ORDINANCE NO. 2516

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO REPEALING ORDINANCE 2490 AMENDING TITLE 19 OF THE CHICO MUNICIPAL CODE AND AMENDING THE CHAPMAN/MULBERRY NEIGHBOROOD PLAN (RZ-15-06) TO REMOVE LANGUAGE PERTAINING TO AMORTIZATION OF CHICO SCRAP METAL

WHEREAS, Exhibit 1, Ordinance No.2490, which is entitled "Ordinance of the City Council Of The City Of Chico Amending Title 19 of the Chico Municipal Code and Amending the Chapman/Mulberry Neighborhood Plan (RZ 15-06) to Remove Language Pertaining to Amortization of Chico Scrap Metal," ("Ordinance 2490") is hereby repealed;

WHEREAS, On November 1, 2016 the City Council of the City of Chico ("City") approved Ordinance 2490 to amend Section 19.52.070 of the City Municipal Code and amend the Chapman/ Mulberry Neighborhood Plan ("Ordinance 2490");

WHEREAS, The City's approval of Ordinance 2490 was challenged in *Mulholand v. City Council of Chico, et al.* (Butte County Case No. 18CV00930) ("Action") and on July 6, 2018, the trial court entered judgment in the Action in favor of the petitioners and granted a peremptory writ of mandate ("Writ of Mandate") commanding the City to take one of two actions: (1) entirely repeal Ordinance 2490; or(2) submit the certified petition for referendum regarding Ordinance 2490 to the Butte County Clerk-Recorder for inclusion on the ballot for the regular municipal election on November 6, 2018; and

WHEREAS, In compliance with the trial court's Writ of Mandate, the City elects to repeal Ordinance 2490.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico that:

Section 1. The City Council repeals Ordinance No. 2490 in its entirety.

Section 2. If any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion of this Ordinance, or its application to any individual, entity, or circumstance, for any reason, is 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 this Ordinance and shall continue in full force and effect. To this end, any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion of this Ordinance is severable. The City Council of the City of Chico declares that this Ordinance would have been adopted by the City Council regardless of the fact that any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion thereof, might be declared to be invalid or unconstitutional.

Section 3. The City Clerk shall attest to the passage and adoption of this Ordinance and shall cause the same to be published as required by law.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its meeting held on September 4, 2018 by the following vote:

AYES: Coolidge, Ory, Schwab, Morgan

NOES: Fillmer, Sorensen, Stone

ABSENT: None

ABSTAINED: None

DISQUALIFIED: None

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson
City Clerk

Vincent C. Ewing
City Attorney*

*Pursuant to the Charter of the City of Chico, Section 906(E)