

NOTICE OF INTENTION TO CIRCULATE PETITION

NOTICE IS HEREBY GIVEN by the persons whose names appear hereon of their intention to circulate a petition within the City of Berkeley for the purpose of amending the City of Berkeley's Zoning Ordinance to regulate the location of military recruitment and private military support offices. The text of the initiative, a statement of the reasons for the proposed action and the proponents are set forth below:

Text of initiative:

WHEREAS, the United States (U.S.) military invaded and is occupying the sovereign nation of Iraq;

WHEREAS, U.S. military personnel engaged in torture at Abu Ghraib and elsewhere;

WHEREAS, the U.S. military is implicated in the practice of "extraordinary rendition" where civilians are forcibly detained without recourse in foreign countries where they are submitted to human rights abuses;

WHEREAS, the U.S. military recruits a disproportionately large number of people of color and of low income;

WHEREAS, recruits report being misled by recruiters about the benefits, duties and placements promised by the U.S. military;

WHEREAS, the U.S. military allows sexual abuse and discrimination to occur in its ranks;

WHEREAS, the U.S. military openly discriminates on the basis of sexual orientation;

WHEREAS, the United States plans to increase the number of U.S. troops;

WHEREAS, the U.S. military has created some of the largest hazardous waste sites in the United States;

WHEREAS, the U.S. military fails to properly take care of veterans after they serve our country;

WHEREAS, the Municipal Code of the City of Berkeley provides in part that "Initiatives are needed to reverse the drift toward war and to remove the causes of war"; and

WHEREAS, the Purpose of the Berkeley Zoning Ordinance is to “Promote and protect the public health, safety, peace, morals, comfort and general welfare by regulating the location and use of land [and] buildings. . .”;

NOW THEREFORE, the People of the City of Berkeley ordain that:

- (A) A Military Recruiting Office is prohibited, unless authorized by a Use Permit, and may not be established within a radius of six hundred (600) feet of the boundary of a Residential District, public park, public health clinic, public library, school or religious assembly use.
- (B) A Private Military Company is prohibited, unless authorized by a Use Permit, and may not be established within a radius of six hundred (600) feet of the boundary of a Residential District, public park, public health clinic, public library, school or religious assembly use, or a radius of one thousand (1,000) feet from any other Private Military Company or any Military Recruiting Office.
- (C) Military Recruiting Office shall mean any building, establishment, store front, business, office or other space used to recruit a person or persons to enlist in or otherwise join the U.S. military, including but not limited to the Army, Navy, Air Force, Marines, Coast Guard, Air National Guard, Army National Guard, and Special Operations. Military Recruiting Office shall not mean the Reserve Officers’ Training Corp or the Junior Reserve Officers’ Training Corp.
- (D) Private Military Company shall mean any private military corporation, private military firm, military service provider or other entity that hires people to provide armed security in foreign countries.
- (E) Residential District shall mean Single Family Residential (R-1), Limited Two-family Residential (R-1A), Environmental Safety Residential (ES-R), Restricted Two-family Residential (R-2), Restricted Multiple-family Residential (R-2A), Multiple-family Residential (R-3), Multi-family Residential (R-4), High Density Residential (R-5), and Mixed Use-Residential (MU-R), as these terms are used in the Berkeley Zoning Ordinance.
- (F) If any provision, section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unenforceable by a court of law, such invalidity or unenforceability shall not invalidate or render unenforceable the entire Ordinance; and the remaining portions of this Ordinance shall remain in full force and effect, and shall be construed and enforced without such invalid or unenforceable provision.

Statement of Reasons:

The City of Berkeley has a long tradition of promoting peace and justice, and has enacted numerous resolutions in support of peace. The City's Municipal Code explains Berkeley's position on peace and war, stating in part:

"A. The intentional destruction of cities in war is the rule and not the exception.

B. State, national and international governmental bodies have failed to control war and in fact, have in many cases, been responsible for war and the conditions of war.

C. The wealth that could be spent to help the poor, heal the sick, house the homeless, educate the children, and care for the elderly is now spent on ever more costly weapons of mass destruction.

D. Peace is not a fictitious tranquil end-state, but the process of solving differences constructively, creatively, and non-violently.

E. Peace is inseparable from justice.

F. The present threat of nuclear or biological holocaust is not peace, but a condition of war against all humanity.

G. Initiatives are needed to reverse the drift toward war and to remove the causes of war.

H. Our best protection lies in initiating, devising, and promulgating peaceful and just policy alternatives.

I. Individual citizens, unless organized, are virtually powerless in confronting and influencing larger governmental bodies.

J. It is the responsibility of one and all to labor hard for peace and justice within forums of appropriate scale.

K. The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples."

Berkeley Municipal Code, § 3.68.010

And, the Purpose of the Berkeley Zoning Ordinance is to "Promote and protect the public health, safety, peace, morals, comfort and general welfare by regulating the location and use of land [and] buildings. . ."

Berkeley Zoning Ordinance, § 23A.04.030(B).

Given Berkeley's long-standing interest in peace and justice it is therefore appropriate to regulate the location of Military Recruiting Offices and Private Military Companies through the Zoning Ordinance.

Proponents:

Carole Kennerly

Ying Lee Kelly

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