



**CITY OF PACIFIC GROVE**  
300 Forest Avenue, Pacific Grove, California 93950

**AGENDA REPORT**

**TO:** HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:** City Attorney David C. Laredo  
**MEETING DATE:** February 20, 2008  
**SUBJECT:** SECOND READING OF A COMPANION ORDINANCE TO  
THE ADMINISTRATIVE ENFORCEMENT ORDINANCE  
WHICH ADDED CHAPTERS 1.19 AND 3.30 TO THE  
MUNICIPAL CODE

**RECOMMENDATION:**

Adopt the Companion Ordinance to the Administrative Enforcement Ordinance which added Chapters 1.19 and 3.30 to the Municipal Code.

**DISCUSSION:**

On February 20, 2008 the City Council introduced a Companion Ordinance to the Administrative Enforcement Ordinance, which added Chapters 1.19 and 3.30 to the Municipal Code.

Introduction of the Ordinance was the first step in this process. Adoption and passage of this Ordinance by the City Council is the next step. No substantial changes to an Ordinance can be made between its introduction and adoption, and there have not been any changes to the Ordinance since it was introduced February 20, 2008. The Ordinance will become effective 30 days following passage and adoption.

**ATTACHMENTS:**

- Companion Ordinance to the Administrative Enforcement Ordinance which added Chapters 1.19 and 3.30 to the Municipal Code

RESPECTFULLY SUBMITTED:

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David C. Laredo  
CITY ATTORNEY

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE  
MODIFYING EXISTING SECTIONS OF THE PACIFIC GROVE  
MUNICIPAL CODE TO CONFORM TO THE ADOPTION OF MUNICIPAL  
CODE CHAPTERS 1.19 AND 3.30 GOVERNING MUNICIPAL CODE AND  
ORDINANCE ENFORCEMENT**

**WHEREAS**, the City Council of the City of Pacific Grove has determined that administrative review of enforcement matters will facilitate improved and more consistent code compliance, reduce obstacles and time delays that result from criminal or civil enforcement, and result in more uniform application of the City’s rules and procedures; and

**WHEREAS**, on November 7, 2007, the City Council approved an administrative enforcement process through the adoption of Ordinance No. 07-022, which added Chapter 1.19, “Municipal Code and Ordinance Enforcement,” and Chapter 3.30, “Hearing Officer Panel” to the City’s Municipal Code; and

**WHEREAS**, the adoption of Chapters 1.19 and 3.30 impact the enforcement provisions of other Chapters of the Pacific Grove Municipal Code and such provisions must be modified to integrate the new administrative review processes;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Based upon the existence of Section 1.04.100, entitled “Severability of provisions,” in Chapter 1.04 of the Municipal Code, entitled “Adoption of the Code,” the duplicative severability provisions set forth in Code Sections 3.20.130, Emergency Services; 6.08.180, Uniform Sales and Use Tax; 6.11.120, Time-Share Tax In Lieu Of Transient Occupancy Tax; 7.04.290, Business License Tax; 7.06.100, Massage Licensing; 11.09.030, Loitering; 11.24.080, Smoking Regulations; 11.38.040, Trespass to Posted Public Works, and 21.12.260(c), Cable Communication Franchise, are redundant and shall be deleted in their entirety.

***1.04.100 Severability of provisions***

If any article, chapter, section, subsection, paragraph, sentence, clause or phrase of this code is held invalid or unconstitutional for any reason by a court of competent jurisdiction, that holding shall not affect the validity or constitutionality of the remainder of this code. The city council hereby declares that it would have adopted each part of this code irrespective of the validity of any other part.

SECTION 3. The text set forth in existing Section 1.12.010 of the Pacific Grove Municipal Code entitled, "Giving of Notice", of Chapter 1.12, Notices, shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***1.12.010 Giving of Notice***

(a) Any written notice required by the provisions of this code, unless it is herein otherwise specifically provided, ~~may~~ ***shall*** be given either ***served as follows:***

- i. ***B***by personal ***delivery*** service ***to the person to be notified*** or by ***deposit in the United States M***ail, ~~In case of service by mail, the notice must be deposited in a United States Post Office in a sealed envelope with postage prepaid, and addressed to the~~ ***such*** person ***to be notified*** on whom it is to be served at his ***the*** last known ***business or residence*** address, as the same appears in the ***public*** records pertaining to the matter, to which such notice is directed. Such service shall be deemed completed at the time of the deposit in the post office.
- ii. ***Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.***
- iii. ***Where personal service or service by mail upon the property owner is unsuccessful, a copy of the order shall be conspicuously posted at the property which is the subject of the order.***

(b) ***Proof of service of notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.***

(c) ***The failure of any person to receive any notice required under this Code shall not affect the validity of any proceedings taken under this Code.***

SECTION 4. The text set forth in existing Section 1.16.010 of the Pacific Grove Municipal Code entitled, "General penalties – Continuing Violations", of Chapter 1.16, Violations, shall be renamed "Enforcement – Misdemeanors" and shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***1.16.010 Enforcement – Misdemeanors***

(a) Subject to subsection (d) of this section, every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor,

except in cases in which the act or failure to perform an act is expressly stated to be an infraction; provided, that the city attorney may elect to prosecute any misdemeanor as an infraction.

(b) A misdemeanor is punishable by a fine of no more than \$1,000.00 or by imprisonment for no longer than six months, or by both such fine and imprisonment, unless this code otherwise specially provides.

~~(c) An infraction is punishable by:~~

~~(i) A fine not exceeding \$100.00 for the first violation;~~

~~(ii) A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;~~

~~(iii) A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.~~

~~(c)~~ Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues.

~~(d)~~ Violations of provisions of this code regulating and prohibiting the standing and parking of motor vehicles shall be treated and processed pursuant to California Vehicle Code Section 40200, et seq.

SECTION 5. Chapter 1.16, entitled "Violations," shall be amended to include a new Section 1.16.011, entitled "Enforcement – Infractions" as follows:

***Section 1.16.011 Enforcement – Infraction***

(a) An infraction is punishable by:

(i) A fine not exceeding \$100.00 for the first violation;

(ii) A fine not exceeding \$200.00 for a second violation of the same ordinance within one year;

(iii) A fine not exceeding \$500.00 for each additional violation of the same ordinance within one year.

(b) Any person causing or permitting a violation of this code shall be regarded as committing a separate offense on each day that the violation occurs or continues.

SECTION 6. Chapter 1.16, entitled "Violations," shall be amended to include a new Section 1.16.012, entitled "Administrative Enforcement", as follows:

***1.16.012 Administrative Enforcement***

(a) The City Attorney is authorized to enforce any violations of any provisions of this Code as set forth in Title 1, Chapter 1.19, Municipal Code and Ordinance Enforcement, of the Pacific Grove Municipal Code.

(b) The amounts of fines for violation of various provisions of Chapter 1.19, Municipal Code and Ordinance Enforcement, shall be in accord with Chapter 1.16 or as established by resolution of the council.

SECTION 7. The text set forth in existing Section 1.16.013 of the Pacific Grove Municipal Code entitled, “Falsifying information”, of Chapter 1.16, Violations, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***1.16.013 Falsifying information***

Any person who (a) knowingly makes, submits or files any false statement, representation, record, report, plan or other document, including but not limited to photographic, video or electronic media, to the city, or who (b) falsifies, tampers with, or knowingly renders inaccurate any required monitoring device, is hereby declared to be subject to ~~the provisions of Section 1.16.010, and subject to~~ each of the penalties and civil liabilities imposed by ~~this~~ Chapter 1.16.

SECTION 8. The text set forth in existing Section 2.04.08(b) of the Pacific Grove Municipal Code entitled, “Disclosure of confidential communication prohibited”, of Chapter 2.04, Council, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***2.04.080 Disclosure of confidential communication prohibited***

(b) Violation of this section is an infraction, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 9. The text set forth in existing Section 3.20.120 of the Pacific Grove Municipal Code entitled, “Punishment of Violations”, of Chapter 3.20, Emergency Services, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**3.20.120 Punishment of violations**

It shall be unlawful a misdemeanor, punishable by a fine of not to exceed \$500.00 or by imprisonment for not to exceed six months, or both, for any person, and may be enforced pursuant to Chapter 1.16, during an emergency, to:

(a) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him or her by virtue of this ordinance;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this ordinance, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof;

(c) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

SECTION 10. The text set forth in existing Section 4.14.060 of the Pacific Grove Municipal Code entitled, “Impersonating Member – Misdemeanor”, of Chapter 4.14, Pacific Grove Police Reserve, shall be renamed “Impersonating Member – Enforcement” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**4.14.060 Impersonating member – Enforcement**

It is a misdemeanor, and may be enforced pursuant to Chapter 1.16, for any person to impersonate a member of the reserve or to undertake duties as, or assume the status of a member of the reserve at any time other than when officially assigned to reserve duty by a full-time officer of the police department or while attending official training.

SECTION 11. The text set forth in existing Section 6.08.170 of the Pacific Grove Municipal Code entitled, “Penalties”, of Chapter 6.08, Uniform and Sales Tax, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**6.08.170 Enforcement**

Any violation of ~~person violating~~ any of the provisions of this chapter is guilty of a misdemeanor, and may be prosecuted pursuant to Chapter 1.16, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

SECTION 12. The text set forth in existing Section 6.09.130 of the Pacific Grove Municipal Code entitled, “Penalties for violations – Unlawful acts”, of Chapter 6.09, Uniform Transit Occupancy Tax, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**6.09.130      *Enforcement***

Any ***violation of*** ~~person violating~~ any of the provisions of this chapter ***is unlawful, and may be enforced pursuant to Chapter 1.16.*** ~~shall be guilty of a misdemeanor, and shall be punishable therefor by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.~~

SECTION 13. The text set forth in existing Section 6.10.020(j) of the Pacific Grove Municipal Code entitled, “Exemptions”, of Chapter 6.10, Telephone, Gas, Electricity and Television Cable Users Tax, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**6.10.020      *Exemptions***

(j) Duty to Disclose Disqualification. Any service user who has been exempt under this section shall notify the tax administrator within ten days of any change in fact or circumstance which disqualifies such service user from receiving an exemption. It shall be a misdemeanor, ***and may be enforced pursuant to Chapter 1.16,*** for any person to knowingly receive the benefits of the exemption provided by this section when such person has knowledge that the basis or bases for such exemption does not or ceases to exist.

SECTION 14. The text set forth in existing Section 6.10.110 of the Pacific Grove Municipal Code entitled, “Penalties for violations - Unlawful acts”, of Chapter 6.10, Telephone, Gas, Electricity And Television Cable Users Tax, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**6.10.110      *Enforcement***

***The city attorney may prosecute, pursuant to Chapter 1.16:***

***(a)*** Any person violating any of the provisions of this chapter or any person willfully refusing to pay any tax required hereunder; ~~shall be guilty of a misdemeanor~~

~~and shall be punishable therefor by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.~~

(b) Any operator required to collect a tax under the provisions of this chapter who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim; and/or ~~guilty of a misdemeanor and is punishable as aforesaid.~~

(c) Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made. ~~is guilty of a misdemeanor and is punishable as aforesaid.~~

SECTION 15. The text set forth in existing Section 6.11.110 of the Pacific Grove Municipal Code entitled, "Penalties for violations - Unlawful acts," of Chapter 6.11, Time-Share Tax In Lieu Of Transient Occupancy Tax, shall be renamed "Enforcement" and text shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***6.11.110 Enforcement***

***The city attorney may prosecute, pursuant to Sections 1.16.010 and 1.16.012:***

(a) Any person violating any of the provisions of this chapter or any person willfully refusing to pay any tax required hereunder; ~~shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment.~~

(b) Any promoter or association or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim; ~~is guilty of a misdemeanor, and is punishable as aforesaid.~~

(c) Any person required to make, render, sign or verify any report or claim, who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made; ~~is guilty of a misdemeanor and is punishable as aforesaid.~~

SECTION 16. The text set forth in existing Section 7.04.280 of the Pacific Grove Municipal Code entitled, “Penalty for violation,” of Chapter 7.04, Business License Tax, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**7.04.280      *Enforcement***

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this city any material fact in procuring the license or permit herein provided. for shall be deemed guilty of a misdemeanor, ***and may be prosecuted pursuant to Chapter 1.16.***, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

SECTION 17. The text set forth in existing Section 7.06.110 of the Pacific Grove Municipal Code entitled, “Violation - Misdemeanor,” of Chapter 7.06, Massage Licensing, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**7.06.110      *Enforcement***

Any violation of this chapter constitutes a misdemeanor, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 18. The text set forth in existing Section 7.10.050 of the Pacific Grove Municipal Code entitled, “Violations,” of Chapter 7.10, Drug Paraphernalia Sales, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**7.10.050      *Enforcement***

It shall constitute a misdemeanor, ***and may be enforced pursuant to Chapter 1.16,*** to carry on the business of drug paraphernalia without the permit required by this chapter having first been obtained, or to violate Section 7.10.040.

SECTION 19. The text set forth in existing Section 9.20.100(c)(8) of the Pacific Grove Municipal Code entitled, “Service charges - Inside city limits” of Chapter 9.20, Sewage Disposal, shall be changed by the deletion of all text shown in strikeout text

(~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***9.20.100 Service charges - Inside city limits***

(c)(8) Any person who has been exempt under this section shall notify the tax administrator within ten days of any change in fact or circumstance which disqualifies such person from receiving an exemption. It shall be a misdemeanor, ***and may be enforced pursuant to Chapter 1.16***, for any person knowingly to receive the benefits of the exemption when such person has knowledge that the basis for such exemption does not or ceases to exist.

SECTION 20. The text set forth in existing Section 9.20.185 of the Pacific Grove Municipal Code entitled, “Monterey Regional Water Pollution Control Agency provisions incorporated” of Chapter 9.20, Sewage Disposal, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***9.20.185 Monterey Regional Water Pollution Control Agency provisions incorporated***

There is incorporated as a part of this chapter, as if the same were set forth herein verbatim, all of the terms, conditions, and requirements of Monterey Regional Water Pollution Control Agency (MRWPCA) Ordinance No. 92-02, passed April 27, 1992, as amended by MRWPCA Ordinance No. 93-03 on October 25, 1993, and as may be further amended by time to time by the Monterey Regional Water Pollution Control Agency in with respect to any discharge of any waste in any part of the city. Any violation of any provision thereof shall constitute a misdemeanor, ***and may be enforced pursuant to Chapter 1.16***, in addition to any penalty or remedy which may be available to said agency under said ordinance(s). Said agency shall be authorized on behalf of the city to enforce said ordinance(s) in any part of the city. The city reserves unto itself the power to enforce each and every term, condition, and requirement thereof in the event said agency fails or ceases to enforce the same or in the event of an emergency.

SECTION 21. The text set forth in existing Section 9.40.240 of the Pacific Grove Municipal Code entitled, “Enforcement,” of Chapter 9.40, Abandoned Vehicles, shall be renamed “Enforcement” and shall be changed by addition of new subsection (h) by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***9.40.240 Enforcement***

***(h) Violations of any provision of this chapter may be enforced pursuant to Chapter 1.16.***

SECTION 22. The text set forth in existing Section 10.04.020 of the Pacific Grove Municipal Code entitled, "Running at large," of Chapter 10.04, Dogs, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.04.020 Running at large***

(a) Except in those areas designated in Section 14.08.030 of this code where dogs may run at large at times listed in that section, it is unlawful for any person owning or having charge, care or control of any dog, whether licensed and vaccinated or not, to suffer or permit any such dog to run at large on any public street, road, alley, park, square or place, or on any vacant or unenclosed lot or land within the city. A dog shall be deemed running at large unless led or restrained by a leash not exceeding six feet in length attached to the dog's collar or harness and actually held by a person or made fast to a stationary object.

(b) Except as provided in subsection (c), immediately below, a violation of this section shall be an infraction, ***and may be enforced pursuant to Chapter 1.16.***

(c) Second and subsequent violations of this section within a one-year period shall be misdemeanors, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 23. The text set forth in existing Section 10.04.140(d) of the Pacific Grove Municipal Code entitled, "Dog excrement," of Chapter 10.04, Dogs, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.04.140 Dog excrement***

(d) A violation of this section shall constitute an infraction, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 24. The text set forth in existing Section 10.04.150 of the Pacific Grove Municipal Code entitled, "Dogs creating noise or unsanitary conditions," of Chapter 10.04, Dogs, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.04.150 Dogs creating noise or unsanitary conditions***

(a) It is unlawful to habitually disturb the peace of any person by allowing unsanitary conditions in connection with the keeping, possessing or owning of a dog or dogs.

(b) It is unlawful to own, control, possess, harbor or keep any dog which by reason of its barking, yelping or other noise created by it habitually disturbs the peace and quiet of a neighborhood. At a minimum, such habitual disturbance shall be established by evidence provided either by two residents of the affected neighborhood, such residents occupying separate dwelling units, or by one resident of the affected neighborhood and a city enforcement person.

(c) Except as provided in subsection (d), immediately below, a violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

(d) Second and subsequent violations of either subsection (a) or subsection (b), above, within a one-year period shall be misdemeanors, **and may be enforced pursuant to Chapter 1.16.**

SECTION 25. The text set forth in existing Section 10.08.070 of the Pacific Grove Municipal Code entitled, “Violation,” of Chapter 10.08, Keeping Animals and Fowl, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.08.070 Enforcement***

A violation of this chapter shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 26. The text set forth in existing Section 10.10.010(c) of the Pacific Grove Municipal Code entitled, “Prohibited - Where - Exceptions” of Chapter 10.10, Feeding Animals, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.10.010 Prohibited - Where - Exceptions***

(c) Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 27. The text set forth in existing Section 10.18.010 of the Pacific Grove Municipal Code entitled, “Sterilization of adopted animals – Fees,” of Chapter 10.18, Adopted Animals, shall be changed by the deletion of all text shown in strikeout text

(~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***10.18.010 Sterilization of adopted animals – Fees***

(a) No unsterilized dog or cat shall be released by the city or its designee for adoption unless the adopter first follows the "Delivery to Veterinarian" procedure given in Section 10.04.100(d).

(b) Any person who violates or fails to perform an agreement to sterilize an animal as provided in this section shall be guilty of a misdemeanor, ***and may be enforced pursuant to Chapter 1.16.*** ~~T~~-the animal is subject to seizure by the city or its designee.

SECTION 28. The text set forth in existing Section 11.04.020 of the Pacific Grove Municipal Code entitled, "Consumption in public place" of Chapter 11.04, Alcoholic Beverages, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.04.020 Consumption in public place***

It is unlawful and an infraction for any person to drink or consume any alcoholic beverage in or on any public park, street, alley, public property, public parking area, public wharf, public dock, public waterfront or marine life refuge, or any beach within the city; provided, that the provisions of this section shall not apply to consumption of alcoholic beverages within the confines of any enclosed building where express permission for the consumption of alcoholic beverages has been granted by the city council. ***This provision may be enforced pursuant to Chapter 1.16.***

SECTION 29. The text set forth in existing Section 11.04.040 of the Pacific Grove Municipal Code entitled, "Persons under twenty-one - prohibitions," of Chapter 11.04, Alcoholic Beverages, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.04.040 Persons under twenty-one – prohibitions***

(a) No person under the age of twenty-one years shall have in his or her possession or consume any alcoholic beverage at any place not open to the public, except for wine used for sacramental or other religious purposes during authorized religious services.

(b) No person shall suffer, permit, allow or host a social gathering at his or her place of residence where one or more persons under the age of twenty-one years are

present and alcoholic beverages are in the possession of, or being consumed by any person under the age of twenty-one years, except for wine used for sacramental or other religious purposes during authorized religious services.

(c) Any person violating this section is guilty of a misdemeanor, **and may be prosecuted pursuant to Chapter 1.16.**

SECTION 30. The text set forth in existing Section 11.08.010(f) of the Pacific Grove Municipal Code entitled, "Juvenile curfew regulations," of Chapter 11.08, Curfew for Juveniles, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

(f) A violation of this section shall constitute a misdemeanor, **and may be enforced pursuant to Chapter 1.16.**

SECTION 31. The text set forth in existing Section 11.09.040 of the Pacific Grove Municipal Code entitled, "Violation" of Chapter 11.09, Loitering, shall be renamed "Enforcement" and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**11.09.040 Enforcement**

Any violation of this chapter shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 32. The text set forth in existing Section 11.10.070 of the Pacific Grove Municipal Code entitled, "Violation - Infraction" of Chapter 11.10, Garage Sales, shall be renamed "Enforcement" and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**11.10.070 Enforcement**

Every person who, either for himself or as the agent of another, commences, engages in, conducts or carries on any sale as provided in this chapter without procuring the permit required by this chapter or who fails to comply with the conditions and provisions of this chapter is guilty of an infraction, **and may be prosecuted pursuant to Chapter 1.16.**

SECTION 33. The text set forth in existing Section 11.20.140 of the Pacific Grove Municipal Code entitled, “Bingo - Violation - Misdemeanor,” of Chapter 11.20, Card Rooms, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.20.140      Bingo - Violation - Misdemeanor***

It is a misdemeanor for any person to violate any provision of Sections 11.20.020 through 11.20.160, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 34. The text set forth in existing Section 11.24.060 of the Pacific Grove Municipal Code entitled, “Penalties” of Chapter 11.24, Smoking Regulations, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.24.060      Enforcement***

(a) It is unlawful and an infraction for any person who owns, manages, operates or otherwise controls the use of any premises subject to the provisions of this chapter to fail to: properly post signs required hereunder; properly set aside no smoking areas; comply with any other requirements of this chapter.

(b) It is unlawful for any person to smoke in any area restricted by the provisions of this chapter.

***(c) Any violations of any provisions of this chapter may be enforced pursuant to Chapter 1.16.***

SECTION 35. The text set forth in existing Section 11.36.010 of the Pacific Grove Municipal Code entitled, “Unlawful acts,” of Chapter 11.36, Damaging Public Buildings, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.36.010      Unlawful acts***

It is unlawful and a misdemeanor for any person to willfully and maliciously cut, mark, deface, mar, destroy, or in any manner injure any public building, or property. ***Any person violating any provisions of this Chapter may be prosecuted pursuant to Chapter 1.16.***

SECTION 36. The text set forth in existing Section 11.38.030 of the Pacific Grove Municipal Code entitled, “Entering or remaining on property,” of Chapter 11.38, Trespass to Posted Public Works, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.38.030      Entering or remaining on property***

It is unlawful for any person to enter or remain upon any public works property of the city of Pacific Grove which has been posted by the city manager, without written permission from the city manager. Every person who enters or remains upon posted property without such written permission is guilty of a misdemeanor, ***and may be prosecuted pursuant to Chapter 1.16.*** ~~for each day during any portion of which he or she enters or remains upon such posted property.~~

SECTION 37. The text set forth in existing Section 11.76.010 of the Pacific Grove Municipal Code entitled, “Climbing prohibited,” of Chapter 11.76, Wall Climbing, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.76.010      Climbing prohibited***

It is unlawful for any person to climb, scale, rappel, suspend from, or otherwise ascend or descend, with or without the aid of rope or other climbing equipment, any man-made vertical wall on city property having a height of greater than eight feet. Any violation of this chapter shall constitute an infraction, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 38. The text set forth in existing Section 11.84.010 of the Pacific Grove Municipal Code entitled, “Fireworks prohibited - Violation - Penalty,” of Chapter 11.84, Fireworks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.84.010      Fireworks prohibited - Violation - Enforcement***

It is unlawful for any person to sell, discharge or use fireworks (as defined at Section 12511 of the California Health and Safety Code) within the city of Pacific Grove. A violation of this chapter shall be punishable as an infraction, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 39. The text set forth in existing Section 11.88.010 of the Pacific Grove Municipal Code entitled, “Prohibited in public places, places open to public view or on private property without consent of owner,” of Chapter 11.88, Public Urination and Defecation, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.88.010 Prohibited in public places, places open to public view or on private property without consent of owner***

It is unlawful for any person over the age of ten years to willfully and knowingly urinate or defecate in a public place other than a rest room, or in a place open to public view, or upon the private property of another without the consent of the owner. A violation of this chapter shall be punishable as a misdemeanor, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 40. The text set forth in existing Section 11.94.010 of the Pacific Grove Municipal Code entitled, “Permit required,” of Chapter 11.94, Sound Amplification Regulations, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.94.010 Permit required***

It is unlawful and a misdemeanor to operate or cause to operate, or suffer or permit the operation of any sound-amplifying device whereby sounds therefrom become audible and disturbing to a person or persons beyond the boundaries of the property from which the amplification occurs, without a permit. ***Any violations of any provisions of this chapter may be enforced pursuant to Chapter 1.16.***

SECTION 41. The text set forth in existing Section 11.94.020 of the Pacific Grove Municipal Code entitled, “General Conditions,” of Chapter 11.94, Sound Amplification Regulations, shall be renamed “General Violations” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.94.020 General Violations***

It is unlawful and a misdemeanor to do any of the following:

- (a) To make a wilfully false statement in the application for a permit;

(b) For an applicant to fail to attend or cause an appropriate supervisor to attend during the times of operation of the device, to assure proper compliance with these regulations and the conditions of the permit;

(c) For the applicant or any person to continue operation of a sound-amplification device after the permit has been revoked by the police or has expired in accordance with its terms;

(d) For any person to wilfully perform any act contrary to the terms and conditions of the permit.

*(e) Any violations of any provisions of this chapter may be enforced pursuant to Chapter 1.16.*

SECTION 42. The text set forth in existing Section 11.94.050 of the Pacific Grove Municipal Code entitled, "Sound trucks prohibited," of Chapter 11.94, Sound Amplification Regulations, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.94.050 Sound trucks prohibited***

It is unlawful and a misdemeanor to operate or drive any vehicle equipped with a device designed and used for amplifying and projecting advertising or commercial messages in any unenclosed area in the city. *Any violations of any provisions of this chapter may be enforced pursuant to Chapter 1.16.*

SECTION 43. The text set forth in existing Section 11.96.020(g) of the Pacific Grove Municipal Code entitled, "Leaf blowers - Restrictions on use," of Chapter 11.96, Unlawful Noises, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***11.96.020 Leaf blowers - Restrictions on use***

(g) A violation of this section shall be an infraction, *and may be enforced pursuant to Chapter 1.16.*

SECTION 44. The text set forth in existing Section 11.97.050 of the Pacific Grove Municipal Code entitled, "Compliance," of Chapter 11.97, Community Flood Plan, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**11.97.050 Compliance**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the provisions of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor, **and may be enforced pursuant to Chapter 1.16.** Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 45. The text set forth in existing Section 12.12.060 of the Pacific Grove Municipal Code entitled, "Violation," of Chapter 12.12, Weed and Rubbish Abatement, shall be renamed "Enforcement" and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**12.12.060 Enforcement**

A violation of this chapter shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 46. The text set forth in existing Section 12.16.270 of the Pacific Grove Municipal Code entitled, "Violations - Enforcement," of Chapter 12.16, Tree Preservation and Protection, shall be renamed "Enforcement" and Section 12.16.270(a) shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**12.16.270 Enforcement**

(a) Any person who violates any of the provisions of this chapter or any of the conditions of any permit issued hereunder is guilty of a misdemeanor, **and may be enforced pursuant to Chapter 1.16.** ~~Each violation shall be punishable by a fine of no more than \$1,000.00 or by imprisonment for no longer than six months, or by both fine and imprisonment. Subsequent to written notice, each day an offense is allowed to continue shall be considered as a separate offense and prosecuted accordingly.~~

SECTION 47. The text set forth in existing Section 14.04.020 of the Pacific Grove Municipal Code entitled, "Unlawful Acts" of Chapter 14.04, Marine Refuge, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**14.04.020 Unlawful acts**

Anyone taking specimens of marine plant life, or who wilfully disturbs, injures or destroys marine animal habitats or who removes sand, gravel, or rocks therefrom shall be guilty of a misdemeanor, **and may be prosecuted pursuant to Chapter 1.16.**

SECTION 48. The text set forth in existing Section 14.08.010(h) of the Pacific Grove Municipal Code entitled, “Unlawful acts within limits of park, golf course or beach,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**14.08.010 Unlawful acts within limits of park, golf course or beach**

(h) To appear, bathe, sunbathe, walk or be in any public park, playground, beach or the waters adjacent thereto, or any place under the jurisdiction of the city in such a manner that the genitals, to include pubis, pubic hair, and buttocks of any person, or any portion of the breast which includes the areola thereof of any female person, is exposed to public view or is not covered by an opaque covering. This subsection shall not apply to children under the age of ten years.

This subsection shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment located on public land. A violation of this subsection shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 49. The text set forth in existing Section 14.08.016(b) of the Pacific Grove Municipal Code entitled, “Recreational trail - Foot traffic prohibited on bicycle portion,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**14.08.016 Recreational trail - Foot traffic prohibited on bicycle portion**

(b) A violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 50. The text set forth in existing Section 14.08.017(c) of the Pacific Grove Municipal Code entitled, “Monarch Grove Sanctuary as public park,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**14.08.017**      *Monarch Grove Sanctuary as public park*

(c)      A violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 51. The text set forth in existing Section 14.08.020(c) of the Pacific Grove Municipal Code entitled, “Bicycles prohibited,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**14.08.020**      *Bicycles prohibited*

(c)      A violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 52. The text set forth in existing Section 14.08.025(b) of the Pacific Grove Municipal Code entitled, “Use of motorized scooters in recreational trail, in all public parks, golf links and El Carmelo Cemetery,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**14.08.025**      *Use of motorized scooters in recreational trail, in all public parks, golf links and El Carmelo Cemetery*

(b)      A violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 53. The text set forth in existing Section 14.08.030(d) of the Pacific Grove Municipal Code entitled, “Dogs prohibited in public parks - Exceptions,” of Chapter 14.08, Parks, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**14.08.030**      *Dogs prohibited in public parks - Exceptions*

(d)      A violation of this section shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 54. The text set forth in existing Section 14.08.040(b) of the Pacific Grove Municipal Code entitled, “Diving along the waterfront,” of Chapter 14.08, Parks,

shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***14.08.040 Diving along the waterfront***

(b) The following regulations shall apply to scuba diving and scuba-diving-related activities. Violation of any of the listed regulations shall constitute an infraction, ***and may be enforced pursuant to Chapter 1.16.***

SECTION 55. The text set forth in existing Section 14.12.040 of the Pacific Grove Municipal Code entitled, “Rules and regulations - Authority to adopt - Effect,” of Chapter 14.12, Golf Links, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***14.12.040 Rules and regulations - Authority to adopt - Violations***

(a) By resolution the city council may adopt regulatory rules governing the use and operation of the municipal golf links, so long as such rules are not in conflict with other provisions of this code. All rules so adopted shall have the same effect as if set out in this code, and shall be deemed to be acts prohibited under the terms of Section 1.16.010 of this code. Violations of any rule so adopted shall be an infraction, ***and may be enforced pursuant to Chapter 1.16.*** provided that any violator shall first be advised to refrain from the illegal activity. Subsequent violation of the same rule by a person so advised shall subject that person to ~~criminal~~ prosecution.

(b) Violation of any rule so adopted shall also subject the violator to removal from the golf course and clubhouse, with or without advice to refrain first having been given, by order of the city manager. Orders to remove shall be for periods not to exceed six months. Provided, that removal orders for periods in excess of fifteen days shall be appealable to the council pursuant to subsection (c), immediately below. Notice of the right to appeal shall be given with any removal order for time in excess of fifteen days. All other removal orders shall be final. Refusal to obey any order issued pursuant to this subsection (b) shall be an infraction, ***and may be prosecuted pursuant to Chapter 1.16.***

(c) Appeal of an order to remove given pursuant to subsection (b) shall be filed with the city clerk no later than the close of business on the fifth calendar day following the order. The hearing shall be set at the earliest convenient regular meeting following the filing of the appeal. At a hearing on appeal, evidence of the violation(s) shall be presented, subject to cross-examination by the alleged violator, and any relevant evidence to refute or mitigate the alleged violation(s) shall be heard and considered by the council. If at the conclusion of the hearing the council determines that any or all of the violations have occurred and that as a result there has been damage, detriment, disruption, or destruction to the course, the clubhouse, any public or private personal property at the

course or the recreational ambiance of the golfing facilities, the council may either (1) sustain the removal, or (2) sustain the removal order and reduce the removal period. If the council determines that no violation has occurred, the removal order shall be rescinded. Violation of a removal order sustained by the council shall be an infraction, **and may be prosecuted pursuant to Chapter 1.16.**

SECTION 56. The text set forth in existing Section 14.16.260 of the Pacific Grove Municipal Code entitled, “Violation,” of Chapter 14.16, El Carmelo Cemetery, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***14.16.260 Enforcement***

Violation of this chapter shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 57. The text set forth in existing Section 15.08.010(g) of the Pacific Grove Municipal Code entitled, “House numbers required - Map - Assigning - Display,” of Chapter 15.08, House Numbers, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***15.08.010 House numbers required - Map - Assigning - Display***

(g) A violation of this section shall be an infraction, **and may be prosecuted pursuant to Chapter 1.16.**

SECTION 58. The text set forth in existing Section 15.29.120 of the Pacific Grove Municipal Code entitled, “Penalty” of Chapter 15.29, Underground Utilities, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***15.29.120 Enforcement***

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor, **and may be prosecuted pursuant to Chapter 1.16.** ~~upon conviction thereof, shall be punished by a fine not exceeding \$500.00, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the~~

~~provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter.~~

SECTION 59. The text set forth in existing Section 16.12.025 of the Pacific Grove Municipal Code entitled, “Police department - Traffic diversion - Unusual conditions” of Chapter 16.12, Enforcement and Obedience, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.12.025 Police department - Traffic diversion - Unusual conditions***

In the event an officer of the police department determines that the traffic load on a particular street or highway or a portion thereof is such that little or no vehicular flow is occurring and, additionally, if the officer finds that a significant number of vehicles are not promptly moving when an opportunity arises to do so, then the officer may divert vehicles from that street or highway, or portion thereof, subject to traffic congestion, until such time as reasonably flowing traffic is restored.

The officer may place or cause to be placed any approved traffic-control devices to accomplish such diversion. It shall be unlawful and a misdemeanor, ***and may be enforced pursuant to Chapter 1.16,*** to refuse to comply with a traffic-control device so placed, or to refuse to comply with any other lawful direction given to accomplish such diversion.

SECTION 601 The text set forth in existing Section 16.12.040 of the Pacific Grove Municipal Code entitled, “Obedience to traffic regulations” of Chapter 16.12, Enforcement and Obedience, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.12.040 Obedience to traffic regulations***

It is a misdemeanor, ***enforceable pursuant to Chapter 1.16,*** for any person to do any act forbidden or fail to perform any act required in this title.

SECTION 61. The text set forth in existing Section 16.16.130 of the Pacific Grove Municipal Code entitled, “Violation as misdemeanor” of Chapter 16.16, Traffic-Control Devices, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.16.130 Enforcement***

It shall be a misdemeanor, ***and may be enforced pursuant to Chapter 1.16,*** for any person not otherwise authorized under this code or the laws of the state of California to

install, place, remove, tamper with, alter, assimilate, or counterfeit any traffic-control device, including signals, signs, curb marking or lettering.

SECTION 62. The text set forth in existing Section 16.20.060 of the Pacific Grove Municipal Code entitled, "Violation" of Chapter 16.20, Turning at Intersections, shall be renamed "Enforcement" and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.20.060 Enforcement***

Any violation of this chapter shall constitute an infraction, ***and may be enforced pursuant to Chapter 1.16,***

SECTION 63. The text set forth in existing Section 16.28.030 of the Pacific Grove Municipal Code entitled, "Emerging from alley or driveway" of Chapter 16.28, Special Stops, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.28.030 Emerging from alley or driveway***

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway. Any violation of this section shall constitute an infraction, ***and may be enforced pursuant to Chapter 1.16,***

SECTION 64. The text set forth in existing Section 16.32.090(e) of the Pacific Grove Municipal Code entitled, "Use of roller skates, skateboards, coasters, scooters and similar devices." of Chapter 16.32, Miscellaneous Driving Rules, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***16.32.090 Use of roller skates, skateboards, coasters, scooters and similar devices***

(e) Enforcement. A violation of any provision of this section shall be an infraction, ***and may be enforced pursuant to Chapter 1.16,***

SECTION 65. The text set forth in existing Section 16.32.160(b) of the Pacific Grove Municipal Code entitled, "Vehicle collisions with animals - Duty to report" of Chapter 16.32, Miscellaneous Driving Rules, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**16.32.160      *Vehicle collisions with animals - Duty to report***

(b) Any person failing to comply with the provisions of subsection (a) of this section is guilty of a misdemeanor, **and may be enforced pursuant to Chapter 1.16.** Upon conviction for a violation of this section the court may order payment of prosecution costs and the costs of the care, housing and veterinary care for the victim animal.

SECTION 66. The text set forth in existing Section 16.40.030 of the Pacific Grove Municipal Code entitled, “Storing vehicles on streets or public parking places - Prohibited” of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**16.40.030      *Storing vehicles on streets or public parking places – Prohibited***

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street, alley or area maintained by the city of Pacific Grove or any vehicle parking district thereof and open to the public for the parking of vehicles for more than a consecutive period of seventy-five hours, except for vehicles occupying space reserved under the terms of Section 16.40.300. Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 67. The text set forth in existing Section 16.40.050 of the Pacific Grove Municipal Code entitled, “Parking car for repair - Prohibited” of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**16.40.050      *Parking car for repair - Prohibited***

No person shall park a vehicle upon any street for the principal purpose of greasing or repairing such vehicle except repairs necessitated by emergency. Violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 68. The text set forth in existing Section 16.40.055 of the Pacific Grove Municipal Code entitled, “Parking for purposes of bailment, servicing - Prohibited” of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

**16.40.055      *Parking for purposes of bailment, servicing – Prohibited***

No person, firm or corporation, or employee or agent thereof shall park or store any motor vehicle upon any public street where the motor vehicle has been delivered to such person, firm or corporation for purposes of bailment, servicing or repair for a valuable consideration. A violation of this section shall constitute a misdemeanor, **and may be enforced pursuant to Chapter 1.16.**

SECTION 69. The text set forth in existing Section 16.40.080 of the Pacific Grove Municipal Code entitled, "Parallel parking - One-way roadway" of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***16.40.080 Parallel parking - One-way roadway***

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking. Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 70. The text set forth in existing Section 16.40.290(c) of the Pacific Grove Municipal Code entitled, "City parking lots - Use of single space - Compact cars" of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***16.40.290 City parking lots - Use of single space - Compact cars***

(c) Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 71. The text set forth in existing Section 16.40.575 of the Pacific Grove Municipal Code entitled, "Parking - Commercial vehicles in residential neighborhoods" of Chapter 16.40, Stopping, Standing and Parking, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***16.40.575 Parking - Commercial vehicles in residential neighborhoods***

No person shall stop, stand or park a commercial vehicle which weighs over 10,001 lbs. unladen and is classified as a Class 3 Medium Duty Vehicle or higher by the Towing Recovery Association of America (TRAA) identification guide, on any street in a residential neighborhood for a time longer than thirty minutes between the hours of 2:00

a.m. and 4:00 a.m. of any day. Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

- (a) This section shall not apply to recreational vehicles, as defined in this code.
- (b) “Residential neighborhood” shall mean any area within Pacific Grove, which adjoins an “R” zone depicted on the City of Pacific Grove Zoning Map.

SECTION 72. The text set forth in existing Section 16.44.020 of the Pacific Grove Municipal Code entitled, “Routes - Use required” of Chapter 16.44, Trucks And Commercial Vehicles, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***16.44.020 Routes - Use required***

When any such truck traffic route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other, except when necessary to traverse another street or streets to a destination for the purpose of loading or unloading, but then only by such deviation from nearest truck route as is reasonably necessary. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission. Any violation of this section shall constitute an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 73. The text set forth in existing Section 16.70.060(a) of the Pacific Grove Municipal Code entitled, “Violations” of Chapter 16.70, Trip Reduction, shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***16.70.060 Violations***

(a) General. A violation of any of the provisions of this chapter shall be an infraction, **and may be enforced pursuant to Chapter 1.16.**

SECTION 74. The text set forth in existing Section 18.32.060(a) of the Pacific Grove Municipal Code entitled, “Penalties” of Chapter 18.32, Fire Prevention, shall be renamed “Enforcement” and shall be changed by the deletion of all text shown in ~~strikeout text~~ and the addition of all text shown in bold, italic, underscored text (**bold, italic, underscored text**), as follows:

***18.32.060 Enforcement***

(a) Any person who violates any of the provisions of this chapter or the code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who fails to comply with such an order as affirmed or modified by the fire chief or by a court of competent jurisdiction, within the time fixed herein, shall ~~severally for each and every such violation and noncompliance respectively,~~ be guilty of a misdemeanor, **and may be enforced pursuant to Chapter 1.16,** ~~punishable by a fine not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.~~— The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

SECTION 75. The text set forth in existing Section 18.40.090 of the Pacific Grove Municipal Code entitled, “Remedies,” of Chapter 18.40, Seismic Hazards Identification Program, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***18.40.090 Enforcement***

It shall be unlawful for the owner of a building identified as being included in the scope of this chapter to fail to submit a report on either building collapse hazards or external hazards within the time period specified in Section 18.40.040(c), Table A, or to fail to submit a letter of intent within the time period specified in Section 18.40.070(b). The following remedies are available to the city:

(a) The city may seek injunctive relief on behalf of the public to enjoin a building owner’s violation of this chapter.

(b) A building owner violating this chapter shall be guilty of a misdemeanor, **and may be enforced pursuant to Chapter 1.16.** Such building owner is guilty of a separate offense for each and every day during any portion of which such violation of this chapter is committed, continued or permitted by such building owner.

(c) These remedies are not exclusive.

SECTION 76. The text set forth in existing Section 20.04.140 of the Pacific Grove Municipal Code entitled, “Violations,” of Chapter 20.40, Signs, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikethrough

text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***20.04.140 Enforcement***

It is unlawful, a misdemeanor, and a public nuisance for any person to construct, maintain, display or alter, or cause to be constructed, maintained, displayed or altered any sign except in conformance with this chapter. ***Violations of any provisions of this chapter may be prosecuted pursuant to Chapter 1.16.***

SECTION 77. The text set forth in existing Section 21.04.070 of the Pacific Grove Municipal Code entitled, “Penalty for violation,” of Chapter 21.04, Interference with Reception, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***21.04.070 Enforcement***

Any person, firm or corporation violating any of the provisions of this chapter shall ***may be prosecuted pursuant to Chapter 1.16.*** ~~upon conviction thereof before the proper court, be subject to a fine of not more than \$100.00, or imprisonment for not more than ninety days, or by both such fine and imprisonment.~~

SECTION 78. The text set forth in existing Section 21.08.020 of the Pacific Grove Municipal Code entitled, “Penalties for violation,” of Chapter 21.08, Structural Safety Requirements, shall be renamed “Enforcement” and text shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

***21.08.020 Enforcement***

Any person, firm or corporation violating any of the provisions of this chapter; ~~upon conviction thereof before the proper court,~~ shall be ***prosecuted pursuant to Chapter 1.16.*** ~~subject to a fine of not more than \$100.00, or imprisonment for not more than ninety days, or by both such fine and imprisonment.~~

SECTION 79. The text set forth in existing Section 23.64.350(c) of the Pacific Grove Municipal Code entitled, “Prohibition of transient use of residential property for remuneration” of Chapter 23.64, General Provisions and Exceptions, shall be changed by the deletion of all text shown in strikeout text (~~strikeout text~~) and the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**23.64.350 Prohibition of transient use of residential property for remuneration**

(c) Liability and Enforcement.

(1) Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

(2) Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

**(3) Violations may be prosecuted pursuant to Chapter 1.16.**

SECTION 80 If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 81. This ordinance shall become effective on the thirtieth day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
DANIEL E. CORT, Mayor

ATTEST:

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CHARLENE WISEMAN, City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney

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