



Legislation Details (With Text)

File #: 19-491 **Version:** 1 **Name:** Ordinance to Repeal Intimidating Solicitation Ordinance

Type: Ordinance **Status:** Passed

In control: City Council

On agenda: 10/7/2019 **Final action:** 10/7/2019

Enactment date: 10/7/2019 **Enactment #:** Ordinance 2019-014

Title: ORDINANCE of the City of San Leandro City Council Repealing Title 4, Chapter 4-1, Article 9 of the San Leandro Municipal Code Pertaining to Intimidating Solicitation

Sponsors: Liz Warmerdam, Rich Pio Roda

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/7/2019	1	City Council	Adopted	Pass
9/16/2019	1	City Council	Passed to Print	Pass

ORDINANCE of the City of San Leandro City Council Repealing Title 4, Chapter 4-1, Article 9 of the San Leandro Municipal Code Pertaining to Intimidating Solicitation

WHEREAS, in 2004, the San Leandro City Council adopted an ordinance pertaining to intimidating solicitation, codified as Title 4, Chapter 4-1, Article 9 of the San Leandro Municipal Code (“Intimidating Solicitation Ordinance”); and

WHEREAS, in 2018, the City Council provided direction to staff and the City Attorney’s Office to review the City’s Intimidating Solicitation Ordinance; and

WHEREAS, the City Council recognizes that the legal landscape regarding solicitation regulations has evolved since the City’s Intimidating Solicitation Ordinance was adopted in 2004; and

WHEREAS, the City Council desires to repeal the Intimidating Solicitation Ordinance in its entirety.

NOW THEREFORE, the City Council for the City of San Leandro does ORDAIN as follows:

SECTION 1. RECITALS. The above recitals are true and correct, and made a part of this ordinance.

SECTION 2. AMENDMENT OF CODE. San Leandro Municipal Code Title 4, Chapter 4-1, Article 9, “Intimidating Solicitation”, is hereby repealed in its entirety.

SECTION 3. CEQA. Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or

enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.