

2015 FEB -5 PM 4: 06

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

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

*Mark P. Wall*  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. 13295 C.M.S.**

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**EXTENDING ORDINANCE NO. 13232 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, CONTINUING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION/COLLECTION BOXES, TO TAKE IMMEDIATE EFFECT, THROUGH DECEMBER 31, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST.**

**WHEREAS**, the City Council adopted Ordinance No. 13225 C.M.S. on April 22, 2014, which placed a 45-day moratorium on the establishment, installation, placement, construction, and/or expansion of unattended donation/collection boxes (UDCBs); and

**WHEREAS**, at its June 17, 2014 meeting, the City Council extended the moratorium to March 3, 2015 (via Ordinance No. 13232 C.M.S.) to allow staff sufficient time to meet with stakeholders and develop regulations for the use, placement, and appearance of UDCBs; and

**WHEREAS**, on February 3, 2015 a duly noticed public hearing was held before the City Council to consider the proposed regulations and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

**WHEREAS**, the City Council adopted a motion at its February 3, 2015 meeting that directed staff to return to the City Council with: 1) alternate proposals, including a full range of options for the Council to consider, including a ban vs. stringent regulation of UDCBs; and 2) an ordinance extending the temporary moratorium on the placement of new UDCBs while new regulations were being further developed; and

**WHEREAS**, for the reasons set forth above and in Ordinance No. 13225 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, and/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 the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15183, and/or 15308 of the State CEQA Guidelines, each of which provides a separate and independent basis for a CEQA exemption and when viewed collectively provides an overall basis for a CEQA exemption.

**Section 3.** Ordinance No. 13225 C.M.S., as amended/extended by Ordinance No. 13232 C.M.S., is hereby extended by the City Council through December 31, 2015, or whenever permanent regulations are adopted, whichever occurs first, and all its terms 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/or 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, FEB 17 2015

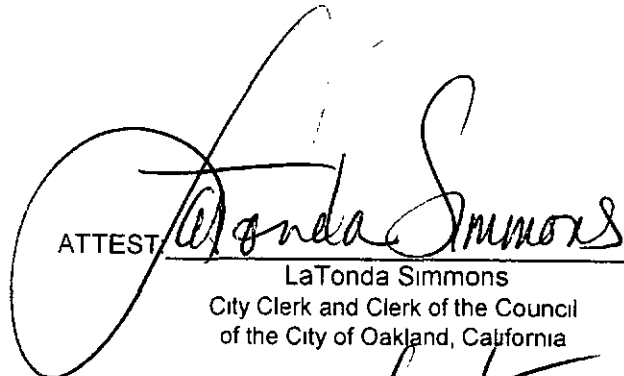
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, ~~COVATO~~, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, and PRESIDENT GIBSON MCELHANEY - 7

NOES- Gallo - 1

ABSENT- 0

ABSTENTION- 0

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California  
DATE OF ATTESTATION 2/19/15

mpa

**NOTICE & DIGEST**

**AN ORDINANCE EXTENDING ORDINANCE NO. 13232 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, CONTINUING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION/COLLECTION BOXES, TO TAKE IMMEDIATE EFFECT, THROUGH DECEMBER 31, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST**

This Ordinance extends a temporary moratorium on the placement of Unattended Donation/Collection Boxes (UDCBs) to December 31, 2015 or whenever permanent regulations are adopted, whichever comes first. UDCBs are unstaffed drop-off boxes that are typically up to seven feet in width and height, that accept textile, book and other donations to be used by the operator for distribution, resale, or recycling. During this time, staff will conduct further research, do further outreach to stakeholders, explore different regulatory approaches and develop a set of permanent regulations and bring those to the City Council for consideration.

Legal Notice	Legal Notice
<b>NOTICE AND DIGEST</b>	
<p><b>AN ORDINANCE EXTENDING ORDINANCE NO. 13232 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, CONTINUING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION/COLLECTION BOXES, TO TAKE IMMEDIATE EFFECT, THROUGH DECEMBER 31, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST</b></p>	
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<b>Notice of Publication</b>	
<p>This is an Urgency Measure which will be introduced and passed at the City Council meeting, Tuesday evening <b>February 17, 2015, 6:30 p.m.</b>, at One Frank H. Ogawa Plaza, Council Chamber, on the 3rd floor in Oakland, California.</p>	
<p>Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California</p>	
<p>LATONDA SIMMONS, City Clerk OT #5412613; Feb. 14, 2015</p>	