

ORDINANCE NO. 3432 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY AMENDING MONTEREY CITY CODE SECTION 1-7 TO INCLUDE POSSESSION OF ALCOHOL IN PUBLIC AS A VIOLATION TO BE CHARGED AS AN INFRACTION

THE CITY OF MONTEREY DOES ORDAIN AS FOLLOWS:

SECTION 1. Monterey City Code Section 1-7 Violations - Misdemeanors and Infractions; Public Nuisance is hereby amended as follows:

Sec. 1-7. Violations - Misdemeanors and Infractions; Public Nuisance

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. A violation of or failure to comply with any of the requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to possession of alcohol in public, parking, operation of bicycles, operation of motor vehicles, and use of sidewalks, public property, streets, and highways by animals, bicycles, skates, skateboards, motor vehicles, or pedestrians shall constitute an infraction.

Any person convicted of a misdemeanor under the provisions of this Code, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code shall be punishable by a fine of not more than one hundred dollars (\$100) for a first conviction, a fine of not more than two hundred dollars (\$200) for a second violation of the same section within one year, or a fine of not more than five hundred dollars (\$500) for a third or subsequent violation of the same section within one year.

Each such person shall be charged with a 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, upon conviction, be punishable accordingly.

In addition to criminal remedies, each and every such violation shall also constitute a public nuisance, and as such may be enforced by abatement and injunction, or by other civil action where appropriate.

In addition to all other remedies set forth in this section, each and every such violation shall be subject to the administrative citation and administrative remedies processes set forth in Article 2 of this chapter.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 19th day of May 2009, by the following vote:

| | | | |
|---------|---|-----------------|--|
| AYES: | 5 | COUNCILMEMBERS: | Della Sala, Downey, Haferman, Selfridge, Sollecito |
| NOES: | 0 | COUNCILMEMBERS: | None |
| ABSENT: | 0 | COUNCILMEMBERS: | None |

APPROVED:

Della Sala
Mayor of said City

ATTEST:

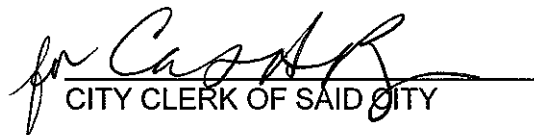
Cassidy
City Clerk thereof

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

I, Bonnie L. Gawf, CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 5th DAY OF May, 2009 BY THE FOLLOWING VOTE:

| | | | |
|--------|---|-----------------|--|
| AYES: | 5 | COUNCILMEMBERS: | Della Sala, Downey, Haferman, Selfridge, Sollecito |
| NOES: | 0 | COUNCILMEMBERS: | None |
| ABSENT | 0 | COUNCILMEMBERS: | None |

PUBLICATION: May 9, 2009


CITY CLERK OF SAID CITY