

ORDINANCE NO. 1163

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS REPEALING AND AMENDING IN ITS ENTIRETY CHAPTER 1 OF TITLE 11 OF THE LOS BANOS MUNICIPAL CODE RELATING TO BUSINESS LICENSES

WHEREAS, the City Council of the City of Los Banos finds and declares that Chapter 1 of title 11 of the Los Banos Municipal Code, relating to business licenses, require updating and revision; and

WHEREAS, the City Council further finds and declares that it is in the public interest to establish an appropriate level of review of business license applications to confirm compliance with applicable local and state laws; and

WHEREAS, the City Council further finds and declares that it is necessary to establish grounds for the denial, conditioning, suspension or revocation of a business license in order to protect public health, safety and welfare. .

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

Section 1: Chapter 1 of Title 11 of the Los Banos Municipal Code shall be repealed and amended in its entirety to read as follows:

Title 11

Chapter 1 BUSINESS LICENSE PROGRAM

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Chapter 1 BUSINESS LICENSE PROGRAM

Article 1. General Provisions

Sec. 11-1.101. Purpose.

The purpose of this Chapter is to provide a regulatory mechanism for the reasonable regulation of lawful businesses doing business within the City in the interest of the public health, safety and welfare of the people of the City. The primary focus of the City's business license regulations is to provide reasonable assurance that businesses operating in the City are doing so in compliance with city, state, federal, or otherwise applicable codes, rules, regulations or laws; to maintain an accurate record or database of businesses conducting business in the City for statistical purposes; to identify all businesses operating in the City; to enhance the efficiency of business retention efforts; to protect the public; to prevent disturbances of neighborhoods; to prevent the creation of nuisances; to assist in zoning, building, and fire code compliance; and to otherwise protect the health, safety and welfare of the people of the City. The business license program is not designed to raise revenue, nor is it a substitute for land use regulations.

Sec. 11-1.102. Definitions.

The terms used in this Chapter have the meaning set forth below:

(a) "Business" shall mean and include professions, trades, vocations, the rental or lease of multi-family residential with four or more units, enterprises, establishments and occupations, or other activity, for gain, profit, compensation, or livelihood, including, but not limited to providing goods or services, whether or not the business has a fixed place of business in the City.

(b) "Director" shall mean the Community and Economic Development Director or any other person the City Manager may designate to administer the business license program.

(c) "Engaged in business" shall mean the commencing, conducting, operating, managing or carrying on of a business, whether done as owner, or by means of an officer, agent, manager, employee, servant or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities.

(d) "Person" shall mean and include any business owner, individual, firm, partnership, joint venture, association, corporation, limited liability company, estate,

business trust, club, society, or any other entity or group or combination acting as a unit, other than as an employee.

Sec. 11-1.103. Business License Required.

(a) No person shall engage in, operate or conduct a business within the City, unless under and by the authority of a valid, unexpired and unrevoked business license issued pursuant to this Chapter. Nothing herein shall signify any approval by the City of the qualifications of the holder of the business license to engage in their business nor shall it signify that such holder of the business license has obtained all other required licenses or approvals to engage in such business.

(b) A separate business license shall be obtained for each business location or branch of a business within the City and for each separate business operating at the same location. Only one business license, issued to the sponsoring person or entity, is required for temporary activities where multiple businesses participate, for example, farmers markets, flea markets, craft fairs, and antique shows.

(c) A business license shall not be issued to a business that requires State licensing for the business owner, or for each technician or employee, until satisfactory proof of training or licensing is provided to the City. These businesses include without limitation, attorneys, certified public accountants, insurance brokers and agents, contractors, physicians, real estate brokers and agents, barbers, cosmetologists, massage therapists, estheticians and manicurists.

(d) Independent contractors shall each obtain a business license without regard to whether they are operating separately or together with other independent contractors at the same location.

(e) When a person by use of signs, circulars, cards, telephone book, newspapers, internet advertising including but not limited to social media, or other form of advertisements, holds out, or represents that such person is engaged in or conducting business in the City, or when a person holds an active license or permit issued by a government agency indicating that such person is in business in the City, then these facts shall be considered prima facie evidence that such person is engaged in conducting a business in the City for purposes of this Chapter.

(f) If state or federal law exempts a business from obtaining a business license, said business shall provide satisfactory proof that the business is exempt from the City's business license requirement.

(g) The Director shall have the authority and discretion to waive the requirement of obtaining a business license for minors under the age of eighteen (18) years of age; or community based service clubs and religious, educational, or charitable organizations.

Sec. 11-1.104. Business License Fees.

(a) Every person engaging in business in the City shall pay a business license fee as prescribed by resolution adopted by the City Council as amended from time to time. To the extent the City Council determines to be practical, such fees may vary depending on the type of business for the sole purpose of apportioning relative regulatory costs to parties regulated. The business license fee is not a revenue-raising device, but shall bear a reasonable relationship to the costs incurred by the City in reviewing, processing and acting upon the application and administering this Chapter.

(b) When a business license fee is imposed upon any business pursuant to this Chapter and such business is conducted at one (1) or more fixed places of business and one (1) or more branch establishments, the fee shall be computed as if each fixed place of business and branch establishment is separate and independent.

Sec. 11-1.105. Late Fee for Late Application or Renewal.

A person determined to be engaged or operating a business without a valid unexpired business license, when one is required, shall be subject to a late fee penalty of fifty percent (50%) of the applicable business license fee.

Sec. 11-1.106. Business License Fee Exemption.

(a) Any business that is exempt from paying fees under the United States Constitution, the California Constitution, or under the laws of the State of California, are required to obtain a business license but shall be exempt from paying the business license fee. However, said business shall be required to pay any applicable state-imposed fees.

(b) Any business of any charitable or non-profit institution, corporation, or association organized or conducted for non-profit purposes only and having non-profit tax exempt status under State or Federal law, when the receipts derived are to be used for the benefit of such organization and not for the private gain of any person are required to obtain a business license but shall be exempt from paying the business license fee. However, said business shall be required to pay any applicable state-imposed fees.

(c) Any person claiming an exemption pursuant to this section shall file a sworn statement with the Director stating the facts upon which the exemption is claimed and shall furnish such information and verification as requested by the Director. The Director shall make a determination on the claim for an exemption within a reasonable time.

Article 2. Application and Renewal Procedures.

Sec 11-1.201. Application for a New Business License.

(a) It shall be the sole responsibility of every person required to obtain a business license to file an application with the City on an approved form and pay all applicable licensing fees, unless otherwise exempt. The application must include a detailed, specific description of all activities to be conducted and/or services or goods to be provided at the business. An application for a new business license shall be filed prior to the date the applicant intends to begin transacting business in the City. If the application is filed after the date the applicant has already begun transacting business in the City or after the expiration of the thirty (30) renewal period the applicant shall be subject to a penalty of fifty percent (50%) of the application fee and may also be subject to other penalties and enforcement authorized by this Chapter for operating without a valid and unexpired business license.

(b) If the applicant is not the owner of the premises where the proposed business will be conducted, the applicant if required by the Director shall submit a copy of a lease, rental agreement or other documentation that establishes the applicant has the property owner's authorization to conduct such business.

(c) The Director may request such other additional information and/or documentation as deemed necessary to determine whether the proposed business operations and premises comply with applicable local, state or federal laws.

(d) Upon submittal of a complete application and payment of all applicable licensing fees, the business license application shall be reviewed by the Director and may be reviewed by any City department or any governmental agency deemed necessary by the Director, to determine if the business operations and premises to be occupied meet the requirements of federal, state, or local laws. The Director may also refer to any governmental agency any information submitted by persons subject to the provisions of this Chapter in connection with the conduct of a business regulated, or supervised, or otherwise the concern of any such agency, including agencies concerned with health regulations, zoning conformance, fire safety, police considerations or any other safeguard of the public interest. City personnel may investigate and inspect the

premises of the business for the purpose of assuring that the premises comply with all applicable local and state laws.

(e) The Director shall make a determination to approve, conditionally approve or deny the license within a reasonable period of time after submittal of a complete application, payment of all applicable fees, and completion of any required inspections.

Sec. 11-1.202. Annual Renewal of a Business License.

(a) Every person desiring to continue in business after the expiration of their business license period shall pay the required renewal fee prior to the date of expiration of their current license. In the case of a business activity having a fixed location, application for a license for a different location is not a renewal and shall be deemed a new license application and subject to the provisions of Section 11-1.201.

(b) Renewal fees shall be subject to a fifty percent (50%) late penalty if paid within thirty (30) days after the expiration of the current license ("grace period"). If the business continues to operate beyond the thirty day grace period, the business shall be required to submit a new business license application as set forth in Section 11-1.201 and shall be required to pay the new license application fee and the fifty percent (50%) late penalty and may also be subject to other penalties and enforcement authorized by this Chapter for operating without a valid and unexpired business license.

(c) As part of the renewal process and prior to the issuance of a renewed license the Director may (1) request that the licensee update the licensee's application; (2) request from the licensee such other additional information and/or documentation as deemed necessary to determine whether the business operations and premises comply with applicable local, state or federal laws; and/or (3) request that City personnel investigate and inspect the premises of the business for the purpose of assuring that the premises comply with all applicable local and state laws.

(d) The Director shall make a determination to approve, conditionally approve or deny the renewal license within a reasonable period of time after submittal of the required renewal fees including any late penalties, and if required, the submittal of a completed updated application and completion of any required inspections.

Sec. 11-1.203. Conditions of Approval.

(a) The Director may impose conditions on a new or renewal license as are necessary to ensure public safety and prevent the business from disturbing the peace and tranquility of the neighborhood in which it is located or if he or she determines that the business may have or is having an adverse impact on neighboring properties or the community at large and/or may require or is requiring a greater use of City law enforcement and other resources than other businesses, whether due to its location, type of business or other reasons, and further determines that such conditions are reasonably necessary to mitigate those impacts. The conditions may include, but are not limited to, the following:

(1) Limitations upon hours or days of operation, when required in order to prevent disturbance of the peace and quiet of a neighborhood caused by the business or the patrons of the business;

(2) Requirement that the business provide licensed or other qualified security personnel for the exterior or interior of the business during operating hours;

(3) Requirement that the business fund any additional law enforcement services required as a result of the operation of the business;

(4) The installation of on-site improvements required to prevent operation of the business from disturbing its neighbors at a particular location; or

(5) Other conditions related to operations or improvements demonstrated under the particular circumstances to be necessary in order to prevent hazards; disturbance of the peace, quiet or safety of the neighborhood; or other nuisance.

(b) Such conditions may be imposed at the time a business license is initially issued, upon renewal of the license, or at any time during the term of the license.

(c) The Director may eliminate or modify a condition previously placed on a license upon receipt of written request by the business owner if, after investigation, the Director makes the determination that the reason for the original imposition of a condition has been corrected or no longer exists.

Sec. 11-1.204. Notice and Effect of Conditions.

(a) The Director shall provide written notice of conditions imposed on the business license to the applicant or holder.

(b) Conditions imposed at the issuance of an initial business license become effective immediately upon issuance. The holder of the business license is entitled to appeal the conditions within the time and manner prescribed; however, the business license shall not be effective until the appeal is finally determined.

(c) Conditions imposed at the time of renewal or during the term of the business license become effective fourteen (14) days following issuance; however, if an appeal is filed within the time and in the manner prescribed, the conditions shall not become effective until the appeal is finally determined.

Article 3. Business License Issuance.

Sec. 11-1.301. Business License Issuance, Term, and Operative Date.

(a) Upon the approval of a business license as set forth in this Chapter, the Director shall issue a business license to the applicant within five (5) business days of said approval.

(b) Annual Licenses. Annual business licenses shall be for a term of twelve (12) months commencing on the operative date of a new business license or business license renewal. The operative date for a new annual business license shall be the date of issuance of the business license, except where an interim license is issued the operative date shall be the date of the issuance of the interim license. The operative date for a business license renewal shall be the date following the date of expiration of the previous year's business license.

(c) Interim Licenses. A person may begin operation of business activities upon issuance of an interim license. An interim license may be used to operate the business until such time as an annual or short term business license is processed and issued. An interim license will be issued only upon payment of all required fees. The interim business license is valid only until the decision is made to issue or deny an annual or short term business license or for three months, whichever is shorter. The issuance of an interim license in no way constitutes a promise or guarantee that an annual or short term business license will be issued. The applicant must cease operation immediately if the annual or short term business license is denied.

(d) Temporary Licenses. Temporary licenses are licenses issued for a period of three (3) days or less. Temporary licenses may only be issued for vendors, peddlers and solicitors, promoters, or persons or businesses that are operating in connection with a single event for a period of three (3) days or less. Temporary licenses shall be required for each separate location and event. The fees for the specific temporary licenses shall be set by resolution of the City Council. No more than SIX (6) temporary licenses shall be issued per twelve (12) month period to the same licensee. The operative dates for the temporary license shall be stated on the license.

(e) Short Term Licenses. Short term licenses are licenses issued for a period of either three (3) or six (6) months. Short term licenses may be issued to businesses engaged in business in the City for a limited period of time. The fees for the specific short term licenses shall be set by resolution of the City Council. No more than one (1) short term license shall be issued per twelve (12) month period to the same licensee. The operative date for a short term shall be the date of issuance of the business license, except where an interim license is issued the operative date shall be the date of the issuance of the interim license.

Sec. 11-1.302. Contents of Business License.

Each business license issued shall contain:

- (a) The name and mailing address of the person to whom the license is issued;
- (b) The name of business;
- (c) The address of the business;
- (d) The issuance and expiration dates of the license;
- (e) Telephone number of business;
- (f) Exact nature of business (business code);
- (g) Such other information as deemed necessary by the Director; and
- (h) If applicable, conditions of approval shall be attached to the business license.

Sec. 11-1.303. Posting.

All business licenses issued pursuant to the provisions of this Chapter shall be posted and kept in the following manner:

(a) Any persons transacting and carrying on business at a fixed location in the City shall keep such business license posted in a conspicuous place upon the premises where such business is carried on.

(b) Any persons transacting and carrying on business, but not operating at a fixed location in the City, shall keep such business license upon them at all times while transacting and carrying on such business.

Sec. 11-1.304. Branch Establishments and Trade Names.

(a) A separate business license shall be obtained for each branch establishment of the business transacted and carried on. A separate business license is required for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby in the manner designated in such license; provided, however warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this section shall not be deemed to be separate places of business or branch establishments.

(b) A separate license shall be obtained for each trade name used in the conduct of any business within the limits of the City.

Sec. 11-1.305. Businesses Requiring Certificates of Occupancy.

All commercial, industrial, and miscellaneous buildings within the City which are going to a house a business requiring a City business license shall have a certificate of occupancy issued by the Building Department before a license to operate such business may be issued. Any existing buildings which are structurally altered to house a

business requiring a City business license shall also have a certificate of occupancy issued by the Building Department before a license to operate such business may be issued.

Sec. 11-1.306. Compliance with Other Laws, Rules, and Regulations Prerequisite to Issuance of Business Licenses.

No license shall be issued under the provisions of this Chapter until the applicant has complied with all of the provisions of the Building Code, the Fire Prevention Code, applicable Municipal Code provisions, including zoning provisions, and, when applicable, the rules and regulations of State and/or Federal provisions and the Police Department and Health Department.

Sec. 11-1.307. Duplicate Licenses.

A duplicate license may be issued by the Director to replace any business license previously issued under the provisions of this Chapter which has been lost or destroyed. This duplicate business license may be issued by the Director upon receipt of a written statement by the business owner indicating the need for the duplicate license and by paying a duplicate license fee.

Sec. 11-1.308. Assignment of License Prohibited.

The assignment of or attempt to assign any business license issued pursuant to this Chapter is unlawful and any such assignment or attempt to assign a license shall render the license null and void. Business licenses are non-transferable.

Sec. 11-1.309. Illegal Occupations.

A business license issued pursuant to this Chapter does not authorize, permit or allow the license holder to do any act or conduct any business of any kind which is otherwise prohibited by City policies, regulations or ordinances; or any state or federal statute, law, rule, order or regulation.

Sec. 11-1.310. Withholding a Business License.

The City shall withhold a business license to engage in business from any person when there are pending violations of any City Code against such person and/or business applying for a business license, or when a debt is owed to the City as a result of a violation of this Code.

Article 4. Denial, Suspension or Revocation of Business License.

Sec. 11-1.401. Grounds for Denial or Revocation.

(a) Every business license granted under this Chapter is granted and accepted by all parties with the express understanding that the City may revoke the business license if it is in the best interest of the health, welfare, or safety of the public to do so and grounds for such revocation exist as noted in this Section.

(b) Except as otherwise provided in this Chapter, a business license may be denied or revoked pursuant to this Chapter upon any of the following grounds:

(1) The applicant has failed to complete the application for a business license or renewal, or has failed to provide any additional requested information or documentation as prescribed in this Chapter;

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be submitted to the City;

- (3) The applicant is found to have committed a crime involving moral turpitude that is substantially related to the business activity for which the business license is being sought;
- (4) The business or the activities or conduct of the business at the proposed fixed location is prohibited by any provision of this Code or any local, state or federal law, statute, rule or regulation;
- (5) That the applicant or licensee does not have the appropriate permits or licensing necessary to conduct the business activities for which the business license is sought as required by this Code or any local, state or federal law, statute, rule or regulation.
- (6) The business or the activities or conduct of the business has been or is in violation of any conditions of approval or restrictions imposed;
- (7) The business is being operated in a manner determined to constitute an immediate threat or menace to the health or safety of the public. Failure to correct objectionable conditions constituting a public nuisance within a reasonable time after lawful notice from a governmental entity shall be prima facie proof thereof;
- (8) The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws of the City, State, federal, or otherwise applicable codes, rules, or regulations or laws;
- (9) The prescribed fees for the business license or renewal have not been paid;
or
- (10) Delinquent business license fees or renewal fees have not been paid.

Sec. 11-1.402. Process for Denial of a Business License.

(a) On determining that grounds for denial of an initial application or a renewal exist, the Director shall furnish written notice of the proposed denial to the applicant or licensee stating the reasons therefore, and serving the notice and a copy of this Chapter or any otherwise applicable code sections, upon the applicant or licensee, in person or by regular mail. The applicant or licensee shall be given an opportunity to appear and meet with the Director to contest the proposed decision to deny the application for the business license and to show cause why the application for the business license or renewal should not be denied.

(b) After holding the meeting described in subsection (a) herein, or if the applicant or licensee does not request a meeting, upon determining that there are sufficient grounds, the Director shall:

- (1) Approve the application;
- (2) Conditionally approve the application;
- (3) Deny the application.

(c) The decision of the Director shall become effective fourteen (14) days following the date of service (either by regular mail or personally) upon the applicant or licensee of the notice of decision. If the applicant or licensee files an appeal within the time and manner prescribed, the license (in the case of a renewal) shall remain in effect until the appeal is finally determined.

Sec. 11-1.403. Effect of Business License Denial.

If an applicant's business license application for a particular business activity has been denied, or a licensee's renewal has been denied, the City shall not process a new application by that applicant or licensee for that business activity for a twelve (12) month period after the date of the decision to deny unless the Director determines that the reason for the denial has been cured and no longer exists.

Sec. 11-1.404. Suspension or Revocation of Issued or Renewed License.

The Director is authorized to suspend or revoke any issued business license upon determining that grounds exist for denial of issuance of a license under the provisions of this Chapter.

Sec. 11-1.405. Process for Suspension or Revocation of a Business License.

(a) On determining that grounds for license suspension or revocation exist, the Director shall furnish written notice of the proposed suspension or revocation to the licensee stating the reasons therefore, and serving the notice and a copy of this Chapter or any otherwise applicable code sections, upon the holder of the license, in person or by regular mail. The licensee shall be given an opportunity to appear and meet with the Director to contest the proposed decision to suspend or revoke the business license permit and to show cause why the business license should not be suspended or revoked.

(b) After holding the meeting described in subsection (a) herein, or if the licensee does not request a meeting, upon determining that there are sufficient grounds, the Director shall:

- (1) Issue a warning;
- (2) Impose reasonable conditions on the license;
- (3) Suspend the license for a specified period not to exceed six (6) months;
- (4) Revoke the license.

(c) The decision of the Director shall become effective fourteen (14) days following the date of service (either by regular mail or personally) upon the licensee of the notice of decision. If the licensee files an appeal within the time and manner prescribed, the license shall remain in effect until the appeal is finally determined. If the Director finds that it is necessary in order to protect against a serious and immediate threat to the health, safety or welfare of the public caused by exercise of the license the revocation or suspension shall take effect immediately upon service of the notice.

Sec. 11-1.406. Effect of Business License Revocation.

If a licensee's business license for a particular business activity has been revoked, the City shall not process a new application by that applicant or licensee for that business activity for a twelve (12) month period after the date of the decision to revoke unless the Director determines that the reason for the revocation has been cured and no longer exists.

Article 5. Enforcement and Remedies

Sec. 11-1.501 Violation; Penalties.

(a) It is unlawful and a public nuisance to intentionally violate any of the provisions of this Chapter. Violation of this Chapter may be charged as either an infraction or a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

(b) In addition to any other remedy or penalty set forth in this Chapter or this Code, administrative penalties may be imposed pursuant to applicable provisions of Chapter 11 Title 4 of this Code against any responsible party, in violation of any of the provisions of this Chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 11 Title 4 of this Code.

(c) Remedies under this Chapter are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Sec. 11-1.502 Continuing Violations.

Each and every day, or fractional part of a day, that any business, conducted, carried on, or engaged in, or any such thing is done, without a business license shall constitute a separate violation of the provisions of this Chapter.

Sec. 11-1.503 Enforcement Authority/Entry to Inspect.

(a) The Director shall have authority to enforce each of the provisions of this Chapter. The Los Banos Police Department-Code Enforcement Division and other city departments shall render assistance in the enforcement of this Chapter as may be necessary. The city attorney is authorized to file a complaint against any persons found in violation of this Chapter.

(b) The Director, code enforcement officer, fire inspector, and other city officers empowered to enforce the provision of this Chapter, shall have the power and authority to enter into a business, at any reasonable time, to see the business license posted in a conspicuous place upon the premises.

Article 6. Appeals

Sec. 11-1.601 - Appeals.

(a) Except where an appeals or hearing procedure is otherwise set forth in this Chapter, a decision or action of the Director may be appealed by filing a written notice of appeal with the City Clerk, setting forth the specific grounds thereof.

(b) Notice of such appeal shall be filed with the City Clerk within fourteen (14) calendar days after the date written notice of such action appealed from was mailed or personally delivered to the appellant.

(c) The City Clerk shall forthwith set a date for hearing before City Manager or City Manager's designee and shall give the appellant at least five (5) calendar days' notice of the time and place of said hearing.

(d) At such hearing the appellant shall show cause on the grounds specified in the notice of appeal why the action excepted to should not be approved. The City Manager or City Manager's designee, may continue the hearing from time to time. The findings on the appeal shall be final and conclusive in the matter.

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 Lewis and seconded by Council Member Johnson-Santos on the 21st day of March, 2018.

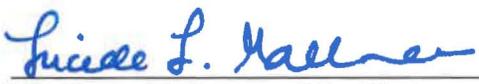
Passed on the 4th day of April, 2018 by the following roll call vote:

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

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk