



# City of San Leandro

Meeting Date: October 7, 2019

## Ordinance

---

**File Number:** 19-491

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.L.

**TO:** City Council

**FROM:** Jeff Kay  
City Manager

**BY:** Liz Warmerdam  
Assistant City Manager and  
Rich Pio Roda  
City Attorney

**FINANCE REVIEW:** Not Applicable

**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

---

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OF CODE.** San Leandro Municipal Code Title 4, Chapter 4-1, Article 9, “Intimidating Solicitation”, is hereby repealed in its entirety.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