

**TITLE 1: GENERAL PROVISIONS**

Chapter

**1.01. CODE ADOPTED**

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## CHAPTER 1.01: CODE ADOPTED

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### **1.01.001 Declaration of purpose.**

The City Council finds that it is desirable and in the public interest to establish a municipal code in order to provide a scheme of organization for the classification and grouping of ordinances which the Council may adopt. The Council intends in adopting ordinances of a general and permanent nature to provide for their placement in accordance with the scheme of the code. This will provide the user with a convenient and logical compilation of the ordinances of the City.  
(3-12/90 ' 1.01.001)

### **1.01.002 Establishment of Municipal Code.**

This code shall be known as the "City of Canyon Lake Municipal Code." It shall be sufficient to refer to this Code as the City of Canyon Lake Municipal Code in any prosecution for the violation of any provision of this Code. It shall also be sufficient to designate any ordinance adding to, amending, correcting, or repealing provisions of this Code as an addition or amendment to, or a repeal of, the City of Canyon Lake Municipal Code, or a portion thereof.  
(3-12/90 ' 1.01.002)

### **1.01.003 Contents of Code.**

The City of Canyon Lake Municipal Code shall consist of all ordinances adopted by the City Council which are of a general and permanent nature. An ordinance relating to any of the following subject matters is not considered an ordinance of general and permanent nature and need not be included within the Municipal Code:

- (a) The naming of streets or roads;

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- (b) Levying real property tax;
- (c) Calling an election;
- (d) Annexation proceedings;
- (e) Interim zoning measure;
- (f) Zoning or rezoning a particular parcel of property;
- (g) Such other ordinances of a special or particular subject matter which the council considers are not appropriate to a general compilation of laws of a general and permanent nature.  
(3-12/90 ' 1.01.003)

### **1.01.0035 Other ordinances not part of Code.**

Other ordinances adopted by the City Council on December 1, 1990, the date of original adoption of this Municipal Code, are not included as part of the Municipal Code, and any future amendments to said other ordinances will not be included as part of the Municipal Code unless otherwise expressly stated in said future amendments.  
(3-12/90 ' 1.01.0035)

### **1.01.004 Outline of Code.**

(a) The ordinances of the City which are of a general and permanent nature shall be organized and grouped according to subject matter.

(b) Ordinances which are adopted from time to time shall be classified and organized under the following scheme of titles:

- (1) General Provisions;
- (2) Administration and Personnel;
- (3) Revenue and Finance;
- (4) (Reserved);
- (5) Business Regulations;

- (6) Health and Sanitation;
- (7) (Reserved);
- (8) Buildings and Construction;
- (9) Planning and Zoning;
- (10) Animals;
- (11) Peace, Morals and Safety;
- (12) Vehicles and Traffic;
- (13) (Reserved);
- (14) Streets and Sidewalks; and
- (15) Water and Sewers.  
(3-12/90 ' 1.01.004)

### **1.01.005 Maintenance of Code.**

At least three copies of this Code, duly certified by the City Clerk, shall be maintained on file in the office of the City Clerk as official copies of this Code. Additional copies of this Code shall be distributed to the departments of the City as shall be prescribed by the City Manager.

Duly certified copies of each ordinance making a change in this Code shall be filed in the office of the City Clerk in books for such purpose, duly indexed for ready reference.

At least semi-annually, the City Clerk shall cause the loose leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the ordinance number and the date pursuant to which such change is adopted. Such reprinted pages shall be distributed in order that the loose leaf copies of this Code, prepared for the use and convenience of the officers and employees of the City and the general public, may be brought up to date.

(3-12/90 ' 1.01.005)

**1.01.010 Interpretation of Code and other ordinances.**

The provisions of this Code and all proceedings under it are to be construed to effect its objects and to promote justice.

All the provisions of this Code and all other City ordinances shall be interpreted to refer to the appropriate or designated officer or office of the City, and whether an ordinance, uniform code, statute, or other matter which is adopted by reference refers to any department, officer, employee, inspection, police, or other function, unless the context requires otherwise, all references shall be to the appropriate or designated office, officer, department, agency, employee, or function of the City, or to the person or agency performing the function for the City.  
(3-12/90 ' 1.01.010)

**1.01.020 Effect of Code on past actions and obligations.**

Neither the adoption of this Code nor the repeal or amendment by this Code of any ordinance or part or portion of any ordinance previously in effect in the City or within the territory currently comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Code, nor be construed as a waiver of any license, fee or penalty on such 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 of such ordinances, nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all vested rights and obligations pertaining to such ordinances shall continue in full force and effect. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.  
(3-12/90 ' 1.01.020)

**1.01.030 Partial invalidity.**

If any chapter, section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. The City 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 the Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.  
(3-12/90 ' 1.01.030)

**1.01.040 Territorial limitations.**

This Code shall refer only to the omission or commission of acts within the territorial limits of the City of Canyon Lake and that territory outside of the City over which the City has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property.  
(3-12/90 ' 1.01.040)

**1.01.050 Local signification.**

All references in this Code to places, acts, persons or things and all else in relation to this Code shall be construed to mean that the same are applicable to this City, whether the City is mentioned in each particular section or not. Portions of this Code have been adopted from or relate to the same subject as is set forth in the Riverside County Code. To the extent that any section, subsection, sentence, clause or phrase of this Code is in conflict with the Riverside County Code provisions so adopted, the later-adopted portion of this Code shall control and shall take precedence over the inconsistent portions of the Riverside County Code.  
(3-12/90 ' 1.01.050)

**1.01.100 Rules of construction.**

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 the following sections of this Chapter shall govern the construction of this Code. The provisions of this Code, and all proceedings under it, are to be construed with a view to effect their objects and to promote justice.

(3-12/90 ' 1.01.100)

**1.01.110 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.

(3-12/90 ' 1.01.110)

**1.01.120 Meaning of Asection@ and Asubsection.@**

ASection@ shall mean a section of this Code, unless some other source is specifically set forth. ASubsection@ shall mean a subsection of the section in which the term occurs, unless some other section is expressly set forth.

(3-12/90 ' 1.01.120)

**1.01.130 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.

(3-12/90 ' 1.01.130)

**1.01.140 "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.

(3-12/90 ' 1.01.140)

**1.01.150 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 this City, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter added to this Code.

(3-12/90 ' 1.01.150)

**1.01.160 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.

(3-12/90 ' 1.01.160)

**1.01.170 Definitions.**

As used in this Code, the following words and phrases shall be defined as follows, unless it is clearly apparent from the context that another meaning is intended or is specified elsewhere in the Code.

(a) "Calendar year" shall mean from January 1 through December 31 of any given year.

(b) "City Manager" shall mean the appointed official of the City who occupies the position as chief administrative officer of the City.

(c) "Council" shall mean the City Council of the City of Canyon Lake.

(d) "Councilmember" shall mean a person duly elected to the Council.

(e) "County" shall mean the County of Riverside, California, or the area within the limits of Riverside County, and such territory outside of Riverside County over which the County has jurisdiction or control by virtue of any constitutional or statutory provisions.

(f) "Day" shall mean calendar day.

(g) "Fiscal year" shall mean from July 1 of any given year through June 30 of the following year.

(h) "Gender." The masculine gender shall include the feminine and neuter genders.

(i) "Goods" shall mean and include wares and merchandise.

(j) "May" shall be permissive.

(k) "Month" shall mean a calendar month, unless otherwise expressed.

(l) "Number." The singular number shall include the plural, and the plural number shall include the singular.

(m) "Oath" shall include affirmation.

(n) "Official time standard." Whenever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the City.

(o) "Operate" shall mean and include carrying on, keeping, conducting, or maintaining.

(p) "Owner," applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.

(q) "Person" shall include any natural person, firm, company, corporation, club, trust, or similar organization, partnership, association, public corporation, political subdivision, City (except the City of Canyon Lake), the County of Riverside, any district in the County of Riverside, the State of California, or the United States of America, or any department or agency or any employee, manager, officer, agent, lessee or servant of any thereof, unless this Code expressly provides otherwise.

(r) "Personal property" shall include money, goods, chattels, things in action, and evidences of debt.

(s) "Police," "Police Chief," or "Chief of Police" shall mean the agency which performs the appropriate law enforcement function for the City, and the head of the agency or division thereof which at the time involved has responsibility for performing the police function for, or within, the City.

(t) "Property" shall include real and personal property.

(u) "Quarterly," where used to designate a period of time, shall mean the first three calendar months of any given year or any succeeding period of three calendar months.

(v) "Real property" shall include land, tenements, and hereditaments.

(w) "Sale" shall include any sale, exchange, barter, or offer for sale.

(x) "Shall" shall be mandatory.

(y) "State" shall mean the State of California.

(z) "Street" shall include all streets, highways, avenues, boulevards, alleys, courts, places, squares, curbs, 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.

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(aa) “Tenant or occupant” applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(ab) “Tense.” The present tense shall include the past and future tense, and the future tense shall include the present tense.

(ac) “City” shall include City and shall mean the City of Canyon Lake.

Words and phrases not defined in this Code are construed according to the approved usage of the language, or, when appropriate, by reference to definitions contained in State or Federal law.  
(3-12/90 ' 1.01.170)

### **1.01.200 Violation--Infraction.**

It shall be 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 or any provision of any ordinance of the City not included within this Code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this Code or any code adopted by reference by this Code or any other City ordinance shall be guilty of an infraction, unless such violation is specifically designated as constituting a misdemeanor. 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 any provision of any code adopted by reference by this Code, or of any other City ordinance, is committed, continued, or permitted by such person, and may be punished accordingly.

Any provision or requirement of this Code or otherwise as referred to above, the violation of which or the failure to comply with which, is designated as an infraction, shall be prosecutable as a misdemeanor upon a third violation and each violation thereafter of the same provision by the same individual. In addition, any such violation or failure to comply may be prosecuted originally as a misdemeanor in the

discretion of the City Attorney or any deputy district attorney, upon a showing by the enforcing agency of the seriousness of the particular alleged violation.  
(3-12/90 ' 1.01.200)

### **1.01.210 Aiding and abetting.**

Whenever in this Code 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.  
(3-12/90 ' 1.01.210)

### **1.01.220 Establishment of offenses as infractions.**

Any violation expressly declared to be punishable, in the discretion of the court, by either a fine, or by a fine or imprisonment, or both, shall become an infraction for all purposes under any of the following circumstances:

(a) Where a judgment imposes a punishment of a fine not exceeding \$50 in the case of a first offense; or

(b) When the court grants probation to a defendant without the imposition of a sentence and, at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be an infraction; or

(c) When the City Attorney or any deputy district attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is an infraction.  
(3-12/90 ' 1.01.220)

### **1.01.230 Punishments.**

(a) Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than \$1,000, or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

(b) 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 \$50, for a second conviction within a period of one year by a fine of not more than \$100, and for a third or any subsequent conviction within a period of one year by a fine of not more than \$250.

(3-12/90 ' 1.01.230)

#### **1.01.250 Violations--public nuisances.**

(a) In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this Code, or any such threatened violation, shall be deemed a public nuisance and may be abated as such by the City in accordance with applicable statutes.

(b) Also, any such violation or threatened violation as referred to in Subsection (a) of this Section, or any condition caused or permitted to exist in violation of any of the provisions of any code adopted by reference by this Code, or of the provisions of any other City ordinance, shall be deemed a public nuisance which may be abated by the City Attorney in a civil judicial action.

(3-12/90 ' 1.01.250)

#### **1.01.260 Nuisances: Recovery of abatement expenses.**

(a) Whenever any person creating, causing, committing, or maintaining a public nuisance, as referred to in Section 1.01.250 of this Chapter, or other public nuisance, as defined under State law or other ordinance or regulation, has been given notice, by or on behalf of the City Attorney or by any other City officer, employee or policing agent authorized to give such notice, to abate such nuisance or cease and desist from continuing such nuisance or violation of law, and such person who was given notice fails, refuses, or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonably sufficient to enable such compliance, such noncomplying person shall be liable to the City for any and all costs and

expenses to the City involved in thereafter abating the nuisance and in obtaining compliance with or enforcing the law as referred to or encompassed in the said notice.

(b) Costs and expenses, as referred to in Subsection (a) of this Section may include, but are not limited to, any and all direct costs and expenses related to such things as personnel salaries and benefits, operational overhead, rent, interest, fees for experts or consultants, legal costs or expenses, including attorney's fees, claims against the City arising as a consequence of the nuisance or violation, and procedures associated with collecting moneys due hereunder.

(c) The provisions of Subsection (a) of this Section shall also apply to any person who received a notice, as specified therein, and thereafter the nuisance or violation was abated, but such person subsequently allowed or was responsible for a recurrence of the nuisance or violation.

(d) The liability of any person for the payment of the costs and expenses, provided for in Subsection (a) of this Section may be waived in whole or in part in an amount not to exceed \$100, by the City Attorney in any case wherein he determines, in his sole discretion, that the failure or refusal of such person to comply with the notice therein involved was based upon a good faith and bona fide issue of law or fact specially involved in the circumstances of the case. Any determination or decision of the City Attorney in this regard shall be final and conclusive.

(e) Moneys due to the City pursuant to this Section may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Sections 39574 *et seq.* of the Government Code of the State relating to weed abatement assessments.

(3-12/90 ' 1.01.260)

**1.01.270 Violation of administrative provisions.**

The violation of, or the failure or omission to perform in accordance with, any administrative provision of this Code by any officer or employee of the City shall generally not be considered a criminal act, but may be deemed a failure to perform the duties or to observe the rules or regulations of the department, office, commission or board within the meaning of the rules and regulations of the City, or of the civil service or other personnel regulations of the City if applicable.

(3-12/90 ' 1.01.270)

**1.01.300 Notices--Service.**

Whenever a notice is required to be given, or may be given, under any provision of this Code or any provision of any code adopted by reference by this Code or any provision of any ordinance or resolution of the City not included within this Code, such notice may be given as herein provided. Unless different or special provisions are otherwise specifically made in this Code or in some other applicable enactment, any 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, certified, return receipt requested, addressed to such person to be notified, at that person's last known business address as the same appears in the public records or other records pertaining to the matters to which such notice is directed.

(3-12/90 ' 1.01.300)

**1.01.310 Notices--Proof.**

Proof of giving any notice may be made by the certificate of any officer or employee of this City or by the affidavit or declaration under penalty of perjury of any person over the age of 18 years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(3-12/90 ' 1.01.310)

## CHAPTER 1.04: CITY SEAL

### Section

- 1.04.010 Adoption and design.
- 1.04.020 Seal; insignia; custody and use of.

#### **1.04.010 Adoption and design.**

The corporate seal of the City shall be set out as dictated by the city.

(3-12/90 ' 1.04.010; 27-3/92 ' 1.04.020)

#### **1.04.020 Seal; insignia; custody and use of.**

The City Clerk or his or her deputy shall have charge of the City Seal and such other insignia that may from time to time be adopted pursuant to this Code. Except as provided by this Code, any seal, insignia or other symbol officially adopted for use by the City of Canyon Lake shall not be affixed to any instrument or item without the specific written consent of the City Clerk. Therefore, community groups or commercial enterprises may request use of the seal from the City Clerk. The City Clerk shall obtain any and all information explaining the proposed use and shall refer the request to the City Council on its next regular meeting agenda. The City Council shall consider the use in light of the City image to be projected and may request compensation or shared revenues where appropriate from the requesting group or enterprise. (3-12/90 ' 1.04.020; 27-3/92 ' 1.04.020)



## CHAPTER 1.08: CITATIONS IN LIEU OF IMMEDIATE ARRAIGNMENT

### Section

- 1.08.010 Notice to appear in lieu of arrest.
- 1.08.050 Issuance of citations by designated officers and employees.

specified violations. The City Manager shall establish and cause to be administered a special enforcement training program designated to instruct each officer or employee who will exercise such arrest and citation authority, regarding the provisions of the statutes and ordinances to be enforced, the evidentiary prerequisites to proper procedures for making arrests or otherwise prudently exercising such arrest and citation authority, and the legal and practical ramifications and limitations attendant thereto. Any such officers or employees shall be appropriately instructed to deposit executed citations or notices with the police department for filing with the court, after review for legal sufficiency.

(3-12/90 ' 1.08.050)

### **1.08.010 Notice to appear in lieu of arrest.**

In any case in which a person is arrested for a violation of any provision of this Code and does not demand to be taken before a magistrate, such person may, in lieu of being taken before a magistrate, be issued a written notice to appear in court and may then be released, all pursuant to and in accordance with the procedures prescribed by California Penal Code Sections 853.6 *et seq.*

(3-12/90 ' 1.08.010)

### **1.08.050 Issuance of citations by designated officers and employees.**

Officers and employees of the City who have the discretionary duty to enforce a statute or ordinance may, pursuant to Section 836.5 of the Penal Code and subject to the provisions of this Section, arrest a person without a warrant whenever any such officer or employee has reasonable cause to believe that the person to be arrested has committed an offense in the officer=s or employee=s presence which he or she has the discretionary duty to enforce, and to issue a notice to appear, and to release such person on his or her written promise to appear in court, pursuant to Section 853.6 of the Penal Code. No officer or employee shall be allowed by his or her superior to exercise the arrest and citation authority conferred in this Section unless such officer or employee is within a classification of City officers and employees designated by resolution of the City Council to exercise such arrest and citation authority as to

