

ORDINANCE NO. 3482 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMEND CITY CODE SECTION 1-7 TO PROVIDE THAT VIOLATIONS OF THE GRAFFITI
ORDINANCE SHALL BE SUBJECT TO ADMINISTRATIVE CITATION.

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1: WHEREAS, the Monterey City Council is amending Monterey City Code Chapter 22, Article 2 to provide that violation of the Graffiti Ordinance does not constitute a criminal violation, but does constitute a nuisance and may be subject to civil penalties and administrative citations.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 1, Section 1-7 is hereby amended to read 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, subject to the following exceptions:

- a. Any violation of or failure to comply with any provision of this Code may be charged and prosecuted as an infraction at the discretion of the City Attorney;
- b. Any violation of the provisions relating to possession of alcohol in public, parking, operation of bicycles, operation of motor vehicles, as well as the use of sidewalks, public property, streets, and highways by animals, bicycles, skates, skateboards, motor vehicles, or pedestrians, shall constitute an infraction;; and
- c. Any violation of the Graffiti Ordinance as set forth in Chapter 22, Article 2 of this Code shall be subject to the administrative citation and administrative remedies processes set forth in Article 2 of this chapter or other civil remedies, but shall not constitute a misdemeanor or infraction.

Any person convicted of a misdemeanor under the provisions of this Code shall be subject to 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 subject to 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 each offense shall, upon conviction, be punishable accordingly.

In addition to criminal remedies, each and every violation of this Code 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.”

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 2nd day of July, 2013, by the following vote:

AYES:	5	COUNCILMEMBERS:	Downey, Haffa, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:



Mayor of said City



City Clerk thereof