ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE AND REPEALING, REFORMATTING, AND RECOMPILING THE SAN LUIS OBISPO COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo, does ordain as follows:

SECTION 1: Section 1.01.010 of the San Luis Obispo County Code is hereby amended as follows:

1.01.010 – ~~Adoption~~Findings and Purpose.

~~The San Luis Obispo County Code is adopted by reference, and the San Luis Obispo County Code need not be published.~~

(a) California Government Code Sections 25126 through 25130 and Sections 50022.1 through 50022.8, and 50022.10 provide for the codification and compilation of county ordinances into a comprehensive county code and for the recodification, recompilation and publication of the county code containing the permanent and general ordinances of counties.

(b) The San Luis Obispo County Code has been supplemented over the years with the passage of new ordinances, but has not been recompiled or recodified since its adoption in 1970 by Ordinance No. 1126 .

(c) The county now desires to revise, recodify, and recompile the code into a modern, uniform, and user-friendly format to aid county staff, the courts, and the public, as well as other entities desiring to use the code.

(d) Pursuant to the foregoing statutory provisions, the board of supervisors hereby recompiles and recodifies the San Luis Obispo County Code, as published by Municipal Code Corporation (also known as Municode) including those secondary codes, if any, adopted by reference within the San Luis Obispo County Code, except for so much of any secondary code as may be deleted, amended, or modified by the San Luis Obispo County Code, or except as otherwise provided herein.

(e) The updating, reformatting, renumbering, recompilation and recodification of the county code, has been effectuated without changing any substantive provisions of the code.

SECTION 2: Section 1.01.020 is hereby amended as follows:

1.01.020 - ~~Filing Required.~~ Recodification and Adoption.

~~Three copies of the San Luis Obispo County Code have been designated "San Luis Obispo County Code" and filed for use and examination by the public in the office of the San Luis Obispo County Clerk prior to July 31, 1970.~~

Pursuant to the provisions of Government Code sections 25126 through 25130, and Sections 50022.2 through 50022.10, as may be applicable, there is hereby recodified and adopted the "San Luis Obispo County Code," as revised, reformatted, indexed, codified, compiled, updated and republished by

Municode, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted, modified or amended by the provisions of the San Luis Obispo County Code and except as otherwise provided herein.

(1) The code embraces ordinances of a general and permanent nature enacted on or before May 20, 2014, with the exception of ordinances requiring approval by the California Coastal Commission.

(2) Nothing in this ordinance affects Titles 22 or 23 of the code or any ordinance amendatory thereof.

(3) Additions or amendments to the code when passed in such form as to indicate an intention to make the same a part of the code shall be deemed to be incorporated in the code, so that reference to the code includes the additions and amendments.

SECTION 3. Section 1.01.030 is hereby added to the code as follows:

1.01.030 - Effect of Recodification.

Neither the adoption of this code, nor the repeal or amendments of any ordinance or part of any ordinance shall affect the prosecutions for ordinance violations that were committed prior to the effective date of this code adoption. The adoption of this code shall not be construed as a waiver of any license, fee penalty, debt, forfeiture or obligation due and unpaid to the county on the date this code takes effect. All rights, fines, entitlements, duties and proceedings existing pursuant to any ordinance on the date of the adoption of this code shall remain in effect unless specifically repealed in this code adoption. No bonds or cash required to be posted, filed or deposited pursuant to any ordinance shall in any way be made invalid by the adoption of this code.

SECTION 4. Section 1.01.040 is hereby added to the code as follows:

1.01.040 – References to Ordinances.

Any reference in matters of record to any ordinance designated by number or otherwise, existing prior to the adoption of this code, shall be construed to apply to the corresponding provisions in this code. Pursuant to Government Code section 50022.8, copies of this code that have been duly certified by the county clerk shall be received without further proof as prima facie evidence of the provisions of the code in all courts and administrative tribunals of this state. San Luis Obispo County Code sections cited on signage within the county, until updated if and as required, shall be deemed to be citations to the counterpart sections in this newly recompiled and recodified San Luis Obispo County Code for purposes of notice and enforcement.

SECTION 5. Section 1.01.050 is hereby amended as follows:

1.01.050 - ~~Definitions—Construction.~~Correction of clerical, grammatical errors, or typographical errors; Authority of county clerk.

~~(a) Tenses. The present tense includes the past and future tenses, and the future, the present.~~

~~(b) Gender. The masculine gender includes the feminine and neuter.~~

~~(c) Number. The singular number includes the plural, and the plural the singular.~~

~~(d) "Across" includes along, in or upon.~~

~~(e) "Board of supervisors" or "board" means the board of supervisors of the county.~~

~~(f) "Code" means the San Luis Obispo County Code.~~

~~(g) "County" means the county of San Luis Obispo.~~

~~(h) "Ex-officio" means by virtue of office.~~

~~(i) "Goods" includes wares and merchandise.~~

~~(j) "Oath" includes affirmation.~~

~~(k) Office, board or commission. The use of the title of any officer, employee, office, commission, department or board shall mean such officer, employee, office, commission, department or board of the county.~~

~~(l) "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.~~

~~(m) "Owner" as applied to a building or land includes any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.~~

~~(n) "Person" unless it otherwise appears from the context as used, includes any person, firm, association, corporation, organization, partnership, business trust, company, public agency, school district, the state of California, and its political subdivisions and/or instrumentalities.~~

~~(o) "Sale" includes any sale, exchange, barter or offer for sale.~~

~~(p) "Shall" is mandatory, "may" is permissive.~~

~~(q) "State" means the state of California.~~

~~(r) "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in the county, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.~~

~~(s) "Tenant or occupant" as applied to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.~~

The clerk of the board of supervisors, with the concurrence of the county counsel, may cause clerical, typographical, or grammatical errors appearing in the county code, or in any ordinance amending or revising the code, to be corrected without further action by the board of supervisors; provided that no such correction shall result in any substantive change to the county code or any ordinance amending or revising that code. The clerk is hereby authorized to revise, index, reformat and republish this code and any ordinance duly adopted herein and to make and publish future editorial amendments, technical corrections, revisions, reformats and supplements that do not affect the substantive meaning of the code or ordinance.

SECTION 6: Section 1.01.060 is hereby added to the Code as follows:

1.01.060 – Severability.

It is hereby declared to be the intention of the board of supervisors that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional or without effect by any final

judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Section 7: Section 1.01.070 is hereby added to the code as follows:

1.01.070 – Repeal of previous code.

Subject to the limitations of Sections 1.01.020 and 1.01.030, the provisions of the San Luis Obispo County Code, as adopted by Ordinance 1126and last amended by Ordinance 3260, on May 20, 2014, are repealed by this Ordinance and superseded by the adoption of this newly recodified and recompiled San Luis Obispo County Code.

Section 8: Section 1.01.080 is hereby added to the code as follows:

1.01.080 -- Effective Date.

The San Luis Obispo County Code shall become effective on the date the ordinance codified in this section becomes effective.

Section 9: Section 1.01.090 is hereby added to the code as follows:

Section 1.01.090 – Definitions—Construction.

(a) Tenses. The present tense includes the past and future tenses, and the future, the present.
(b) Gender. The masculine gender includes the feminine and neuter.
(c) Number. The singular number includes the plural, and the plural the singular.
(d) “Across" includes along, in or upon.
(e) "Board of supervisors" or "board" means the board of supervisors of the county.
(f) "Code" means the San Luis Obispo County Code.
(g) "County" means the county of San Luis Obispo.
(h) "Ex-officio" means by virtue of office.
(i) "Goods" includes wares and merchandise.
(j) "Oath" includes affirmation.
(k) Office, board or commission. The use of the title of any officer, employee, office, commission, department or board shall mean such officer, employee, office, commission, department or board of the county.
(l) "Operate" or "engage in" includes carry on, keep, conduct, maintain, or cause to be kept or maintained.
(m) "Owner" as applied to a building or land includes any part owner, joint owner, tenant in common, or joint tenant of the whole or part of such building or land.
(n) "Person" unless it otherwise appears from the context as used, includes any person, firm, association, corporation, organization, partnership, business trust, company, public agency, school district, the state of California, and its political subdivisions and/or instrumentalities.
(o) "Sale" includes any sale, exchange, barter or offer for sale.
(p) "Shall" is mandatory, "may" is permissive.
(q) "State" means the state of California.

(r) "Street" includes all streets, highways, public roads, county roads, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, parkways, or other public ways in the county, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(s) "Tenant or occupant" as applied to a building or land includes any person who occupies the whole or part of such building or land, whether alone or with others.

Section 10. This ordinance shall become effective 30 days after its adoption.

Introduced at a regular meeting of the Board of Supervisors held on the 26th day of July, 2016 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on this _____ day of_____, 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____

Lynn Compton, Chairperson of the Board of Supervisors, County of San Luis Obispo State of California

ATTEST:

TOMMY GONG
County Clerk and Ex-Officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California

By: _____
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Deputy County Counsel