## Title 1

## GENERAL PROVISIONS

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Chapter 1 01

CODE ADOPTION

(RESERVED)

## Chapter 1 04

## GENERAL PROVISIONS

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1.04.010 Definitions. The following words and phrases, whenever used in this ordinance of the city of Sausalito, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and

more particularly directed to the use of such words or phrases

- A. "City" and "town" each mean the city of Sausalito, or the area within the territorial limits of the city of Sausalito
- B "Council" means the city council of the city of Sausalito "All its members" or "all councilmembers" means the total number of councilmembers holding office.
  - C "County" means the county of Marin
- D "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city of Sausalito, and, when appropriate, any and all rules and regulations which may be promulgated thereunder
  - E "May" is permissive
  - F. "Month" means a calendar month.
  - G. "Must" and "shall" are each mandatory.
- H "Oath" includes an affirmation of declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land
- J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt

- L. "Preceding" and "following" means the next before and next after, respectively.
  - M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments.
- O. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.
  - P. "State" means the state of California.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, 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 so designated in any law of this state.
- R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.
  - T. "Year" means a calendar year. (Ord. 969 §1, 1980).
- 1.04.020 Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 969 §2, 1980).
- 1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 969 §3, 1980).
- 1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city of Sausalito, unless it is apparent from the context that a different construction is intended:
- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 969 §4, 1980).
- 1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 969 §5, 1980).

- <u>l.04.060</u> Prohibited acts include causing and permitting. Whenever in the ordinances of the city of Sausalito any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 969 §6, 1980).
- 1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 969 §7, 1980).
- 1.04.080 Construction. The provisions of the ordinances of the city of Sausalito, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 969 §8, 1980).
- 1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 969 §9, 1980).

## Chapter 1.05

## PENALTY PROVISIONS

### Sections:

- 1.05.010 Violations an infraction.
- 1.05.020 Prohibited acts include causing, permitting and suffering.
- 1.05.030 Imposition of penalty.
- 1.05.040 Determination of punishment.
- 1.05.050 Place of confinement.
- 1.05.060 Enforcement.
- 1.05.010 Violations an infraction. Pursuant to the provisions of Government Code Section 36900(a), whenever in this code or in any other ordinance of the city, any action is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of such provision of this code or any city ordinance shall be, when so provided, a misdemeanor, but where no specific penalty is provided for the violation of a provision of this code, such violation shall be an infraction. Whenever the violation

of any provision of this code or city ordinance is chargeable as a misdemeanor, such violation shall be an infraction whenever the citing officer files a complain or issued a notice to appear charging the offense as an infraction unless the defendant, at the time of arraignment, elects to have the case proceed as a misdemeanor. In addition to any specific fine or penalty set forth in this code, if such violation is charged by the citing officer as an infraction, the violation shall be punishable as set forth in Government Code Section 36900(b)

Every day any violation of this code or any other ordinance of the city continues shall constitute a separate offense. However, every person violating a provision of this code relating to the time a vehicle may be left standing or parked is guilty of a further and separate violation for each period of time that the vehicle is left so parked equal to the maximum legal parking time for the particular traffic zone or parking space as designated by ordinance or resolutions adopted fixing such maximum legal parking time. (Ord 1054 \$1(part), 1990).

- 1.05.020 Prohibited acts include causing, permitting and suffering Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission (Ord. 1054 §1(part), 1990).
- 1.05.030 Imposition of penalty The provisions of this code which declare certain crimes to be punishable as herein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment described. (Ord. 1054 \$1(part), 1990).
- 1.05.040 Determination of punishment. Whenever in this code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case shall be determined by the court authorized to pass sentence, within such limits as may be prescribed by this code. (Ord 1054 §1(part), 1990)
- 1 05 050 Place of confinement. Every person found guilty of violating any of the provisions of this code and sentenced to imprisonment shall be imprisoned in the city jail or the county jail. (Ord. 1054 §1(part), 1990).

- 1 05 060 Enforcement A Public Nuisance Any violation of this code constitutes a public nuisance In addition to any other remedies provided by this code, the city may abate and bring civil suit to enjoin or abate the violation
- B Power of Arrest. The city manager and his or her designee; the planning director and his or her designee; the public works director and his or her designee; the building inspector/code enforcement officer and his or her designee, the finance director and his or her designee, the fire chief and fire marshal and their designees; and other employees of the city when so designated by resolution of the city council, are vested with the authority to cite and arrest any person who violates any of the provisions of this code or any city ordinance
- C. The remedies provided in this chapter shall be cumulative and not exclusive
- D Whenever a specific provision of this code empower the city to pursue a civil remedy against an individual shall not bar the bringing of a criminal charge against such individual pursuant to the provisions of this chapter (Ord 1054 \$1(part), 1990)

# Chapter 1 07

# CLAIMS FOR MONEY AND DAMAGES AGAINST THE CITY OF SAUSALITO

#### Sections:

- 1.07 010 Claims presentation procedure
- 1 07 020 Further claims presentation procedures.
- 1.07 010 Claim presentation procedure. All claims for money or damages against the city of Sausalito shall be presented to the city clerk or the city clerk's appointed deputy and in compliance with the provisions of this chapter (Ord. 1092 §1, 1993)
- 1 07 020 Further claims presentation procedures. Pursuant to Section 935 of the California Government Code all claims against the city of Sausalito for damages or money which claims are not otherwise governed by any state or local law providing a specific procedure for the pres-

entation of such claims are not otherwise governed by any state or local law providing a specific procedure for the presentation of such claims, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the California Government Code, notwithstanding the exemptions set forth in Section 905 of the California Government Code Such claims shall further be subject to the provisions of Section 945.4 of the California Government Code relating to the prohibition of suits in the absence of the presentation of a claim and action thereon by the city (Ord 1092 §1, 1993)

## Chapter 1 09

### FEES

#### Sections.

1 09.010 Set by resolution

1.09 020 Full cost recovery

1 09 030 Costs by consultants.

1 09.040 Date effective

1.09.050 Waiver of fees.

1 09 060 Appeal.

1 09 070 Failure to pay.

1 09 010 Set by resolution. The city council may annually, by resolution, set a fee for any service provided by the city including, without limitations, the issuance of permits, zoning variances, zoning changes, use permits, building inspections, and building permits, the processing of applications, or the performance of administrative services. The amount of the fee shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless the fee in excess of that amount is approved by popular vote of two-thirds of those voters voting on the issue or as otherwise may be provided by law. Prior to approving a new or increased fee, the city council shall hold a noticed public hearing. (Ord 1160 \$1(part), 2002).

1.09.020 Full cost recovery To the extent feasible, the amount of the fee shall be determined on a "time

and materials" basis to enable the city to charge the actual costs of providing services. Where fees are on a time and materials basis, the person requesting the service shall deposit the estimated cost of the service as determined by staff and shall execute an agreement for payment of full cost recovery fees for application processing and inspection services prior to commencement of processing of the application. If the initial deposit is not adequate to cover actual costs, an additional deposit or deposits may be required. Moneys deposited which are in excess of actual cost shall be returned to the applicant when the service is completed (Ord 1160 §1(part), 2002).

- 1.09.030 Costs for consultants. When the processing of any application requires the services of an outside consultant, the department responsible for processing the application shall charge and collect, or cause to be charged and collected, the estimated cost of any special reports or consultant or consultants' fees that may be required to process the application. Any actual cost that is more than the estimated cost shall be paid by the applicant prior to the issuance of the permit and any collected estimated cost that is more than the actual cost shall be returned to the applicant at the time of the issuance of the permit. (Ord. 1160 \$1(part), 2002).
- 1.09 040 Date effective Except for development impact fees, newly adopted fees shall become effective at the earliest date permitted by law and shall be applicable to all services rendered after that date and to all projects for which the application has not yet been deemed complete. (Ord. 1160 §1(part), 2002)
- 1.09.050 Walver of fees. The city council may walve any fees required under this title for any non-profit organization, public body, district or agency of federal, state, county or municipal government or under other circumstances that the city council in its discretion justifies such a walver (Ord. 1160 §1(part), 2002)
- $\frac{1~09~060}{}$  Appeal When services are being provided on a "time and materials" basis, actual costs, including wages and reasonable overhead for staff time spent, shall be separately recorded for each project and the records

shall be available for inspection by the applicant. Charges for services levied for "time and materials" pursuant to this chapter may be appealed to the director of the department providing the service. The decision of the director may be appealed to the City Manager. The decision of the city manager may be appealed to the City Council. (Ord. 1160 §1(part), 2002)

1.09.070 Failure to pay. If the funds deposited are inadequate to cover the costs of providing the service, after notice and request for an additional deposit if applicable, the city may, at its sole and exclusive discretion, cease work on the application or request. Prior to competition of processing of any phase of a development application, any and all outstanding amounts due pursuant to this chapter shall be paid. The community development department shall withhold issuance of further plan checks, entitlements, permits, and/or certificates of occupancy until all required processing and inspection fees have been paid in full (Ord. 1160 §1(part), 2002)

