

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING AND RECODIFYING, AND ADOPTING BY REFERENCE, THE LA PALMA CITY CODE (2013 EDITION) AS THE CODE OF ORDINANCES FOR THE CITY OF LA PALMA

WHEREAS, Government Code Sections 50022.1 through 50022.8 and 50022.10 provide for the codification, compilation, recodification, recompilation and publication of permanent and general ordinances of cities; and

WHEREAS, the ordinances of the City of La Palma ("City") were originally codified as the "La Palma City Code" on June 7, 1976 through the adoption of Ordinance No. 76-1 (the "1976 Code"); and

WHEREAS, although the 1976 Code has been supplemented over the years with the passage of new ordinances, it has not been recompiled or recodified in its entirety since the original codification in 1976; and

WHEREAS, the City now desires to revise, recodify, recompile and update the ordinances comprising the 1976 Code to modernize the La Palma City Code, render it consistent with current law and City practices, eliminate obsolete references and provide it in a more user-friendly format to aid City staff, residents and other individuals and entities that wish to use the La Palma City Code; and

WHEREAS, the La Palma City Code has undergone a comprehensive review by City staff, the City Attorney and the Municipal Code Corporation, resulting in the restructuring and revision of various provisions throughout the Code's chapters; and

WHEREAS, on November 19, 2013, the City Council conducted its first reading of, and introduced, this Ordinance, and directed the City Clerk to notice a public hearing on the Ordinance for December 3, 2013; and

WHEREAS, a copy of the amended, updated and recompiled La Palma City Code (2013 Edition) has been on file in the office of the City Clerk at least 15 days preceding the date of the public hearing concerning this Ordinance, and remains there on file for public inspection; and

WHEREAS, pursuant to Government Code section 50022.3, the City Council conducted a duly noticed public hearing on December 3, 2013, and has considered the evidence and testimony submitted at that public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA PALMA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: RECODIFICATION AND ADOPTION. Pursuant to the provisions of Government Code Sections 50022.1 through 50022.8, and 50022.10, there is hereby recodified and adopted the "La Palma City Code" (2013 Edition) as revised, reformatted, indexed, codified, compiled, edited, updated and republished by Municipal Code Corporation, including Chapters 1 to 44, 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, modified or amended by the provisions of the La Palma City Code.

SECTION 2: CONTINUATION OF EXISTING LAW. The recodification and adoption of the La Palma City Code is intended by the City Council to be a continuation of existing ordinances and nothing is intended to modify or enact any new taxes. To the extent the provisions of the 2013 Edition of the La Palma City Code are substantively the same as existing law, the provisions of the La Palma City Code (2013 edition) shall be considered a continuation of existing law and not new enactments.

SECTION 3: REPEAL. Except as otherwise provided in this Ordinance or in the 2013 Edition of the La Palma City Code, all provisions of the 1976 Code are hereby repealed on the effective date of this Ordinance.

SECTION 4: EFFECT OF RECODIFICATION AND REPEAL. The recodification and adoption of the La Palma City Code (2013 Edition) and the repeal of the 1976 Code as specified in this Ordinance shall not affect the following matters:

- a) Actions and proceedings that began before the effective date of this Ordinance.
- b) Civil, criminal and administrative proceedings concerning ordinance violations committed before the effective date of this Ordinance.
- c) The amount of or collection of license, fee, penalty debt, forfeiture or obligation due and unpaid as of the effective date of this Ordinance.
- d) Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance, resolution or regulation.
- e) Matters of record that refer to or are connected with a provision of the 1976 Code as amended. Such references shall be construed to apply to the corresponding provisions of the La Palma City Code (2013 Edition).

SECTION 5: PENALTIES. The penalties provided for by the La Palma City Code (2013 Edition) are set forth in Article XI, Division 2 and in accordance with California Government Code Section 50022.4 are hereby set forth in this Ordinance:

DIVISION 2. GENERAL PENALTY

Sec. 2-350. Misdemeanor penalty.

Except in cases where a different punishment is specifically prescribed elsewhere in this Code, every misdemeanor offense shall be punishable

by imprisonment for a period not exceeding six months, or by fine not exceeding \$1,000.00, or by both fine and imprisonment at the discretion of the court. (Code 1975, § 3-5; Ord. No. 2004-02, § 3)

Sec. 2-351. Infraction penalty.

(a) Except in cases where a different punishment is specifically prescribed elsewhere in this Code, every violation determined to be an infraction is punishable by:

- (1) A fine not exceeding \$100.00 for a first violation;
- (2) A fine not exceeding \$200.00 for a second violation of the same provision within one year;
- (3) A fine not exceeding \$500.00 for each additional violation of the same provision within one year.

(b) Notwithstanding subsection (a) of this section, a violation of the local building and safety code determined to be an infraction is punishable by:

- (1) A fine not exceeding \$100.00 for a first violation;
- (2) A fine not exceeding \$500.00 for a second violation of the same provision within one year;
- (3) A fine not exceeding \$1,000.00 for each additional violation of the same provision within one year.

(Code 1975, § 3-6; Ord. No. 2004-02, § 3)

Sec. 2-352. Continuing violation.

Each day any violation or failure to perform an act shall continue shall constitute a separate offense, unless otherwise specifically provided.

(Code 1975, § 3-7; Ord. No. 2004-02, § 3)

SECTION 6: CODE SECTIONS. La Palma City Code sections cited on signage within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the La Palma City Code (2013 Edition) for purposes of notice and enforcement.

SECTION 7: CEQA. The City Council finds and determines that adoption of this Ordinance does not have any potential for causing a significant effect on the environment, and, therefore, does not constitute a “project” as that term is defined by the California Environmental Quality Act (CEQA), Public Resources Code Section

21000, et seq., and, thus, in accordance with Section 15061(b)(3) of Title 14 of the California Code of Regulations, no environmental review is merited.

SECTION 8: ADDITIONAL FINDINGS. The City Council finds and determines that the amendments to and recodification of the La Palma City Code proposed by this Ordinance are:


- a) Consistent with all of the applicable objectives, policies, general land uses, programs, and actions of all applicable elements in the general plan;
- b) Not detrimental to the public convenience, health, safety, or general welfare of the City; and
- c) Internally consistent.

SECTION 9: SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each, section subdivision, sentence, clause, phrase, or portion of this Ordinance irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid.

SECTION 10: PROCEDURAL COMPLIANCE. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

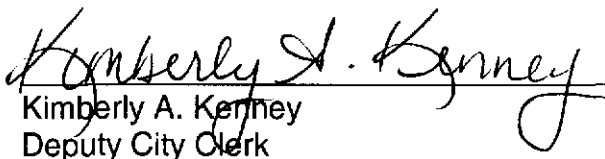
SECTION 11: PUBLICATION. The City Clerk is authorized and directed to publish this Ordinance or a summary thereof in the manner provided by law and in accordance with procedures normally taken. The City Clerk shall keep not less than one certified copy of the La Palma City Code (2013 Edition) on file in the City Clerk's office for review and use by the public.

APPROVED AND ADOPTED by the City Council of the City of La Palma at a regular meeting held on the 3rd day of December 2013.



Steve Hwangbo
Mayor

ATTEST:

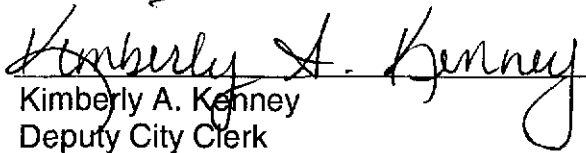

Kimberly A. Kenney
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, LAURIE A. MURRAY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 3rd day of December 2013, and that it was so adopted by called vote as follows:

AYES: Charoen, Goedhart, Hwangbo, Kim, and Shanahan

NOES: None


Kimberly A. Kenney
Deputy City Clerk