

CITY OF HAWAIIAN GARDENS

ORDINANCE NO. 1

AN ORDINANCE OF THE CITY COUNCIL OF
CITY OF HAWAIIAN GARDENS, ENACTING AND
ADOPTING THE HAWAIIAN GARDENS MUNICIPAL CODE

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ORDINANCE NO. 1

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS ENACTING AND ADOPTING THE HAWAIIAN GARDENS MUNICIPAL CODE, WHICH CODE CONSISTS OF REGULATORY, PENAL AND CERTAIN ADMINISTRATIVE REGULATIONS AND PROVISIONS OF THE CITY, AND WHICH PROVIDES FOR PENALTIES FOR THE VIOLATION OF THE SECTIONS OF THE CODE.

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

SECTION 1: There hereby is enacted and adopted the Hawaiian Gardens Municipal Code as Follows:

HAWAIIAN GARDENS MUNICIPAL CODE

ARTICLE I - GENERAL PROVISIONS

CHAPTER 1 - ADOPTION OF CODE

1100. Short Title, Reference to Code. This Code shall be known as the "Hawaiian Gardens Municipal Code," and it shall be sufficient to refer to said Code as the "Hawaiian Gardens Municipal Code" in any prosecution for the violation of any provisions thereof. 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 a repeal of, the "Hawaiian Gardens Municipal Code," or a portion thereof.

1101. Codification Authority. This record consists of all of the regulatory and penal and of certain of the administrative ordinances of the City of Hawaiian Gardens.

1102. Effective Date. This Code takes effect upon the effective date of the Ordinance of the City Council of the City of Hawaiian Gardens whereby this Code is adopted.

1103. Validity of Code. If any section, sub-section, 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 City Council hereby declares that it would have adopted this Code and each section, sub-section, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, sub-sections, phrases, or portions be declared invalid or unconstitutional.

1104. Distribution of Code. Not less than three (3) copies of this Code shall be filed for use and examination by the public in the office of the City Clerk. At least three (3) copies duly certified to by the City Clerk shall be maintained on file in his office. Additional copies shall be prepared in loose-leaf form and mounted to withstand heavy usage in such binders as the City Clerk may prescribe. Copies thereof shall be distributed as determined by the City Clerk.

1105. Notation of Amendments. Upon the adoption of any amendment or addition to said Code, or upon the repeal of any of its provisions, the City Clerk shall certify thereto and shall make an appropriate notation in the volumes of said Code of the taking of such action, noting thereon the number of the ordinances pursuant to which such action is taken. 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.

1106. Amendments. The City Clerk shall prepare copies of such changes in the Code for insertion in the loose-leaf copies thereof. Every section of the Code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted.

are otherwise specifically made, 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 of the City 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.

1308. Proof of Notice. Proof of giving any notice 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.

1309. Tenses. The present tense includes the past and future tenses, and the future, the present.

1310. Gender. The masculine gender includes the feminine and neuter.

1311. Number. The singular number includes the plural, and the plural, the singular.

1312. Shall and May. "Shall" is mandatory and "May" is permissive.

1313. Oath. "Oath" includes affirmation.

1314. Person. "Person" as used in this Code or in any Ordinance or Code adopted hereby, includes any person, firm, association, organization, partnership, business trust, company or corporation, and any municipal, political or governmental corporation, district, body or agency, other than the City of Hawaiian Gardens.

1315. State. "State" is the State of California.

1316. County. "County" is the County of Los Angeles.

1317. City. "City" is the City of Hawaiian Gardens.

1318. Office. "The use of the title of any officer, employee, office or ordinance shall mean such officer, employee, office or official of the City of Hawaiian Gardens.

1319. Council. "Council" is the City Council of the City of Hawaiian Gardens.

1320. Street. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks,

parkways, 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 as designated in any law of this State.

1321. Owner. "Owner" applied to a building or land, shall include any part-owner, joint owner, tenant, tenant in common, joint tenant, of the whole or a part of such building or land.

1322. Tenant or Occupant. "Tenant" or "Occupant" applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.

1323. Sale. "Sale" includes any sale, exchange, barter or offer for sale.

1324. Goods. "Goods" includes wares or merchandise.

1325. Operate. "Operate" includes carry on, keep, conduct or maintain.

1326. Interpretation. Whenever in this Code or in any ordinance, statute, or other matter which is adopted by reference, unless the context requires otherwise the following references shall be given the following meanings:

1. "County of Los Angeles" shall mean the City of Hawaiian Gardens.
2. "Board of Supervisors" shall mean the City Council of the City of Hawaiian Gardens.
3. "Unincorporated Territory" shall mean the incorporated territory of the City of Hawaiian Gardens.
4. "County" shall mean the City of Hawaiian Gardens.
5. "County Officer" shall mean the appropriate or designated officer of the City of Hawaiian Gardens.

1327. Contracts with Los Angeles County. The City Council shall have the right to contract with the County of Los Angeles pursuant to the laws of the State of California and the Charter of the County of Los Angeles, for the performance and execution by designated County officials of the rights, powers and duties of officers, officials and employees of the City of Hawaiian Gardens. Whenever in this Code, whether set forth in full or by adoption by reference, any power or authority is granted to an officer, official or employee, the power or authority is conferred upon the appropriate officer, official or employee of the City of Hawaiian Gardens or the appropriate officer, official, or employee of the County of Los Angeles with whom a contract has been entered into.

CHAPTER 1 - OFFICERS

2100. Assessor and Tax Collector. Pursuant to the authority granted by Section 51501 of the Government Code of the State of California, the assessment and tax collection duties performed by the City Assessor and Tax Collector hereby are transferred to the Assessor and Tax Collector of the County of Los Angeles.

2100.0. Same. Abolishment of Offices. The offices of City Assessor and Tax Collector hereby are abolished.

2100.2. Same. Transfer of Duties. Pursuant to the authority granted by Section 51507 of the Government Code of the State of California, the duties of the City Assessor, other than the assessing of City property and the duties of the Tax Collector, other than the collection of taxes, hereby are transferred to and shall be performed by the City Clerk, or such officer of the County of Los Angeles as may by contract with the City be designated and authorized to perform such duties.

2101. City Clerk. Duties. Any applications required to be filed with the City or fees required to be paid to the City, pursuant to the provisions of this Code, shall be filed with or paid to the City Clerk, unless otherwise by this Code provided.

2102. City Clerk Bond. The City Clerk upon the entry to his duties of office shall execute a bond to the City in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the State of California relating thereto, in the amount of \$5,000.

2102.1. City Treasurer Bond. The City Treasurer upon the entry of office shall execute a bond to the City in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the State of California relating thereto, in the amount of \$5,000.

2103. Removal of Papers or Documents from the City Hall. No person unless authorized by the City Clerk, Mayor or City Attorney, shall remove any papers or documents from the City Hall.

CHAPTER 3 - COMPENSATION

2200. Councilmen. Compensation. Upon the submission of an itemized account any councilman may be reimbursed for his actual and necessary expenses incurred in the performance of official duty, but no compensation or salary as such shall be paid to any councilman.

2201. Officers and Employees. The salaries and compensation of officers and employees of the City shall be as fixed and determined by resolution of the City Council, except those fixed herein.

2202. City Treasurer. The City Treasurer shall receive a salary of \$25.00 per month.

2203. City Clerk. The City Clerk shall receive a salary of \$450.00 per month, payable twice monthly.

CHAPTER 3 - CITY FUNDS AND RECORDS

2330. Person to Present Claim. No City Officer shall, except for his own service, present any claim, account or demand for allowance against the City or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other person. Any person may appear before the City Council and oppose the allowance of any claim or demand made against the City.

2331. Itemization Necessary. The City Council shall not hear or consider or allow or approve any claim, bill or demand against the City unless the same be itemized giving names, dates and particular services rendered, character of process served and upon whom, distance traveled, character of work done, and number of days engaged, materials and supplies furnished, when and to whom, and in what quantity furnished, the price therefor, and any other pertinent details as the case may be. Claims and demands for salaries and wages of officers and employees of the City may, but need not be, presented to the City in accordance with the provisions of this Ordinance.

2332. Presenting and Filing. Claims and demands arising out of tort and all claims and demands not found upon contract shall set forth the time and place the claim arose, the public property, officers or employees alleged to be at fault, the nature and extent of the injury or damage claimed, and full details as to the nature of the claim, shall be signed and verified to be correct by the claimant or someone authorized by him, and shall be filed with the City Clerk within ninety days after the accident or event occurred. All other claims and demands shall be presented in writing to and filed with the City Clerk within one year after the last item of the account or claim accrued and need not be signed or verified. Unless so presented and filed, no such claim or demand shall be approved, allowed or paid, and the City shall not be liable upon any suit or action based upon any such claim or demand which is not filed in the form and within the time herein provided.

2333. Suit. Any claim or demand against the City or against any City officer in his official capacity, payable out of any City fund or any fund under control of the City Treasurer, shall be filed and presented to the City Council as herein provided before any suit may be brought thereon. No suit may be brought on any claim until it has been rejected in whole or in part. If the City Council refuses or neglects to allow or reject a claim for ninety (90) days after it is filed with the City Clerk, the claimant may treat such refusal or neglect as final action and rejection on the ninetieth day.

2334. Method of Approval. Each claim or demand shall be presented by the City Clerk or the Department Head, if any, who authorized the same, for his written approval thereof, and each claim or demand shall thereafter be presented to the City Manager for his written approval thereof. The City ~~Clerk~~ shall inform the City Council in writing of any claims or demands presented against the City which shall fail to obtain the approval of the proper Department Head or which shall fail to obtain the approval of the City ~~Clerk~~. All such claims and demands, whether approved as aforesaid or not, shall be forwarded by the City ~~Clerk~~ to the City Council for audit. The City Council shall audit said claims and demands as required by law.

2335. Disposition of Claim. If the City Council finds that any claim or demand is not a proper charge against the City, it shall be rejected by resolution or minute action, and the fact of rejection shall be plainly endorsed upon the claim by the City Clerk or his authorized representative. If any claim or demand is determined to be a proper charge against the City, the same shall be allowed only by resolution setting forth as to each claim the name of the claimant, a brief statement of the claim, and the amount allowed. Any claim, or claims, may be allowed in part and rejected in part by the City Council.

2336. Approved and Allowed. If any claim or demand be approved and allowed by the City Council, the City Clerk shall endorse upon each of the duplicate copies thereof the words, "Allowed by the City Council of the City of Hawaiian Gardens," together with the resolution number allowing the same and for what amount and from what fund, and the City Clerk shall attest the same with his signature.

2337. Warrant. If any claim or demand be approved and allowed by the City Council, the Mayor shall draw a warrant upon the City Treasury for the same, which warrant shall be countersigned by the City Clerk, or his authorized representative, and the City Treasurer, or his authorized representative, and shall specify for what purpose the same is drawn and out of what fund it is to be paid.

2338. Sufficient Money in Treasury. Except as otherwise provided, no warrant shall be drawn or evidence of indebtedness issued unless there be at the time sufficient money in the treasury legally applicable to the payment of the same.

2339. Acceptance by Treasurer. Upon presentation of said warrant, properly executed and endorsed, the City Treasurer shall pay the same out of the funds in the City Treasury properly applicable to that purpose.

2340. Disapproval for Want of Funds. When an order or demand is not approved for want of funds and its amount does not exceed the income and revenue for the year in which the indebtedness was incurred, the City Clerk shall endorse on it: "Not approved for want of funds," with the date of presentation and his signature.

2341. Registration of Demands. The City Clerk shall number the endorsement, register the order or demand in his records, and deliver it to the claimant, or his order. From delivery the order or demand bears interest at six (6%) percent a year. Orders or demands shall be paid in the order they are registered.

CHAPTER 4 - MISCELLANEOUS

2400. Council Chambers. The room designated as the Council Chambers located at

Hawaiian Elementary School
12350 East 226th Street
Hawaiian Gardens, California

shall be the Council Chambers of the City Council of the City and all meetings of the City Council shall be held therein.

2401. City Offices. The offices of all agencies, departments, officers, and employees of the City of Hawaiian Gardens, except for the Council Chambers of the City Council, shall be located and maintained at 21601 Norwalk Boulevard, Hawaiian Gardens, California.

2402. City Offices. Hours. The City offices of the City of Hawaiian Gardens shall be closed on all official State holidays as listed in Section 6700 of the California Government Code. Said City offices shall be open to the public for business from 8:30 A. M. to 5:00 P. M. on all other days of the year.

2403. Council Meetings. Regular meetings of the City Council shall be held on the first and third Tuesdays of each month at the hour of 8:00 P. M., or the next succeeding day which is not a holiday.

2404. Presenting Matter to Council. Every official, board, commission or other body, connected with the City Government, and every citizen, individual, corporation, committee or civic group having any reports, communications or other matters to be presented at a Council meeting, shall notify the City Clerk of that fact, in writing, in seven copies, before 5:00 P. M. of the sixth day (Sunday included) preceding the day of such meeting, whereupon the City Clerk shall prepare a list setting forth such matters and the nature thereof under their appropriate headings, and setting forth all other matters to come before such meeting under their appropriate headings, all under the headings and in order specified in Section 2405 hereof; and the City Clerk shall, on the day preceding such meeting, cause one copy thereof to be delivered to each Councilman. Matters deemed by the City Council to be of emergency are excepted from the foregoing provision.

2405. Order of Business. Promptly at 8:00 P. M. on the night of each regular meeting, the members of the Council, City

Manager, City Clerk, City Attorney or other officers, shall assemble at their regular stations in the Council Chamber, whereupon the business of the meeting shall be taken up in the order as the City Council may from time to time prescribe by resolution.

2406. Same. Unfinished Business. Any matter, the consideration of which has not been completed at any meeting of the Council and which has not been continued to a specific date, shall be listed for consideration at the next regular meeting of the Council under the heading of "unfinished business."

2407. Written Communications. Under the heading of written communications or petitions, all persons may, personally, or by their representatives, address the Council in regard to any matters in which they are interested, after first stating their full name and residence address.

2408. Ordinances. Ordinances may be introduced under the head of new business by reading the title only. Ordinances ready for passage shall be taken up under unfinished business and be read in full unless the reading thereof is dispensed with by unanimous vote of the Council present, after the reading of the title.

2409. Resolutions. Resolutions may be introduced under the head of new business and be read in full unless the further reading thereof is waived by regular motion adopted by unanimous vote of the councilmen present after the reading of the title.

2410. Discussion Procedure. While discussing any question under consideration by the Council, it shall be the duty of the members thereof to remain seated and address their remarks to the presiding officer and their fellow members. Any remarks or orders to the audience shall be addressed by the presiding officer, or with his permission by members of the Council.

2411. Copy of Minutes. Immediately following each Council meeting the City Clerk shall send a typewritten copy of the minutes thereof to each member of the City Council at their respective residences. Thereafter the reading of such minutes by the City Clerk at the following meeting may be dispensed with by a majority vote of the members present.

2412. Robert's Rules of Order. In all matters and things not otherwise provided for herein, the proceedings of the Council shall be governed by "Robert's Rules of Order," latest revised edition. However, no Ordinance, Resolution, proceeding or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or to follow said Rules.

9303 Payment of Reimbursement Fees. No permit shall be issued for the connection of property lying within a Reimbursement District to a public sewer until applicant shall have first paid to the County of Los Angeles all reimbursement fees attributable to the connecting property as indicated on the reimbursement map. Reimbursement fees shall be paid to the County Engineer of the County of Los Angeles, and payments so made shall become the property of said County in accordance with the provisions of those contracts entered into pursuant to Section 11544 of the Business and Professions Code.

SECTION 2. This Ordinance is hereby declared to be for the immediate preservation of the public peace, health and safety, and is being enacted to take effect immediately in accordance with Section 36937 of the Government Code of California.

The City of Hawaiian Gardens has this day become a legal entity, having been certified officially to be an incorporated City, prior to becoming incorporated, the present City was a part of the unincorporated area of the County of Los Angeles, and governed in local matters by the ordinance of said County of Los Angeles. Upon incorporation the said county ordinances have become ineffective and inoperative as to the area within the City of Hawaiian Gardens, and so the City is at this time without any laws regulating local matters such as were formerly regulated by County Ordinance.

It is therefore apparent to wait the period of more than a month ordinarily required to effect ordinance would leave this City without local laws for that period and would cause disorder and confusion in this City, since there would be no local legal restraints upon persons in their conduct and use of their property.

It is therefore necessary, and the Council hereby determines that it is necessary under Section 36937 of the California Government Code, that this Ordinance take effect immediately.

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published or posted in the manner required by law and this Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE City Council of the City of Hawaiian Gardens at the first meeting of said City Council held this 14th day of April, 1964, by the following vote:

AYES: FURGESON, LEACH, LEE, TURNER, WARE

NOES: NONE

ABSENT: NONE

MAYOR OF THE CITY OF HAWAIIAN
GARDENS, CALIFORNIA

ATTEST

CITY CLERK OF HAWAIIAN GARDENS.