

ORDINANCE NO. 1157

**AN ORDINANCE OF THE CITY OF LOS BANOS
AMENDING SECTION 9-3.4111 OF ARTICLE 41
CHAPTER 3 TO TITLE 9 OF THE LOS BANOS
MUNICIPAL CODE RELATING TO SPECIAL
EVENTS ON PUBLIC PROPERTY**

WHEREAS, The City Council directed the Community and Economic Development Department to review the Special events Ordinance relative to Application Fees and Departmental Service Charges for special events;

WHEREAS, the Community and Economic Development Department held stakeholders meetings to receive input from the public on Application Fees and Departmental Service Charges for special events;

WHEREAS, the Stakeholders suggested changes to the way Departmental Service Charges were applied to various types of special events;

WHEREAS, on May 24, 2017 the Planning Commission conducted a duly noticed public hearing on the proposed ordinance amendment at which time all individuals desiring to comment on the proposed ordinance amendment were heard;

WHEREAS, on May 24, 2017 the Planning Commission adopted Resolution No. 2017 - 18 recommending that the City Council adopt an ordinance amending the Special Events Ordinance relating to Departmental service Charges; and

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Special Events Ordinance on June 7, 2017 at which time all individuals desiring to comment on the proposed amendments were heard.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 9-3.4111 of Article 41, Chapter 3 Title 9 of the Los Banos Municipal Code is amended to read as follows:

Sec. 9-3.4111 Departmental Service Charges—Refunds.

(a) In addition to the payment of the nonrefundable permit application fee, a permittee shall pay the City for all city departmental service charges, as the same are defined in this Article, which are incurred in connection with or resulting from the permittee's activities under the permit.

(b) If city property is destroyed or damaged by reason of the event, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed or damaged property.

(c) Each permittee shall be jointly and severally liable for the payment of fees and charges required by this Article.

(d) City Billing. City departments shall submit the final invoices and billings for departmental service charges to the permittee(s) no later than ten (10) working days after the expiration date of the permit.

(e) Cash Deposit. As a condition precedent to the issuance of a permit authorizing an event, the permittee shall pay to the City a cash deposit in an amount sufficient to cover all applicable fees, including the total City departmental charges which the City estimates will be incurred in connection with the permit.

(f) Refunds. If a permittee is unable to hold or conduct an event because of inclement weather or some other cause beyond the control of the permittee, and submits a written request to the city manager for a refund of fees within ten calendar days after the date the event was to be held, the city manager may authorize a refund of fees or a prorated portion thereof, except for the nonrefundable application fee.

(g) Exemption or Partial Waiver of the Departmental Service Charges. The City Council may grant an exemption or a partial waiver of the departmental services charges.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

Section 5. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Silveira and seconded by Council Member Johnson-Santos on the 7th day of June, 2017.

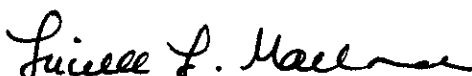
Passed on the 21st day of June, 2017 by the following vote:

AYES: Council Members Johnson-Santos, Lewis, Silveira, Mayor Villalta
NOES: None
ABSTAIN: Council Member Faria
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk