

ORDINANCE NO. 373

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING SECTION 1.10.020.C CODE VIOLATIONS, SECTION 1.10.060 MISDEMEANOR PENALTIES, AND SECTION 1.10.070 INFRACTION PENALTIES, OF CHAPTER 1.10 CODE VIOLATIONS, PENALTIES AND ENFORCEMENT, OF TITLE 1 GENERAL PROVISIONS, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, Section 1.10.020.C of the Moorpark Municipal Code presently requires that any person violating any of the provisions of the Municipal Code is guilty of a misdemeanor, unless the offense is specifically classified in the Municipal Code or by state law as an infraction, or unless the City Attorney's office, in its discretion, prosecutes the violation as an infraction; and

WHEREAS, Section 1.10.020.C of the Moorpark Municipal Code is proposed to be amended to change the classification of violations from misdemeanors to infractions or misdemeanors to improve the efficiency of the prosecution of persons charged with violations of the code by conserving resources in the prosecution of minor offenses as infractions, while still retaining the discretion to prosecute more serious offenses, or offenses by repeat offenders, as misdemeanors; and

WHEREAS, Sections 1.10.060 and 1.10.070 of the Moorpark Municipal Code are proposed to be amended to reference California Government Code Section 36901 for misdemeanor penalties and 36900 for infraction penalties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.10.020.C of the Moorpark Municipal Code is amended in its entirety to read as follows:

"Any person violating any of the provisions of this code may be prosecuted as an infraction punishable by fine, or as a misdemeanor and punishable by fine or imprisonment, or both, in accordance with Government Code Section 36900, et seq., unless the offense is specifically classified in this code or by state law as an infraction. All violations shall be a misdemeanor unless made an infraction by: (1) the City Attorney filing a complaint in the Municipal Court specifying that the offense is an infraction; or (2) the issuing of a citation by an officer specifying that the violation is an infraction; or (3) the City Attorney making a motion in court to reduce a misdemeanor to an infraction if such motion is made prior to the trial on the matter."

SECTION 2. Section 1.10.060 of the Moorpark Municipal Code is amended in its entirety to read as follows:

“Any person convicted of a misdemeanor for the violation of this code may be punished by the maximum fine or by imprisonment as established by Government Code Section 36901, or by the imposition of both such fine and imprisonment.”

SECTION 3. Section 1.10.070 of the Moorpark Municipal Code is amended in its entirety to read as follows:

“Any person convicted of an infraction for the violation of this code, including any person convicted of an infraction for a violation of any city building or safety code, may be punished by the maximum fines permitted by Government Code Section 36900 et seq.”

SECTION 4. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, 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 the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 21st day of January, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk