

ORDINANCE NO. 59 – 06 N.S.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND EXTENDING THE EXISTING MORATORIUM ON NEW CREMATORIIUMS

The City Council of the City of Richmond finds as follows:

Whereas, at the City Council meeting of July 18, 2006, expert witnesses testified to the toxicity dangers of mercury contaminants resulting from the activity of cremating human remains;

Whereas, at the same meeting, residents offered testimony, based on personal observations, of the residue of ashes and smells resulting from the activity of cremating human remains;

Whereas, the City of Richmond is currently undertaking a comprehensive revision of the general plan, which encompasses a study of the appropriate areas for the disposition of human remains;

Whereas, based on the foregoing, there is a current and immediate threat to the public health, safety, or welfare, and the approval of a new crematorium will result in said threat to public health, safety, or welfare.

Whereas, Government Code § 65858 provides that a city council may adopt by a four-fifths vote as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a general plan that the city is considering or studying or intends to study within a reasonable time.

Whereas, on September 19, 2006, the City Council introduced and adopted a moratorium on new crematoriums.

The City Council of the City of Richmond do ordain as follows:

SECTION 1. The aforesaid moratorium is hereby extended for ten months and fifteen days from the date hereof.

SECTION 2. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. This Ordinance, as an urgency ordinance, is effective immediately upon introduction and adoption.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond, California at a meeting held on October 17, 2006 by the following vote:

AYES: Councilmember Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Viramontes, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: Councilmember Thurmond

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 59-06 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on October 17, 2006, and published in accordance with law.