the Section would create undue hardship or practical difficulty for the establishment not generally applicable to other similar establishments in similar circumstances.

c. If the City determines that a reasonably feasible Disposable Foodware item that complies with Section C.3 does not exist, these items will be exempt from the above mentioned provisions of this Chapter until the City determines that a reasonably feasible alternative is available on the market for purchase.

d. The City Manager or his or her designee shall act on a waiver application no later than 180 days after receipt of such application, including mailing written notification of his or her decision to the address supplied by the applicant.

9. EXEMPTIONS

a. Disposable Foodware

(1) The following items or activities are exempt from the prohibitions in this Article:

A. Disposable Foodware composed entirely of aluminum or glass.

B. Pre-packaged food that arrives at the premises of the Food Vendor in a container or wrapper and is not removed from the container or wrapper before its sale or distribution.

(2) The City of Napa City Council may exempt other materials and specific foodware product types by resolution under the following condition.

A. The Disposable Foodware item to be used in lieu of a compliant item must be Recyclable in the City of Napa Recyclable collection program.

3) All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic

benefit transfer card (EBT) issued pursuant to Section 10072 of the California Welfare and Institutions Code, shall be exempt from the Disposable Foodware charges.

b. Polystyrene

(1) The following items or activities are exempt from the prohibitions of this Article:

A. Pre-packaged food that arrives at the premises of the Food Vendor in a container or wrapper and is not removed from the container or wrapper before its sale or distribution (e.g., ramen noodles in a Polystyrene cup or pre-packaged dried fruit or vegetables sold at a grocery store.)

B. City Facilities, Food Providers, City franchisees, contractors and Vendors doing business with the City in situations deemed by the City Manager or his or her designee to be an emergency, and procuring and distributing emergency supplies and services for the immediate preservation of the public health, safety, and welfare.

C. Medical supplies and services.

D. Products made from Polystyrene that are wholly encapsulated or encased by a more durable material. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of Polystyrene/plastic foam.

E. Construction products made from Polystyrene if the products are used in compliance with City of Napa Municipal Code Title 13 Chapter 8.36 Stormwater Quality Control (Municipal Code Section having to do with stormwater management) and used in a manner that prevents the Polystyrene from being released into the environment.

10. ADMINISTRATION, ENFORCEMENT AND PENALTIES

a. The City Manager or his or her designee shall have primary responsibility for enforcement of this Article. The City Manager or his or her designee is authorized to establish regulations and to take any and all action reasonable and necessary to obtain compliance with this Article, including, but not limited to, inspecting the premises of any Food Vendor, Food Provider, Food Service Establishment, Restaurant, and Retail Store to verify compliance.

b. Penalties for Violations shall not be enforced for the first six months following the effective date of this Ordinance codified in the Article. Violations of all other provisions of this Article are subject to enforcement at all times.

c. Any person who violates this Article shall be considered guilty of an infraction for each offense and subject to those penalties as established by the City Council.

d. Any violation of the Article is subject to the recovery of administrative penalties pursuant to California Government Code, Section 53069.4 and pursuant to Section 1.24.060 of the [Napa Municipal Code](#).

e. The City of Napa may seek legal, injunctive, or other equitable relief to enforce this Chapter.

f. The remedies and penalties provided in this section are cumulative and not exhaustive, and nothing in this Article shall preclude the City of Napa from pursuing any other remedy provided by law.

D. PLASTIC BOTTLE REDUCTION

1. SALE AND DISTRIBUTION OF DISPOSABLE PLASTIC BOTTLED BEVERAGES ON CITY PROPERTY

- a. No person may sell or distribute plastic Bottled Beverages at any activity for which the City has issued a permit allowing the activity to be held in or on City Property.
- b. In the event that containers greater than twenty-one ounces in size are utilized, disposable containers (e.g., disposable cups) may be used in the serving of beverages but must conform to the requirements pursuant to Section C. Foodware Waste Reduction.
- c. The City shall not enter into any new leases, contracts, or other forms of agreement, or issue any new permits, bid proposals, or solicitations; or renew, amend or reissue any existing leases, contracts, agreements or permits, which allow City Property to be used for the sale or distribution of plastic Bottled Beverages.
- d. City funds shall not be used to purchase plastic Bottled Beverages except as exempted or allowed under Article D. Plastic Bottle Reduction. The City's purchasing policies shall be amended for consistency with this Article.
- e. It shall be City policy not to have drinking water systems (i.e., vending machines) in city offices and facilities that use plastic Bottled Beverages of any size where sufficient alternatives exist and are feasible. City offices and facilities shall conform drinking water systems to this policy where reasonable.
- f. It shall be City policy to increase the availability of drinking water for public consumption in public areas by ensuring access to drinking fountains, potable water hook-ups, and with particular emphasis on providing water bottle filling stations. City departments will take all reasonable and appropriate steps to promote and facilitate achievement of the intent and requirements of this Article.
- g. It shall be a City goal to encourage the inclusion of water bottle filling stations for public use in privately owned developments.

2. EXEMPTIONS

- a. The provisions of this article shall not apply when the City Manager or his or her designee finds that relying on plastic Bottled Beverages is necessary in a given situation to protect the public health, safety and welfare, and no reasonable alternative will serve the same purpose.
- b. The provisions of this Article shall not apply to emergencies.
- c. The City Manager or designee may waive the requirements of this Article in full or in part if it is demonstrated to the satisfaction of the City Manager or designee that strict compliance would not be feasible, would create undue hardship or practical infeasibility, or that other reasonable circumstances warrant waiving the requirements of this Article.
- d. The provisions of this Article shall not apply where there are hydration requirements for employees working outside (e.g., fieldwork) and no reasonable alternative to plastic Beverage Bottles will serve the same purpose.

e. The provisions of this Article do not apply to an event for which the applicant submitted a complete application for review, or received approval, prior to the effective date of the Ordinance codified in this Article.

f. Nothing in this Article shall be construed to impair a lease, contract, permit, bid proposal, solicitation, or other form of agreement to which the City is a party on the effective date of the Ordinance codified in the Article.

3. ADMINISTRATION, ENFORCEMENT AND PENALTIES

a. The City shall take appropriate steps to educate and inform the public about the plastic Bottled Beverage requirements of this Article.

b. The City Manager or his or her designee shall have primary responsibility for enforcement of this Article. The City Manager or his or her designee is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this Chapter.

c. Violations shall not be enforced for the first six months following the effective date of this Article.

d. Any person who violates this Article shall be considered guilty of an infraction for each offense and subject to those penalties as established by the City Council.

e. Any violation of this Article may result in a forfeiture of up to the entire amount of the violating permit holder's facility use deposit, if any, at the discretion of the City Manager or his or her designee.

f. In addition to any other remedy available, any violation of this Article by any person is subject to the following administrative fines pursuant to California Government code Section 53069.4, and to Section 1.24.060 of the Napa Municipal Code.

g. The City of Napa may seek legal, injunctive, or other equitable relief to enforce this Chapter.

h. The remedies and penalties provided in this Section are cumulative and not exhaustive, and nothing in this Chapter shall preclude the City of Napa from pursuing any other remedy provided by law.