

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 21, 2007

CALL TO PODIUM:

Cathy G. Borten
City Attorney

RESPONSIBLE STAFF:

Cathy G. Borten
City Attorney

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input checked="" type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other: Introduction

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	05-07-07
Advertised	05-09-07
Hearing Date	05-21-07
Record Held Open	
Policy Discussion	

TITLE:

AN EMERGENCY ORDINANCE TO AMEND SECTION 15-9, SUBSECTION (f) OF THE CITY CODE, ENTITLED "SOLICITATION IN ROADWAYS," SO AS TO AMEND THE EFFECTIVE DATE OF ORDINANCE O-4-07 ADOPTING SECTION 15-9(f), AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

SUPPORTING BACKGROUND:

Attached please find a proposed amendment to Section 15-9 of the City Code, known as the City's "anti-solicitation ordinance."

This amendment changes the effective date in Sec. 15-9(f) to September 1, 2007. This provides the City a time frame in which to obtain an opinion from the Attorney General's Office as to the constitutionality of the ordinance, consistent with the Council's guidance at its April 16, 2007 meeting. The amendment also provides that, should additional changes to the effective date be required in the future (*i.e.* if it takes a longer period to obtain the opinion), the Council may make such changes by resolution.

DESIRED OUTCOME:

Staff recommends that the Mayor and Council vote to keep its record open until 5:00 p.m., June 13, 2007, with policy discussion to be held at the June 18, 2007 regular meeting.

**NOTICE OF A
PUBLIC HEARING**

The Mayor and City Council of the City of Gaithersburg will hold a public hearing on:

MONDAY
May 21, 2007
7:30 P.M.

or as soon thereafter as it can be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland on the following:

AN EMERGENCY ORDINANCE TO AMEND SECTION 15-9, SUBSECTION (f) OF THE CITY CODE, ENTITLED "SOLICITATION IN ROADWAYS," SO AS TO AMEND THE EFFECTIVE DATE OF ORDINANCE O-4-07 ADOPTING SECTION 15-9(f), AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

Further information may be obtained from the City Manager's Office, 31 South Summit Avenue between the hours of 8 a.m. and 5 p.m., Monday through Friday.

David B. Humpton
City Manager

10623534

(5-9-07)

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE TO AMEND SECTION
15-9, SUBSECTION (f) OF THE CITY CODE, ENTITLED "SOLICITATION IN
ROADWAYS," SO AS TO AMEND THE EFFECTIVE DATE OF ORDINANCE
O-4-07 ADOPTING SECTION 15-9(f), AND PROVIDING FOR FUTURE
CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg,
in public meeting assembled, that Section 15-9, Subsection (f) of Chapter 15 of the
City Code, is hereby amended to read as follows:

Chapter 15

OFFENSES – MISCELLANEOUS

* * * * *

Sec. 15-9 Solicitation in Roadways

(a) *Findings*

* * * * *

(f) *Effective Date*

This ordinance will not go into effect until September 1, 2007. Should the Council determine that a change in the effective date is required, the Council may change the effective date of this Ordinance in the future by resolution.

ADOPTED this _____ day of _____, 2007 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ___ day of _____, 2007. APPROVED by the Mayor of the City of Gaithersburg, this ___ day of _____, 2007.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ___ day of _____, 2007, and that the same was approved by the Mayor of the City of Gaithersburg on the ___ day of _____, 2007. This ordinance will become effective immediately.

David B. Humpton, City Manager

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>