

**ORDINANCE 2007-18**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 1 (GENERAL PROVISIONS) RELATING TO GENERAL PENALTIES**

**THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA** does ordain as follows:

**SECTION 1.** Chapter 1.16 of Title 1 of the Monrovia Municipal Code is hereby repealed, provided however, that this chapter shall not affect or excuse any violation of said chapter occurring prior to the effective date of this ordinance.

**SECTION 2.** A new Chapter 1.16 is hereby added to Title 1 of the Monrovia Municipal Code to read as follows:

**CHAPTER 1.16  
GENERAL PENALTY**

Sections:

<u>1.16.010</u>	General penalty-Continuing violations; Adjudging fines and imprisonments.
<u>1.16.020</u>	Infractions; Penalties.
<u>1.16.025</u>	Authority to enforce code; Authority to issue criminal citations and civil fines.
<u>1.16.030</u>	Citation procedure for criminal violations.
<u>1.16.040</u>	Violation of promise to appear.
<u>1.16.050</u>	Procedure for release from custody.
<u>1.16.060</u>	Declaration of nuisance.
<u>1.16.070</u>	Aiding and Abetting.

**§ 1.16.010 GENERAL PENALTY- CONTINUING VIOLATIONS; ADJUDGING FINES AND IMPRISONMENTS.**

No person shall violate any provision, or fail to comply with any requirement of this code. Any person who violates or fails to comply with any provision or requirement of this code, or a condition of any approval, license or permit issued pursuant to this code, shall be guilty of a misdemeanor, unless such a violation or failure is designated as an infraction or it is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction. Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine not exceeding \$1,000, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this code, or of a condition of any approval, license or permit issued pursuant to this code, is committed, continued, maintained or permitted by such person and shall be punishable accordingly.

**§ 1.16.020 INFRACTIONS; PENALTIES.**

(A) Whenever in this code any act is prohibited or is made or declared to be unlawful, or the failure to perform any act is declared to be unlawful, and the violation of any such provision of this code is expressly made or charged as an infraction, such infraction shall be punishable by a fine not exceeding \$100 for a first violation, a fine not exceeding \$200 for a second violation of the same provision within one year, and a fine not exceeding \$500 for each additional violation of the same provision within one year.

(B) Notwithstanding any other provision of this code, when a person under the age of 18 years is charged with a violation of this code, and a peace officer issues a notice to appear in superior court to that minor, the charge shall be deemed an infraction unless the minor requests that a petition be filed under Cal. Welfare and Institutions Code §§ 601 or 602. The amount of the fine imposed shall be set by the court.

**§ 1.16.025 AUTHORITY TO ENFORCE CODE; AUTHORITY TO ISSUE CRIMINAL CITATIONS AND CIVIL FINES.**

A. Those officers and employees in the divisions of the Community Development Department, as well as those officers and employees in the Public Works and Utilities, Community Services, Fire and Police Departments, and such other persons as determined and designated from time to time by the city manager, shall have the power, authority, and immunity, as set forth in section 836.5 of the California Penal Code, to issue citations and make arrests without a warrant whenever such officers or employees have reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor violation of an ordinance of the city or state statute which such officers or employees have the duty to enforce, and the violation has been committed in the presence of such officers or employees.

B. The City Manager, in consultation with the Police Chief, shall establish and cause to be administered a training program designed to instruct each officer and employee in the proper exercise of their criminal citation authority.

C. The officers and employees identified in subsection A of this section shall have the concurrent authority to issue civil fines under Chapter 1.17, as well as any other persons designated to do so by the city manager. Persons with such concurrent authority are defined in Chapter 1.17 as "Enforcement Officers" or "Officers."

**§ 1.16.030 CITATION PROCEDURE FOR CRIMINAL VIOLATIONS.**

If any person is arrested for a violation of a section of this code and such person does not demand to be taken before a magistrate as provided in the Cal. Penal Code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. The place specified in the notice to appear shall be before a Judge of the Superior Court that is designated to receive such citations. Unless waived by the person, the time specified in the notice to appear shall be at least ten days after such arrest.

**§ 1.16.040 VIOLATION OF PROMISE TO APPEAR.**

Any person willfully violating his or her written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested.

**§ 1.16.050 PROCEDURE FOR RELEASE FROM CUSTODY.**

The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person, in order to secure release, must give his or her written promise so to appear in court by signing the duplicate notice, which shall be retained by the officer; thereupon, the arresting officer shall forthwith release the person arrested from custody.

**§ 1.16.060 DECLARATION OF NUISANCE.**

In addition to the penalties provided in this chapter, any condition or activity committed, caused, continued, maintained or permitted to exist in violation of any of the provisions of this code, or of any condition of any approval, license or permit issued pursuant to this code, shall be deemed a public nuisance and may be abated by the city as such in any manner authorized by law.

**§ 1.16.070 AIDING AND ABETTING.**

Whenever any act or omission is prohibited by any provision of this code, such prohibition shall be deemed also to prohibit the causing, permitting, aiding, abetting, suffering, or concealing of such act or omission, and any person who shall cause, permit, aid, abet, suffer or conceal such act or omission shall be guilty of a violation of this code and shall be punishable in accordance with the punishment prescribed for such act or omission.

**SECTION 3.** Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4.** The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

**INTRODUCED** this 20<sup>th</sup> day of November 2007. **PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of December 2007 by the following vote: **AYES:**  
Councilmembers Adams, Garcia, Lutz, Mayor Pro Tem Kirby, Mayor Hammond

/s/ Linda B. Proctor, MMC, City Clerk  
Publish December 10, 2007