

ORDINANCE NO. 774 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21.31 OF THE MUNICIPAL CODE
TO ESTABLISH REGULATIONS FOR NEWSRACKS ON PRIVATE PROPERTY

WHEREAS, via Ordinance 772 N.S., the City established Chapter 11.35 of the Municipal Code to contain regulations for newsracks placed within the public right-of-way and on public property; and said newsrack regulations include provisions for display of harmful material;

WHEREAS, newsracks may also be placed on private property, where it remains necessary to protect minors from viewing harmful matter that may be offered for sale or distribution within newsracks located in public places, except in places where minors may be excluded; and

WHEREAS, at its meeting of June 8, 1999, the Planning Commission conducted a public hearing on the proposed ordinance and recommended that the City Council approve such ordinance; and

WHEREAS, at its meetings of June 15 and August 3, 1999, the City Council conducted a public hearing on the subject of the proposed ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 21.31 of the Municipal Code is hereby amended to add Section 12.31.090 to read as follows:

12.31.090 Limitations on Display of Harmful Matter in Newsracks.

The limitations on display of material which is harmful to minors contained within Chapter 11.35 shall apply to private property as well as to the public right-of-way.

SECTION 3. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on August 3, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of August, 1999, by the following roll call vote, to wit:

AYES: Baron, Macklin, Mecham, Swanson and Picanco
NOES: None
ABSTAIN: None
ABSENT: None

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk