

ORDINANCE NO. 3667 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

IMPLEMENTING A CLERICAL/TECHNICAL UPDATE TO CHAPTER 14, GARBAGE AND REFUSE, ARTICLE 1, SECTION 14-8(5) "PENALTY AMOUNTS FOR TYPES OF VIOLATIONS"

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

SECTION 1:

WHEREAS, the City of Monterey wishes to clarify any inconsistency between Section 14-8 of the Monterey City Code, which specifies fine amounts by ordinance, and the City's Administrative Citation and Parking Violation Fine schedule, which was adopted by resolution;

WHEREAS, Monterey City Code section 1-9 et seq., provides that the amount of fines for code violations imposed for administrative citations be set by resolution;

WHEREAS, it is the intent that this amendment will set fines for violating Chapter 14 of the Monterey City Code by resolution and not by ordinance to be consistent with City Code section 1-9 et seq.; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines") Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action has no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Monterey City Code, Chapter 14, Section 14-8(5) is hereby amended to read as follows:

"Penalty Amounts for Types of Violations. The amount of penalty for initial or any subsequent violations shall be set by resolution pursuant to Section 1-9.3 of the Monterey City Code."

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.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 1st day of August, 2023, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None


APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

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 City Clerk thereof