

ORDINANCE NUMBER 1345

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA ADOPTING BY REFERENCE AND ENACTING AN UPDATED CODE FOR THE PERRIS MUNICIPAL CODE, INCLUDING THE FOLLOWING SECONDARY CODES ADOPTED BY REFERENCE THEREIN: 2016 EDITIONS OF THE CALIFORNIA MODEL CODES, CALIFORNIA BUILDING CODE VOLUMES 1 & 2, CALIFORNIA PLUMBING, MECHANICAL, ELECTRICAL CODE, CALIFORNIA FIRE CODE, THE CALIFORNIA EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA ENERGY CODE, CALIFORNIA ADMINISTRATIVE CODE AND RELATED REFERENCE STANDARDS CODES WITH APPENDICES, ICC VALUATION TABLES AND AMENDMENTS THERETO; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Perris Municipal Code was originally published in 1972.

WHEREAS, the city council of the City of Perris finds and declares that the Perris Municipal Code should be amended to provide a contemporary municipal code, and to delete obsolete provisions, clarify remaining provisions, and make all other corrections necessary to Titles 1 through 20, inclusive, of the Perris Municipal Code.

WHEREAS, Municipal Code Corporation was hired by the City to compile, edit and publish the Perris Municipal Code.

WHEREAS, Government Code Section 50022.10 provides that a code that has been adopted and fully published or adopted by reference may be recodified or recompiled and thereafter adopted by reference.

WHEREAS, Municipal Code Corporation has recompiled the ordinances of the City of Perris into a unified “Perris Municipal Code” and the City Council desires to adopt the new “Perris Municipal Code” by reference.

WHEREAS, after the first reading of this Ordinance, the City Council directed the City Clerk to schedule a public hearing for this Ordinance and publish notice pursuant to Government Code Section 6066.

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the California Government Code Annotated, the City Council adopts by reference the "Perris Municipal Code" as a comprehensive ordinance Code for the City of Perris, published by Municipal Code Corporation and on file in the City Clerk's office located at 101 N. "D" Street in Perris, California, consisting of titles 1 through 20, each inclusive, together with those secondary codes adopted by reference as authorized by the California State Legislature, save and except those portions of the secondary codes as are deleted or modified by the provisions of the "Perris Municipal Code."

Section 2. Copies of the Perris Municipal Code and all of the secondary codes adopted by reference therein are on file with the City Clerk and are open to public inspection.

Section 3. All ordinances of a general and permanent nature enacted on or before September 29, 2015, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 4. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 5. Chapter 1.01 of Title 1 of the Perris Municipal Code shall read as follows:

Chapter 1.01 – CODE ADOPTION

1.01.010 - Reserved.

1.01.020 - Title—Citation—Reference.

This code shall be known as the "Perris Municipal Code" and it shall be sufficient to refer to said code as the "Perris Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Perris Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Perris Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

1.01.030 - Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the California Government Code Annotated.

1.01.040 - Reference applies to all amendments.

Whenever a reference is made to this code as the "Perris Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1.01.050 - Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

1.01.060 - Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.070 - Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby or any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.080 - Effective date.

This code shall become effective on the date the ordinance codified in this chapter adopting this code as the "Perris Municipal Code" becomes effective.

1.01.090 - Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 6. General Penalty

(a) Except in cases where a different punishment is specifically prescribed elsewhere in the Code, every misdemeanor offense is punishable by imprisonment in the city or county jail for a period not exceeding six months, or by a fine not exceeding \$1,000.00, or by both, provided that where the city attorney determines that such action would be in the interests of justice, the city attorney may specify in the accusatory pleading that the offense shall be an infraction.

(b) Except as otherwise prescribed elsewhere in the Code, every offense specifically declared to be an infraction is punishable by a fine not exceeding \$100.00 for a first violation, a fine not exceeding \$200.00 for a second violation of the same provision within one year, and a fine not exceeding \$500.00 for each additional violation of the same provision within one year. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury and 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. However, any person who has previously been convicted two or more times during any 12-month period for any crime made punishable as an infraction shall be guilty of a misdemeanor upon the third violation.

(c) Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by:

- (1) A fine not exceeding \$100.00 for a first violation;
- (2) A fine not exceeding \$500.00 for a second violation of the same ordinance within one year;
- (3) A fine not exceeding \$1,000.00 for each additional violation of the same ordinance within one year of the first violation.

Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after September 29, 2015, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 9. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 10. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED and APPROVED this 13th day of June, 2017.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1345 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 30th day of May, 2017 and was adopted by the City Council of the City of Perris at a regular meeting of said Council on the 13th day of June, 2017, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, BURKE, CORONA, VARGAS

NOES:NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk