

TITLE I—GENERAL PROVISIONS

CHAPTER 1—ADOPTION OF CODE

(Ord. No. 1264, eff. 3/07/1997)

SEC. 1000. Short title, reference to code.

This code shall be known as the "Arcata Municipal Code", and it shall be sufficient to refer to said code as the "Arcata Municipal Code" in any prosecution for the violation of any provisions hereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing said code or portions thereof, as an addition or amendment to, or repeal of, the "Arcata Municipal Code", or a portion thereof.

SEC. 1001. Effect of code on past actions and obligations.

The Municipal Code is a codification of all prior enacted ordinances except those which have been specifically repealed and the following ordinances: tax levy ordinances; appropriation ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.

SEC. 1002. Court proceedings. (Ord. No. 1264, eff. 3/07/1997)

No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code.

Where any act, proceeding or decision by the City of Arcata on any matter has been taken or made by its Council, or any Board, Commission, or person, including the Zoning Administrator, authorized to act on behalf of the City by this Code or by the laws of the State of California, the validity of all such acts, proceedings or decisions shall not be contested in any action unless both of the following are complied with:

1. All administrative rights of appeal as specified in this Code or under State Law shall have been fully exhausted; and
2. Such action shall have been brought within thirty (30) days after the date of exhaustion of administrative remedies.

Unless an action is commenced within the applicable time herein above specified each and every act, proceeding or decision of the City of Arcata shall be held valid and in every respect shall be legal and incontestable. Actions contesting the validity of any act, proceeding or decision made before the effective date of this Ordinance shall have been brought within thirty (30) days after said effective date. The foregoing provisions shall not amend or repeal any specific provision of this Code specifying a longer or shorter period of limitations.

SEC. 1003. Continuity.

The provisions of this Code, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 1004. Reference to specific ordinances.

The provisions of this Code shall not in any manner affect deposits on account, bonds, or other 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.

SEC. 1005. Validity of Code.

If any section, subsection, sentence, clause, phrase or portion of this Code 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 Code. The Council hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions, be declared invalid or unconstitutional.

SEC. 1006. Distribution of Code.

A copy of this Code shall be filed for use and examination by the public in the office of the City Clerk. Copies of the Code shall be distributed to each Councilmember, officer or department head of the City, and one to the public library in the City.

SEC. 1007. Maintenance of Code.

Whenever the Council adopts an amendment or adds to this code or repeals any of its provisions, the City Clerk shall make a notation of the Clerk's copy, showing the changes and a notation as to the ordinance, if any, and the date of adoption thereof, by which such changes are adopted. Duly certified copies of every ordinance making changes in the Code shall be filed in the office of the City Clerk duly indexed for ready reference. The City Clerk shall cause copies of each and every reprint to be distributed to each distributee.

Periodically, the City Clerk shall cause the Code to be reproduced including the changes which have been adopted, in order that the Code prepared for the use and convenience of the officers and employees of the City and the general public may be brought up to date.

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TITLE I—GENERAL PROVISIONS

CHAPTER 2—DEFINITIONS AND RULES OF CONSTRUCTION

SEC. 1100. Definitions and rules of construction.

In the construction of this Code, and all the ordinances of the City, the following rules shall be observed, unless construction would be inconsistent with the manifest intent of the City Council or the context clearly requires otherwise:

Chief of Police. "Chief of Police" means the Chief of Police of this City or such person as hereafter may, by law, be authorized to perform the duties now being performed by that official.

City. "City" means the City of Arcata or the area within the territorial city limits of the City of Arcata and such territory outside the limits of this City over which the City has jurisdiction and control by virtue of any constitutional or charter provisions, or any law.

City Attorney. "City Attorney" or "Attorney" means the City Attorney of this City or such person as hereafter may, by law, be designated as the official legal advisor of this City.

City Clerk. "City Clerk" or "Clerk" means the City Clerk of this City or such person as hereafter may, by law, be authorized to perform the duties now being performed by that official.

City Engineer. "City Engineer" or "Engineer" means the City Engineer of this City.

City Manager. "City Manager" or "Manager" means the City Manager of this City or his successor as chief executive officer of this City.

City Tax Collector. "City Tax Collector" or "Tax Collector" means the City Tax Collector of this City or officers of other governments or agencies when designated by law or contract as tax collecting agents for this City.

Code. The words "the Code" or "this Code" shall mean "the Arcata Municipal Code".

Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

Council. "Council" means the City Council of this City.

County. "County" is the County of Humboldt.

Day. A day is the period of time between any midnight and the midnight following.

Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Director of Environmental Services. "Director of Environmental Services" means the Director of Environmental Services of the City of Arcata. (Amd. Ord. 1193, eff. 7/31/1992)

Director of Finance. "Director of Finance" means the Director of Finance of the City of Arcata.

Director of Public Works. "Director of Public Works" means the Director of Public Works of the City of Arcata.

Department, Board, Commission, Office, Officer or Employee. Whenever any department, board, commission, office, officer, or employee is referred to it shall mean a department, board, commission, office, officer, or employee of the City of Arcata, unless the context clearly indicates otherwise.

Gender. The masculine gender includes the feminine and masculine.

Month. The word "month" shall mean a calendar month.

Number. The singular number includes the plural and the plural the singular.

Oath. "Oath" includes affirmation.

Official Time. Whenever certain hours are named herein, they shall mean Pacific Standard Time or Daylight Savings Time as may be in current use in the City.

Owner. The word "Owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Park. "Park" includes any publicly owned ground or building intended or used for recreation.

Person. "Person" includes any person, firm, association, organization, partnership, business trust, cooperation, company or governmental agency or body.

Personal Property. "Personal Property" includes every species of property, except real property as herein defined.

Planning Director. "Planning Director" means the Planning Director of the City of Arcata.

Preceding, Following. The words "preceding" and "following" mean next before and next after, respectively.

Process. "Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "Property" shall include real and personal property.

Public Place. The term "public place" includes any room to which the general public has a license to enter for business, trade, amusement, worship or other purposes, or which the general public has a right to enter upon the payment of an admission fee.

Public Transportation Manager. "Public Transportation Manager" means the Public Transportation Manager of the City of Arcata.

Real Property. Real property shall include lands, tenements and hereditaments.

Recreation. The term "recreation" is hereby defined to mean any activity, voluntarily engaged in, which contributes to the physical, mental or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

Senior Management Staff. Senior Management Staff means all department heads and the Assistant to the City Manager.

Shall, May. "Shall" is mandatory and "may" is permissive.

Signature or Subscription by Mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. "State" is the State of California.

Tenant or Occupant. The words "tenant" or "occupant" applied to a building or land, shall include any person holding a written or an oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A week consists of seven consecutive days.

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Year. The work "year" shall mean a calendar year, except where otherwise provided.

SEC. 1101. Reference to ordinances.

Any reference to an ordinance in this Code, shall mean such ordinance of this City unless otherwise specifically provided.

Any reference in this Code to an ordinance or provision of this Code shall mean such ordinance or provision as now, or hereafter, amended. Reference to any section of this Code shall be understood to refer to and include the penalty section relating thereto unless otherwise expressly provided. In case of the amendment of any section of this Code containing provisions for which a penalty is provided in such other section shall be held to relate to the section so amended whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

SEC. 1102. Acts by deputy.

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or 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.

SEC. 1103. Headings and catchlines.

Title, Chapter, Article and Section headings and the catchlines to sections contained in this code shall not govern, limit, modify or affect the scope, meaning or intent of the provisions of this Code.

SEC. 1104. Local signification.

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.

SEC. 1105. Territorial limitation.

This Code shall refer only to the omission or commission of acts within the territorial limits of the City and that territory outside of the City over which the City has jurisdiction or control by virtue of the Constitution or law or by reason of ownership or control of property.

TITLE I—GENERAL PROVISIONS

CHAPTER 3—PENALTY PROVISIONS

SEC. 1200. Penalty—General.

No person whether principal, agent, employee or otherwise, shall violate any provision, or fail to comply with any of the mandatory requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of an infraction unless such offense is specifically designated as a misdemeanor in this Code. Any person convicted of a misdemeanor under any of the provisions of this Code, unless provision is otherwise herein made, shall be punished by a fine of not more than five-hundred dollars (\$500.00), or by imprisonment in the City or County Jail for a period not exceeding six months, or by both such fine and imprisonment. Every violation determined to be an infraction is punishable by (1) a fine not exceeding one-hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two-hundred dollars (\$200.00) for a second violation of the same ordinance within one year; (3) a fine not exceeding five-hundred dollars (\$500.00) for each additional violation of the same ordinance within one year. Each such person shall be guilty of 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.

SEC. 1201. Public nuisance.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each and every day such condition continues shall be regarded as a new and separate offense.

SEC. 1202. Prohibited acts include causing, permitting, or suffering.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, suffering or concealing such act.

SEC. 1203. Notice to appear: Contents.

If any person is arrested for violation of any ordinance of the City of Arcata and such person is not immediately taken before a magistrate as prescribed in the State 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.

SEC. 1204. Violation of promise to appear.

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

SEC. 1208. Notice—How given.

Whenever notice is required to be given under this Code, unless different provisions are otherwise specifically made herein, such notice may be given either by personal delivery thereof to the person 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 his last known business or residence address as the same appears in the public records or other records pertaining to the matter 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.

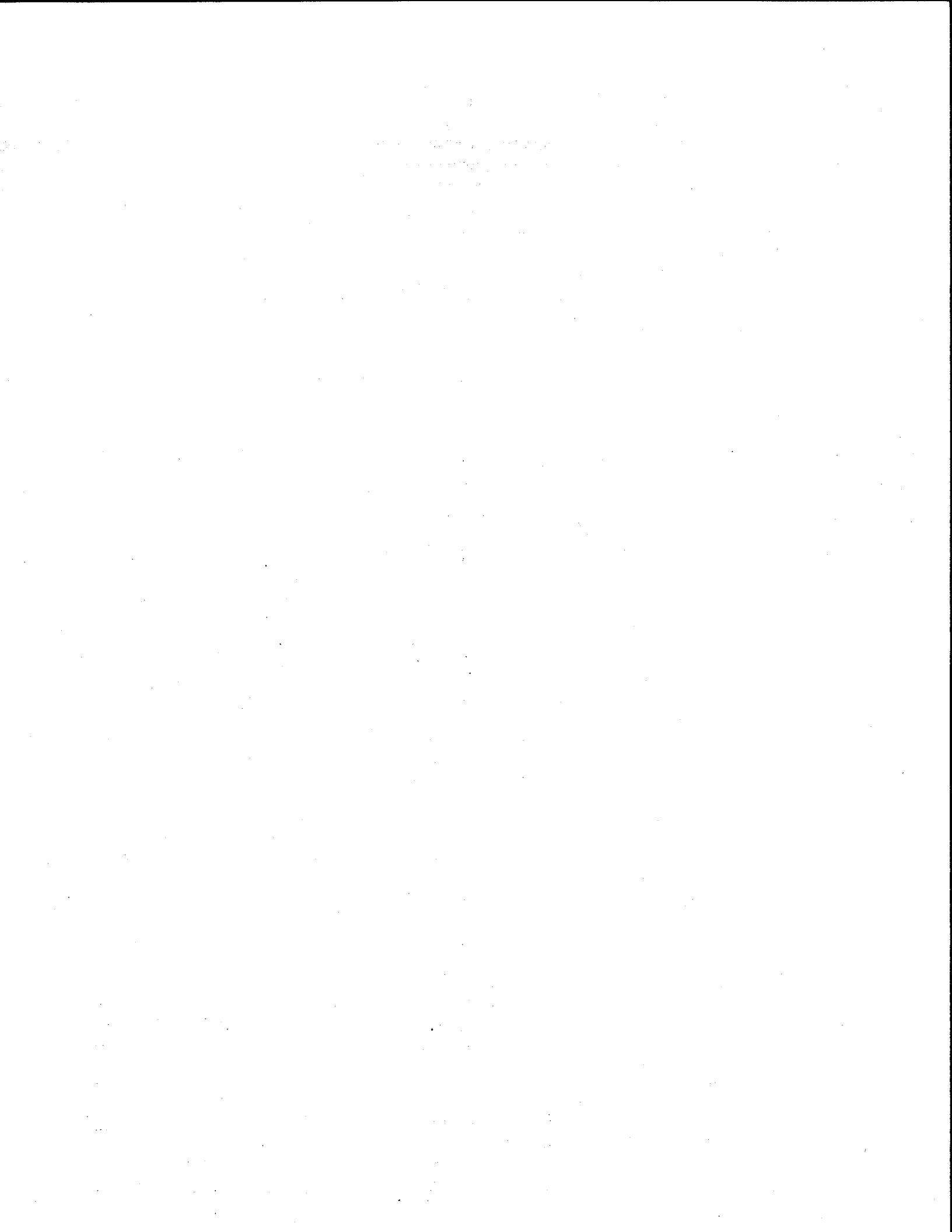
SEC. 1209. Same—Proof.

Proof of giving any notice required by this code may be made by the certificate of any officer or employee of the City or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

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CHAPTER 4—OTHER CITY ORDINANCES

SEC. 1300. Location of related ordinances.

Other related City ordinances, and rules and regulations may be found in the Land Use and Development Guide and in the City Personnel Rules and Regulations.



TITLE I—GENERAL PROVISIONS

CHAPTER 5—ELECTIONS

SEC. 1500. General Municipal elections. (Ord. 1218, eff. 1/01/1994)

General Municipal elections shall be held on the same day as statewide general elections, on the first Tuesday after the first Monday in November of each even year.

SEC. 1505. New Councilmembers. (Ord. 1257 eff. 9/20/1996, Amd. Ord. 1311, eff. 11/17/2000)

Newly elected Councilmembers shall take the oath of office and shall thereafter assume office at a special meeting of the City Council to be held on the second Tuesday of December.

