

Title 1

GENERAL PROVISIONS

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Chapter 1-01**CODE ADOPTION****Sections:**

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1-01.010 Adoption.

There is adopted the "City of Laguna Hills Municipal Code," as compiled, edited, and published by Book Publishing Company, Seattle, Washington. (Ord. 99-1 § 1)

1-01.020 Title—Citation—Reference.

This code shall be known as the "City of Laguna Hills Municipal Code," and it shall be sufficient to refer to said code as the "City of Laguna Hills Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion of this code as an addition to, amendment to, correction, or repeal of the "City of Laguna Hills Municipal Code." References may be made to the titles, chapters, sections, and subsections of the "City of Laguna Hills Municipal Code," and such references shall apply to those titles, chapters, sections, or subsections as they appear in the code. The "City of Laguna Hills Municipal Code" may also be referred to as "Laguna Hills Municipal Code" or "LHMC." (Ord. 99-1 § 2)

1-01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "City of Laguna Hills Municipal Code" or to any portion thereof, or to any ordinance of the city of Laguna Hills, California, codified herein, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made. (Ord. 99-1 § 3)

1-01.040 Title, chapter, and section headings.

Title, chapter, and section headings contained in this code 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 in this code. (Ord. 99-1 § 4)

1-01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are 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. 99-1 § 5)

1-01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 98-7, passed July 28, 1998. The following ordinances, passed subsequent to Ordinance No. 98-7, but prior to adoption of this code, are adopted and made a part of this code:

Ordinance No. 98-8, passed October 13, 1998.
 (Ord. 99-1 § 6)

1-01.070 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. 99-1 § 7)

1-01.080 Constitutionality.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance 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 remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional. (Ord. 99-1 § 8)

1-01.090

1-01.090 References to prior code.

References in city forms, documents, and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code. (Ord. 99-1 § 9)

Chapter 1-04

GENERAL PROVISIONS

Sections:

1-04.010	Definitions.
1-04.020	Territorial limitation.
1-04.030	Local signification.
1-04.040	Gender, number, and tense.
1-04.050	Effect of headings.
1-04.060	Meaning of "section" and "subsection."
1-04.070	Acts by deputies.
1-04.080	English language.
1-04.090	References to ordinances— Application to amendments.
1-04.100	Statute of limitations.

1-04.010 Definitions.

As used in this code, unless a different meaning is apparent from the context or is specified elsewhere in the code, the definitions set forth below shall govern the construction of this code:

"Calendar year" means from January 1st to December 31st, inclusive, of any given year.

"City" means the city of Laguna Hills.

"City manager" means the appointed official of the city who occupies the position of chief administrative officer of the city.

"Council" means the city council of the city of Laguna Hills.

"Council member" means a person duly elected to the council.

"County" means the county of Orange.

"Fiscal year" means from July 1st of any given year to June 30th, inclusive, of the following year.

"Goods" means and include wares and merchandise.

"May" is permissive.

"Month" means a calendar month, unless otherwise specifically expressed.

"Oath" includes affirmation.

"Official time standard," wherever named in this code, means standard time or daylight saving time as may be in current use in the city.

"Operate" means and includes carrying on, keeping, conducting, or maintaining.

"Owner" includes any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of a building or parcel of land.

"Person" includes any person, firm, company, corporation, partnership, association, public corporation, any other entity, a city (except the city of Laguna Hills), the

county of Orange, any district in the county of Orange, the state of California, or the United States of America, or any department, agency, or political subdivision of the above, unless this code expressly provides otherwise.

"Personal property" includes money, goods, chattels, things in action, and evidences of debts.

"Police" means the agency which performs the appropriate law enforcement function for the city. "Police Chief," "Chief of Police," or "Chief of Police Services," means the head of the agency or division which at the time involved has responsibility for performing the police function for, or within, the city.

"Property" includes real and personal property.

"Quarterly," where used to designate a period of time, means the first three calendar months of any given year or succeeding period of three calendar months.

"Real property" includes land, tenements, and hereditament.

"Sale" includes any sale, exchange, barter, or offer for sale.

"Shall" is mandatory.

"State" means the state of California.

"Street" includes all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated by any law of the state.

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

"Writing" includes any form of recorded message capable of comprehension by ordinary visual means.

Words and phrases not defined in this code shall be construed according to the generally approved usage of the language, or, when appropriate, by reference to definitions contained in state or federal law. (Prior code § 1-01.130)

1-04.020 Territorial limitation.

This code shall govern only the omission or commission of acts within the territorial limits of the city of Laguna Hills and that territory outside of the city over which the city has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property. (Prior code § 1-01.040)

1-04.030 Local signification.

Unless the context clearly indicates a different intent, all references in this code to places, acts, persons, or things and all else in relation to this code shall be construed to mean that the same are applicable to this city,

whether the city is mentioned in each particular section or not. (Prior code § 1-01.050)

1-04.040 Gender, number, and tense.

Unless the context expressly indicates otherwise, the masculine gender shall include the feminine and neuter genders, and vice versa. The singular number shall include the plural, and the plural number shall include the singular. The present tense shall include the past and future tense, and the future tense shall include the present tense. (Prior code § 1-01.060)

1-04.050 Effect of headings.

The title, chapter, and section headings contained in this code 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 of this code. (Prior code § 1-01.070)

1-04.060 Meaning of “section” and “subsection.”

“Section” means a section of this code, unless some other source is specifically set forth. “Subsection” means a subsection of the section in which the term occurs, unless some other section is expressly set forth. (Prior code § 1-01.080)

1-04.070 Acts by deputies.

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise. (Prior code § 1-01.090)

1-04.080 English language.

Whenever any notice, report, statement, or record is required or authorized by this code, such notice, report, statement, or record shall be made in writing in the English language, unless otherwise required by law. (Prior code § 1-01.100)

**1-04.090 References to ordinances—
Application to amendments.**

Whenever any reference in this code is made to an ordinance, the reference shall apply to such ordinance of the city, unless this code expressly provides otherwise. Whenever any reference is made to any portion of this code or to any ordinances of this city, the reference shall apply to all amendments and additions thereto. (Prior code § 1-01.110)

1-04.100 Statute of limitations.

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation. (Prior code § 1-01.120)

Chapter 1-08

COUNTY CODE PROVISIONS

Sections:

- 1-08.010 Adopted.**
- 1-08.020 Amended.**

1-08.010 Adopted.*

Pursuant to the provisions of California Government Code Section 57376, only those sections of the Codified Ordinances of the County of Orange as set forth on Exhibit A to the ordinance codified in this section and on file in the office of the City Clerk, and those accompanying resolutions necessary to carry out such ordinances, in effect as of December 20, 1991, which ordinances set out the reasonable cost of services to be provided are adopted as ordinances of the city of Laguna Hills. The aforementioned sections of the Codified Ordinances of the County of Orange as set forth on Exhibit A shall remain in full force and effect as city ordinances until the City Council enacts ordinances superseding them. (Ord. 98-7 § 1; Ord. 92-11 § 2; Ord. 92-6 § 1)

***Editor's Note:** For current disposition of adopted Orange County Code sections, see the cross-reference table to adopted sections of the Orange County Code, behind the tables tab in the back of this code.

1-08.020 Amended.

The following amendments are made to the Orange County Code and ordinances referenced herein:

- A. Whenever "Board of Supervisors" or "Board" is used in the code or ordinances, it shall mean the Laguna Hills City Council.
- B. Whenever "Chief Administrative Officer" is used in the code or ordinances, it shall mean the Laguna Hills City Manager.
- C. Whenever "Clerk of the Board" is used in the code or ordinances, it shall mean the Laguna Hills City Clerk.
- D. Whenever "County" or "County of Orange" is used in the code or ordinances, it means the jurisdictional limits of the city of Laguna Hills unless a different geographical or jurisdictional area is clearly indicated by the context.
- E. Whenever "Director of the Environmental Management Agency" is used in the code or ordinances, it shall mean the City Manager of the city of Laguna Hills or his or her designee.
- F. Whenever "Road Commissioner" or "Commissioner" is used in the code or ordinances, it shall mean the City Engineer of the city of Laguna Hills.

G. Whenever "unincorporated territory of the county of Orange" is used, it means the city of Laguna Hills unless a different geographical area is clearly indicated by the context.

(Ord. 92-6 § 2)

Chapter 1-12

CITY SEAL

Sections:

1-12.010 Adoption.

1-12.010 Adoption.

The corporate seal for the city is adopted and approved. The seal shall contain the name of the city and date of incorporation and shall appear substantially as follows:



(Prior code § 1-04.010)

Chapter 1-16

OFFICIAL NOTICES

Sections:

- 1-16.010 Service.**
- 1-16.020 Proof.**

1-16.010 Service.

Whenever a notice is required to be given, or may be given, under any provision of this code or any provision of any code adopted by reference by this code or any provision of any ordinance or resolution of the city not included within this code, such notice may be given as herein provided. Unless different or special provisions are otherwise specifically made in this code or in some other applicable enactment, any such notice may be given by personal delivery thereof to the persons to be notified, or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at the person's last known residence or business address as the same appears in the public records or other records pertaining to the matters to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office or in the official receptacle thereof. (Prior code § 1-01.190)

1-16.020 Proof.

Proof of giving any notice may be made by the certificate of any officer or employee of this city or by the affidavit or declaration under penalty of perjury of any person over the age of eighteen (18) years, which shows service in conformity with this code or other provision of law applicable to the subject matter concerned. (Prior code § 1-01.200)

Chapter 1-20

REVIEW OF ADMINISTRATIVE DECISIONS

Sections:

- 1-20.010 **Definitions—Time for filing
petition—Records request.**
- 1-20.020 **City action—Effect of error.**

**1-20.010 Definitions—Time for filing
petition—Records request.**

A. As used in this chapter, the following terms shall have meanings as set forth below:

1. "Decision" means a decision subject to review pursuant to Section 1094.5 of the Code of Civil Procedure, suspending, demoting, or dismissing an officer or employee; approving, conditionally approving, revoking or denying an application for a permit, license, or other entitlement; or denying an application for any retirement benefit or allowance.
- B. The ninety (90) day statute of limitations set forth in California Code of Civil Procedure Section 1094.6(b) is adopted for actions required to be brought pursuant to Code of Civil Procedure Section 1094.5.
- C. Where there is no provision for reconsideration of the decision in any applicable provision of any statute, charter, or rule, for the purposes of this section the decision is final on the date it is made. Where there is a specific provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided that, if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date that action is taken on the request for reconsideration. In making a final decision, the city shall provide notice to the party that the time within which judicial review must be sought is governed by this section.
- D. The provisions of this section comply with requirements established by Section 1094.6 of the Code of Civil Procedure and prevails over any conflicting provision in any otherwise applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations, in which case the shorter statute of limitations shall apply.

(Prior code § 2-20.010)

1-20.020 City action—Effect of error.

- A. No action, inaction, or recommendation by the city of Laguna Hills, or its City Council, or any board or commission, or any of its administrative agencies or officials, on any matter shall be held invalid or set aside by any court of competent jurisdiction on the ground of improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission (hereafter, "error") as to any matter pertaining to applications, notices, findings, records, hearings, reports, recommendations, appeals, or any matters of procedures, unless the court finds that the error was prejudicial and that the party complaining or appealing suffered substantial injury from that error and that a different result would have been probable if the error had not occurred. There shall be no presumption that error is prejudicial or that injury was done if the error is shown.
- B. This section satisfies and complies with the requirements of Section 65010 of the Government Code of the state of California.

(Prior code § 2-20.020)

Chapter 1-24

ELECTIONS

Sections:

1-24.010 Municipal elections consolidation.

1-24.010 Municipal elections consolidation.

Pursuant to Section 36503.5 of the California Government Code, general municipal elections, which would otherwise be held on the second Tuesday in April of even-numbered years, shall be consolidated with state-wide general elections held on the first Tuesday after the first Monday in November of each even-numbered year. (Prior code § 2-05.010)

Chapter 1-28**Article II. Jail Booking Fees****ARREST AND CITATION PROCEDURE****Sections:****Article I. Citations in Lieu of Immediate Arraignment**

- 1-28.010** Notice to appear in lieu of arrest.
1-28.020 Issuance of citations by designated officers and employees.

Article. II. Jail Booking Fees

- 1-28.030** Declaration of purpose.
1-28.040 Jail booking fees.

Article I. Citations in Lieu of Immediate Arraignment**1-28.010** Notice to appear in lieu of arrest.

In any case in which a person is arrested for a violation of any provision of this code and does not demand to be taken before a magistrate, such person may, in lieu of being taken before a magistrate, be issued a written notice to appear in court and then may be released, pursuant to and in accordance with the procedures prescribed by the California Penal Code. (Prior code § 1-08.010)

1-28.020 Issuance of citations by designated officers and employees.

Officers and employees of the city who have the discretionary duty to enforce a statute or ordinance, and who have received appropriate training, may arrest a person without a warrant whenever any such officer or employee has reasonable cause to believe that the person to be arrested has committed an offense in the officer's or employee's presence which he or she has the discretionary duty to enforce, and to issue a notice to appear, and to release such person on his or her written promise to appear in court, pursuant to Section 853.6 of the Penal Code. No officer or employee shall be allowed by his or her superior to exercise the arrest and citation authority conferred in this section unless such officer or employee is within a classification of city officers and employees designated by resolution of the City Council to exercise such arrest and citation authority as to specified violations. Any such officer or employee shall be appropriately instructed to deposit executed citations or notice with the police department for filing with the court, after review for legal sufficiency. (Prior code § 1-08.020)

1-28.030 Declaration of purpose.

The purpose of this article is to implement Government Code Section 29550.1, and allow the city to recover a criminal justice administration fee from persons arrested and convicted, when the arrest was made by a city agent in the city. (Prior code § 6-02.005)

1-28.040 Jail booking fees.

Any person convicted of any criminal offense that involved an arrest in the city by an officer or agent of the city, and booked at the county jail, shall pay to the city any criminal justice administration fee imposed by the county. (Prior code § 6-02.010)

Chapter 1-32

GENERAL PENALTY

Sections:

- 1-32.010** **Violation of municipal code—
Misdemeanor.**
- 1-32.020** **Aiding and abetting.**
- 1-32.030** **Punishments.**
- 1-32.040** **Violations—Public nuisances.**
- 1-32.050** **Nuisances—Recovery of
abatement expenses.**

1-32.010 **Violation of municipal code—
Misdemeanor.**

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code or any provision of any ordinance of the city not included within this code. Any person violating any such provisions or failing to comply with any of the mandatory requirements of such provisions shall be guilty of a misdemeanor, unless such violation is specifically designated as constituting an infraction. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code, or any provision of any code adopted by reference by this code, or of any other city ordinance, is committed, continued, or permitted by such person, and may be punished accordingly. (Prior code § 1-01.140)

1-32.020 **Aiding and abetting.**

Whenever any act or omission is made unlawful by this code, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Prior code § 1-01.150)

1-32.030 **Punishments.**

- A. Any conviction of a misdemeanor under the provisions of this code shall be punishable in accordance with state law.
- B. Any conviction of an infraction under the provisions of this code shall be punishable in accordance with state law.
- C. Any provision or requirement of this code, or of any code adopted by reference by this code, or of any ordinance of the city not included within this code, the violation of which or the failure to comply with which is designated as an infraction, may, at the discretion of the prosecuting attorney, be prosecuted as a misdemeanor upon a third or subsequent violation

of the same provision by the same individual within a period of one year.

- D. Any provision or requirement of this code, or of any code adopted by reference by this code, or of any ordinance of the city not included within this code, the violation of which or the failure to comply with which is declared to be a misdemeanor, may, at the discretion of the prosecuting attorney, be prosecuted as an infraction.
(Prior code § 1-01.160)

1-32.040 **Violations—Public nuisances.**

In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code, or any code adopted by reference by this code, or any ordinance of the city not included within this code, or any such threatened violation, is deemed a public nuisance and may be summarily abated by the city or abated by the City Attorney in a civil action. (Prior code § 1-01.170)

1-32.050 **Nuisances—Recovery of abatement
expenses.**

- A. Whenever any person creating, causing, committing, or maintaining a public nuisance, as referred to in Section 1-32.040 of this chapter, or other public nuisance, as defined under state law or other applicable ordinances or regulations, has been given notice, by or on behalf of the City Attorney or by any other city officer, employee, or policing agent authorized to give such notice, to abate such nuisance or cease and desist from continuing such nuisance or violation of law, and such person fails, refuses, or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonably sufficient to enable such compliance, such noncomplying person shall be liable to the city for any and all costs and expenses to the city involved in thereafter abating the nuisance and in obtaining compliance with or enforcing the law as referred to or encompassed within the notice.
- B. Costs and expenses, as referred to in subsection A of this section, may include, but are not limited to, any and all direct costs and expenses related to such things as personnel salaries and benefits, operational overhead, rent, interest, fees for experts or consultants, legal costs and expenses, including attorneys' fees, claims against the city arising as a consequence of the nuisance or violation, and procedures associated with collecting moneys due hereunder.
- C. The liability of any person for the payment of the costs and expenses provided for in this section may

be waived in whole or in part by the City Attorney in any case wherein he or she determines, in his or her sole discretion, that the failure or refusal of such persons to comply with the notice was based upon a good faith and bona fide issue of law or fact specifically involved in the circumstances of the case. Any determination or decision of the City Attorney in this regard shall be final and conclusive and shall not be subject to appeal.

- D. Money due to the city pursuant to this section may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Sections 39574 et seq. of the California Government Code relating to weed abatement assessments.

(Prior code § 1-01.180)

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