

ORDINANCE NO. 1038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, CALIFORNIA, PURSUANT TO GOVERNMENT CODE SECTION 65858, ADOPTING A TEMPORARY INTERIM ZONING ORDINANCE PROHIBITING OUTDOOR BILLBOARDS AND DECLARING THE URGENCY THEREOF

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS. The City Council of the City of Los Banos finds and determines as follows:

A. The current regulation of billboards in the City is inconsistent with the goals of the Redevelopment Agency of the City of Los Banos and the General Plan, which undermines good municipal land use planning and frustrates the ability of the City to encourage more consistent and compatible land uses.

B. The City has recently received a number of applications for new or additional billboards in the City, prompting the need to review the desirability of permitting new billboards within the City and the effectiveness of the City's current regulations.

C. The City desires to undertake a study pertaining to the conflict associated with its billboard regulation and the goals of the Redevelopment Agency and the General Plan on the prevention and elimination of physical blight and the improvement physical and visual qualities of the City. One aspect of this study will be to determine if new billboards in the City under existing City General Plan and zoning regulations continues to be compatible with the overall development and zoning plans of the City and the goals of the Redevelopment Agency, especially in the Highway Commercial District.

D. There is a current and immediate threat to the public health, safety, or welfare from additional new billboards in the City in that said additional billboards would increase and intensify the inconsistent land use policies and objectives between the City and the Redevelopment Agency. Additional billboards during the time while the City's study is being conducted would thus result in the aforementioned threat to public health, safety, or welfare, and would further frustrate the purposes of the study.

E. That billboards and outdoor advertising structures present visual and aesthetic impacts, affect the appearance of the community, and raise concern for safety because of their potential to distract motorists.

F. This is a matter of citywide importance and is not directed towards any particular parcel of property or proposed use.

G. In order to effectively undertake this study, no permits, use permits, variances, or other entitlements, and no building permits shall be issued for new or additional billboards until the study is completed and new zoning or general plan amendments adopted, if appropriate.

SECTION 2. STATUTORY AUTHORITY. Pursuant to Government Code Section 65858 for an initial period of forty-five (45) days commencing on August 17, 2005, and expiring, unless sooner extended on October 1, 2005, the City shall approve no new applications, or approve any current applications, or issue any building permits, use permits, or variances for new or additional billboards, as the term "billboard" is defined in this Ordinance. This Ordinance does not affect

existing billboards that are fully and completely installed prior to the adoption of this Ordinance, or any applications for a permit for a new or additional billboard that is complete or deemed complete on the effective date of this Ordinance.

For purposes of this Ordinance, the following words and phrases shall the meaning ascribed below:

“Billboard” means any sign, which directs attention to a business, commodity, service, industry, or other activity, which is not sold, offered or conducted on the premises upon which such sign is located, or to which it is affixed.

“Sign” means any announcement, declaration, demonstration, display, illustration, insignia, surface or space, when erected out-of-doors (or indoors in case of a window sign) and in view of the general public for identification, advertisement or promotion of the interests of any person. “Sign” does not include any of the following:

- (a) Official notices issued by any court or public body or officer.
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice.
- (c) Directional warning or information signs or structures required by or authorized by law or by federal, state, county, or local authority.
- (d) A sign erected near a city or county boundary that contains the name of that city or county and the names of, or any other information regarding, civic, fraternal, or religious organizations located within that city or county.

“Person” means any natural person, firm, association, organization, partnership, trust, or association of persons, joint venture, corporation or company, and any officer or agent thereof.

SECTION 3. EFFECTIVE DATE. This Ordinance is an Urgency Ordinance, enacted pursuant to Government Code Section 65858(b), which shall be introduced, passed, and adopted at once and the same meeting as an urgency measure. The term of the Urgency Ordinance shall be for a period of 45 days from the date of adoption, commencing on August 17, 2005, and shall expire and be of no further force or effect on October 1, 2005, unless and until legally extended in accordance with law by action of the City Council.

SECTION 4. ADOPTION. This Ordinance shall be adopted by a four-fifths (4/5th) vote of the City Council and shall be effective immediately upon such vote.

SECTION 5. SUPERIORITY. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the Los Banos Municipal Code, or other relevant City of Los Banos Ordinances, as the same were adopted by reference by the City.

SECTION 6. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion 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 this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. PUBLICATION. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a copy of this Ordinance to be published in the Los Banos Enterprise, a newspaper printed and published in the City of Los Banos, at least once within fifteen (15) days after its adoption.

The foregoing Ordinance was passed and adopted at a regular meeting of said City Council held on the 17th day of August, 2005 by the following called vote:

AYES: Council Members Balatti, Jones, Smith, Mayor Amabile
NOES: None
ABSTAIN: None
ABSENT: Council Member McAdam

APPROVED:

Michael S. Amabile, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk