

**CITY OF SEBASTOPOL
CITY COUNCIL
STAFF REPORT**

Meeting Date: May 17, 2016
To: Honorable Mayor and Honorable City Councilmembers
From: City Manager Larry McLaughlin
City Clerk Mary Gourley
Subject: Introduction and First Reading of an Ordinance of the City of Sebastopol Re-Adopting the Sebastopol Municipal Code
Recommendation : That the Mayor and City Council Approve for Introduction and First Reading An Ordinance Re-Adopting the Sebastopol Municipal Code
Funding: Currently Budgeted: Yes No N/A
Net General Fund Cost: Non Departmental
Amount: \$13,000.00 (Approved and Budgeted for in FY 2015-2016 Budget)

INTRODUCTION: This item is to request that the City Council Approve for Introduction and First Reading An Ordinance Re-Adopting the Sebastopol Municipal Code.

BACKGROUND:

The Sebastopol Municipal Code (Code) was originally codified in November 2002 by staff. Ordinances adopted after October 2002 were codified by the Office of the City Clerk .

DISCUSSION:

During the 2015-2016 Budget Cycle, the City Council authorized staff to proceed with the City's Municipal Code Codification Project. In January 2016, the City of Sebastopol entered into a Professional Services Agreement (PSA) with Code Publishing (CP), Seattle, Washington to oversee the City's Code Codification Project.

Code Publishing provided codification services and will continue to provide electronic publishing services for the City. Code Publishing performed services such as recodifying and republishing the existing Code, a comprehensive legal review, codification and publishing services for new ordinances to supplement the Code, printing and print subscription services, setup of the Code for on line access, Internet hosting and code archiving.

Over the past 2 months, staff and CP have worked together to update the Code which includes re-formatting of the current Code for easy access and searching, as well as merging the Zoning Ordinance into

the Municipal Code as one City document. These changes are non-substantive and staff is requesting Council readopt the City's Municipal Code.

Making the City's Municipal Code available on-line is part of the Council's and staff's continued commitment to support technology improvements throughout the organization and enhance communication with the public.

RECOMMENDATION: Staff recommends that the Mayor and Council Approve for Introduction and First Reading An Ordinance Re-Adopting the Sebastopol Municipal Code.

Attachment:

Ordinances for Re-adoption of the Sebastopol Municipal Code

Ordinance No. _____

An ordinance of the City of Sebastopol, California, readopting the Sebastopol Municipal Code.

WHEREAS, Cal. Gov't Code §§ 50022.1 – 50022.8 and 50022.10 authorize cities to adopt by reference a codification of its ordinances;

WHEREAS, the City of Sebastopol, California, has provided for the organization of the general ordinances of the City that have ongoing effect into a code organized by subject matter; and

WHEREAS, the Code should be adopted as the body of law of the City;

Now, Therefore, BE IT ORDAINED by the City of Sebastopol as follows:

Section 1. Adoption. Pursuant to the provisions of Cal. Gov't Code §§ 50022.1 through 50022.8 and 50022.10, there is hereby readopted the "Sebastopol Municipal Code," as revised, reformatted, indexed, and republished by Code Publishing Company, Seattle, Washington.

Section 2. Title, citation, reference.

This code shall be known as the Sebastopol Municipal Code and it shall be sufficient to refer to it as the Sebastopol Municipal Code in any prosecution for any violation of any its prohibitions or offenses or in any proceeding at law or in equity.

Section 3. Codification authority.

This Code consists of all regulatory, penalty, and administrative ordinances of the City of Sebastopol, California, of a general and permanent character. Pursuant to Cal. Gov't Code §§ 50022.1 through 50022.8 and 50022.10, 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 supplements that do not affect the substantive meaning of this Code for the City.

Section 4. Effect of catchlines.

Title, chapter and section headings shall not be deemed to govern, limit, modify or affect the scope, meaning or intention of any section, chapter, or title of this Code.

Section 5. Effect on past actions and obligations.

Neither the adoption of this Code nor the repeal or amendments of any ordinance or part or portion of any ordinance shall affect the prosecution for ordinance violations that were committed prior to the effective date of this Code adoption. The adoption of this Code shall not be construed as a waiver of any license, fee, penalty, debt, forfeiture or obligation due and unpaid to the City on the date this Code takes effect. All rights, fines, entitlements, duties, and proceedings existing pursuant to any ordinance on the date of the adoption of this Code shall remain in effect unless specifically repealed in this Code adoption. No bonds or cash required to be posted, filed or deposited pursuant to any ordinance shall in any way be made invalid by this code adoption.

Section 6. References to ordinances in matters of record.

Any reference in matters of record to any ordinance existing prior to the adoption of this Code shall be construed to apply to the corresponding Code provisions in effect at the time of codification. Pursuant to Cal. Govt. Code § 50022.8, copies of this Code that have been duly certified by the City Clerk shall be received without further proof as prima facie evidence of the provisions of such Code in all courts and administrative tribunals of this state.

Section 7. Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Section 8. Ordinances passed before code adoption.

The last ordinance included in the Sebastopol Municipal Code is Ordinance 1084, passed and adopted March 15, 2016.

Section 9. Publication and posting.

Pursuant to Cal. Govt. Code § 50022.3, copies of this code are on file with the City Clerk and are open to public inspection but need not be published with this ordinance; however, the ordinance adopting the revision, codification and/or compilation of these ordinances shall be published or posted pursuant to Cal. Govt. Code §50022.5.

Section 10. Effective date. This ordinance is hereby adopted and will take effect in 30 days.

Approved for First Reading and Introduction by the City Council on the 17th day of May, 2016.

Scheduled for Second Reading and Adoption by the City Council for their meeting of June 6, 2016.

Approved: _____ Sarah Glade Gurney, Mayor

Attest: _____ Mary Gourley, MMC, City Clerk

Ordinance No. _____

An ordinance to provide for general rules of construction for the codified ordinances of the city of Sebastopol, California.

BE IT ORDAINED by the City of Sebastopol, California, that the following be adopted as rules of construction and general provisions for the codified ordinances of the City of Sebastopol as follows:

Section 1. Rules of construction. The following grammatical rules shall apply in this code:

A. Gender. Any gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases used in this code and not specifically defined shall be construed according to their plain meaning.

Section 2. Definitions. The following words and phrases, whenever used in the ordinances of the City of Sebastopol, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“City” means the City of Sebastopol, or the area within the territorial limits of the City of Sebastopol, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Council” means the City Council of the City of Sebastopol. “All of its members” or “all council members” means the total number of council members holding office.

“County” means the County of Sonoma.

“Law” denotes applicable federal law, the Constitution and statutes of the State of California, the ordinances of the City of Sebastopol, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” mean next before and next after, respectively.

“Property” includes real and personal property.

“Real property” includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

“State” means the state of California.

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

“Tenant” and/or “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Written” includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year.

Section 3. Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city.

Section 4. Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 5. Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. Prohibited acts include causing and permitting. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 7. Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded.

Section 8. Effective date. This ordinance is hereby adopted and will take effect in 30 days.

Approved for First Reading and Introduction by the City Council on the 17th day of May, 2016.

Scheduled for Second Reading and Adoption by the City Council for their meeting of June 6, 2016.

Approved: _____ Sarah Glade Gurney, Mayor

Attest: _____ Mary Gourley, MMC, City Clerk

Ordinance No. _____

An ordinance to adopt general penalty provisions for ordinances of the City of Sebastopol, California.

Now, Therefore, BE IT ORDAINED by the City of Sebastopol as follows:

Section 1. Violation – Penalty.

A. Unless otherwise provided, any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the town, or any rule or regulation adopted by the town council pursuant thereto, is guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the town, any person convicted of a misdemeanor under the ordinances of the town shall be punished by a fine not exceeding five thousand dollars, or by imprisonment for any term not exceeding one year, or by both such fine and imprisonment.

B. This section does not preclude, and is in addition to, administrative and civil remedies set forth in this code.

Section 2. Violation – Separate offense.

Each person as specified in Section 1 of this ordinance is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the town is committed, continued or permitted by any such person, and he is punishable accordingly.

Section 3. Effective date. This ordinance is hereby adopted and will take effect in 30 days.

Approved for First Reading and Introduction by the City Council on the 17th day of May, 2016.

Scheduled for Second Reading and Adoption by the City Council for their meeting of June 6, 2016.

Approved: _____ Sarah Glade Gurney, Mayor

Attest: _____ Mary Gourley, MMC, City Clerk