



## Legislation Text

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File #: 18-370, Version: 1

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An **ORDINANCE** of the City of San Leandro Adding Title 4, Chapter 4-18 of the San Leandro Municipal Code Relating to Loud and Unruly Gatherings

The City Council of the City of San Leandro does **ORDAIN** as follows:

**WHEREAS**, the City of San Leandro (“City”) has an overriding interest in planning and regulating the use of property within the City because without stable, well-planned neighborhoods, the quality of life and the character of the City can quickly deteriorate and suffer adverse social, environmental, and economic conditions; and

**WHEREAS**, the California Constitution, Article XI, Section 7, provides cities with the authority to enact ordinances to protect the health, safety, and welfare of their citizens, and municipal code regulations are a permissible exercise of this authority; and

**WHEREAS**, the City Council finds and declares that due to inadequate supervision, some large gatherings of people become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, the obstruction of public streets or rights-of-way by crowds of people or vehicles, public drunkenness, unlawful possession of alcohol or drugs, serving alcohol to minors, fights, disturbances of the peace, urinating or defecating in public, setting off fireworks, vandalism, littering on public property or private property, the presence of persons in areas not designed for occupancy such as rooftops, and persons throwing bottles or other objects or substances at law enforcement or any member of the public; and

**WHEREAS**, the City Council finds and declares that the cited impacts negatively affect both the neighborhoods in which such Loud and Unruly Gatherings occur and the public safety resources of the City; and

**WHEREAS**, the City Council finds that Loud and Unruly Gatherings are detrimental to the public health, welfare and safety and are contrary to the public interest; and

**WHEREAS**, the City Council finds and declares that it is the intent of this Ordinance to protect the public health, safety, general welfare, and quiet enjoyment of residential property, rather to punish; and

**WHEREAS**, it is not the intent of the City Council for this Ordinance to apply to peaceful gatherings or assemblies, such as the protected right to assemble for the purposes of political and social expression; and

**WHEREAS**, the City Council finds and declares that persons who actively or passively aid, abet, or allow Loud and Unruly Gatherings should be held liable for the nuisances created by such

gatherings, including, without limitation, the imposition of civil and administrative fines; and

**WHEREAS**, the City Council finds that the proposed Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment (Section 15060(c)(2) of the California Environmental Quality Act Guidelines); and

**WHEREAS**, this agenda item has been noticed in accordance with the Ralph M. Brown Act (72 hours in advance of the public meeting) and the item appeared upon the agenda for this meeting which was duly noticed in accord with the provisions of the City's Municipal Code.

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

**SECTION 1. INCORPORATION OF RECITALS.** The City Council finds that the aforementioned recitals are all true and correct and are incorporated herein by reference.

**SECTION 2.** Title 4, Chapter 4-18 of the San Leandro Municipal Code, is amended as identified on Exhibit "A," attached hereto and incorporated herein by this reference.

**SECTION 3. 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 4. 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.