

SAUSALITO MUNICIPAL CODE

1981

**A Codification of the General Ordinances
of the City of Sausalito, California**

Codified, Indexed and Published by

**Matthew Bender & Co., Inc.
701 East Water Street
Charlottesville, VA 22902
866-501-5155**





PREFACE

The Sausalito Municipal Code, originally published by Book Publishing Company in 1981, has been kept current by regular supplementation

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Leland H. Jordan, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12 050 is Section .050, located in Chapter .12 of Title 18. In most instances, sections are numbered by tens (010, 020, .030, etc), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 1160, passed July 9, 2002.

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CITY OF SAUSALITO
MEMORANDUM

Date. October 12, 1988

TO Mayor and Councilmembers
FROM: Janet F. Tracy, Asst. to the City Manager/City Clerk
SUBJECT: Designation of City Official to Prepare Ordinance Summaries
for Publication

Recommendation

It is recommended that the Council designate the City Manager as the City official authorized to prepare summaries of ordinances for publication. The City Manager may then ask other members of City staff, as appropriate according to the nature of the ordinance, for assistance in preparation of summaries.

Discussion of the Issue

State law requires publication of adopted ordinances, and publication of the entire text of lengthy ordinances can be quite costly. For example, three recently adopted ordinances, each being approximately one page in length, resulted in the following publication costs:

| | | |
|----------------|--------------------|---------|
| Ordinance 1040 | 9.5 column inches | \$26.13 |
| Ordinance 1041 | 8 column inches | \$22.00 |
| Ordinance 1042 | 10.5 column inches | \$28.88 |

There are some very lengthy proposed ordinances currently under review. An ordinance currently before the Planning Commission is 35 pages in length. Government Code Section 36933 allows cities the option of publishing adopted ordinances in full or of publishing a summary of an ordinance before and after adoption. In the case of a short ordinance, publication of a summary twice could be more costly than publication of the ordinance once in full. However, with an ordinance of, for example, 35 pages, the summary option would be cost-saving.

In many cases, also, a summary of a lengthy ordinance may be more understandable to the public than the full text of the ordinance.

In order to use the summary publication option, Government Code Section 36933 requires that an official be designated by the City Council to prepare summaries.

Attachments

Copy of Government Code Section 36934.

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10-25-88

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§ 36900

GOVERNMENT CODE

in the name of the people of the State of California, or redressed by civil action

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation, (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year

Amended Stats 1974 ch 677 § 1 Stats 1983 ch 1092 § 138 effective September 27 1983 operative January 1 1984

Amendments:

1974 Amendment: (1) Designated the former first paragraph to be subd (a); (2) added "unless by ordinance it is made an infraction in subd (a); and (3) added subd (b)

1983 Amendment: Doubled the fines in subd (b)

42 Cal Jur 3d Law Enforcement Officers § 57

Review of 1983 legislation. 15 Pac LJ 559

Right of municipal corporation to review of unfavorable decision in action or prosecution for violation of ordinance—modern status, 11 ALR4th 399

§ 36901 Fines, penalties, and forfeitures

The city legislative body may impose fines, penalties, and forfeitures for violations of ordinances. It may fix the penalty by fine or imprisonment, or both. A fine shall not exceed one thousand dollars (\$1,000). Imprisonment shall not exceed six months.

Amended Stats 1983 ch 1092 § 139 effective September 27 1983 operative January 1 1984

Amendments:

1983 Amendment: Doubled the fine.

45 Cal Jur 3d Municipalities § 211

Review of 1983 legislation. 15 Pac LJ 559

§ 36931 Enacting clause

45 Cal Jur 3d Municipalities § 194

§ 36932 Signature and attestation

Cal Jur 3d Municipalities § 196

§ 36933 Publication or posting

(a) Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinances shall be posted in the manner and at the time required by this section.

GOVERNMENT CODE

§ 36934

(b) Except as provided in Section 36937, an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

(c) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment, or

(2) If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature and provide information about the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

Amended Stats 1978 ch 850 § 2, effective September 19 1978 Stats 1980 ch 348 § 2.

Amendments:

1978 Amendment: (1) Designated the former first and second paragraphs to be subds (a) and (b); (2) added the comma after "36937" in subd (b); and (3) added subd (c).

1980 Amendment: (1) Added "with the names of those city council members voting for and against the ordinance," in the first sentence of subd(a); and (2) amended subd (c) by adding (a) "with the names of those city council members voting for and against the ordinance or amendment" in the fourth sentence of subd (c)(1); (b) the comma after "information about" in the third sentence of subd (c)(2) and (c) "and the names of those city council members voting for and against the ordinance or amendment" at the end of the subdivision.

45 Cal Jur 3d Municipalities § 197

§ 36933.1 Codification and adoption by reference

45 Cal Jur 3d Municipalities § 197

§ 36934 Time and meeting for passage Reading

45 Cal Jur 3d Municipalities § 192.

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ENCROACHMENT APPLICATION REVIEW PROCEDURES

| <u>DIRECTOR OF PUBLIC WORKS</u> | <u>CAAB</u> | <u>PLANNING COMMISSION</u> |
|--|---|----------------------------|
| STAIRS ON GRADE | STAIRS NOT ON GRADE | GARAGES |
| CURB CUTS | SIGNS | FENCES |
| SIDEWALKS | AWNINGS | BUILDINGS, STRUCTURES |
| UTILITIES | LANDSCAPING | DWELLING UNITS |
| DRIVEWAYS (Cut or fill <u>less</u> than 6') | DRIVEWAYS (Cut or fill more than 6') | PARKING SPACES |
| CURBS AND GUTTERS | | |
| <u>CITY MANAGER</u> | <u>CITY COUNCIL</u> | <u>CITY COUNCIL</u> |
| | | <u>CAAB</u> |

ENCROACHMENT APPLICATION REVIEW GUIDELINES

- (1) Compatibility Is the proposed encroachment compatible with the surrounding area? Would the granting of the permit adversely affect the usability or enjoyment of adjoining parcels? Would the encroachment create or extend an undesirable land use precedent? Does the proposed encroachment conflict with the General Plan, adopted ordinance or any Preside Plan of the City of Sausalito?
- (2) Need Is the extent of the proposed encroachment justifiable?
- (3) Public Enjoyment Would the proposed encroachment significantly diminish public enjoyment, either visual or physical, of the open space to be encroached upon? Is the assignment of open space to private use and enjoyment justifiable in terms of the public interest? Could the value of the proposed improvements prejudice a policy decision to terminate the encroachment?
- (4) Circulation: Would the proposed encroachment adversely affect existing rights-of-way and preclude or make difficult the establishment or improvement of existing or potential streets or pedestrian ways? Would the proposed encroachment adversely affect the existing circulation of vehicles or pedestrians?
- (5) Safety Would the granting of the encroachment application create or constitute a hazard to public safety?

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II. PROCEDURE FOR DRAFTING ORDINANCES

New ordinances often amend, repeal or add new sections to the code.

It is important when drafting these ordinances to mention, within the ordinance, the affected code section. Some cities/counties also like to include the underlying ordinance of the section being changed, which can be determined from the ordinance history in parentheses at the end of each section.

Procedure When Amending Existing Code Section.

Amend the code section specifically The underlying ordinance section may also be included

Examples: § 3.04.020 of the _____ Municipal Code is amended to read as follows:
 § 3 of Ord. 319 and § 3 04.020 of the _____ Municipal Code are amended to read as follows:

Procedure When Repealing Existing Code Section.

When repealing material, designate the specific portion of the code to be repealed. Include the underlying ordinance section if you wish, however, we consider both code section and underlying ordinance to be repealed whether you mention the underlying ordinance or not.

Examples § 3.04 020 of the _____ Municipal Code is repealed
 § 3 of Ord. 319 and § 3.04.020 of the _____ Municipal Code are repealed.

Procedure When Adding New Material to Code

When new provisions are to be added to the code, you should determine where the material would best fit within the subject matter of the existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new section, chapter or title number. Our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate new material in the code:

Subsection D is added to § 5.10.040 of the _____ Municipal Code, to read as follows:
§ 5.10.033 is added to the _____ Municipal Code, to read as follows

If you have any questions as to the proper placement of a new provision, please contact us

Two copies of all ordinances passed should be forwarded to Matthew, Bender & Company, Inc , 701 East Water Street, Charlottesville, Virginia 22902.

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code Please call our Customer Relations Department at 1-866-501-5155