

Title 1

GENERAL PROVISIONS

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Chapter 1.04

CODE ADOPTION

Sections:

- 1.04.010 Adoption.
- 1.04.020 Title-Citation-Reference.
- 1.04.030 Codification authority.
- 1.04.040 Ordinances passed prior to adoption of this Code.
- 1.04.050 Reference applies to amendments.
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- 1.04.070 Reference to specific ordinances.
- 1.04.080 Effect of code on past acts and obligations.
- 1.04.090 Effective date of Code.
- 1.04.100 Severability.

1.04.010 Adoption. The "Sand City Municipal Code" was first adopted by Ordinance no. 88-1 of the Sand City Council acting pursuant to sections 50022.1-50022.10 of the California Government Code in 1988. (Ord. 98-03 §5, 1998; Ord. 88-1 §1, 1988)

1.04.020 Title-Citation-Reference. This code shall be known as the "Sand City Municipal Code" and it shall be sufficient to refer to said code as the "Sand City Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate

any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Sand City Municipal Code" and such references shall apply to that numbered title, chapter, and section or subsection as it appears in the code. (Ord. 88-1 §2, 1988)

1.04.030 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Sand City, California, codified pursuant to the provisions of Sections 50022.1-50022.10 of the Government Code. (Ord. 88-1 §3, 1988)

1.04.040 Ordinances passed prior to adoption of this code. The last ordinance included in this code was Ordinance 87-5 passed May 14, 1987. The following ordinances passed subsequent to Ordinance 87-5, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 87-6 and 87-7. (Ord. 88-1 §4, 1988)

1.04.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Sand City Municipal Code" or to any portion thereof, or to any ordinance of the city of Sand City, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 88-1 §5, 1988)

1.04.060 Title, chapter and sections headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 88-1 §6, 1988)

1.04.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 88-1 §7, 1988)

1.04.080 Effect of code on past acts and obligations. Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City of Sand City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date, hereof, nor be construed as a waiver of any license, fee, or penalty as said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to

any ordinance and all rights and obligations there under appertaining shall continue in full force and effect. (Ord. 88-1 §8, 1988)

1.04.090 Effective date of Code. This code shall become effective on the date the ordinance adopting this code as the "Sand City Municipal Code" shall become effective. (Ord. 88-1 §9, 1988)

1.04.100 Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. {Ord. 88-1 §10, 1988)

Chapter 1.08

GENERAL PROVISIONS

Sections:

- 1.08.010 Designation and citation.
- 1.08.020 Definitions.
- 1.08.030 Title of office.
- 1.08.040 Interpretation of language.
- 1.08.050 Grammatical interpretation.
- 1.08.060 Acts by agents.
- 1.08.070 Prohibited acts include causing and permitting.
- 1.08.080 Computation of time.
- 1.08.090 Construction.
- 1.08.100 Repeal shall not revive any ordinances.

1.08.010 Designation and citation. The provisions set out in this chapter are applicable to all ordinances of the city. (Ord. 86-7 Art. 4 (part), 1986)

1.08.020 Definitions. The following words and phrases whenever used in the ordinances of the city shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

- A. "City" and "town" each mean the city of Sand City, California, or the area within the territorial limits of the city of Sand City, California, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the city council of the city of Sand City. "All its members" or "all councilmen" means the total number of councilmen holding office.
- C. "County" means the county of Monterey.
- D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Sand City, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" means next before and after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of California.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city 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.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Ord. 86-7 Art. 4 §1.0, 1986)

1.08.030 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 86-7 Art. 4 §2.0, 1986)

1.08.040 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 86-7 Art. 4 §3.0, 1986)

1.08.050 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended.

A. Gender. Each gender includes the masculine, feminine, and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 86-7 Art. 4 §4.0, 1986)

1.08.060 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 86-7 Art. 4 §5.0, 1986)

1.08.070 Prohibited acts include causing and permitting. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include

causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 86-7 Art. 4 §6.0, 1986)

1.08.080 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 86-7 Art. 4 §7.0, 1986)

1.08.090 Construction. The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 86-7 Art. 4 §8.0, 1986)

1.08.100 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 86-7 Art. 4 §9.0, 1986)

Chapter 1.12

POSTING PLACES

Sections:

1.12.010 Posting places.

1.12.010 Posting places. The following are established as the official places for the posting of all ordinances, resolutions, notices and other documents required by law to be posted, namely:

- A. City Hall, No. 1 Sylvan Park, Sand City, California.
- B. Business Location, 1714 Contra Costa, Sand City, California.
- C. Business Location, 880 Tioga, Sand City, California. (Ord. 77-87 §1, 1977; Ord. 62-28 §1, 1962; Ord. 60-2 §1, 1960)

Chapter 1.16

GENERAL PENALTY

Sections:

- 1.16.010 Violation--Infraction.
- 1.16.020 Violation--Misdemeanor
- 1.16.030 Violation-Arrest and Citation
- 1.16.040 Declaration of Nuisance

1.16.010 Violation--Infraction.

A. Except as expressly set forth in Section 1.16.020, the violation of any provision or section of the Sand City Municipal Code, or the failing to comply with any mandatory requirement of an ordinance of the City, shall be an infraction. (Ord.06-01)

B. Any person violating any provision or section of the Sand City Municipal Code or ordinance of the City, shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision or section of the Sand City Municipal Code or ordinance of the City is committed, continued or permitted by such person, and shall be punishable accordingly. (Ord. 06-01)

C. Any person convicted of an infraction under the provisions of the Sand City municipal Code or ordinance of the City shall be punishable by: (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same provision or ordinance within one year; (3) a fine not exceeding five hundred dollars for each additional violation of the same provision or ordinance within one year. (Ord. 06-01)

1.16.020 Violation- Misdemeanor

A. Any violation which would otherwise be an infraction under section 1.16.010 may, in the discretion of the Sand City Attorney, be charged and prosecuted as a misdemeanor, if a defendant has been convicted of one or more violations of the same provision of the Sand City Municipal Code or ordinance, and such convictions are admitted by the defendant or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed a conviction of the offense charged. (Ord. 06-01).

B. Any person convicted of a misdemeanor under the provisions of the Sand City Municipal Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the county jail for a period of not more than six months. (Ord. 06-01).

1.16.030 Arrest and Citation

A. The Police Chief of the City is authorized to designate public officers or employees to exercise the powers authorized by Section 836.5 of the California Penal Code, including arrests for violations of the Sand City municipal Code pursuant to Sections 853.5 and 853.6 of the California Penal Code. (Ord. 06-0).

B. In any case in which a person is arrested pursuant to this Section 1.16.030, and that person does not demand to be taken before a magistrate, the arresting officers or employee shall prepare a written notice to appear (citation) on a form provided by the Police Chief of the City and release the person on his or her promise to appear. (Ord.06-01).

1.16.040 Declaration of Nuisance

Any condition existing in violation of the Sand City Municipal code or a City Ordinance is hereby declared to be a public nuisance.

Chapter 1.18

CIVIL ENFORCEMENT

Sections:

1.18.010 Civil Action

1.18.020 Remedies Cumulative

1.18.030 Recovery of Fees and Costs

1.18.010 Civil Action

In addition to the penalties provided for in Chapter 1.16, the city attorney may bring civil suit or other action to enforce any provision or section of the Sand City Municipal Code, enjoin or prevent any violation of the Sand City Municipal Code or abate any public nuisance as defined or declared by the Sand City Municipal Code. (Ord. 06-01).

1.18.020 Remedies Cumulative

Any remedies available to the City in a civil action are in addition to any other remedies available to the City under the Sand City Municipal, City ordinance and State or federal law, and does not replace or supplant any such other remedy but are cumulative thereto. (Ord. 06-01)

1.18.030 Recovery of Fees and Costs

In any action where the City seeks recovery of its costs and attorneys' fees, the prevailing party shall be entitled to recover from the losing party its reasonable costs including but not limited to attorneys' fees, the costs of investigation, court costs and the costs of monitoring compliance with any order or judgment entered in such an action. Upon entry of a second or subsequent civil or criminal judgment within a two-year period for abatement of a public nuisance, the court may order the property owner to pay treble the costs of abatement, except as otherwise provided by State law. (Ord.06-01).