

Title 1
GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
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Publisher's Note

Please refer to Title 4 of this code for provisions pertaining to code enforcement.

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Chapter 1.01

CODE ADOPTION*

* For statutory provisions relating to the adoption of codes by reference, see Gov. Code §§ 50022.1 – 50022.10. For charter provision relating to codification, see Charter § 618.

Sections:

- 1.01.010 Adoption of Municipal Code of the City of Santa Cruz – 1995 Edition.
- 1.01.020 Repeals.
- 1.01.030 Supplements to Santa Cruz Municipal Code – 1995 Edition.
- 1.01.035 Authority for Code Publishing Company’s services.
- 1.01.040 Violations and punishment.
- 1.01.050 Charter.
- 1.01.060 Tables of contents and index.
- 1.01.070 Headings.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Severability.
- 1.01.100 Effective date.

1.01.010 ADOPTION OF MUNICIPAL CODE OF THE CITY OF SANTA CRUZ – 1995 EDITION.

Pursuant to the provisions of Sections 50022.1 through 50022.10 of the Government Code of the State of California, as modified by Section 618 of the Charter of the City of Santa Cruz, there is hereby adopted the “Municipal Code of the City of Santa Cruz – 1995 Edition” (hereinafter called “Santa Cruz Municipal Code – 1995 Edition”) as published by Pro-Code of Seattle, Washington.

The following ordinances and laws, and all amendments thereto, are hereby codified in the Santa Cruz Municipal Code – 1995 Edition: Santa Cruz Municipal Code – 1969 Edition.

From and after the effective date of the ordinance codified in this chapter, the Santa Cruz Municipal Code – 1995 Edition and aforesaid

ordinances shall constitute the penal, regulatory and administrative ordinances of the city of Santa Cruz.

(Ord. 2010-24 § 1, 2010; Ord. 95-18 § 1, 1995).

1.01.020 REPEALS.

Upon the effective date of the ordinance codified in this chapter, the following ordinances and laws and all amendments thereto shall be repealed hereby: Santa Cruz Municipal Code – 1969 Edition.

(Ord. 95-18 § 2, 1995).

1.01.030 SUPPLEMENTS TO SANTA CRUZ MUNICIPAL CODE – 1995 EDITION.

Nothing contained in the ordinance codified in this chapter is intended to affect the validity of Ordinance Nos. 94-44 through 94-63, 95-01 through 95-15 and 95-17, and following, which ordinances the city clerk is hereby directed to cause to be incorporated in the Santa Cruz Municipal Code – 1995 Edition. Upon the adoption of any amendment or addition to this code, or upon the repeal of any of its provisions, the city clerk shall certify thereto. Duly certified copies of every ordinance making changes in such code shall be filed in the office of the city clerk in books for such purpose, duly indexed for ready reference. The city clerk is directed to incorporate in regular supplements to the Santa Cruz Municipal Code – 1995 Edition all amendments, additions or deletions adopted by the city council.

(Ord. 95-18 § 3, 1995).

1.01.035 AUTHORITY FOR CODE PUBLISHING COMPANY’S SERVICES.

Pursuant to Sections 50022.1 through 50022.8 and 50022.10 of the Government Code of the State of California, Code Publishing Company, of Seattle, Washington, is hereby authorized to revise, index, reformat and republish such as this code of ordinances and to make and publish future editorial amendments, technical corrections, revisions, reformats and sup-

plements that do not affect the substantive meaning of this code for the city.
(Ord. 2010-24 § 2, 2010).

1.01.040 VIOLATIONS AND PUNISHMENT.

As required by Government Code Section 50022.4 of the State of California, the penalty clauses outlined in Section 1.08.010 of Chapter 1.08, Title 1, of the Santa Cruz Municipal Code – 1995 Edition are hereinafter set forth in full as follows:

No person shall violate any provision, or fail to comply with any of the requirements of this code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code is guilty of an infraction, unless a code section specifically provides for a violation to be a misdemeanor.

Any person convicted of violating any provision of this code shall be punished up to the maximum penalty provided in Government Code Section 36901 and Penal Code Sections 19 and 19.2, including any amendments to the sections.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and shall be punishable accordingly.

(Ord. 95-18 § 4, 1995).

1.01.050 CHARTER.

The Charter of the city of Santa Cruz is not adopted as a part of the Santa Cruz Municipal Code – 1995 Edition, but is included for reference and convenience only. The charter set forth therein shall be changed at the direction of the city clerk to reflect amendments thereto as they occur.

(Ord. 95-18 § 5, 1995).

1.01.060 TABLES OF CONTENTS AND INDEX.

The tables of contents appearing in the Santa Cruz Municipal Code – 1995 Edition at the beginning of each title and chapter, as well as the tables and index in the back of the code, are

not adopted as part of the Santa Cruz Municipal Code – 1995 Edition, but are included for reference and convenience only. They shall be changed from time to time, with the approval of the city clerk to conform with amendments and additions to the code as they occur.

(Ord. 95-18 § 6, 1995).

1.01.070 HEADINGS.

The title, chapter and section headings contained in the Santa Cruz Municipal Code – 1995 Edition 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.

(Ord. 95-18 § 7, 1995).

**1.01.080 EFFECT OF CODE ON
PAST ACTIONS AND
OBLIGATIONS.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part of any ordinance of the city shall in any manner affect the prosecution of 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 at 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 license fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 95-18 § 8, 1995).

1.01.090 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part, or portion of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The city council of the city of Santa Cruz hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or parts, or portions be declared invalid or unconstitutional. (Ord. 95-18 § 9, 1995).

1.01.100 EFFECTIVE DATE.

The Santa Cruz Municipal Code – 1995 Edition shall become effective on the date that the ordinance codified in this chapter becomes effective. (Ord. 95-18 § 10, 1995).

**Chapter 1.04
CITY SEAL**

Sections:

1.04.010 Adoption of seal.

1.04.010 ADOPTION OF SEAL.

There is adopted a new seal for the city which shall contain the words "City of Santa Cruz, California," the number "1866," and a picture containing a representation of mountains, mission, wharf, redwood tree, beach, ocean, sailboats and bathers, as appears from the pictorial representation and words thereof in the following diagram:



(Prior code § 2510).

Chapter 1.08*

REPEALED BY Ord. 2000-17 § 1

* Editor's Note: Chapter 1.08, *Penalty Provisions*, previously contained herein, was repealed by Ord. 2000-17. For provisions dealing with penalties and code enforcement, see Title 4 of this code, *General Municipal Code Enforcement*.

Prior legislative history includes: prior code Sections 1200, 1201 and 1202; and Ords. 75-31, 85-76, 87-24, 88-11, and 91-34.

Chapter 1.10*

REPEALED BY Ord. 2000-17 § 1

* Editor's Note: Chapter 1.10, *Nuisance Abatement*, previously contained herein, was repealed by Ord. 2000-17. For provisions dealing with penalties and code enforcement, *see* Title 4 of this code, *General Municipal Code Enforcement*.

Prior legislative history includes Ord. 91-27.

Chapter 1.12*

REPEALED BY Ord. 2000-17 § 1

* Editor's Note: Chapter 1.12, *Notice to Appear*, previously contained herein, was repealed by Ord. 2000-17. For provisions dealing with penalties and code enforcement, *see* Title 4 of this code, *General Municipal Code Enforcement*.

Prior legislative history includes: prior code Sections 1500 and 1500A; and Ords. 78-14, 79-12, 81-48, 84-12, 84-56, 84-67, 85-22, 86-26, 88-14, 88-45, 89-24, 90-12, 90-31, 91-44, 93-14, 94-27.

Chapter 1.14

CLAIMS – TIME LIMITATIONS

Sections:

1.14.010 Claims – Time limitations.

1.14.010 CLAIMS – TIME LIMITATIONS.

Claims against the City of Santa Cruz for money or damages which are not governed by California Government Code section 905 and which are not governed by any other statutes or regulations expressly related thereto, shall be governed by this section. A claim relating to such a cause of action shall be presented not later than one year after the accrual of the cause of action. Such claims shall be presented and processed as provided by Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of

the Government Code insofar as said provisions are not in conflict with this section.

No suit for money or damages may be brought against the City of Santa Cruz until a written claim therefore has been presented to the City Council and has been acted upon or has been deemed to have been rejected by the City Council, in accordance with this section. (Ord. 2001-15 § 1, 2001).

Chapter 1.16

APPEALS

Sections:

- 1.16.010 Purpose.
- 1.16.020 Definitions.
- 1.16.030 Appeals, procedures and limitations.
- 1.16.032 Appeal fees.
- 1.16.040 Review on city council's own motion.
- 1.16.050 Stay of license, permit or privilege pending appeal or review.
- 1.16.060 Record on appeal—Request for transcript.

1.16.010 PURPOSE.

The purpose of this chapter is to provide for appeals to the city council by interested persons from rules, regulations, orders and procedures, when appeals are expressly provided for by the provisions of this code establishing such rules, regulations, orders and procedures. The provisions of this chapter shall not apply to appeals taken pursuant to the provisions of Chapters 23 and 24 of the Santa Cruz Municipal Code, or pursuant to any other section or chapter of this code expressly providing for its own appeals procedure. (Ord. 84-06 § 1, 1984: prior code § 1400).

1.16.020 DEFINITIONS.

(a) "Appellant" is the person aggrieved by any rule, regulation, order or procedure from which an appeal lies by reason of express

declaration of the right of appeal under the section or article of the municipal code imposing such rule, regulation, order or procedure.

(b) "Applicant" is any person who has applied for and obtained a decision or action pursuant to any city rule, regulation, order or procedure.

(c) "Director" is defined as any officer, administrator or employee of the city of Santa Cruz authorized and empowered by the Santa Cruz Municipal Code to impose a regulation or enforce compliance with any rule, regulation, order or procedure provided for by the Santa Cruz Municipal Code, and which is subject to appeal as herein specified.

(Ord. 84-06 § 2, 1984: prior code § 1401).

1.16.030 APPEALS, PROCEDURES AND LIMITATIONS.

Any person affected by any rule, regulation, order or procedure imposed or enforced by the city of Santa Cruz or any of its official boards or commissions or any of its directors, pursuant to provisions of the Municipal Code wherein the right of appeal is expressly granted as relief from such rule, regulation, order or procedure sought to be enforced, may file an appeal with the city clerk as clerk of the city council in accordance with the following rules and regulations:

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(a) The appeal must be filed in writing within ten days after the decision or action by the board, commission or director imposing or enforcing such rule, regulation, order or procedure subject to appeal. If the final day for filing an appeal occurs on a weekend day or holiday, the final filing date shall be extended to the next following work day.

(b) The appeal shall state in substance that it is made from a decision or action of a board, commission or director of the city enforcing compliance with a rule, regulation, order or procedure pursuant to the Municipal Code, specifying the rule, regulation, order or procedure enforced or acted upon. The appeal must be signed by the appellant or the appellant's representative, and must set forth the mailing address to which the clerk may direct notice of a hearing.

(c) The city clerk, upon receipt of the written appeal, shall forthwith notify the director or secretary of the board or commission in question, in writing, of said appeal, and the director or secretary of the board or commission shall forthwith transmit to the city clerk for review by the city council, the rule, regulation, order or procedure appealed from, and the written records, including any written findings and determinations of the director, board or commission supporting the decision or action.

(d) The city clerk shall set the appeal for hearing on the agenda for a regular or special meeting of the city council not less than fifteen days nor more than sixty days after the date of filing such appeal, provided that the appeal can be scheduled within this time frame in a manner consistent with agenda preparation procedures and city council meetings schedule. As used in this subsection, the phrase "consistent with agenda preparation procedures" shall entail a requirement that no more than two appeal hearings conducted pursuant to this section and Section 24.04.185 shall be held at any given regularly or specially scheduled city council meeting and

shall also entail a requirement to consider time constraints imposed by other items scheduled for city council consideration at that city council meeting. This two hearing limitation may be waived by the mayor when he or she determines that there is sufficient council meeting time and staff resources to conduct more than two appeal hearings at a single city council meeting.

(e) Notice of hearing on the appeal shall be mailed by the city clerk, not less than five days prior to the hearing, to the appellant, and to the applicant if the appellant is not also the applicant.

(f) The city council shall consider the appeal at a hearing. The appellant shall bear the burden of proving the action or decision was wrong. At the hearing the appellant shall present the appellant's facts and arguments in opposition to the action or decision on said rule, regulation, order or procedure subject to appeal, either by written statement filed with the council, or in person, or through an attorney. An appellant's written statement in support of an appeal shall be sufficient to warrant consideration of the appeal by the city council.

(g) The order of procedure at the hearing shall be as follows:

(1) The director or secretary of the board or commission shall present an oral staff report concerning the action or decision, if requested by the council;

(2) The appellant shall present such opening statement, evidence and argument as appellant shall deem appropriate;

(3) If the appellant is not the applicant, then the applicant shall present such opening statement, evidence and argument as the applicant shall deem appropriate;

(4) The appellant may submit rebuttal evidence and closing argument;

(5) The council may, in its discretion, consider such other oral or written information as it deems relevant to the matter to be decided, including the record of the director, board or

commission supporting the decision or action appealed from.

(h) The city council may sustain the action or decision appealed from, or modify said action or decision in any particulars it may deem necessary for the preservation of the rights of the applicant, appellant and the public, or revoke said decision or action. The findings and decisions of the city council on such appeal shall be conclusive.

(Ord. 2000-01 § 1, 2000: Ord. 91-15 § 1, 1991: Ord. 84-06 § 3, 1984: Ord. 74-28 § 1, 1974: prior code § 1402).

1.16.032 APPEAL FEES.

For the purpose of reimbursement of the city for administration of this chapter, the council shall, by resolution, from time to time, fix the amount of fees to be charged for processing all appeals provided for in this chapter. (Ord. 82-40 § 1, 1982).

1.16.040 REVIEW ON CITY COUNCIL'S OWN MOTION.

Whenever any order, rule or regulation imposed or enforced by the city through any of its official boards or commissions is appealable as in this chapter provided, and whether or not an appeal has been properly filed in the manner provided in Section 1.16.030, any city councilman may, when he considers it a matter of sufficient general public interest to warrant special city council consideration, file with the city clerk, within five days after the decision or action by the board or commission imposing or enforcing such order, rule or regulation subject to appeal, a request that the matter be referred to the city council in order that the city council may determine if it should, on its own motion, review the action of the board or commission. The city council may review such action in accordance with the following rules and regulations:

(1) The affected board or commission shall be notified of the request, and shall submit a report to the city council setting forth the reason or reasons for its action, or shall be

represented at the meeting of the city council when such request for review is considered.

(2) The city council shall at its next meeting after the filing of such request, consider the request to review the action of the board or commission and may, on the affirmative vote of four of its members, set the matter for review. No public hearing need be held thereon, provided that the city council may hold any hearings it deems necessary.

(3) In the event the city council sets the matter for review, the city clerk shall give notice thereof to the applicant, and the applicant shall be entitled to be present at the time of the review to present facts and arguments, or to file with the city council a written statement setting forth his facts and arguments.

(4) The city council from the evidence, argument and reports presented upon such review, may sustain the order, rule or regulation of the board or commission, modify the order, rule or regulation, or revoke the order, rule or regulation. The findings and ruling of the city council on such reviews shall be conclusive. (Prior code § 1403).

1.16.050 STAY OF LICENSE, PERMIT OR PRIVILEGE PENDING APPEAL OR REVIEW.

The exercise of any right or privilege, and the operation of any license or permit, the granting or approval of which has been either appealed from, or requested for review on the city council's own motion, shall be stayed pending the decision of the city council on any such appeal or review hereunder.

(Prior code § 1404).

1.16.060 RECORD ON APPEAL - REQUEST FOR TRANSCRIPT.

When a matter on appeal is to be contested, and a request is made to the city clerk, in writing, at least five days prior to the date of the hearing, which request is accompanied by a deposit in an amount established by the council by resolution, the clerk shall arrange

for the recording of the hearing by a qualified reporter. If so requested by the person requesting the record, and upon the deposit with the clerk of an additional sum equal to the estimated cost of transcribing the record, the clerk shall cause the record to be transcribed, and a copy made available to the person making such request. The full cost of reporting and transcribing such record shall be paid by the person making such request, and the deposit shall be applied thereon. Any amount deposited with the city clerk which exceeds the cost of reporting and/or transcribing shall be returned to the person making the deposit. Additional copies of such record may be made available to other persons at cost.
(Ord. 78-28 § 1, 1978).

Chapter 1.18

COMPENSATION OF MAYOR AND COUNCILMEMBERS

Sections:

- 1.18.010 Repealed by Ord. 2007-23 § 1.
1.18.020 Establishment of salaries for mayor and councilmembers.

1.18.010 Repealed by Ord. 2007-23 § 1.

1.18.020 ESTABLISHMENT OF SALARIES FOR MAYOR AND COUNCILMEMBERS.

Pursuant to Santa Cruz City Charter Section 603, effective as of January 1, 2010, each councilmember shall receive a salary of one thousand seven hundred ten dollars and thirty-five cents per month, and the mayor shall receive a salary of three thousand four hundred twenty dollars and sixty-eight cents per month.
(Ord. 2009-25 § 1, 2009: Ord. 2007-23 § 2, 2007: Ord. 90-25 § 2 (part), 1990: Ord. 86-52 § 1, 1986).

Chapter 1.20

JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS

Sections:

- 1.20.010 Time and manner for obtaining review.

1.20.010 TIME AND MANNER FOR OBTAINING REVIEW.

California Code of Civil Procedure Section 1094.6 governs the time and manner of obtaining judicial review of administrative decisions made by the city of Santa Cruz except as provided in Section 24.04.190 of this code or as otherwise specifically provided elsewhere in this code.

(Ord. 87-04 § 1, 1987).

Chapter 1.30

ACCESS FOR PERMIT ENFORCEMENT

Sections:

- 1.30.100 Access for permit enforcement.

1.30.100 ACCESS FOR PERMIT ENFORCEMENT.

Where an activity or land use is authorized by a permit issued by the city of Santa Cruz, the permit holder, in accepting the benefits conferred by the permit, agrees to grant city enforcement personnel access to the premises governed by the permit, during normal business hours or by appointment, for the purpose of determining whether the permit holder is complying with the permit.

(Ord. 89-44 § 1, 1989).

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