

1. GENERAL PROVISIONS

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Chapter 1.01 CODE ADOPTION

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1.01.010 Adoption.

There is hereby adopted the “Amador City Municipal Code” as compiled, edited and published by Matthew Bender & Company, Inc. (Ord. 152§ 1,2003)

1.01.020 Title—Citation—Reference.

This code shall be known as the “Amador City Municipal Code” and it shall be sufficient to refer to said code as the “Amador 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 “Amador City Municipal Code.” References may be made to the titles, chapters, sections and subsections of the “Amador City Municipal Code” and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 152 § 2, 2003)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the “Amador City Municipal Code” or to any portion thereof, or to any ordinance of the city codified herein, the reference shall apply to all amendment, corrections and additions heretofore, now or hereafter made. (Ord. 152 § 3,2003)

1.01.040 Title, chapter and section 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. 152 § 4,2003)

1.01.050 Ordinances passed prior to adoption of the code.

The last ordinance included in this code is Ordinance 149, passed June 20, 2002. The following ordinances, passed subsequent to Ordinance 149, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance 150—Establish compensation for clerk and treasurer. (Ord. 152 § 5, 2003)

1.01.060 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 152 §6, 2003)

1.01.070 Constitutionality.

If any section, subsection, 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. (Ord. 152 § 6, 2003)

Chapter 1.04

GENERAL PROVISIONS

Chapter 1.08

ELECTIONS

Sections:

1.08.010 Consolidation with statewide election.

1.08.010 Consolidation with statewide election.

A. The general municipal election is called and ordered to be consolidated with the statewide general election in November of all even-numbered years; and the election shall be held and conducted, the votes canvassed, the returns thereof made, and, in all particulars the election shall be conducted as all other city elections; and that as a result of the change in the date of this election, the elected city office holders' terms in office will be extended and that no terms will be decreased.

B. The city clerk is directed to mail a notice to all registered voters in the city informing them of the change of the election date and consolidation thereof with the statewide general election and notifying them that the general municipal election will held in the city on the date of the statewide general election in November of even-numbered years, and that elected city office holders' terms in office will be changed in accord with the provisions of the general laws of the state and the election shall be held the same in all respects as all other general municipal elections. (Ord. 68 §§ 1, 2, 1986)

Chapter 1.12
CODE ENFORCEMENT

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- 1.12.100 Misdemeanors—Infractions—Fines.**
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- 1.12.120 Follow-up inspections.**
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1.12.010 Establishment of division.

There is established a code enforcement division. (Ord. 137 § 1.01, 2000)

1.12.020 Definitions.

For purposes of this chapter the following words and phrases shall have these meanings:

“Affected department” means the city’s building, public works, planning, and/or environmental health departments or those departments’ officers.

“City council” means the city council of the city of Amador City, California which has the responsibility to administer or enforce the applicable provisions of the state law or this code.

“Code enforcement officer” means any party or employee with code enforcement duties assigned to the code enforcement division by contractual agreement or otherwise.

“Person” means an individual, entity, association, corporation or partnership.

“Premises” means any parcel or parcels of real property, and/or any buildings, structures or other improvements situated thereon where any violation is alleged to have occurred. The premises may include public property to which a violator has access.

“Violation” means any person’s erecting, constructing, grading, enlarging, altering, repairing, moving, improving,

converting, possessing, demolishing, equipping, using, occupying or maintaining any building, structure, or premises in the incorporated area of Amador City, or causing or permitting the same to be done, contrary to or in violation of any of the provisions of state law or other city ordinances. A violation shall be deemed a separate offense for each day the violation is committed, continued, or permitted. Any such violation is declared to be a public nuisance.

“Violator” means any person who has committed or is alleged to have committed a violation of any of the provisions of state law or this code. (Ord. 137 § 1.02, 2000)

1.12.030 Duties of code enforcement officer.

The code enforcement officer shall be responsible for the contact and code compliance by persons for whom reasonable cause exists that they have committed a code violation within the jurisdiction of the city of Amador City. (Ord. 137 § 1.03, 2000)

1.12.040 Initial warning.

When an affected department has reasonable cause to believe a violation has occurred, and the city has advised the responsible party of the violation and the party has failed to rectify the violation, the matter may be submitted to the code enforcement officer. In this instance the code enforcement officer shall issue a written warning giving a suspected violator a reasonable time to eliminate the violation, within which time the alleged violator may meet and confer with the code enforcement officer. In the event of noncompliance with the first warning, the code enforcement officer may issue further warnings to the violator or take such further action as set forth herein. (Ord. 137§ 1.04, 2000)

1.12.050 Content of warning.

Any warning given to an alleged violator shall expressly state:

A. The state law or code section of which the violator is in violation;

B. The specific action which the violator must take to eliminate the violation;

C. That unless such violation is eliminated within a certain time, or a schedule of compliance has been agreed to with the code enforcement officer, the city may take any action against the violator authorized by law;

D. The name and phone number of the code enforcement officer from whom information may be obtained;

E. The warning may be served on a violator by certified mail (return receipt requested), first class mail, or personal service;

F. If the violator maintains that the violation has been eliminated, the code enforcement officer issuing the warning shall inspect the property to determine whether the violation has been eliminated or continues.

No warning need be given and the code enforcement officer may immediately take other action upon the judgment of the code enforcement officer when there is reasonable cause to believe that the violation constitutes an immediate threat to the health and safety of any person including that of the alleged violator or to any real property.

Each code enforcement officer is authorized to issue citations for violations and to take all other lawful measures to eliminate the violation. (Ord. 137 § 1.06, 2000)

1.12.060 Authority of code enforcement officers.

Upon receipt of any violation referred to the code enforcement division by an affected department, the code enforcement officer shall evaluate the case, and determine, in conjunction with the city attorney or district attorney when appropriate, the proper means of eliminating the violation. This may include, without limitation:

A. Taking administrative action including the recording of a notice of violation (Section 1.12.070);

B. Commencing an administrative abatement proceeding (Section 1.12.080);

C. Filing and prosecuting a criminal case or issuing a citation (Section 1.12.100); and

D. Requesting that the city council authorize the filing of civil litigation to enjoin or abate the violation; or

E. Any combination of administrative action, citation, criminal prosecution, and/or civil litigation.

After the code enforcement officer has accepted the case, the code enforcement officer shall have the responsibility to enforce the provisions of the state law or any ordinance which have been violated. (Ord. 137 § 1.07, 2000)

1.12.070 Recording of notices of violations.

The code enforcement officer shall provide notice of his or her intent to record a notice of violation (“notice of intent”) to all owners and possessors of the premises

as the owners/possessors are shown on the most recent assessment roll. The notice of intent shall be given by posting a copy of the notice of intent in a conspicuous place on the premises and by mailing by first class mail a copy thereof to the owners at the address shown on the assessment roll and to the possessors at the premises.

A. Such notice of intent shall state that the code enforcement officer intends to record a notice of violation in the office of the county recorder sixty (60) days from the date of the notice of intent and that the owner and possessor each has the right to a hearing before the city council on the issue of whether or not a violation exists. A request for such hearing must be made in writing by the owner or possessor and delivered to the code enforcement officer within fifteen (15) days from the date of the notice of intent;

B. The hearing by the city council need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The city council may act only on the basis of evidence introduced at the hearing. A full and fair hearing shall be accorded the charge. There shall be reasonable opportunity for the presentation of evidence, the cross-examination of all witnesses, argument, and rebuttal;

C. In the event a hearing is not requested within the time specified, or if after a hearing a determination is made by the city council that one or more violations exist on the property and that such violations have not been corrected, the code enforcement officer may record a notice of violation which:

1. Contains a description of the premises, and
2. States with particularity the violations found to exist on the premises.

E. If the violation has been corrected satisfactorily to the affected department, the code enforcement officer shall issue a notice of expungement of the violation to the owner/possessor and record such expungement at the owner’s expense. (Ord. 137 § 1.08,2000)

1.12.080 Administrative abatement of violation.

Pursuant to Government Code Sections 39501, 39562 the city council establishes a procedure for the administrative abatement of violations. (Ord. 137 § 1.09, 2000)

1.12.090 Administrative abatement of violations.

Whenever the code enforcement officer has knowledge of a violation he/she may provide a Notice of Proposed Abatement to all owners and/or possessors of the premises in the manner set forth in Section 1.12.070(A) and (B).

A. Such notice of proposed abatement shall state that the code enforcement officer intends to abate the violation at the owner's expense sixty (60) days from the date of the notice and that the owner and possessor each has the right to a prior hearing before the city council on the issue of whether or not a violation exists on the premises. A request for such hearing must be made in writing by the owner or possessor and delivered to the code enforcement officer within fifteen (15) days from the date of notice of proposed abatement;

B. The hearing shall be conducted in the manner set forth in Section 1.12.070(B); and in the event a hearing is not requested within the time specified, or if after a hearing a de termination is made by the hearing board that one or more violations exist on the property and that such violations have not been corrected, the code enforcement officer shall formalize the determination into a final abatement order;

C. The city council shall give notice thereof to the owner and possessor and proceed to abate the violation at the owner's expense;

D. If the owner fails to obey the abatement order, the city council may abate the violation using city workers or by contract all at the expense of the owner;

E. The owner shall be liable for all costs of abatement incurred by the city including but not limited to administrative and investi-gative costs and any and all costs incurred in the physical abatement of the violation;

F. In any action, proceeding, or adminis-trative proceeding to abate a violation the city or the alleged violator, whoever is the prevailing party, shall be entitled to the amount of reasonable attorney's fees actually incurred in the action or proceeding;

G. If the owner fails to pay the costs of the abatement upon demand by the city, the city council may order the costs of the assessment to be specially assessed against the premises. The assessment may be collected at the same time and in the same manner as ordinary city property taxes are collected, and shall be subject to the same penalties and the same proce-dure and sale in case of delinquency as are provided for ordinary city taxes. All laws applicable to the levy, collection, and enforcement of city taxes are

applicable to the special assessment; and

H. If the city council specifically assesses the cost of abatement against the premises, the council may cause a notice of abatement lien to be recorded. This notice of abatement lien shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the violation was ordered by the city council and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost. (Ord. 137 § 1.10, 2000)

1.12.100 Misdemeanors— Infractions—Fines.

The district attorney may charge any violator with a misdemeanor when the pertinent ordinance so states. Whenever any city ordinance provides that an act is a misdemeanor the violation of such ordinance may be charged as an infraction punishable by imposition of the following fines:

A. Upon a first conviction, a fine of one hundred dollars (\$100.00);

B. Upon a second conviction of violating the same chapter of this code within a twelve (12) month period, a fine of two hundred dollars (\$200.00);

C. Upon a third or subsequent conviction of violating the same chapter of this code within a twelve (12) month period, a fine of five hundred dollars (\$500.00). (Ord. 137 §1.11,2000)

1.12.110 Money judgments.

Any judgment of conviction which imposes a fine shall become a money judgment as provided by Penal Code Section 1214. It shall be the responsibility of the code enforcement officer to determine if the fine imposed has been paid. In any case where any installment of the fine remains unpaid for more than thirty (30) days after the due date, the code enforcement officer may record an abstract of the judgment in the office of the County Recorder as provided by Code of Civil Procedure Sections 674 and 697.310. Upon notice of full payment of such a judgment, the code enforcement officer shall file and serve an acknowledgment of satisfaction of judgment as provided by Code of Civil Procedure Sections 724.030 and 724.040. (Ord. 137 § 1.12, 2000)

1.12.120 Follow-up inspections.

Following the conviction of any violator, the code enforcement officer shall make such follow-up inspections as are necessary to determine that the violation has been abated and may take such additional actions as are necessary to gain compliance with this code. (Ord. 137 § 1.13,2000)

1.12.130 Remedies cumulative.

Nothing in this chapter shall prevent the city from pursuing any civil, criminal, or administrative remedy deemed necessary or appropriate to gain compliance with state law and this code. The provisions of this chapter are supplementary and complementary to other provisions of this code and state law and nothing herein shall be construed so as to bar or limit the city from seeking any remedy to which it may otherwise be entitled. (Ord. 137 § 1.14,2000)

Chapter 1.16

GENERAL PENALTY

(Reserved)