

ORDINANCE NO. 27722

AN URGENCY ORDINANCE OF THE CITY OF SAN JOSE AMENDING ORDINANCE NO. 27602, ORIGINALLY ADOPTED BY THE CITY COUNCIL ON FEBRUARY 7, 2006, AND EXTENDED BY ORDINANCE NO. 27657, IN ORDER TO FURTHER EXTEND THE EFFECTIVENESS OF THE AMENDED SECTIONS 6.02.130 AND 6.02.250 OF CHAPTER 6.02 OF TITLE 6 OF THE SAN JOSE MUNICIPAL CODE UNTIL JUNE 13, 2006 UNLESS BY OR PRIOR TO THIS DATE ACTION IS TAKEN BY THE CITY COUNCIL TO EXTEND OR AMEND THE PROVISIONS OF THIS URGENCY ORDINANCE AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY

WHEREAS, On November 15, 2005 the City Council adopted Ordinance No. 27602 as an urgency ordinance including a provision stating that it would remain in effect only until February 13, 2006, unless prior to that date further action was taken by the City Council to extend or amend the Ordinance; and

WHEREAS, on February 7, 2006 the City Council adopted Ordinance No. 27657 which extended the Ordinance No. 27602 as an urgency ordinance to May 14, 2006; and

WHEREAS, when the City Council adopted Ordinance No. 27657, the City Council directed City Staff to work with stakeholders to review and develop amendments to the Ordinance, if appropriate; and

WHEREAS, City Staff and stakeholders has not yet finished its deliberations; and

WHEREAS, the Ordinance will expire on May 14, 2006, unless the City Council takes action; and

WHEREAS, the City Council desires to extend the effectiveness of the Ordinance from May 14, 2006 to June 13, 2006, in order to provide City Staff time to complete its

consultation with stakeholders and to return to Council with its recommendations, including any amendments to the Urgency Ordinance, if appropriate and allow sufficient time to adopt a regular ordinance and for that ordinance to take effect; and

WHEREAS, there are facts constituting grounds for the urgency as stated more fully below;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. All provisions of Sections 1 and 2 of Ordinance No. 27602 shall remain in effect according to the provisions of that Ordinance.

SECTION 2. Section 3 of Ordinance No. 27602 is amended to read as follows:
This Ordinance is declared by the City Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are as follows: (A) there have recently been a series of incidents in the City that have highlighted the need for more strict regulation of the operation of public entertainment venues and how those venues impact the public health, safety and welfare; (B) there is and continues to be an immediate need for the City to protect those who live in, work in, and visit the area's neighboring public entertainment venues; and (C) there is and continues to exist an immediate need for the Chief of Police to have the ability to monitor and control criminal and nuisance activity stemming from or connected to public entertainment venues in the City.

SECTION 3. Section 4 of Ordinance No. 27602 is amended to read as follows:
This Ordinance shall become effective immediately upon its adoption pursuant to Section 605 of the Charter of the City of San Jose, and shall remain in effect only until June 13, 2006, unless by or prior to this date further action is taken by the City Council to extend or amend this Ordinance or to enact a regular Ordinance.

ADOPTED this 9th day of May, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CORTESE, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CHIRCO

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk