

**ORDINANCE NO. 2883-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 1.04.050 (CITATION AUTHORITY DELEGATED) OF CHAPTER 1 (GENERAL PENALTY) OF TITLE 1 (GENERAL PROVISIONS) OF THE SUNNYVALE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.04.050 AMENDED. Section 1.04.050 of the Sunnyvale Municipal Code is amended to read as follows:

**1.04.050. Citation authority delegated.**

(a) The following designated officers and employees are delegated the authority to issue citations without a warrant to any person whenever the officer or employee has reasonable cause to believe that the person to be cited has committed an act in his or her presence which is a violation of the provisions of this code:

(1) Director of community development and housing officer: Chapters 6.30, 8.16, 8.20, 9.26, 9.28, 9.30, 9.60, 16.20, 16.44 and Title 19.

(2) Director of community development and building inspection superintendent: Chapters 16.12 through 16.41, 16.46, 16.58.

(3) Director of parks and recreation and department employees designated by director: Chapter 9.62.

(4) Director of public safety and public safety officers: Chapters 5.16, 5.24, 5.28, 5.32, Title 9 except for Chapters 9.72, 9.74 and 9.76, Title 10, Chapters 16.52 through 16.54, Title 20 and Title 21.

(5) Director of public works and department employees designated by director: Chapter 8.16, Chapter 9.30, Title 12, Chapter 13.08 and Chapter 13.16.

(6) Health department of Santa Clara County: Title 6, Title 8, Chapter 16.56.

(7) The city manager shall have the power to designate by written order that particular officers and employees, in addition to those specified in this section, shall have the power to issue citations for violations of specified chapters of this code.

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a 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 passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project

which has the potential for causing a significant effect on the environment.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 5. POSTING AND PUBLICATION.** The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held October 20, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on October 27, 2008, by the following vote:

AYES: HAMILTON, HOWE, LEE, SWEGLES, MOYLAN, WHITTUM  
NOES: SPITALERI  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation:

SEAL

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney