

ORDINANCE NO. 772 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
ESTABLISHING CHAPTER 11.35 OF THE MUNICIPAL CODE
(NEWSRACKS)

WHEREAS, the placement of newsracks within public rights-of-way and on other public property (e.g. parks) has the potential to pose hazards to pedestrians and motorists, to conflict with access to and use of utilities and public facilities (fire hydrants, bus shelters, etc.), and to hinder the City's efforts, as set forth in General Plan policy, to protect and preserve aesthetic resources, to revitalize the Historic Downtown, and to promote and enhance the economic vitality of the community; and

WHEREAS, it is necessary to protect minors from viewing harmful matter that may be located in the City's public right-of-way, sidewalks or other public property; and

WHEREAS, in order to protect rights established by the First Amendment of the Constitution of the United States, it is necessary to establish objective criteria by which newsracks may be placed, maintained and operated within public rights-of-way and on other public property;

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

SECTION 1. Chapter 11.35 of the Municipal Code, attached hereto as Exhibit "A", is hereby established to regulate the placement, maintenance and operation of newsracks in public rights-of-way and on public property.

SECTION 2. 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 3. 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 4. 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 5 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 June 15, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of July, 1999, by the following roll call vote, to wit:

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

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk