

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 MAR -8 PM 1:03

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

*Amadis Sotelo*

City Attorney

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. 13108 C.M.S.**

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**EXTENSION OF ORDINANCE NO. 13095 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF BUSINESSES ENGAGED IN AND/OR CONDUCTING BUYING, SELLING, AND/OR EXCHANGING OLD GOLD, OLD SILVER, PLATINUM OR ARTICLES OF PLATINUM, SILVERWARE, SECONDHAND JEWELRY OR OTHER PRECIOUS METALS OR STONES (SECONDHAND JEWELRY DEALERS), THROUGH SEPTEMBER 4, 2012 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST**

**WHEREAS**, the City Council adopted Ordinance No. 13095 C.M.S. on November 15, 2011, which enacted a interim moratorium on the establishment or expansion of businesses engaged in and/or conducting buying, selling, and/or exchanging old gold, old silver, platinum or articles of platinum, silverware, secondhand jewelry or other precious metals or stones (secondhand jewelry dealers); and

**WHEREAS**, pursuant to State law, first passage of an interim moratorium ordinance is only permitted for a period of 45 days; and

**WHEREAS**, on December 20, 2011, pursuant to State law, the City Council extended the interim moratorium ordinance until March 20, 2012 via Ordinance No. 13103 C.M.S.; and

**WHEREAS**, an extension of the interim moratorium ordinance through September 4, 2012 is necessary because the current extension period does not provide staff with sufficient time to address legal concerns and drafting recommendations identified at the February 28, 2012 Public Safety Committee meeting, as well as conduct further meetings with stakeholders, and process any revisions regarding Secondhand Jewelry Dealer regulations; and

**WHEREAS**, for the reasons set forth above and in Ordinance No. 13095 C.M.S., this ordinance is declared by the Council to be necessary for preserving the public peace, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and urgency; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

**Section 2.** The City Council finds and determines, for the reasons stated in the recitals, and in Ordinance No. 13095 C.M.S., the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15301, 15302, 15303, 15307, 15308 and 15311 of the State CEQA Guidelines.

**Section 3.** Ordinance No. 13095 C.M.S. is hereby extended by the City Council through September 4, 2012, or whenever permanent regulations are adopted, whichever occurs first, and all its term and provisions shall remain in full force and effect.

**Section 4.** The City Clerk shall certify as to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect. This Ordinance shall become effective immediately as an interim urgency ordinance, in order to protect the public health, safety and welfare.

**Section 5.** This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 of the Charter of the City of Oakland, Article XI of the California Constitution and Government Code section 65858.

**Section 6.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 20 2012

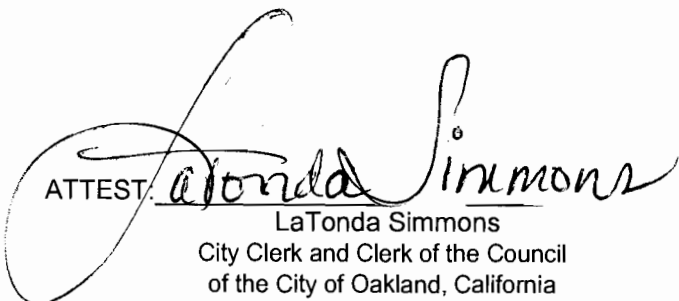
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST.   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: 3-23-12