

ORDINANCE NO. 2284

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
SECTIONS 1.20.010 AND 1.20.020 AND ADDING SECTIONS
1.20.030 AND 1.20.040 TO THE CHULA VISTA MUNICIPAL
CODE RELATING TO VIOLATIONS OF THE MUNICIPAL CODE

The City Council of the City of Chula Vista does hereby
ordain as follows:

SECTION I: That Section 1.20.010 of the Chula Vista
Municipal Code is amended to read as follows:

Sec. 1.20.010 Designated-Applicability.

A. Any person violating any of the provisions or
failing to comply with any of the mandatory
requirements of the ordinances of the City shall be
guilty of an infraction or a misdemeanor.

B. An infraction is punishable by:

1. A fine not exceeding one hundred dollars for a
first violation;
2. A fine not exceeding two hundred dollars for a
second violation of the same ordinance within
one year;
3. A fine not exceeding five hundred dollars for
each additional violation of the same
ordinance within one year.

C. An infraction is not punishable by imprisonment. A
person charged with an infraction shall not be
entitled to a trial by jury. A person charged with
an infraction shall not be entitled to have the
public defender or other counsel appointed at
public expense to represent him unless he is
arrested and not released on his written promise to
appear, his own recognizance, or a deposit of bail.

D. A misdemeanor is punishable by

1. Imprisonment in the county jail not exceeding
six months, or by fine not exceeding one
thousand dollars (\$1,000), or by both.

B/ E. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the City is committed, continued or permitted by any such persons, and he shall be punished accordingly.

C/ ~~EXCEPT AS PROVIDED IN SECTION 1.20.020 THIS SECTION SHALL SUPERSEDE ALL OTHER PENALTY SECTIONS IN THE CHULA VISTA MUNICIPAL CODE AND ANY OTHER CITY ORDINANCES.~~

D/ F. Payment of a fine shall not excuse payment of any fee required by the Municipal Code.

G. In addition to the foregoing, any violation of the provisions of the ordinances of the City is deemed to be a public nuisance. Such violations may be abated by civil action or pursuant to applicable abatement procedures.

SECTION II: That Section 1.20.020 of the Chula Vista Municipal Code is amended to read as follows:

Sec. 1.20.020 ~~SPECIFIED MISDEMEANORS~~

Infractions: Prosecutor's Discretion
Defendant's Election to Have Infraction
Treated as Misdemeanor.

A/ ~~NOTWITHSTANDING SECTION 1.20.010, THE FOLLOWING OFFENSES ARE MISDEMEANORS AND ADD PUBLIC NUISANCE AS SUCH. SECTION 9.09.010, 9.17.280, 9.12.340 AND 9.15.010. HOWEVER, VIOLATION OF SAID SECTIONS SHALL BE INFRACTION WHEN:~~

A. A violation of any Chula Vista Municipal Code Section may, at the discretion of the prosecutor, be prosecuted as an infraction, subject to the procedures described in Sections 1.20.010(C) and 1.20.030 when:

1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor or;
2. The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

SECTION III: That Sections 1.20.030 and 1.20.040 of the Chula Vista Municipal Code are added to read as follows:

Sec. 1.20.030 Applicability of Misdemeanor Provisions.

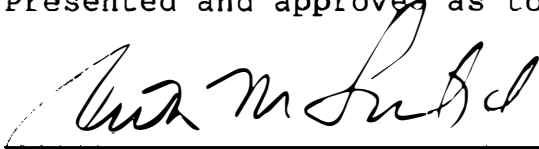
A. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply to infractions, including but not limited to powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

Sec. 1.20.040 Precedence Over Other Sections.

Sections 1.20.010, 1.20.020, and 1.20.030 supersede all other criminal penalty provisions of the Chula Vista Municipal Code and any other City ordinances.

SECTION V: This ordinance shall take effect and be in full force on the thirty-first day from and after its adoption.

Presented and approved as to form by



Ruth M. Fritsch, Deputy City Attorney

4455a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
C OF CHULA VISTA, CALIFORNIA, HELD September 13, 19 88, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD September 27,
19 88, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen Nader, Malcolm, Moore, McCandliss
NAYES: Councilmen None
ABSTAIN: Councilmen None
ABSENT: Councilmen Mayor Cox

David L. Webb Mayor pro Tempore
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
Ordinance 2284, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk