

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.06 Elections
- 1.08 General Penalty
- 1.09 Administrative Citations
- 1.12 Citation Procedure
- 1.16 Prisoners' Labor
- 1.20 Posting
- 1.24 Conflict of Interest Code

Chapter 1.01

CODE ADOPTION*

Sections:

- 1.01.010 Adoption of Arvin Municipal Code.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of the code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

* For statutory provisions on the codification of city ordinances, see Gov. Code §§50022.1--50022.8 and 50022.10.

1.01.010 Adoption of Arvin Municipal Code.

Pursuant to the provisions of Sections 50022.1, 50022.8 and 50022.10 of the Government Code, there is adopted the "Arvin Municipal Code" as published by Book Publishing Company, Seattle, Washington, 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 "Arvin Municipal Code." (Ord. 144 §1, 1979).

1.01.020 Title--Citation--Reference.

This code shall be known as the "Arvin Municipal Code," and it shall be sufficient to refer to said code as the "Arvin 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 Arvin Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Arvin Municipal Code," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 144 §2, 1979).

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Arvin, California, codified pursuant to the provisions of Sections 50022.10 of the Government Code. (Ord. 144 §3, 1979).

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 134, passed April 24, 1978. The following ordinances, passed subsequent to Ordinance 134, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 135 through 144. (Ord. 144 §4, 1979).

1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "Arvin Municipal Code," or to any portion thereof, or to any ordinance of the city of Arvin, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 144 §5, 1979).

1.01.060 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 thereof. (Ord. 144 §6, 1979).

1.01.070 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 designed by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained with this code. (Ord. 144 §7, 1979).

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of 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 ordinances, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 144 §8, 1979).

1.01.090 Effective date.

This code became effective on the date Ordinance 144, the ordinance adopting this code as the "Arvin Municipal Code," became effective. (Ord. 144 §9, 1979).

1.01.100 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 hereby 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. (Ord. 144 §10, 1979).

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances and resolutions of the city of Arvin, county of Kern, state of California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each means the city of Arvin, state of California, or the area within the territorial limits of the city of Arvin, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Arvin. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Kern.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

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

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

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

O. "Sidewalk" means that portion of a street between the curb line and adjacent property line intended for the use of pedestrians.

P. "State" means the state of California.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

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

S. "Written" includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year, unless otherwise specifically defined. (Ord. 133 §1, 1978).

1.04.020 Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 133 §2, 1978).

1.04.030 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 133 §3, 1978).

1.04.040 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 133 §4, 1978).

1.04.050 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 133 §5, 1978).

1.04.060 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 133 §6, 1978).

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 133 §7, 1978).

1.04.080 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 133 §8, 1978).

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 133 §9, 1978).

Chapter 1.06

ELECTIONS

Sections:

- 1.06.010 When held.
- 1.06.020 Expiration of terms.

1.06.010 When held.

The city's general municipal elections shall be held on the first Tuesday after the first Monday of November in each even-numbered year, the same day as the statewide general election. (Ord. 257 §1, 1992).

1.06.020 Expiration of terms.

Those city officers whose terms of office would have, prior to the adoption of the ordinance codified in this chapter, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall instead continue in their offices until no later than the Tuesday succeeding the general municipal election and until their successors are elected and qualified. (Ord. 257 §2, 1992).

Chapter 1.08

GENERAL PENALTY*

Sections:

1.08.010 Violations--Penalties and enforcement.

* For statutory provisions authorizing cities to impose penalties for ordinance violation of not more than a fine of one thousand dollars (\$1,000.00) or imprisonment for six (6) months, or both such fine and imprisonment, see Gov. Code §36901; for provisions authorizing the reduction of ordinance violations to infractions, see Gov. Code §36900.

1.08.010 Violations--Penalties and enforcement.

The city council of the city of Arvin intends to secure compliance with the provisions of this code. To the extent that such compliance may be achieved by less drastic methods of enforcement, the following alternate, separate and distinct methods may be utilized. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each and every day any such violations exist constitutes a separate offense. Notwithstanding any other provision of this code, each violation of the provisions of this code may be enforced alternatively as follows:

A. Infraction. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the code may be prosecuted for an infraction. Written citations for infractions may be issued by police officers or non-safety employees designated by the city pursuant to Section 1.12.040 of this title. Any person convicted of an infraction under the provisions of this code shall be punishable either by fines as is specified in the currently adopted Uniform Infraction Bail schedule used by the Kern County Courts, or where no fine is specified therein by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year;

3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one (1) year.

B. Misdemeanor. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code may be prosecuted for a misdemeanor. Written citations for misdemeanors may be issued by police officers or by non-safety employees designated by the city pursuant to Section 1.12.040 of this title. Any person convicted of a misdemeanor under the provisions of this code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment.

C. Civil Action. The city attorney, by and at the request of the city council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this code, as provided by law.

D. Administrative Citation. Upon a finding by the city official vested with the authority to enforce the various provisions of this code that a violation exists, he or she may issue an administrative citation under the provisions of Chapter 1.09. (Ord. 335 §1(part), 2003: Ord. 289, 1996: Ord. 133 §26, 1978).

Chapter 1.09

ADMINISTRATIVE CITATIONS

Sections:

- 1.09.005 Legislative findings and statement of purpose.
- 1.09.010 Definitions.
- 1.09.020 Authority.
- 1.09.030 Service procedures.
- 1.09.040 Contents of notice.

Sections: (Continued)

- 1.09.050 Satisfaction of administrative citation.
- 1.09.060 Appeal of administrative citation.
- 1.09.070 Hearing officer.
- 1.09.080 Hearing procedure.
- 1.09.090 Hearing officer's decision.
- 1.09.100 Failure to pay fines.
- 1.09.110 Right to judicial review.
- 1.09.120 Notices.

1.09.005 Legislative findings and statement of purpose.

A. The city council hereby finds that there is a need for an alternative method of enforcement for minor violations of the municipal code and applicable state codes. The city council further finds that an appropriate method of enforcement for minor violations is an administrative citation program as authorized by Government Code Section 53069.4.

B. The procedures established in this chapter shall be in addition to criminal, civil or any other legal remedy established by law which may be pursued to address violations of the municipal code or applicable state codes.

C. The city council hereby finds and determines that enforcement of the Arvin Municipal Code, other ordinances adopted by the city, conditions on entitlements and terms and conditions of city agreements are matters of local concern and serve important public purposes. Consistent with its powers as a general law city, the city of Arvin adopts this administrative citation program provision in order to achieve the following goals:

1. To protect the public health, safety and welfare of the citizens of the city of Arvin;
2. To gain compliance with the municipal code and state codes, ordinances and regulations in a timely and efficient manner;
3. To provide for an administrative process to appeal the imposition of administrative citations and fines;
4. To provide for a method to hold parties responsible when they fail or refuse to comply with the provisions of the municipal code, ordinances, agreements

or terms and conditions on entitlements in the city of Arvin;

5. To minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system.

D. Use of this chapter shall be at the sole discretion of the city. (Ord. 335 §2(part), 2003).

1.09.010 Definitions.

A. "Responsible person" shall mean any individual who is the owner or occupant of real property, owner or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of eighteen (18) years, who causes or maintains a violation of the Arvin Municipal Code or applicable state code.

B. "Enforcement officer" shall mean any officer or employee with the authority to enforce the Arvin Municipal Code, or applicable state codes as provided in Chapter 1.12. (Ord. 335 §2(part), 2003).

1.09.020 Authority.

A. Any person violating any provision of the Arvin Municipal Code or applicable state code may be issued an administrative citation by an enforcement officer as provided in this chapter. A violation of this code includes, but is not limited to, all violations of the municipal code, the uniform codes adopted by the city council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this code.

B. Each and every day a violation of the municipal code or applicable state code exists constitutes a separate and distinct offense.

C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the Arvin city treasurer's office.

D. Fines shall be assessed in the amounts specified by resolution of the city council, or where no amount is specified:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance or permit within one (1) year from the date of the first violation;

3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance or permit within one (1) year from the date of the first violation. (Ord. 335 §2(part), 2003).

1.09.030 Service procedures.

A. An administrative citation on a form approved by the city manager may be issued to the responsible person by an enforcement officer for violations of the municipal code or applicable state code in the following manner:

1. Personal Service. In any case where an administrative citation is issued:

a. The enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation.

b. If the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

2. Service of Citation by Mail. If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

3. Service of Citation by Posting Notice. If the enforcement officer does not succeed in serving the responsible person by personal service, or by certified mail or regular mail, the enforcement officer shall post the administrative citation on any real property within the city in which the city has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service. (Ord. 335 §2(part), 2003).

1.09.040 Contents of notice.

A. Each administrative citation shall contain the following information:

1. Date, approximate time, and address or definite description of the location where the violation(s) was observed;

2. The code sections or conditions violated and a description of the violation(s);

3. An order to the responsible person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

4. The amount of the fine for the violation(s);

5. An explanation of how the fine shall be paid and the time period by which it shall be paid;

6. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation; and

7. The name and signature of the enforcement officer and if possible the signature of the responsible person. (Ord. 335 §2(part), 2003).

1.09.050 Satisfaction of administrative citation.

A. Upon receipt of a citation, the responsible person must do the following:

1. Pay the fine to the city within fifteen (15) days from the correction date of the administrative citation. All fines assessed shall be payable to the city of Arvin. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action by the city.

2. Remedy the violation(s), if the violation(s) is of such a nature that it can be remedied. If the violation(s) is corrected before the date provided on the citation, no fine shall be imposed. If the responsible person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the fine for failure to correct the violation shall increase at a rate specified in this chapter or by ordinance. (Ord. 335 §2(part), 2003).

1.09.060 Appeal of administrative citation.

A. Any recipient of an administrative citation may contest that there was a violation of the Arvin Municipal Code or other law or that he or she is the responsible person by completing a request for hearing form and returning it to the city within fifteen (15) days from the correction date of the administrative citation, together with an advanced deposit of the fine. Any administrative citation fine which has been deposited shall be refunded if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation(s) or that there was no violation(s) as charged in the administrative citation. (Ord. 335 §2(part), 2003).

1.09.070 Hearing officer.

A. The Arvin city manager shall designate the hearing officer for the administrative citation hearing. The hearing officer shall not be an Arvin city employee. The employment, performance evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer. (Ord. 335 §2(part), 2003).

1.09.080 Hearing procedure.

A. No hearing to contest an administrative citation before a hearing officer shall be held unless and until a request for hearing form has been completed and submitted and the fine has been deposited in advance.

B. A hearing before the hearing officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The person requesting the hearing shall be notified of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

C. The enforcement hearing officer shall only consider evidence that is relevant as to whether the violation(s) occurred and whether the responsible person has caused or maintained the violation(s) of the municipal code or other applicable state code on the date(s) specified in the administrative citation.

D. The responsible person contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.

E. The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

F. The administrative citation and any additional documents submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

G. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report shall also be served by mail on the person requesting the hearing at least five (5) days prior to the date of the hearing.

H. At least ten (10) days prior to the hearing, the recipient of an administrative citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the enforcement officer. No other discovery is permitted. Formal rules of evidence shall not apply.

I. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. (Ord. 335 §2(part), 2003).

1.09.090 Hearing officer's decision.

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision within ten (10) days of the hearing to uphold or deny the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

B. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city.

C. If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine.

D. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision 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 the same 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 of deposit in the post office. (Ord. 335 §2(part), 2003).

1.09.100 Failure to pay fines.

A. The failure of any person to pay the civil fines assessed by an administrative citation within the time specified on the citation may result in the matter being referred to the Arvin finance director to pursue any and all legal remedies to collect the civil fines. The city may also recover its attorney's fees and collections costs according to proof. (Ord. 335 §2(part), 2003).

1.09.110 Right to judicial review.

A. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Kern County Superior Court - South Division, Arvin/Lamont Branch in accordance with the timelines and provisions as set forth in California Government Code Section 53069.4. (Ord. 335 §2(part), 2003).

1.09.120 Notices.

A. Except as otherwise specified in this chapter, the administrative citation and all notices to be given by this chapter shall be served on the responsible person 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 the same 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 of deposit in the post office.

B. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder. (Ord. 335 §2(part), 2003).

Chapter 1.12

CITATION PROCEDURE*

Sections:

- 1.12.010 Notice--Information required.
- 1.12.020 Promise to appear--Wilful violation deemed misdemeanor.
- 1.12.030 Failure to appear--Warrant for arrest.
- 1.12.040 Authority of public officers or employees to issue citations.

* For statutory provisions on citations for misdemeanors, see Penal Code §853.6.

1.12.010 Notice--Information required.

If any person is arrested for violation of any ordinance of the city and such person is not immediately taken before a magistrate prescribed in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court, and shall conform to all of the requirements of Section 853.6 of the Penal Code. (Ord. 301, 1996: Ord. 18 §1, 1961).

1.12.020 Promise to appear--Wilful violation deemed misdemeanor.

Any person wilfully violating his written promise to appear in court as set forth in the written notice described in Section 1.12.010 is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested, and upon conviction of such misdemeanor shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both

such fine and imprisonment. (Ord. 288, 1996: Ord. 18 §2, 1961).

1.12.030 Failure to appear--Warrant for arrest.

When a person signs a written promise to appear at the time and place specified in the written promise to appear, as set forth in Section 1.12.010, and has not posted bail as provided in Section 853.6 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense, the magistrate shall issue and have delivered for execution a warrant for his arrest. (Ord. 133 §11, 1978; Ord. 18 §3, 1961).

1.12.040 Authority of public officers or employees to issue citations.

The following designated public officers and employees all have the power to issue citations for violations of the ordinances and laws specified in this section:

A. Animal control officers, community services officers, custody officers, parking control officers, volunteers (as authorized by Section 22507.9 of the Vehicle Code for handicapped parking enforcement) and other designated members of the police department staff shall have the power to issue citations for any violation of any ordinance or resolution of the city of Arvin or any code of the state of California, as assigned by the chief of police.

B. The fire prevention director or supervisor, and members of the staff designated by the fire prevention director or supervisor, shall have the power to issue citations for any violations of Sections 22500.1 and 22514 of the California Vehicle Code, for violation of any provision of state or local laws related to fire suppression or fire prevention and any provision of state and local laws pertaining to the handling, use, storage or disposal of hazardous materials or waste, as assigned by the fire prevention director or supervisor.

C. The public works supervisor, and members of the staff designated by the public works supervisor, shall have the power to issue citations for any violation of any open container or public consumption of alcohol provision or for vandalism in city parks or other city property, or for violation of parking restrictions for street sweeping, or all other parking restrictions adopted by ordinance or resolution of the city of Arvin or any code of the state of California, as assigned by the public works supervisor.

D. The finance director, and members of the staff designated by the finance director, shall have the power to issue citations for any violations of Titles 3 and 5 of this code, as assigned by the finance director.

E. The code enforcement supervisor and code enforcement officers shall have the power to issue citations for any violation of this code.

F. The building director and the chief building inspector shall have the power to issue citations for any violation of Title 17 of this code. (Ord. 335 §1(part), 2003).

Chapter 1.16

PRISONERS' LABOR*

Sections:

- 1.16.010 Required--Statutory authority.
- 1.16.020 Compensation--Workmen's compensation.
- 1.16.030 Unfit to work.

* For statutory provisions authorizing cities to require persons imprisoned for violation of an ordinance to labor, on public property or works, see Gov. Code §36904.

1.16.010 Required--Statutory authority.

Pursuant to the authority vested in the city council by Section 36904 of the Government Code of the state, the city council requires all persons imprisoned for violation of any city ordinance to labor, on public property or works within the city, for the period of his or her imprisonment. (Ord. 133 §25, 1978; Ord. 28 §1, 1961).

1.16.020 Compensation--Workmen's compensation.

No prisoner required to labor on public property or works under this chapter shall be entitled to compensation therefor and shall not come within the provisions of the Workmen's Compensation Insurance Laws of the state. (Ord. 28 §2, 1961).

1.16.030 Unfit to work.

This chapter shall not apply to any prisoner considered by the judge who has jurisdiction of the offense or by the chief of police of Arvin to be unfit in any way for such work by reason of physical or mental impairment or by reason of the nature of the particular offense or otherwise. (Ord. 28 §3, 1961).

Chapter 1.20

POSTING

Sections:

1.20.010 Places designated.

1.20.010 Places designated.

The following public places in the city are designated as places for the posting of public notices:

- A. The Community Hall, 148 North Acala;
- B. Front window of the Arvin Tiller, 525 3rd Avenue;
- C. Bulletin board, police department, 200 Campus Drive. (Ord. 121 §1, 1976; Ord. 1 §1, 1960).

Chapter 1.24

CONFLICT OF INTEREST CODE

Sections:

- 1.24.010 Adopted.
- 1.24.020 Statements of economic interest required.
- 1.24.030 Offenses under other such codes.

1.24.010 Adopted.

The terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are incorporated by reference and, along with Appendix A to this chapter, in which officials and employees of the city are designated, and Appendix B to this chapter in which disclosure categories are set forth, constitute the conflict of interest code of the city, which is considered the "agency" within the purview of this code. The conflict of interest code of the city so adopted amends and replaces any conflict of interest code of the city previously in effect to conform to this newly adopted code. (Ord. 276 §1(part), 1995).

1.24.020 Statements of economic interest required.

Designated employees shall file statements of economic interest with the city clerk, who shall perform the duties of the filing officer for the city. (Ord. 276 §1(part), 1995).

1.24.030 Offenses under other such codes.

Any change provided for in this conflict of interest code shall not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other conflict of interest code; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered in connection with any other conflict of interest code. (Ord. 276 §1(part), 1995).

Appendix A

CITY OF ARVIN CONFLICTS OF INTEREST CODE

LIST OF POSITIONS, BY JOB TITLE, TO WHICH CODE APPLIES.

Mayor
Councilmembers
Planning Commissioners
Attorney
Treasurer
City Manager
Designated Employees (includes Consultants).

Appendix B

CITY OF ARVIN CONFLICTS OF INTEREST CODE

CATEGORIES OF MANDATED DISCLOSURE.

1. Any ownership in real property located either within the City or within 300 feet of the City limits, if outside of the City to the same extent as an ownership interest of a City Councilmember would be reportable and disclosure required under the Political Reform Act.

2. Any business investments to the same extent as a business investment would be reportable and disclosure required under the Political Reform Act if the individual involved was a City Councilmember rather than a City employee.

3. Any business entity income to the same extent as a business' income would be reportable and disclosure required under the Political Reform Act if the individual involved was a City Councilmember rather than a City employee.

4. Any source of income to the employee to the same extent as a source of income would be reportable and disclosure required under the Political Reform Act if the individual involved was a City Councilmember rather than a City employee.

5. Any business position to the same extent as a business position would be reportable and disclosure required under the Political Reform Act if the individual involved was a City Councilmember rather than a City employee.