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Chapter 1.01CODE ADOPTIONSections:

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1.01.010 Adoption. Pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code, there is adopted the "Lakeport Municipal Code" as published by Book Publishing Company, Seattle, Washington, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the "Lakeport Municipal Code." (Ord. 694 §1, 1989)

1.01.020 Title--Citation--Reference. This code shall be known as the "Lakeport Municipal Code" and it shall be sufficient to refer to the code as the "Lakeport 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 "Lakeport Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Lakeport Municipal Code" and such references shall apply to that

numbered title, chapter, section or subsection as it appears in the code. (Ord. 694 §2, 1989)

1.01.030 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Section 50022.1 through 50022.8 and 50022.10 of the Government Code. (Ord. 694 §3, 1989)

1.01.040 Ordinances passed prior to adoption of code. The last ordinance included in this code was Ordinance 691 passed October 3, 1988. The following ordinances passed subsequent to Ordinance 691, but prior to adoptions of this code are adopted and made a part of this code: Ordinances 692 and 693. (Ord. 694 §4, 1989)

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Lakeport Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 694 §5, 1989)

1.01.060 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 of this code. (Ord. 694 §6, 1989)

1.01.070 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 this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 694 §7, 1989)

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 or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to collection of any such license, fee or penalty, or the penal 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 to continue in full force and effect. (Ord. 694 §8, 1989)

1.01.090 Effective date. This code shall become effective on the date the ordinance adopting this code as the "Lakeport Municipal Code" shall become effective. (Ord. 694 §9, 1989)

1.01.100 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 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, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 694 §10, 1989)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010 Elections.

1.04.010 Elections. Pursuant to Government Code Section 36503.5, all general municipal elections hereafter held in the city shall be on the same day as the Statewide General Election, as that date may be established by state law. (Ord. 757, 1993)

Chapter 1.08GENERAL PENALTYSections:

1.08.010 General penalty--Continuing violations--
Violations as nuisances.

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Violations as nuisances.

A. Whenever in this code or in any other ordinance of the city or any rule or regulation promulgated pursuant thereto, any act is prohibited or made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided, the violation of any such provision of this code or any other ordinance, rule or regulation of the city shall be punished by a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

Every day any violation of this code or any other ordinance, rule or regulation of the city shall continue shall, unless otherwise provided, constitute a separate and distinct offense.

1. Offenses Charged as Infractions. Any violation or offense may be deemed an infraction as defined by Section 19, et seq., of the California Penal Code and charged as such in the discretion and at the election of the prosecutor of the city, in which event the punishment therefor shall not be imprisonment but a fine not to exceed the sum of five hundred dollars for each such infraction.

2. Notice to Appear. This code adopts by reference California Penal Code Sections 853.6, 853.7 and 853.8.

B. A Continuing Violation of this Code is a Public Nuisance. The city council may order the abatement of any public nuisance, as defined in this section, by separate ordinance of the city, or any state statute following notice and hearing. The city council may direct that the hearing be conducted before another board commission or officer of the city. When applicable, costs incurred by

the city in abating such nuisances shall be special assessments against the parcels or property where the nuisances are located. The foregoing provisions are alternative and supplemental to other procedures provided by law for the abatement of nuisances.

C. Any police or fire officer or city manager employed by the city of Lakeport may cite a person without a warrant whenever he/she has reasonable cause to believe that the person to be issued the citation has committed a misdemeanor in his/her presence, which misdemeanor is a violation of any statute or ordinance of the city except that where the violation constitutes grounds for revoking a valid permit or approval issued by the city, no citation may be issued while such permit remains in force.

D. Pursuant to the authority contained in Penal Code Section 836.5, the city council authorizes the community development director and/or his/her duly authorized representative to arrest without a warrant any person whenever the community development director and/or his/her authorized representative has reasonable cause to believe that the person has committed a misdemeanor or an infraction in his/her presence. Such authority shall apply only to arrests for violations of statutes or ordinances which the community development director and/or his/her authorized representative has the duty to enforce during the duration of the community development director's and/or his/her authorized representative's job.

The community development director and/or his/her duly authorized representative may arrest a violator of the public offenses set forth in the Lakeport Municipal Code and issue a citation and notice to appear in the manner prescribed by Chapter 5.c. of Title 3, Part 2 of the Penal Code.

Each citation to appear shall state the name and the address of the violator, the provisions of the article violated, and the time and place of appearance before the court. The person cited shall sign the citation giving his/her written promise to appear as stated therein. If the person cited fails to appear, the city attorney may request issuance of a warrant for the arrest of the person cited. (Ord. 850 §2, 2006)