

**ORDINANCE NO. 1161**

**AN ORDINANCE OF THE CITY OF LOS BANOS  
ADOPTING A CODE REORGANIZATION  
RELATING TO BUSINESS REGULATION  
ADDING A NEW TITLE 11 TO THE LOS BANOS  
MUNICIPAL CODE AND A REORGANIZATION  
OF CHAPTERS, ARTICLES, AND SECTIONS,  
AND THE RENUMBERING, OF CERTAIN  
PROVISIONS OF THE CODE**

**WHEREAS**, the City Council finds that it is in the best interest of the City of Los Banos that this Code Reorganization Ordinance be adopted. The Council makes further findings and declarations of intent as follows:

A. The current organization and structure of the Los Banos Municipal Code ("Code") relating to business regulation is disorganized, duplicative, and outdated.

B. There is a need to reorganize the Code in a manner to make it easier for members of the public and City officials to utilize and to access the Code relating to business regulation.

C. A reorganization of the Code necessitates renumbering of chapters, articles and sections of the Code.

D. It is the Council's intent that in amending this Code by this Code Reorganization Ordinance, whether by new titling or by renumbering of a provision, shall be construed as a restatement and continuation of the previous provision, and not as a new enactment.

E. It is the Council's intent that the City Attorney work closely with the Code Publisher and City Clerk to ensure that Code provisions are not inadvertently repealed as part of this Code Reorganization Ordinance.

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

**Note:** "Existing" as referred to in this Ordinance shall mean the relevant Title, Chapter, Article or Section in existence prior to amendment or renumbering.

**Section 1.** A new Title 11 "Business Regulation" is added to the Code as follows:

**Title 11.  
Business Regulation**

**Section 2.** The existing content of Title 3, Chapter 1, Article 1, Sections 3-1.101 through 3-1.114 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11  
Chapter 1  
Business Licenses  
Article 1 General Provisions  
Sections 11-1.101 through 11-1.114**

**Section 3.** The existing content of Title 3, Chapter 1, Article 2, Sections 3-1.201 through 3-1.208 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 1**  
**Business Licenses**  
**Article 2 Schedule of Fees**  
**Sections 11-1.201 through 11-1.208**

**Section 4.** The existing content of Title 3, Chapter 2, Sections 3-2.01 through 3-2.16 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 2**  
**Auction Sales**  
**Sections 11-2.01 through 11-2.16**

**Section 5.** The existing content of Title 4, Chapter 12, Sections 4-12.01 through 4-12.08 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 3**  
**Sales on Public Streets and Sidewalk Sales**  
**Sections 11-3.01 through 11-3.08**

**Section 6.** The existing content of Title 3, Chapter 5, Sections 3-5.01 through 3-5.12 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 4**  
**Liquidation Sales**  
**Sections 11-4.01 through 11-4.12**

**Section 7.** The existing content of Title 3, Chapter 8, Sections 3-8.01 through 3-8.16 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 5**  
**Solicitation, Peddling and Canvassing**  
**Sections 11-5.01 through 11-5.16**

**Section 8.** The existing content of Title 3, Chapter 17, Sections 3-17.01 through 3-17.06 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 6**  
**Aggressive Solicitation**  
**Sections 11-6.01 through 11-6.06**

**Section 9.** The existing content of Title 5, Chapter 9, Sections 5-9.01 through 5-9.05 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 7**  
**Tobacco Displays**  
**Sections 11-7.01 through 11-7.05**

**Section 10.** The existing content of Title 4, Chapter 13, Sections 4-13.01 through 4-13.07 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 8**  
**Abandoned Shopping Carts**  
**Sections 11-8.01 through 11-8.07**

**Section 11.** The existing content of Title 6, Chapter 12, Sections 6-12.01 through 6-12.05 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 9**  
**Regulation of Newsracks and Establishment of Blinder Racks**  
**Sections 11-9.01 through 11-9.05**

**Section 12.** The existing content of Title 3, Chapter 3, Sections 3-3.01 through 3-3.20 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 10**  
**Card Rooms**  
**Sections 11-10.01 through 11-10.20**

**Section 13.** The existing content of Title 3, Chapter 6, Sections 3-6.01 through 3-6.13 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 11**  
**Marble Machines**  
**Sections 11-11.01 through 11-11.13**

**Section 14.** The existing content of Title 3, Chapter 7, Sections 3-7.01 through 3-7.07 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 12**  
**Pawnbrokers and Secondhand Dealers**  
**Sections 11-12.01 through 11-12.07**

**Section 15.** The existing content of Title 4, Chapter 4, Sections 4-4.01 through 4-4.12 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 13**  
**Taxicabs**  
**Sections 11-13.01 through 11-13.12**

**Section 16.** The existing content of Title 5, Chapter 4, Sections 5-4.01 through 5-4.07 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 14**  
**Junkyards**  
**Sections 11-14.01 through 11-14.07**

**Section 17.** The existing content of Title 6, Chapter 10, Article 1, Sections 6-10.01 through 6-10.03 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 15**  
**Adult Entertainment Businesses**  
**Article 1. General Provisions**  
**Sections 11-15.101 through 11-15.103**

**Section 18.** The existing content of Title 6, Chapter 10, Article 2, Sections 6-10.2.01 through 6-10.2.18 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 15**  
**Adult Entertainment Businesses**  
**Article 2. Application and Permits**  
**Sections 11-15.201 through 11-15.218**

**Section 19.** The existing content of Title 6, Chapter 10, Article 3, Sections 6-10.3.01 through 6-10.3.04 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 15**  
**Adult Entertainment Businesses**  
**Article 3. Facilities and Employees**  
**Sections 11-15.301 through 11-15.304**

**Section 20.** The existing content of Title 6, Chapter 10, Article 4, Sections 6-10.4.01 through 6-10.4.06 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 15**  
**Adult Entertainment Businesses**  
**Article 4. Miscellaneous Provisions**  
**Sections 11-15.401 through 11-15.406**

**Section 21.** The existing content of Title 6, Chapter 10, Article 5, Sections 6-10.5.01 through 6-10.5.05 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 15**  
**Adult Entertainment Businesses**  
**Article 5. Appeals**  
**Sections 11-15.501 through 11-15.505**

**Section 22.** The existing content of Title 6, Chapter 11, Sections 6-11.01 through 6-11.25 of the Code shall be relocated, reorganized, and renumbered as follows:

**Title 11**  
**Chapter 16**  
**Regulation of Massage Establishments and Services**  
**Sections 11-16.01 through 11-16.25**

**Section 23.** 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 24.** 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.

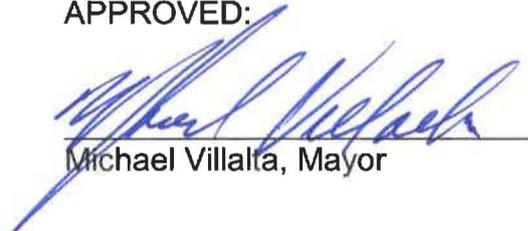
**Section 25.** This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption 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 Faria and seconded by Council Member Silveira on the 3<sup>rd</sup> day of January, 2018.

Passed on the 17<sup>th</sup> day of January, 2018 by the following vote:

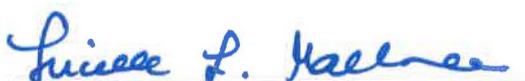
AYES: Council Members Faria, Johnson-Santos, Lewis, Silveira,  
Mayor Villalta  
NOES: None  
ABSENT: None

APPROVED:



Michael Villalta, Mayor

ATTEST:



Lucille L. Mallonee, City Clerk