

Title 1

GENERAL PROVISIONS

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- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 General Penalty**
- 1.12 Bench Mark and Datum Plane**
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NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

CODE ADOPTION

Chapter 1.01

CODE ADOPTION¹

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title—Citation—Reference.
- 1.01.030 Authority.
- 1.01.040 Ordinances passed prior to adoption of code.
- 1.01.050 Reference applies to amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
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- 1.01.090 Effective date.
- 1.01.100 Separability.

1.01.010 Adoption.

Pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code, there is adopted the "Sonora 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 "Sonora Municipal Code." (Ord. 504 § 1, 1976.)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Sonora Municipal Code" and it shall be sufficient to refer to said code as the "Sonora 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 Sonora Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Sonora Municipal

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Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 504 § 2, 1976.)

1.01.030 Authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Sonora, California, codified pursuant to the provisions of Sections 50022.1 through 50022.8 and 50022.10 of the Government Code. (Ord. 504 § 3, 1976.)

1.01.040 Ordinances passed prior to adoption of code.

The last ordinance included in this code was Ordinance No. 498, passed June 21, 1976. The following ordinances, passed subsequent to Ordinance No. 498, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 499, 500, 501, 502 and 503. (Ord. 504 § 4, 1976.)

1.01.050 Reference applies to amendments.

Whenever a reference is made to this code as the "Sonora Municipal Code" or to any portion thereof, or to any ordinance of the city of Sonora, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 504 § 5, 1976.)

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 hereof. (Ord. 504 § 6, 1976.)

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 designated by

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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. (Ord. 504 § 7, 1976.)

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 of this code, 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. (Ord. 504 § 8, 1976.)

1.01.090 Effective date.

This code shall become effective on December 1, 1976. (Ord. 504 § 9, 1976.)

1.01.100 Separability.

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. (Ord. 504 § 10, 1976.)

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Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing and permitting.
- 1.04.040 Construction.
- 1.04.050 Repeal shall not revive any ordinances.

1.04.010 Definitions.

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

1. "City/town" means the city of Sonora, California, or the area within the territorial limits of the city of Sonora, California, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.
2. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day. If the last day is Sunday or a legal holiday, that day shall be excluded.
3. "Council" means the city council of the city of Sonora, California. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the state of California.

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4. "County" means the county of Tuolumne, California.
5. "Law" denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the city of Sonora, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
6. "May" is permissive.
7. "Month" means a calendar month.
8. "Must" and "shall" are each mandatory.
9. "Oath" shall be construed to include 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."
10. "Ordinance" means a law of the city; provided, that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.
11. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
12. "Person" means 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.
13. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
14. "Preceding" and "following" mean next before and next after, respectively.
15. "Property" includes real and personal property.
16. "Real property" includes lands and tenements and hereditaments.
17. "Sidewalk" means that portion of a street, between the curb line and the adjacent property line, intended for the use of pedestrians.
18. "State" means the state of California.
19. "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.

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20. "Tenant" and "occupant," applied to a building or land, include any person who occupies whole or a part of such buildings or land, whether alone or with others.
 21. 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.
 22. "Written" includes printed, typewritten, mimeographed or multigraphed.
 23. "Year" means a calendar year.
 24. All words and phrases shall be construed and understood 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.
 25. 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 as to include all such acts performed by an authorized agent.
- (Ord. 495 § 1, 1976.)

1.04.020 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city of Sonora, California:

- A. Gender. Designation in the form of any gender includes 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.
- D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Ord. 495 § 2, 1976.)

1.04.030 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city, any act or omission

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is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 495 § 3, 1976.)

1.04.040 Construction.

The provisions of the ordinances of the city and all proceedings under them are to be constructed with a view to effect their objects and to promote justice. (Ord. 495 § 4, 1976.)

1.04.050 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 495 § 5, 1976.)

Chapter 1.08

GENERAL PENALTY²

Sections:

1.08.010 Violations—Penalty.

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- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city of Sonora is guilty of a misdemeanor, unless the violation is made an infraction by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable

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by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

- C. Every violation determined to be an infraction is punishable by:
 - 1. A fine not exceeding one hundred dollars for a first violation;
 - 2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; and,
 - 3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.
- D. The ordinance codified in this chapter shall not apply to a violation of any ordinance adopted pursuant to the Vehicle Code of California.
- E. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, accordingly.

(Ord. 751-A § 1, 2002; Ord. 496 § 1, 1976.)

Chapter 1.12

BENCH MARK AND DATUM PLANE

Sections:

- 1.12.010** **Bench mark designated.**
- 1.12.020** **Datum plane designated.**
- 1.12.030** **Elevations referred to datum plane.**

1.12.010 **Bench mark designated.**

The official bench mark, or point determining elevations for the city is fixed and adopted as that certain bench mark of the U.S. Geo

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logical Survey: a copper disc bearing on its face the words, "U.S. Geological Survey B. M. Elev. 1825," located in the easterly retaining wall of the courthouse of Tuolumne County just south of the steps on Green Street. (Ord. 78 § 1, 1919.)

1.12.020 Datum plane designated.

The official datum plane of the city is fixed and adopted as a horizontal plane located one thousand eight hundred twenty-five feet below the U. S. Geological Survey bench mark referred to in Section 1.12.010. (Ord. 78 § 2, 1919.)

1.12.030 Elevations referred to datum plane.

The elevations of all walks, curbs, gutters, paving, sewers, storm drains, culverts, walls, or the grades thereof, or all other public structures constructed or erected, or to be constructed or erected in the city shall be referred to the datum plane. (Ord.78 § 3, 1919.)

Chapter 1.16

GENERAL MUNICIPAL ELECTION

Sections:

1.16.010 When held.

1.16.010 When held.

The general municipal election of the city shall be held on the same day, from year to year, as the statewide direct primary election is held, pursuant to Government Code 36503.5. (Ord. 559, 1981.)

TITLE 1 FOOTNOTES

TITLE 1 FOOTNOTES

1. For statutory provisions authorizing cities to codify their ordinances, see Gov. Code §§ 50022.1 – 50022.8 and 50022.10.
2. For statutory provisions authorizing cities to impose penalties for violations of ordinances not exceeding a fine of \$500.00, six months imprisonment, or both, see Gov. Code § 36901; for provisions authorizing the reduction of city ordinance violations to infractions, see Gov. Code § 36900.