

## **Title 1 - GENERAL PROVISIONS**

### **Chapters:**

#### **Chapter 1.01 - CODE ADOPTION** **(Reserved)**

#### **Chapter 1.04 - GENERAL PROVISIONS**

### **Sections:**

#### **1.04.010 - Scope.**

Unless the provisions of this code otherwise specifically provide or the context of this code indicates to the contrary, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this code. The provisions of this code and all proceedings under it are to be constructed with a view to effect its objects and to promote justice.

*(Prior code § 1-3.01)*

#### **1.04.020 - Provisions construed as restatements and continuations.**

The provisions of this code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

*(Prior code § 1-3.02)*

#### **1.04.030 - Tenure of officers preserved.**

All persons who, at the time this code takes effect, hold office under any of the ordinances repealed by this code, which offices are continued by this code, shall continue to hold such offices in accordance with the tenure originally granted such persons.

*(Prior code § 1-3.03)*

#### **1.04.040 - Effect of headings.**

The title, chapter, article 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, article or section of this code.

*(Prior code § 1-3.04)*

#### **1.04.050 - Meaning of section and subsection.**

"Section" means a section of this code, unless some other source is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

*(Prior code § 1-3.05)*

#### **1.04.060 - References to acts or omissions within the city.**

The provisions of this code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside the city over which the city has jurisdiction or control by virtue of the Constitution of the state or any law or by reason of ownership or control of property.

*(Prior code § 1-3.06)*

#### **1.04.070 - Acts by deputies.**

Whenever a power is granted to or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this code expressly provides otherwise.

*(Prior code § 1-3.07)*

#### **1.04.080 - Writing.**

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, such notice, report, statement or record shall be made in writing in the English language, unless this code expressly provides otherwise.

*(Prior code § 1-3.08)*

#### **1.04.090 - References to ordinances—Application to amendments.**

Whenever any reference in this code is made to an ordinance, the reference shall apply to such ordinance of the city unless this code expressly provides otherwise. Whenever any reference is made to any portion of this code or to any ordinance of the city, the reference shall apply to all amendments and additions made to this code.

*(Prior code § 1-3.09)*

**1.04.100 - Notices required—Service.**

Whenever a notice is required to be given pursuant to the provisions of this code, unless different provisions are otherwise specifically set forth in the text of the code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his or her last known business or residence address as such address appears in the public records of the city or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the post office.

*(Prior code § 1-3.10)*

**1.04.110 - Notices required—Service—Proof.**

Proof of giving any notice required to be given pursuant to the provisions of this code may be made by the certificate of any officer or employee of the city or by the affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with the provisions of this code or other provisions of law applicable to the subject matter concerned.

*(Prior code § 1-3.11)*

**1.04.120 - Statute of limitations.**

When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy or for any other purpose, has begun to run before this code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

*(Prior code § 1-3.12)*

**1.04.130 - Definitions.**

For the purposes of this code, unless otherwise apparent from the context, certain words and phrases used in this code are defined as follows:

"Calendar year" means from January 1st through December 31st of any given year.

"City" means the city of Colfax.

"C.M.C." means the Colfax Municipal Code (1954 Edition), adopted February 23, 1954.

"Council" means the city council of the city of Colfax.

"County" means the county of Placer.

"Fiscal year" means from July 1st of any given year through June 30th of the following year.

Gender. The masculine gender includes the feminine and neuter genders.

"Goods" means and includes wares and merchandise.

"May" is permissive.

"Month" means a calendar month, unless otherwise expressed.

Number. The singular number includes the plural and the plural number includes the singular.

"Oath" includes affirmation.

Office. The use of the title of any officer, employee, office or ordinance means such officer, employee, office or ordinance of the city, unless otherwise specified.

Official Time Standard. Wherever certain hours are named in this code, they mean standard time or daylight saving time as may be in current use in the city.

"Operate" means and includes carrying on, keeping, conducting or maintaining.

"Owner," applied to a building or land, means and includes any part owner, joint owner, tenant, tenant in common or joint tenant of the whole or a part of such building or land.

"Person" means and includes any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the city), the county of Placer, any district in the county of Placer, the state of California or the United States of America or any department or agency of any thereof, unless this code expressly provides otherwise.

"Personal property" means and includes money, goods, chattels, things in action and evidences of debt.

"Property" means and includes real and personal property.

"Quarterly," where used to designate a period of time, means the first three calendar months of any given year or any succeeding period of three calendar months.

"Real property" means and includes lands, tenements and hereditaments.

"Sale" means and includes any sale, exchange, barter or offer for sale.

"Shall" is mandatory.

"State" means the state of California.

"Street" means and includes all streets, highways, avenues, boulevards, alleys, courts, places, squares or other public ways in the 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 the state.

"Tenant or occupant," applied to a building or land, means and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. The present tense includes the past and future tenses and the future tense includes the present tense.

*(Prior code § 1-3.13)*

## **Chapter 1.08 - CITY SEAL**

### **Sections:**

#### **1.08.010 - Adoption.**

The common seal of the city is adopted.

*(Prior code § 2-5.01)*

#### **1.08.020 - Design.**

The seal shall show a cluster of grapes in its center. In the margin of the seal the words "City of Colfax Incorporated February 23, 1910" shall be shown. Such seal shall be two inches in diameter.

*(Prior code § 2-5.02)*

## **Chapter 1.12 - ELECTIONS**

### **Sections:**

#### **1.12.010 - City general municipal elections.**

A.

Pursuant to Government Code Section 36503.5, the city council requires that the city general municipal elections be held on the same day as the statewide general election.

B.

Pursuant to Government Code Section 36503.5 (a)(1), the city clerk is directed, upon passage of the ordinance codified in this chapter, to transmit to the Placer County board of supervisors a copy of said ordinance.

C.

This chapter shall become operative upon the approval of the Placer County board of supervisors of the change in time for the holding of the city general municipal elections.

D.

The city council finds that this chapter will have no possible affect upon the environment and determines that environmental assessment is not required.

*(Ord. 422 §§ 1—4, 1994)*

## **Chapter 1.16 - RIGHT OF ENTRY** **(Reserved)**

## **Chapter 1.20 - ADMINISTRATIVE APPEALS**

### **Sections:**

#### **1.20.010 - Right to appeal.**

Except where an appeals procedure is otherwise specifically set forth in this code, any person excepting to the denial,

suspension or revocation of a permit applied for or held by him or her pursuant to any of the provisions of this code or to any administrative decision made by any official of the city, if the denial, suspension or revocation of such permit or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised pursuant to any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of such appeal, setting forth the specific grounds thereof. No appeal may be taken to any such administrative decision made by an official of the city pursuant to any of the provisions of this chapter unless such decision to appeal has been first taken up with the department head concerned. No right of appeal to the council from any administrative decision made by an official of the city pursuant to any of the provisions of this code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercise pursuant to any of the provisions of this code, whether the administrative decision involves the denial, suspension or revocation of a permit or any other administrative decision.

*(Prior code § 1-4.01)*

### **1.20.020 - Time limits for filing.**

The appellant shall file a notice of appeal with the city clerk within fourteen (14) days after the receipt of the notice of the administrative decision concerned.

*(Prior code § 1-4.02)*

### **1.20.030 - Hearings—Notices.**

Upon the filing of the notice of appeal in proper form, the city clerk shall place the matter on the council agenda for the next regular meeting of the council which will be held at least five days after the date of the filing of the notice of appeal. Except in cases of emergency when the council may determine the matter immediately, the council shall set the matter for hearing at a subsequent meeting, but in no event later than thirty (30) days after the date of the filing of the notice of appeal with the city clerk. The city clerk shall cause a written notice of the hearing to be given to the appellant not less than five days prior to such hearing, unless such notice is waived in writing by the appellant.

*(Prior code § 1-4.03)*

### **1.20.040 - Hearings.**

At the hearing required by the provisions of Section 1.20.030 of this chapter, the appellant shall show cause on the grounds set forth in the notice of appeal why the action appealed from should not be approved. The council may continue the hearing from time to time and its findings on the appeal shall be final and conclusive in the matter.

*(Prior code § 1-4.04)*

## **Chapter 1.24 - PENALTY PROVISIONS**

### **Sections:**

### **1.24.010 - Violations, misdemeanors or infractions.**

#### **A.**

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code or the provisions of any code adopted by reference by this code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor or an infraction as designated by and provided for, in Sections 16, 17, 19c and 19d of the Penal Code of the state and as expressly specified in Section 40000.1 of the Vehicle Code of the state. 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 this code or the provisions of any code adopted by reference by this code, is committed, continued or permitted by such person and shall be punishable accordingly.

#### **B.**

Any person convicted of a misdemeanor under the provisions of this code shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment.

#### **C.**

Any person convicted of an infraction under the provisions of this code shall be punishable for a first conviction by a fine of not more than fifty dollars (\$50.00), for a second conviction within a period of one year by a fine of not more than one hundred dollars (\$100.00) and for a third or any subsequent conviction within a period of one year by a fine of not more than two hundred fifty dollars (\$250.00).

#### **D.**

In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this code or the provisions of any code adopted by reference by this code or any subdivision, building, wiring, plumbing or other similar activity in violation of the provisions of this code shall be deemed a public nuisance and may be summarily abated by the city in a civil action and each day such condition continues shall be a new and separate offense.

*(Prior code § 1-2.01)*

### **1.24.020 - Prohibited acts.**

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.

*(Prior code § 1-2.02)*

**1.24.030 - Imposition of penalties.**

The provisions of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment described.

*(Prior code § 1-2.03)*

**1.24.040 - 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.

*(Prior code § 1-2.04)*

**1.24.050 - 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 county jail.

*(Prior code § 1-2.05)*

**1.24.060 - Fees, charges, licenses and taxes made a civil debt.**

The amount of any fee, service charge, utility charge, license or tax of any nature whatsoever imposed by any provision of this code shall be deemed a civil debt owing to the city. An action may be commenced in the name of the city in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, utility charge, license or tax, together with any penalties applicable thereto as prescribed by this code. The remedy prescribed by this section shall be cumulative and the use of an action to collect such an amount as a debt by civil action shall not bar the use of any other remedy provided by this code or by law for the purpose of enforcing the provisions thereof.

*(Prior code § 1-2.06)*

**1.24.070 - Violation of administrative provisions.**

The violation of any administrative provision of this code by any officer or employee of the city may be deemed a failure to perform the duties or to observe the rules or regulations of the department, office or board within the meaning of the rules and regulations of the city or of the civil service regulations of the city.

*(Prior code § 1-2.07)*