

**ORDINANCE NO. 22 - \_\_\_\_**

**An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapter 6 Of Title 5 (“Criminal Records: Security”), Chapter 7 Of Title 5 (“Fortunetelling”), Chapter 12 Of Title 5 (“Minors”), And Chapter 15 Of Title 5 (“Patrol Services”) In Their Entirety; CEQA Determination – Not A Project Under CEQA Guidelines 15378(B)(5)**

**HEREAS**, on July 21, 2020, the City Council requested that staff bring forward an agenda item to eliminate some or all of the criminal penalties in the Emeryville Municipal Code (“EMC”) following national attention to these types of penalties and their potential to disproportionately impact people of color; and

**WHEREAS**, on September 15, 2020, staff presented an overview of the different code enforcement measures and tools previously used by the City, and the Council directed staff to bring back a list of all municipal code violations that were either subject to a criminal misdemeanor or infraction penalty (or both) and proposed recommendations for code enforcement penalties; and

**WHEREAS**, on December 15, 2020, the City Council reviewed staff’s recommendations on the removal or modification of criminal penalties for certain EMC violations; and

**WHEREAS**, on December 15, 2020, the City Council also reviewed staff’s recommendations to repeal certain EMC Chapters in their entirety as these chapters were no longer used or were no longer relevant within the City; and

**WHEREAS**, on December 15, 2020, the City Council determined that the following EMC Chapters may be repealed in their entirety: Chapter 6 Of Title 5 (“Criminal Records: Security”), Chapter 7 Of Title 5 (“Fortunetelling”), Chapter 12 Of Title 5 (“Minors”), and Chapter 15 Of Title 5 (“Patrol Services”); and

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE. PURPOSE AND INTENT**

The purpose and intent of this Ordinance is to repeal the following EMC code provisions in their entirety: Chapter 6 Of Title 5 (“Criminal Records: Security”), Chapter 7 Of Title 5 (“Fortunetelling”), Chapter 12 Of Title 5 (“Minors”), and Chapter 15 Of Title 5 (“Patrol Services”).

**SECTION TWO. REPEALING CHAPTER 6 OF TITLE 5 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 6 of Title 5 (“Criminal Records: Security”) is hereby repealed in its entirety.

**SECTION THREE. REPEALING CHAPTER 7 OF TITLE 5 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 7 of Title 5 (“Fortunetelling”) is hereby repealed in its entirety.

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**SECTION FOUR. REPEALING CHAPTER 12 OF TITLE 5 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 12 of Title 5 (“Minors”) is hereby repealed in its entirety.

**SECTION FIVE. REPEALING CHAPTER 15 OF TITLE 5 OF THE EMERYVILLE MUNICIPAL CODE**

Chapter 15 of Title 5 (“Patrol Services”) is hereby repealed in its entirety.

**SECTION SIX. CEQA DETERMINATION**

The City Council finds that adoption of this Ordinance is not a project as defined by the California Environmental Quality Act (“CEQA”) because it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment pursuant to CEQA Guidelines 15378(b)(5).

**SECTION SEVEN. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

**SECTION EIGHT. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 33693.

**SECTION NINE. CODIFICATION**

Sections Two through Five of this Ordinance shall be codified in the Emeryville Municipal Code. Sections Six, Seven, Eight and Nine shall not be so codified.

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This Ordinance was **INTRODUCED AND FIRST READ** by the City Council of the City of Emeryville at a regular meeting held Monday, December 12, 2022, and **PASSED AND ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, December 20, 2022, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:  
*John Kennedy*  
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\_\_\_\_\_  
CITY ATTORNEY