

ORDINANCE # 2012-05

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 EXTENDING A 10 MONTH, 15 DAY MORATORIUM ON PAWN SHOPS AND PROHIBITING THE ISSUANCE OF PERMITS AND OTHER LAND USE ENTITLEMENTS THAT WOULD ALLOW THE ESTABLISHMENT OF PAWN SHOPS WITHIN THE CITY OF AMERICAN CANYON PENDING REVIEW AND POSSIBLE AMENDMENT OF ZONING REGULATIONS APPLICABLE TO SUCH BUSINESSES

WHEREAS, the City of American Canyon ("City") seeks to ensure that the City's zoning laws are consistent with the goals, policies, and standards set forth in the City General Plan; and

WHEREAS, Pawn shops may cause blight, decrease property values, and attract criminal elements that negatively impact the health and welfare of the City and surrounding community; and

WHEREAS, On October 16, 2012, the City Council adopted Urgency Ordinance 2012-03 that imposed an immediate 45-day moratorium on the issuance of all ministerial and discretionary permits and entitlements on the establishment, use, and operation of Pawn Shops, precious metals exchanges and similar uses within the City of American Canyon; and

WHEREAS, the City is exploring regulations concerning the placement, establishment, and operation of Pawn Shops, precious metals exchanges and similar uses within the City; and

WHEREAS, subsequent to adoption of Urgency Ordinance 2012-03, staff has been in contact with a representative of the Pawn Shop industry and is seeking information to better understand the business. Due to workload priorities, staff has not been able to meet with industry representatives and requires additional time to fully discuss relevant issues before making recommendations on appropriate General Plan and Municipal Code amendments; and

WHEREAS, the November 27, 2012 agenda report that discusses the urgency ordinance extension constitutes the written report required by Government Code Section 65858(d).

NOW, THEREFORE, the City Council does ordain as follows:

SECTION 1: Moratorium. In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code section 65858, a moratorium is hereby placed on the following:

a. The establishment, expansion, or relocation of Pawn shops or businesses offering related or similar services, and the issuance of a land use permit or entitlement or permit of any kind allowing the establishment, expansion, or relocation of Pawn shops or business offering related services.

b. For the Purposes of this Ordinance, "Pawnshop" shall mean any room, store, building, or other place in which the business of pawnbrokering, or the business of lending money upon personal property, pawns, or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

SECTION 2. Declaration of Urgency

a. The purpose of this Ordinance is to protect the public safety, health and welfare from the current and immediate threats posed by the establishment of new Pawn shops and the possible modification and expansion of existing businesses to perform services which would be offered by Pawn shops.

b. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.

c. The City Council finds that, in general, these types of businesses, as presently regulated in other jurisdictions, have resulted in serious harmful effects,

including but not limited to loitering, burglaries and robberies, attraction of vagrants, lowering surrounding property values, increase of public nuisances, blight, offering a market for stolen merchandise, and an increase in other criminal activity.

d. The City has concluded that the best method of protecting the public safety, health, and welfare is to explore regulations concerning the placement, establishment, and possible operation of Pawn shops within the City.

SECTION 3. Community Development Department. The Community Development Director is directed to provide a written report to the City Council at least ten days prior to the expiration of this ordinance, describing the study conducted of the local conditions that led to the adoption of this ordinance.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon the date of its adoption pursuant to Government Code section 65858.

SECTION 5. Expiration. This moratorium shall be of no further force or effect upon the expiration of ten (10) months, fifteen (15) days from the date of adoption, unless extended in accordance with the provisions Government Code section 65858.

SECTION 6. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations because it has no potential for resulting in physical change to the environment, directly or indirectly, as it prevents changes in the environment pending the completion of the contemplated possible review of City zoning regulations.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on the 27th day of November, 2012, by the following vote:

MAYOR GARCIA:
VICE MAYOR COFFEY:
COUNCIL MEMBER J. BENNETT:
COUNCIL MEMBER B. BENNETT:
COUNCIL MEMBER JOSEPH:

yes
absent
yes
yes
yes

Leon Garcia
Leon Garcia, Mayor

ATTEST:

Rebekah Bar
Rebekah Bar, MMC, City Clerk

APPROVED AS TO FORM:

William D. Ross
William D. Ross, City Attorney