



MEMORANDUM

TO: PLANNING COMMISSION

FROM: DAVID HIRSCH, ASSISTANT CITY ATTORNEY
TIM CARMEL, CITY ATTORNEY

SUBJECT: CONSIDERATION OF AN ORDINANCE ADDING CHAPTER 16.86 TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO PERFORMANCE STANDARDS FOR DEEMED APPROVED ALCOHOLIC BEVERAGE COMMERCIAL SALES

DATE: NOVEMBER 4, 2014

RECOMMENDATION:

It is recommended that the Planning Commission adopt a Resolution recommending that the City Council approve Development Code Amendment No. 14-005 adding Chapter 16.86 to Title 16 of the Arroyo Grande Municipal Code relating to Performance Standards for Deemed Approved Alcoholic Beverage Commercial Sales

FINANCIAL IMPACT:

No immediate financial impacts have been identified by adding the proposed deemed approved provisions to the Municipal Code. The Police Department currently responds to nuisance related complaints involving legal nonconforming businesses that sell alcoholic beverages, and the amendment will provide the City with a comprehensive additional enforcement tool to address nuisance problems.

BACKGROUND

At the August 12, 2014 City Council meeting a report was presented relating to complaints that have been received about late evening disturbances in the Village that were primarily related to one of the local drinking establishments. These complaints primarily involved loud music, although other issues at the location have included damage to City Property outside of the establishment, fights and people yelling.

Based upon staff's recommendation, the City Council directed that several actions be pursued to address the problems that have been identified. This included developing an ordinance to prohibit outdoor noise after 10:00 p.m., as

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well as amendments to the Municipal Code to provide additional nuisance abatement provisions.

The Planning Commission is now being asked to consider adding Chapter 16.86 to Title 16 of the Arroyo Grande Municipal Code, which will create nuisance related performance standards for legal nonconforming Alcoholic Beverage Sales and Bar/Tavern/Night Club uses that do not have conditional use permits. Under the provisions of the ordinance, such uses will be given "deemed approved" status, and be subject to performance standards to assure that they do not operate in a manner that constitutes a public nuisance. Since these provisions pertain to conditional use permits and legal nonconforming uses, it is appropriate for them to be located in the Development Code.

ANALYSIS OF ISSUES:

Commercial alcoholic beverage sales activities in the City generally require the issuance of a conditional use permit (reference AGMC Table 16.36.030(A) requiring CUPs for Alcoholic Beverage Sales and Bar/Tavern/Night Club uses). Alcoholic Beverage Sales and Bar/Tavern/Night Club uses that were established prior to the effective date of the conditional use permit requirement have "grandfathered" status and are permitted to continue to operate as legal nonconforming uses.

The State of California controls licensing of alcohol selling establishments. The law, however, does permit regulation through local zoning ordinances. Therefore many cities, including Arroyo Grande, require conditional use permits for alcohol related businesses. It is not unusual for cities in California to have bars or other alcohol related businesses that were in existence before the requirement that they obtain a conditional use permit that have the potential to create public nuisance problems that adversely impact neighborhoods and surrounding businesses.

In an effort to address these types of problems, in 1993 the City of Oakland enacted a "deemed approved" ordinance that was subsequently upheld by the Court of Appeals in the case City of Oakland v. Superior Court 1996, 45 Cal.App.4th 740. In that ruling the Court of Appeals observed that "...A municipality retains the right to abate nuisances and enforce its criminal laws even in the face of grandfather rights. No business-not even an alcoholic beverage sales establishment regulated by state law-has a vested right to conduct its business in a manner that attracts public nuisances and encourages criminal activities near its premises." (citation omitted) Accordingly, the Oakland approach has become a model for cities throughout the State to deal with

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nuisance related problems related to commercial alcohol beverage sales by legal nonconforming uses.

The proposed ordinance would provide that alcoholic beverage commercial sales activities within the city that were established without the approval of a conditional use will have "deemed approved" status, subject to complying with performance standards to address potential nuisance related activities. These nuisance activities include disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

The ordinance includes procedures for investigating complaints, as well as hearings and appeals on complaints before the Planning Commission and City Council.

ALTERNATIVES:

The following alternatives are provided for the Planning Commission's consideration:

1. Adopt a Resolution recommending that the City Council approve Development Code Amendment No. 14-005 adding Chapter 16.86 to Title 16 of the Arroyo Grande Municipal Code relating to Performance Standards for Deemed Approved Alcoholic Beverage Commercial Sales; or
2. Do not adopt the attached Resolution; or
3. Provide direction to staff.

ADVANTAGES:

The adoption of the proposed Ordinance will provide a new tool to address nuisance issues related to legal nonconforming businesses that sell alcoholic beverages in the City.

DISADVANTAGES:

No disadvantages with the recommended action are identified.

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ENVIRONMENTAL REVIEW:

Staff has reviewed this project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and has determined that the project is exempt per Sections 15061(b)(3) and 15308 of the CEQA Guidelines.

PUBLIC NOTIFICATION AND COMMENTS:

A notice of public hearing was published in the Tribune for the November 4, 2014 meeting and posted in front of City Hall on Thursday October 30, 2014, and on the City's website on October 31, 2014. Staff has not received any public comment regarding the proposed ordinance, however business owners of both Ralph and Duane's and Bill's Tavern spoke at the City Council Meeting of October 28, 2014 regarding a companion ordinance amending Title 9 of the Municipal Code relating to music or noise after 10:00pm in Commercial Districts. Both owners indicated a desire to work with the City to ensure their land uses are compatible with surrounding neighborhoods but expressed significant concerns regarding potential impacts to their business if requirements become too onerous.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THAT THE CITY COUNCIL ADD CHAPTER 16.86 TO TITLE 16 OF THE ARROYO GRANDE MUNIICIPAL CODE RELATING TO PERFORMANCE STANDARDS FOR DEEMED APPROVED ALCOHOLIC BEVERAGE COMMERCIAL SALES; DEVELOPMENT CODE AMENDMENT CASE NO. 14-005; LOCATION: CITYWIDE

WHEREAS, the California Constitution provides that "the State of California ... shall have the exclusive right and power to license and regulate the ... sale ... of alcoholic beverages within the State", however, the State legislature has created an exception to this general rule, by prohibiting alcohol retail licensing from being issued if the issuance would violate a valid local zoning ordinance; and

WHEREAS, in accordance with this authority, the City of Arroyo Grande's zoning requirements provide that Alcoholic Beverage Sales and Bar/Tavern/Night Club uses must obtain a Conditional Use Permit before they may operate in the City; and

WHEREAS, there are Alcoholic Beverage Sales and Bar/Tavern/Night Club uses that were established prior to the effective date of the City of Arroyo Grande's requirement that such uses obtain a Conditional Use Permit that are "grandfathered" and permitted to continue to operate as legal nonconforming uses; and

WHEREAS, the reason that businesses that serve alcoholic beverages are required to obtain a Conditional Use Permit is that such establishments can be the source of significant public nuisance activities such as public intoxication, fights, property damage, public urination, littering, loitering, noise, vandalism, and other disturbances: and

WHEREAS, by ordinance, the City Council may declare what constitutes a public nuisance pursuant to Government Code Section 38771, and the courts have recognized that the authority of cities to control and abate public nuisance activities applies to previously established, "grandfathered" businesses if they operate in a manner that constitutes a nuisance (reference City of Oakland v. Superior Court (1996) 45 Cal. App. 4th 740); and

WHEREAS, by virtue of the addition of Chapter 16.86 to the Arroyo Grande Municipal Code, legal nonconforming Alcoholic Beverage Sales and Bar/Tavern/Night Club uses will be given "deemed approved status", and be subject to performance standards to assure that they do not operate in a manner that constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council adopt an Ordinance approving Development Code Amendment No. 14-005, amending portions of Title 16 of the AGMC regarding performance standards for deemed approved alcoholic beverage commercial sales, a copy of which is attached hereto as Exhibit 'A' and incorporated herein by this reference;

**RESOLUTION NO.
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On a motion by Commissioner _____, seconded by Commissioner _____ and by the following roll call vote to wit:

**AYES:
NOES:
ABSENT:**

the foregoing Resolution was adopted this 4th day of November 2014.

ATTEST:

**DEBBIE WEICHINGER
SECRETARY TO THE COMMISSION**

LISA SPEROW, VICE CHAIR

AS TO CONTENT:

**TERESA McCLISH
DIRECTOR OF COMMUNITY DEVELOPMENT**

EXHIBIT A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 16.86 TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO PERFORMANCE STANDARDS FOR DEEMED APPROVED ALCOHOLIC BEVERAGE COMMERCIAL SALES

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WHEREAS, in accordance with this authority, the City of Arroyo Grande's zoning requirements provide that Alcoholic Beverage Sales and Bar/Tavern/Night Club uses must obtain a Conditional Use Permit before they may operate in the City; and

WHEREAS, there are Alcoholic Beverage Sales and Bar/Tavern/Night Club uses that were established prior to the effective date of the City of Arroyo Grande's requirement that such uses obtain a Conditional Use Permit that are "grandfathered" and permitted to continue to operate as legal nonconforming uses; and

WHEREAS, the reason that businesses that serve alcoholic beverages are required to obtain a Conditional Use Permit is that such establishments can be the source of significant public nuisance activities such as public intoxication, fights, property damage, public urination, littering, loitering, noise, vandalism, and other disturbances; and

WHEREAS, by ordinance, the City Council may declare what constitutes a public nuisance pursuant to Government Code Section 38771, and the courts have recognized that the authority of cities to control and abate public nuisance activities applies to previously established, "grandfathered" businesses if they operate in a manner that constitutes a nuisance (reference City of Oakland v. Superior Court (1996) 45 Cal. App. 4th 740); and

WHEREAS, by virtue of the addition of Chapter 16.86 to the Arroyo Grande Municipal Code, legal nonconforming Alcoholic Beverage Sales and Bar/Tavern/Night Club uses will be given "deemed approved status", and be subject to performance standards to assure that they do not operate in a manner that constitutes a public nuisance.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. Chapter 16.86 is hereby added to the Arroyo Grande Municipal Code to read as follows:

“Chapter 16.86 DEEMED APPROVED ALCOHOL BEVERAGE COMMERCIAL SALES PERFORMANCE STANDARDS

16.86.010. Title and Purpose.

A. The provisions of this chapter shall be known as the “Deemed Approved Alcoholic Beverage Commercial Sales Performance Standards.”

B. The general purposes of the Deemed Approved Alcoholic Beverage Commercial Sale Performance Standards are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that alcoholic beverage sales commercial activities that were established without having obtained a conditional use permit comply with the deemed approved performance standards of Section 16.86.050 and to achieve the following objectives:

1. To define as a public nuisance noncompliance with the performance standards as established in this Chapter;
2. To develop regulations that promote properly maintained businesses engaging in alcohol beverage sales so that any negative impacts that are generated by those establishments and/or activities are not harmful to the surrounding community and/or environment in any way;
3. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as public intoxication, fights, property damage, public urination, littering, loitering, noise, vandalism, and other disturbances;
4. To provide that businesses that serve alcoholic beverages specified in this Chapter are not the source of undue public nuisances in the community;
5. To facilitate the establishment of enforcement procedures and nuisance abatement procedures for the correction or abatement of public nuisances.

16.86.020. Applicability of Deemed Approved Alcoholic Beverage Commercial Sales Performance Standards.

This Chapter shall apply to the following alcoholic beverage commercial sales activities within the city which have been established without the approval of a conditional use permit prior to the effective date of the ordinance codified in this Chapter, and as defined in Chapter 16.04.070 and as set forth in Section 16.36.030 and Table 16.36.030(A) for Alcoholic Beverage Sales and Bar/Tavern/Night Club uses.

16.86.030. Duplicated Regulation.

Whenever any provision of this Chapter and any other provision of law, whether set forth in this code, or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in this Chapter.

16.86.040. Definitions.

A. The purpose of these definitions is to promote consistency and precision in the interpretation of this Chapter. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout this Chapter, except where the context of such words or phrases clearly indicates a different meaning or construction. As used in this Chapter:

“Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances, and sales of which require a State Department of Alcoholic Beverage Control license.

“Condition of approval” means a requirement which must be carried out by the activity in order to retain its deemed approved status.

“Deemed approved activity” means any legal nonconforming Alcohol Beverage Sale activity and Bar/Tavern/Night Club use, as defined in Section 16.04.070 in existence immediately prior to the effective date of the Deemed Approved Alcoholic Beverage Commercial Sale Performance Standards contained herein so long as it complies with the performance standards set forth in Section 16.86.050.

“Deemed approved status” means the status conferred upon a deemed approved activity.

“Illegal activity” means an activity which has been finally determined to be in noncompliance with the Deemed Approved Alcoholic Beverage Commercial Sale Performance Standards in Section 16.86.050. Such an activity shall lose its deemed approved status and shall no longer be considered a deemed approved activity.

“Performance standards” means regulations prescribed in the deemed approved performance standards in Section 16.86.050.

“Premises” means the actual space within a building devoted to alcoholic beverage sales.

"Responsible person" means any person, whether as a manager, alcohol license owner, an owner or proprietor of an establishment where there is alcoholic beverages sales activity occurring, or otherwise, that allows, causes, creates, maintains, or permits noncompliance with the performance standards established by this Chapter, a public nuisance, or any violation of the Arroyo Grande Municipal Code or state law, to exist or continue by any act or omission or any act or duty.

16.86.050. Performance Standards.

A deemed approved activity shall retain its deemed approved status only if it conforms with all of the following performance standards. Failure to comply with these performance standards shall constitute a public nuisance:

A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;

B. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

D. That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;

E. That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

16.86.060. Automatic Deemed Approved Status

All alcoholic beverage commercial sales activities applicable to this Chapter per Section 16.86.020 shall automatically become deemed approved activities as of the effective date of the ordinance codified in this Chapter. Each such deemed approved activity shall retain its deemed approved status as long as it complies with the deemed approved performance standards in Section 16.86.050.

16.86.070. Notification to Owner of Deemed Approved Status; Posting of Performance Standards.

A. The city manager or his or her designee shall notify the owner of each deemed approved activity, and also the property owner if not the same, of the activity's deemed approved status. Such notice shall be sent via certified return receipt mail. Should the notice be returned, then the notice shall be sent via regular U.S. mail.

B. The notice sent in accordance with Subsection A shall include a copy of the performance standards contained in Section 16.86.050, notification that the activity is required to comply with all these same performance standards, and that the activity is required to comply with all other aspects of this Chapter. The notice shall include the requirement that the performance standards be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review.

16.86.080. Complaints of Violations of Performance Standards.

The city manager or his or her designee shall receive complaints from the public, the Arroyo Grande police department or any other interested party regarding non-compliance with the performance standards contained in this Chapter. A complaint must include:

- A. Specific identification of the subject establishment by address and name;
- B. A statement of the specific performance standards that are not being complied with and all grounds and material facts in support;
- C. A statement of the complainant's interest or relationship to the property;
- D. A verification of at least one person as to the truth of material facts cited in the complaint.

The city manager or his or her designee shall provide a responsible person with a copy of the complaint and request that the secretary to the planning commission schedule a hearing.

16.86.090. Hearing before Planning Commission.

A. Hearing Date. As soon as practicable after receiving a complaint from the city manager, the secretary to the planning commission shall set a date for the planning commission to hear the matter, which date shall be not less than fifteen calendar days nor more than forty-five calendar days from the date the city manager's request was received.

B. Notice—Service. The city clerk shall give each complainant and responsible party written notice of the date, time and place of the hearing at least ten

calendar days prior to its occurrence. Service of the notice of hearing shall be made by first class mail, postage prepaid, to the complainant and responsible party. The failure of a person to receive a properly addressed notice of hearing shall not invalidate any action or proceeding by the city pursuant to this chapter.

C. Conduct of Hearing. The decision of the planning commission shall be based on information compiled and presented by staff, testimony from the responsible party, and all other interested parties and members of the public who wish to provide information.

The purpose of the hearing is to receive testimony as to whether the deemed approved activity conforms to the performance standards set forth in this Chapter, to consider any other relevant information, and determine whether deemed approved status should be revoked or whether the planning commission should impose conditions of approval as may be necessary to ensure conformity to said standards.

The planning commission may continue the hearing on its own motion.

Formal rules of evidence do not apply. However, the planning commission's findings shall be made upon a preponderance of evidence and determinations shall be stated in a duly adopted resolution.

D. Decision. Within a reasonable time, not to exceed thirty calendar days following conclusion of the hearing, the planning commission shall render its decision and make any one or more of the following determinations:

1. Continue the deemed approved as is;
2. Require such changes or impose reasonable conditions of approval as may be reasonably necessary to ensure conformity to said standards; or
3. In the event of a violation of the performance standard set forth herein or upon evidence that there has been a failure to comply with any prescribed condition of approval, the planning commission may revoke the approved activity's approved status.

E. Notice. A copy of the planning commission's decision shall be served on the respondent by certified mail and by first class mail. Service of this decision is deemed complete at time of mailing. The failure of a person to receive a properly addressed decision shall not invalidate any action or proceeding by the city pursuant to this article.

The decision shall contain a notice of the following:

1. The planning commission's decision may be appealed to the city council.

2. City clerk must receive appeals within ten calendar days from date of service of the planning commission's decision.

3. A fee shall accompany each appeal in an amount as established by resolution of the city council.

4. Failure to file a timely appeal and/or to tender the required fee shall constitute a person's waiver of the right to an appeal hearing before the city council.

If the city clerk does not receive a timely appeal and the required fee, the decision of the planning commission shall be deemed final and non-appealable.

16.86.100. Right of Appeal to the City Council—Notice of hearing.

A. Any responsible person may appeal a planning commission's decision in writing to the city council. The appeal period shall be ten calendar days from date of service of the planning commission's decision. Any member of the city council may, within this appeal period, request a review of the planning commission's decision before the entire city council at a duly noticed meeting. A fee as established by resolution of the city council shall accompany an appeal that is made by a responsible person.

B. The city clerk shall schedule an appeal hearing before the city council within fifteen calendar days of receipt of a timely appeal and this hearing shall occur within sixty calendar days of the city clerk's receipt of said appeal. The city clerk shall provide ten calendar days advance written notice of the date, time and location of the hearing to the appealing person(s) by certified and first class mail. The failure of a person to receive a properly addressed notice of hearing shall not invalidate any claim or action or proceeding by the city pursuant to this chapter.

C. The city council shall conduct a de novo hearing at the time and place specified in the notice at which time any relevant evidence may be submitted by any interested persons and city officials. The hearing may be continued from time to time, as the city council deems necessary.

D. Where it appears that an appellant was served with a notice of hearing but fails to appear either in person or by counsel, or fails to present or offer evidence, the city council may adopt or approve the decision of the planning commission, or it may decide the matter upon the record established by the planning commission with or without taking any additional evidence. Any oral or documentary evidence may be received, but the mayor shall exclude irrelevant, immaterial, or unduly repetitious evidence. The formal rules of evidence do not apply. However, the city council's findings and determinations shall be stated in a duly adopted resolution and shall be made upon a preponderance of evidence.

E. If the approved status is revoked, the resolution shall also contain the following statements:

"At this time, deemed approved status is revoked. In the event of non-compliance with this determination, the city may seek any or all remedies available to it by law, including but not limited to seeking an injunction in civil or criminal court or seeking revocation of an ABC or other license. The costs and expenses therefore, and any enforcement fees, as well as attorneys' fees, will be due from the responsible person(s). In addition, said costs, expenses and fees may be recovered in any manner provided by law, including, without limitation, by the placement of a special assessment or lien against the property. The decision of the planning commission/city council is final and conclusive. Judicial review of the city council's resolution is subject to the time limits set forth in California Code of Civil Procedure, Section 1094.6."

F. The city clerk shall serve a copy of the city council resolution on all appealing person(s) by certified and first class mail. The failure of a person to receive a properly addressed resolution shall not invalidate any action or proceeding by the city pursuant to this chapter.

16.86.110. Penalties.

A. **Infractions.** Any person who violates, causes, or permits another person to violate any provision of this Chapter is guilty of an infraction unless otherwise provided.

B. **Separate Offenses for Each Day.** Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

C. **Any Violation a Public Nuisance.** In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is declared to be a public nuisance and may be summarily abated as such by the city.

D. **Injunction as Additional Remedy.** Any violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief.

E. **Penalties.** Any person convicted of an infraction under the provisions of this section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the city attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

F. **Liability for Expenses.** In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the city or any of its contractors in correction, abatement, and prosecution of the violation.

G. Enforcement. The city shall designate the appropriate personnel to enforce the provisions of these regulations.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 3. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 4. This Ordinance shall take effect thirty (30) days after its adoption.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2014.