ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVENAL AMENDING TABLE 9-1 OF THE AVENAL ZONING ORDINANCE TO ALLOW TATTOO AND PIERCING BUSINESSES IN A COMMUNITY COMERCIAL ZONE WITH A CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1: Title 9, Table 9-1 of the Avenal Municipal Code is hereby amended to delete and add the following language:

Table 9-1
Permitted and Conditional Uses
Nonresidential Zones

	Intensive Ag.	Exclusive Ag.	Community Comm.	Highway Comm.	Downtown Commercial	Service Comm.
BARBERS, HAIRSTYLISTS, TANNING SALONS AND COSMETICIANS						
- Stand Alone			P		P	C
- Located within the primary permitted use on the site			P		P	C
Tattooist *and Piercing* ~~Located within the above use~~			*C*			C

Section 2. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Avenal, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by

this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Avenal Chimes, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Avenal City Council on the 14th day of February, 2013, by the following roll call vote:

AYES: WOOLLEY, MALDONADO, GRAVELLE, PRECIADO.
NOES: CASIDA.
ABSENT: NONE.
ABSTAIN: NONE.

Approved:
Harlin Casida, **MAYOR**

ATTEST:

Pamela Bonilla, **CITY CLERK**