ORDINANCE NO. 2675 (N.C.S.)

AN ORDINANCE RELATING TO THE ABATEMENT OF PUBLIC NUISANCES

City Attorney Impartial Analysis

This ordinance incorporates the California Red Light Abatement Act into the Salinas Municipal Code and provides the City with an additional enforcement remedy to mitigate the effects of prostitution activities within the city.

WHEREAS, Article XI, Section 7 of the California Constitution provides authorization for the City to enact and to enforce ordinances regulating conditions which constitute public nuisances or health hazards; and

WHEREAS, California Government Code section 38771, et seq., authorizes the City Council to declare public nuisances and to establish procedures for the abatement of such nuisances, and to recover the costs associated with nuisance abatement proceedings; and

WHEREAS, it is in the public interest to enact public nuisance abatement procedures to provide notice and due process to property owners and other persons who cause or maintain public nuisances on private property within the City; and

WHEREAS, members of the community have provided public testimony regarding the impacts on their neighborhoods directly resulting from prostitution activities, including the presence of prostitution activities at all hours of the day and at various hotels and motels throughout Salinas.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. The above recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. Salinas Municipal Code section 1-01.16 is hereby added to the Salinas Municipal Code to read as follows:

Sec. 1-01.16. California Red Light Abatement Act.

The City may: (1) declare that a public nuisance exists whenever any member of the public creates, causes, commits, permits, or maintains any condition or performs or causes to be performed any activity that falls within the scope of the definition of "public nuisance" as set forth in Penal Code section 11225; and (2) commence any action or proceeding pursuant to the California Red Light Abatement Act to abate the public nuisance, to pursue all other remedies against the violator, to seek the imposition of all penalties against the violator and to recover any and all costs from the violator.

SECTION 3. Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

SECTION 4. CEQA Compliance. The City Council's adoption of this ordinance is not a project subject to environmental review under the California Environmental Quality Act (CEQA Guidelines section 15061(b)(3)).

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause, and phase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance will take effect thirty (30) days from and after its adoption.

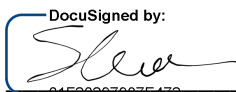**PASSED AND ADOPTED** this 9th day of January 2024, by the following vote:

AYES: Councilmembers Barrera, Osornio, Rocha, Sandoval and Mayor Pro Tem McShane
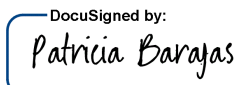
NOES: None

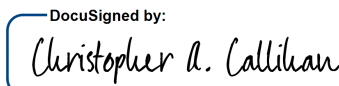**ABSENT:** Councilmember Gonzalez and Mayor Craig

ABSTAIN: None

APPROVED:

DocuSigned by:

Steve McShane, Mayor Pro Tem

ATTEST:

DocuSigned by:

Patricia Barajas

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Christopher A. Callihan

Christopher A. Callihan, City Attorney