



CITY OF OAKLAND

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OF THE CITY CLERK
OAKLAND

2012 JUL -5 PM 12:11

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Arturo M. Sanchez

SUBJECT: Chapter 5.46 Moratorium
Extension to November 10, 2012

DATE: July 3, 2012

City Administrator

Approval

Date

7/3/12

COUNCIL DISTRICT: CITY-WIDE

RECOMMENDATION

Staff recommends that the City Council extend Ordinance No. 13103 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, 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 November 10, 2012 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First.

EXECUTIVE SUMMARY

On Tuesday March 20, 2012 The City Council extended the Moratorium on Second Jewelry until September 4, 2012. Staff is requesting an extension to complete all meetings and discussions of the proposed new draft regulations on Secondhand Jewelry Dealers with the relevant stakeholders.

OUTCOME

If adopted, the action of the City Council will extend the moratorium on Secondhand Jewelry Dealer permits until November 10, 2012. If the moratorium is extended until November 10, 2012, during that time, no existing facilities would be able to expand and no new permits could be issued for businesses intending to conduct Secondhand Jewelry activity.

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City Council
July 17, 2012

BACKGROUND/LEGISLATIVE HISTORY

On November 15, 2011, the City Council voted unanimously to adopt a temporary (45 day) moratorium on the permitting or approval of any new, modified, or expanded establishments buying and/or selling second hand jewelry.¹ "Secondhand jewelry dealer" means and includes every person who engages in or conducts the business of buying, selling or exchanging old gold, old silver, platinum or articles of platinum, silverware, and secondhand jewelry or other precious metals or stones (Oakland Municipal Code, Chapter 5.46).

On December 20, 2011 the City Council, pursuant to California Government Code Section 65858, extended the moratorium until March 20, 2012, and directed staff to conduct a study on the methods and changes to the Oakland Municipal Code and/or planning code necessary to protect neighborhoods from an overconcentration of such businesses.

On Tuesday February 28, 2012 the Public Safety Committee determined that it was best to hold the Chapter 5.46 amendments "Establishing New Permitting for Secondhand Jewelry Dealers" in Committee until such time as several significant issues and regulatory questions could be addressed. To that end, the committee directed staff to prepare a moratorium extension in order to provide the City with adequate time to respond and research regulatory items problems identified at the Committee level including a state preemption issue and questions about the geographic and distance restrictions proposed in the amendments relating to where Secondhand Jewelry Dealers can be located and how close they can be to one another. On March 20, 2012 the Oakland City Council adopted a moratorium extension through September 4, 2012.

ANALYSIS

Staff is asking that the Secondhand Jewelry Moratorium ordinance be extended for the same reasons as stated in the previous extension. Staff is completing the process of reaching out to stakeholders including members of the Secondhand Dealer industry, and legal counsel representing these businesses, to gain feedback and to clarify questions regarding the proposed new regulations. Though legal review of the legal issues raised at the February 28, 2012 Public Safety meeting is complete, the elimination of Council meeting dates in July and the council break did not provide sufficient time to complete all outreach with stakeholders, provide any additional revisions based on such feedback, and adopt the new proposed regulations prior to the Council recess and the expiration of the moratorium on September 4, 2012.

Staff recommends extending the moratorium until November 10, 2012 to afford staff with adequate time and space in which to make sure sufficient outreach to stakeholders is. After this process is complete, staff will bring the proposed new regulations to Public Safety committee shortly after the Council recess.

¹ See Ordinance No.13103 C.M.S.

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PUBLIC OUTREACH/INTEREST

Staff continues to keep current permittees and potential permittees informed as to the status of the extension and any draft regulations proposed. Also, as stated, staff is facilitating communications with representatives of the Secondhand Jewelry Dealer industry, staff, other relevant stakeholders, and the City Attorney's Office regarding the development of proposed new regulations and to obtain feedback on this subject.

COORDINATION

Once all input is gathered from stakeholders, modifications of the proposed regulations on Secondhand Jewelry Dealers may occur with the advice of the City Attorney's Office.

COST SUMMARY/IMPLICATIONS

Staff had proposed to increase the cost of annual permits for Secondhand Jewelry Dealers in order to make the permits cost re-covering. Aside from this there are minimal costs associated with posting the notice and digest, and the cost of staff time to revisit and continue to develop appropriate regulations.

SUSTAINABLE OPPORTUNITIES

Economic: Adopting moratorium will provide staff sufficient time to complete the development of new regulations and fees for permitting secondhand jewelry dealers and to set appropriate fee and penalty levels designed to recover staffing costs for administering and monitoring permit compliance will ensure that we have operators operating lawfully and complying with appropriate reporting and monitoring processes.

Environmental: There are no environmental opportunities associated with extending the moratorium to reform the secondhand jewelry business market in Oakland.

Social Equity: Extending the moratorium will afford the City an opportunity to assure that under banked and underserved populations are not victimized by unpermitted, unregulated, or offending violators of the Municipal code who might prey on these communities for precious metals and their economic gain.

CEQA

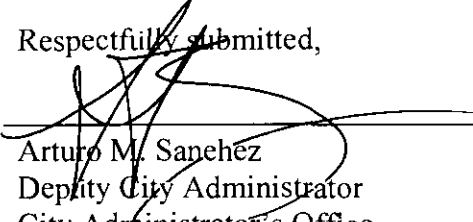
The adoption of these ordinance amendments is exempt from further environmental review for the following reasons, each of which applies on a separate and independent basis. Specifically, these ordinance amendments are exempt (without limitation) under the following CEQA Guidelines: Section 15183 because they are in conformance with the adopted Land Use and Transportation Element (LUTE) of the General Plan of the City of Oakland. They are also

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exempt under Section 15301 as the uses are in existing facilities; Section 15303 because construction of new facilities for these uses are generally under 10,000 square feet in an urbanized area; and/or Section 15061(b) (3), because there is no possibility of a significant effect on the environment.

For questions regarding this report, please contact Arturo M. Sanchez, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,



Arturo M. Sanchez
Deputy City Administrator
City Administrator's Office

Prepared by:
Arturo M. Sanchez
Deputy City Administrator
City Administrator's Office

Attachments (2):

- A. Agenda Report Extending Moratorium Dated March 20, 2012
- B. Ordinance No. 13103 Moratorium Extension through September 4, 2012

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City Council
July 17, 2012



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2012 MAR -8 PM 1:06

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Arturo M. Sanchez

SUBJECT: Chapter 5.46 Moratorium
Extension to 9/04/2012

DATE: March 7, 2012

City Administrator
Approval

Date

3/8/12

COUNCIL DISTRICT: CITY-WIDE

RECOMMENDATION

Staff recommends that the City Council extend Ordinance No. 13103 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, 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.

EXECUTIVE SUMMARY

On Tuesday February 28, 2012 the Public Safety Committee determined to separate the Master Fee Schedule amendment for Mobile Food Vending from the proposed modifications to Chapter 5.46. The Committee determined that it was best to hold the Chapter 5.46 amendments "Establishing New Permitting for Secondhand Jewelry Dealers" in Committee until such time as several significant conflicts and regulatory questions could be addressed. Additionally, the committee directed staff to prepare a moratorium extension in order to provide the City with adequate time to respond and research regulatory problems identified at the Committee level.

OUTCOME

If adopted, the action of the City Council will extend the moratorium on Secondhand Jewelry Dealer permits until September 4, 2012. No existing facilities would be able to expand and no new permhs could be issued for businesses intending to conduct Secondhand Jewelry activity.

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March 20, 2012

BACKGROUND/LEGISLATIVE HISTORY

On November 15, 2011, the City Council voted unanimously to adopt a temporary (45 day) moratorium on the permitting or approval of any new, modified, or expanded establishments buying and/or selling second hand jewelry¹ "Secondhand jewelry dealer" means and includes every person who engages in or conducts the business of buying, selling or exchanging old gold, old silver, platinum or articles of platinum, silverware, and secondhand jewelry or other precious metals or stones (Oakland Municipal Code, Chapter 5.46).

On December 20, 2011 the City Council, pursuant to California Government Code Section 65858, extended the moratorium until March 20, 2012, and directed staff to conduct a study on the methods and changes to the Oakland Municipal Code and/or planning code necessary to protect neighborhoods from an overconcentration of such businesses.

On Tuesday February 28, 2012 the Public Safety Committee determined to sever the Master Fee Schedule amendment for Mobile Food Vending from the proposed modifications to Chapter 5.46. The Committee determined that it was best to hold the Chapter 5.46 amendments "Establishing New Permitting for Secondhand Jewelry Dealers" in Committee until such time as several significant issues and regulatory questions could be addressed. To that end, the committee directed staff to prepare a moratorium extension in order to provide the City with adequate time to respond and research regulatory items problems identified at the Committee level including a state preemption issue and questions about the geographic and distance restrictions proposed in the amendments relating to where Secondhand Jewelry Dealers can be located and how close they can be to one another.

ANALYSIS

In the months since the adoption of the moratoriums, staff from the City Administrator's Office, Planning Department and Oakland Police Department initiated a review process, as directed by the Ordinance, of the "regulatory mechanisms available to regulate activities, facilities, or establishments buying, exchanging and/or selling second hand jewelry" in Oakland. As noted in the original ordinance, it continues to be the City's "intent, in consideration of other existing and potential uses within the City, to assure a degree of compatibility between the locations of activities, facilities, or establishments buying and/or selling second hand jewelry." Internal staff meetings resulted in recommending the strengthening of regulation in Chapter 5.46 of the Municipal Code (O.M.C.) and modifying the Master Fee Schedule to make the program fully cost recovery in nature.

Unfortunately the pace and timeline under which the ordinance has been developed by staff and the deadline by which the ordinance needed to be adopted in order to meet the moratorium deadline led to a proposed ordinance that had yet to be fully vetted and approved by the City

¹ See Ordinance No. 13103 C.M.S.

Attorney's Office for conflicts with State law. Further, at the February 28, 2012 Public Safety Committee meeting, an issue was raised about a possible conflict with state law and Committee Members had specific concerns and recommendations about the proposed geographic and distance requirements for new Secondhand Jewelry Dealers. Specifically, Committee Members made recommendations to increase the distance requirements between Secondhand Jewelry Dealers, remove the reference to "residential areas" in the distance requirements, and limit the total number of Secondhand Jewelry Dealers permits issued within a Business Improvement District at two instead of three.

Staff is asking that the Secondhand Jewelry Moratorium ordinance be extended for the same reasons as stated in the previous extension. Staff will need to work closely with the City Attorney's Office over the next several months, as well as the Pawnbrokers and Secondhand Dealer industry, and counsel representing these businesses, to perform further research into issues raised at the February 28, 2012 Public Safety meeting and to obtain further public input.

Staff will also continue to review the amendments to Chapter 5.46, and other sections of the OMC, along with the City Attorney's Office, to close gaps and eliminate remaining issues in any proposed modifications. Extending the moratorium until September 4, 2012 would afford staff adequate time and space in which to make sure sufficient review, editing, and outreach to stakeholders is completed.

In addition to the issues and recommendations raised at the February 28, 2012 Public Safety Committee Meeting, any revisions will include the following requirements as directed by the City Council:

- a. Require cameras in both the interior and exterior of the businesses;
- b. Require specific lighting levels on the exterior of the premises;
- c. Increase visibility into stores—e.g. transparency of street fronting glass;
- d. Increase penalties for inaccurate/inappropriate reporting and other violations of ordinance;
- e. Increase permit fees across all Chapter 5.46 sufficient to provide adequate staff oversight;
- f. Require two forms of ID from sellers;
- g. Clarify (and make stricter) the grounds for permit revocation;
- h. Require a correlation between gold sales/purchase activity and main business type;
- i. Enforce distance requirements between permitted locations;
- j. Regulate advertisements and signage;
- k. Require that they are located only in commercial districts with buffer zones from residential and other 2nd hand Jewelers to address over concentration;
- l. Restrict licenses to only businesses that operate as a 2nd hand dealer/jeweler, (i.e. not in furniture and/or unrelated business activity);

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- m. Require computerized reporting online via reporting system such as LEADS online. Leads online is the nation's largest online investigation system for law enforcement eliminating paper reports; and,
- n. Determine if additional funding, via increased application and renewal fees, is needed for adequate and appropriate Police Department personnel to assist with oversight.

Staff believes adopting the proposed extension through September 4, 2012 will afford them sufficient time to address the concerns expressed by the public safety committee while continuing to develop regulations intended to address the items above.

PUBLIC OUTREACH/INTEREST

On February 22, 2012 staff met with Pawnbrokers and Secondhand Dealers to discuss the proposed modifications to Chapter 5.46. As a result of this meeting the stakeholders came forward to the public safety committee and identified regulatory and enforcement concerns. As a whole the entire industry, both pawnbrokers and secondhand dealers, have the same overarching concern which is the lack of enforcement and prosecution of the unpermitted and unregulated facilities in the City of Oakland. An issue that would not and could not be addressed in the regulations which now must be revisited in light of conflicts identified.

COORDINATION

Modifications and review of proposed regulations will occur with the advice of the City Attorney's Office, and will incorporate input from stakeholders and council offices made at the Public Safety Committee.

COST SUMMARY/IMPLICATIONS

Staff had proposed to increase the cost of annual permits for Pawnbroker and Secondhand Jewelry Dealers in order to make the additional reporting and oversight required cost covering. The fees will also be revisited and potentially adjusted in light of the public comments and comments of the committee members. Aside from this there are minimal costs associated with posting the notice and digest, and the cost of staff time to revisit and continue to develop appropriate regulations.

SUSTAINABLE OPPORTUNITIES

Economic: Adopting moratorium will provide staff sufficient time to further develop new regulations and fees for permitting secondhand jewelry dealers to set appropriate fee and penalty levels designed to recover staffing costs for administering and monitoring permit compliance will ensure that we have operators operating lawfully and complying with appropriate reporting and monitoring processes.

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Environmental: There are no environmental opportunities associated with extending the moratorium to reform the secondhand jewelry business market in Oakland.

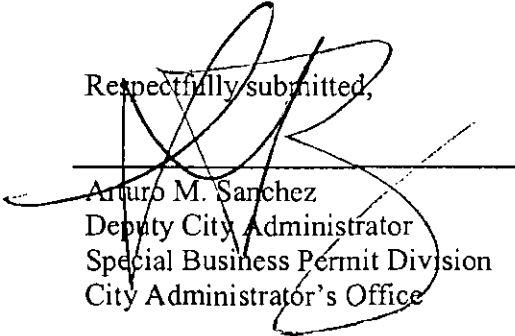
Social Equity: Extending the moratorium will afford the City an opportunity to assure that under banked and underserved populations are not victimized by unpermitted, unregulated, or offending violators of the Municipal code who might prey on these communities for precious metals and their economic gain.

CEQA

The adoption of these ordinance amendments is exempt from further environmental review for the following reasons, each of which applies on a separate and independent basis. Specifically, these ordinance amendments are exempt (without limitation) under the following CEQA Guidelines: Section 15183 because they are in conformance with the adopted Land Use and Transportation Element (LUTE) of the General Plan of the City of Oakland. They are also exempt under Section 15301 as the uses are in existing facilities; Section 15303 because construction of new facilities for these uses are generally under 10,000 square feet in an urbanized area; and/or Section 15061(b) (3), because there is no possibility of a significant effect on the environment.

For questions regarding this report, please contact Arturo M. Sanchez, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,



Arturo M. Sanchez
Deputy City Administrator
Special Business Permit Division
City Administrator's Office

Prepared by:
Arturo M. Sanchez
Deputy City Administrator
Special Business Permit Division
City Administrator's Office

Item: _____
City Council
March 20, 2012

Attachments (3):

- A. Draft Ordinance Extension of Ordinance No. 13103 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, 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.
- B. Agenda Report Extending Moratorium Dated December 20, 2011
- C. Ordinance No. 13103 Moratorium Extension through March 20, 2012

Item: _____
City Council
March 20, 2012

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAR -8 PM 1:03

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Arnado Solala
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

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, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

936125

DATE OF ATTESTATION: _____

NOTICE AND DIGEST

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

Adoption of this ordinance will result in the extension of Ordinance No. 13095 C.M.S., an interim ordinance 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.

2012 JUL -5 PM 12:11

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

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 NOVEMBER 10, 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, on March 20, 2012, pursuant to State law, the City Council extended the interim moratorium ordinance until September 4, 2012 via Ordinance No. 13108 C.M.S.; and

WHEREAS, an extension of the interim moratorium ordinance through November 10, 2012 is necessary because the current extension period does not provide staff with sufficient time to complete all meetings with stakeholders, and process any revisions regarding proposed new 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 November 10, 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, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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

NOTICE AND DIGEST

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 NOVEMBER 10, 2012 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST

Adoption of this ordinance will result in the extension of Ordinance No. 13095 C.M.S., an interim ordinance 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 November 10, 2012, or Whenever Permanent Regulations Are Adopted, Whichever Occurs First.