

ORDINANCE NO. 413

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, DELETING SECTION 10.04.320, PROHIBITION OF SOLICITATION IN THE PUBLIC RIGHT-OF-WAY, OF CHAPTER 10.04, TRAFFIC CODE, OF TITLE 10, VEHICLES AND TRAFFIC OF THE MOORPARK MUNICIPAL CODE

WHEREAS, Section 10.04.320 of the Moorpark Municipal Code was adopted by Ordinance 218 to prohibit solicitation in the public right-of-way; and

WHEREAS, the current language of Section 10.04.320 of the Moorpark Municipal Code is not in compliance with a recent U.S. Supreme Court ruling denying an appeal by the City of Redondo Beach of the Ninth Circuit Court of Appeals' ruling that struck down the city's solicitation ordinance; and

WHEREAS, the Ninth Circuit Court of Appeals' ruling stated that the City of Redondo Beach law regulating solicitation in the public-right-way regulated significantly more speech than is necessary to achieve the city's purpose of improving traffic safety; and

WHEREAS, the City Attorney for the City of Moorpark has recommended deleting Section 10.04.302 in its entirety; and

WHEREAS, at the regular meeting of April 18, 2012, the City Council determined to delete Section 10.04.320 from the Moorpark Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. That Moorpark Municipal Code Section 10.04.320, Prohibition of Solicitation in the Public Right-of-way, of Chapter 10.04, Traffic Code, is hereby deleted in its entirety.

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, 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, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 2nd day of May, 2012.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk