

ORDINANCE NO. 2998-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTIONS 1.04.010 AND 1.04.050 OF CHAPTER 1.04 (GENERAL PENALTY) AND SECTION 1.05.020 OF CHAPTER 1.05 (ADMINISTRATIVE CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE SUNNYVALE MUNICIPAL CODE, RELATING TO CITATION AUTHORITY

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 1.04.010 AMENDED. Section 1.04.010 of Chapter 1.04 (General Penalty) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

1.04.010. Violation—Misdemeanor or infraction.

- (a) [Text unchanged]
- (b) Violations of the following provisions are infractions:
 - (1) Title 5: Chapters 5.16, 5.24, 5.26, 5.28, 5.32, and 5.38;
 - (2) Title 6: Entire title except Sections 6.08.100 through 6.08.130 and Section 6.16.060;
 - (3) Title 8;
 - (4) Title 9: Chapter 9.24, except Section 9.24.180; Chapters 9.26, 9.28, 9.42, 9.52, 9.54, 9.60, 9.62, 9.64, 9.66, and 9.84;
 - (5) Title 10: Chapters 10.08 through 10.60, with the exception of sections set forth in subsection (c) herein;
 - (6) Title 13: Chapter 13.16;
 - (7) Title 16, except Chapters 16.52, 16.53 and 16.54;
 - (8) Title 18: Section 18.20.080;
 - (9) Title 19: Entire title except Chapters 19.67 and 19.69.
- (c) [Text unchanged]
- (d) Notwithstanding the above, a violation shall be deemed an infraction if it is deemed an infraction by any other provision of this code; if a citation is issued specifying that the violation is an infraction; if the city attorney files a complaint in the superior court specifying that the offense is an infraction; or if the city attorney makes a motion to reduce a misdemeanor charge to an infraction prior to trial on the matter.

SECTION 2. SECTION 1.04.050 AMENDED. Section 1.04.050 of Chapter 1.04 (General Penalty) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

1.04.050. Citation authority.

- (a) A violation of the Sunnyvale Municipal Code may be enforced by a peace officer in any manner authorized by law.
- (b) Pursuant to California Penal Code Section 836.5, non-sworn public safety employees designated by the director of public safety are authorized to make

arrests for violations of such sections of the Sunnyvale Municipal Code and other city ordinances that they are charged with enforcing as determined by the director of public safety, and may issue citations for misdemeanors and infractions for said violations pursuant to California Penal Code Title 3, Chapter 5C (commencing with Section 853.5).

(c) 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 misdemeanor or infraction citations for violations of specified chapters of this code.

SECTION 3. SECTION 1.05.020 AMENDED. Section 1.05.020 of Chapter 1.05 (Administrative Citations) of Title 1 (General Provisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

1.05.020. Definitions.

For the purposes of this chapter, “enforcement officer” means any city employee or agent of the city with the authority to enforce any provision of this code, as designated by the city manager or department director.

SECTION 4. CEQA EXEMPTION. 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 5. 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 or decisions 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 7. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 on May 7, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney