

TULARE COUNTY COUNSEL

County Counsel

Kathleen Bales-Lange

Chief Deputies

Gary S. de Malignon

Julia J. Roberts

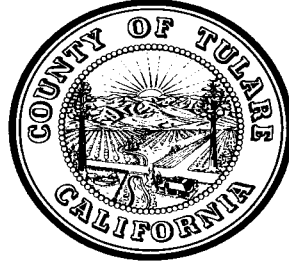
Ronald E. Rezac

John A. Rozum

County Counsel Services

Analyst

Tammy Wightman



Attorneys

| | |
|---------------------|------------------------|
| Harold W. Wood, Jr. | Julia C. Langley |
| Teresa M. Saucedo | Bryan C. Walters |
| James G. Line | Amy-Marie Costa |
| Carol L. Laird | Clinton O. Sims, II |
| Judith D. Chapman | Jonna M. Thomas |
| Crystal E. Sullivan | Konstantine A. Demiris |
| Kathleen A. Taylor | Nina F. Dong |
| Deanne H. Peterson | |

2900 W. Burrel, County Civic Center, Visalia, CA 93291
(559) 737-4319
 11200 Avenue 368, Room 102, Visalia CA 93291
(559) 713-3240

Telephone: (559) 733-6263 Fax:

Telephone: (559) 713-3230 Fax:

AGENDA ITEM

AGENDA DATE: July 18, 2006

ITEM NO. _____

**SUBMITTED BY: Kathleen Bales-Lange
County Counsel**

DATE: July 10, 2006

SUBJECT: Proposed Amendment to the Adult Oriented Business Ordinance set out in Chapter 13 of Part VI of the Ordinance Code of Tulare County

- REQUESTS:** (1) On July 18, 2006, introduce and waive the first reading of an Ordinance adding Section 6-13-1179 to Chapter 13 of Part VI of the Ordinance Code of Tulare County pertaining to provision of a hardship extension of the time for termination of a non-conforming use of an adult-oriented business under the provisions of the Ordinance Code of Tulare County requiring the licensing of Adult Oriented Businesses
- (2) On July 25, 2006, waive the second reading and adopt an Ordinance adding Section 6-13-1179 to Chapter 13 of Part VI of the Ordinance Code of Tulare County pertaining to provision of a hardship extension of the time for termination of a non-conforming use of an adult-oriented business under the provisions of the Ordinance Code of Tulare County requiring the licensing of Adult Oriented Businesses

SUMMARY: A number of communities over the years have determined that certain secondary adverse effects are associated with adult-oriented businesses, including, but not necessarily limited to: increases in sex crimes such as prostitution, pandering and indecent exposure; increases in sexually-transmitted diseases; decreases in property values for property located near such businesses; physical deterioration and blight for areas surrounding such businesses; and, a negative effect on the general quality of life for areas surrounding such businesses.

In order to address some of these secondary effects, the Board adopted as Chapter 13 of Part VI of the Ordinance Code of Tulare County a licensing ordinance that regulates the time, place and manner of such activities. It did not impose limitations or restrictions on the content of any communicative material, nor to restrict or deny access by adults to adult-oriented materials.

It has come to the attention of the Board that the amortization period established in such ordinance regulations (Section 6-13-1178 of the Ordinance Code of Tulare County) may inadvertently impose undue hardship on existing businesses. The purpose of the attached proposed ordinance is to provide a means to address any such issues by providing a process through which a property owner or operator of such business may apply for an extension of time in which to meet the conditions necessary to qualify for the required business license.

FINANCING: The official or department designated as the Licensing Agency, the Clerk of the Board will incur additional costs to process applications for the extensions of time.

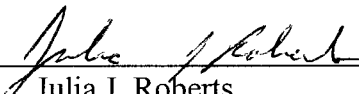
ALTERNATIVES: Modify the ordinance or adopt no ordinance.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

Tulare County Auditor-Controller/Treasurer/Tax Collector is the Licensing Agency. The Sheriff's Office, the Fire Warden's Office and the Tulare County Resource Management Agency are involved with the review of business license application.

SIGNATURE REQUIREMENTS:

KATHLEEN BALES-LANGE

By  _____
Julia J. Roberts
Chief Deputy County Counsel

For further information, please contact: Julia J. Roberts, Chief Deputy County Counsel at 733-6263.

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BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of the Waiver of Second Reading) RESOLUTION
And Adoption of an Ordinance Adding) NO.
Section 6-13-1179 To Chapter 13 of Part VI of the)
Ordinance Code of Tulare County Pertaining to the)
Provision of a Hardship Extension of the Time for)
Termination of a Nonconforming Use of an Adult)
Oriented Business under the County's Business)
Licensing Requirements for such Business)

Upon motion of Supervisor _____, seconded by Supervisor _____, the following was adopted at a regular meeting of this Board of Supervisors held on _____, 200__, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST: C. BRIAN HADDIX, COUNTY
ADMINISTRATIVE OFFICER/CLERK BOARD OF
SUPERVISORS

By: _____
Deputy Clerk

Waived the second reading and adopted an Ordinance adding Section 6-13-1179 to Chapter 13 of Part VI of the Ordinance Code of Tulare County pertaining to provision of a hardship extension of the time for termination of a non-conforming use of an adult-oriented business under the provisions of the Ordinance Code of Tulare County requiring the licensing of Adult Oriented Businesses

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