

ORDINANCE NO. 323

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING VARIOUS PROVISIONS OF THE BRADBURY MUNICIPAL CODE TO UPDATE MISDEMEANOR FINE AMOUNTS AND PROVIDE FOR TREATMENT OF SOME MISDEMEANORS AS INFRACTIONS

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

Section 1. Section 1301 of Chapter 3 of Article I of the Bradbury Municipal Code is hereby amended to read as follows:

1300. Violation, Penalty.

(A) It shall be unlawful for any person or firm to violate any provision or fail to comply with any of the requirements of this Code or the provisions of any code adopted by reference to this Code. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor.

(B) Unless otherwise specifically provided in this Code, any person convicted of a misdemeanor under the provisions of this Code shall be punished by a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars or by imprisonment in the City Jail or County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(C) Notwithstanding the foregoing, if any section of this Code is specifically deemed to be an infraction, as specified in the applicable section, chapter or title, it shall be treated as an infraction. In addition, unless otherwise specifically provided in this Code, and as prescribed by Section 42001 of the Vehicle Code of the State, every person convicted of an infraction involving a vehicle shall be punished by a fine not exceeding One Hundred and no/100ths (\$100.00) Dollars, and for a second conviction within a period of one year, by a fine not exceeding Two Hundred and no/100ths (\$200.00) Dollars, and for third or any subsequent Conviction within a period of one year, by a fine not exceeding Two Hundred Fifty and no/100ths (\$250.00) Dollars. A pedestrian convicted of an infraction for a violation of this code as adopted pursuant to the Vehicle Code of the State, shall be punished by a fine not exceeding fifty dollars (\$50).

(D) Notwithstanding anything contained in this code, the prosecutor, in his or her sound discretion, may prosecute a violation of this code as an infraction, rather than as a misdemeanor. The prosecutor may also reduce or agree to the reduction of a previously filed misdemeanor to an infraction. Every person, firm, partnership, association, or corporation convicted of an infraction for violation of any provision of this chapter other than one covered in subdivision (C) hereof, shall be punished

by a fine not exceeding \$100 for a first violation, a fine not exceeding \$200 for a second violation of the same section within a year and a fine not exceeding \$500 for each additional violation of the same section within one year. A fourth violation within one year shall constitute a misdemeanor. Each day such violation continues may be regarded as a new and separate offense.

(E) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this Code, or the provisions of any Code adopted by reference by this Code, shall be deemed a public nuisance and may be summarily abated by this City.

(F) Each day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted, constitutes a new and separate offense.

Section 2. The following listed sections of the Bradbury Municipal Code are hereby amended to substitute the words: "a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars" for the words: a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars:

Section 1300;
Section 3250;
Section 3509;
Section 4204;
Section 4306;
Section 5203;
Section 8612;
Section 9.02.070.030.

Section 3. Section 9.02.070.030 is hereby amended to read as follows:

9.02.070.030 - Violations.

A. Public Nuisance.

Any use, building or structure hereafter erected, built, maintained or used, contrary to the provisions of Chapter 9.06.060 et seq. of this Code, shall be deemed a public nuisance, subject to abatement in accordance with Chapter 9.06.080 - Abatement of Public Nuisances, of this code.

B. Violations, Misdemeanor.

Any person maintaining a public nuisance as defined in subsection A, or otherwise violating any of the provisions of this Article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six (6) months, or both such fine and imprisonment.

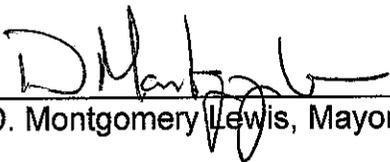
C. Separate Offenses.

Each person violating the provision of this Article, shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this Article is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this Article.

Section 4. If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

Section 5. The City Clerk shall certify to the adoption of this ordinance, and the City Clerk shall cause this ordinance to be posted or published as prescribed by law.

PASSED, APPROVED and ADOPTED this 17th of January 2012.



D. Montgomery Lewis, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BRADBURY)

I, Claudia Saldana, City Clerk of the City of Bradbury, California, do hereby certify that the foregoing Ordinance No. 323 was introduced at a regular meeting of the City Council of the City of Bradbury held on the 20th day of December, 2011, and was finally passed at a regular meeting of the City Council of the City of Bradbury held on the 17th day of January, 2012, by the following vote, to wit:

AYES: Mayor Lewis, Mayor Pro-Tem Lathrop,
Councilmembers Pycz, Barakat and Hale

NOES: None

ABSENT: None

ABSTAINED: None



Claudia Saldana, City Clerk

APPROVED AS TO FORM:

Cary Reisman, City Attorney