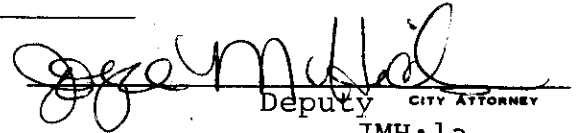


INTRODUCED BY COUNCILMAN _____


Deputy CITY ATTORNEY
JMH:la

ORDINANCE No. 10389 C.M.S.

AN ORDINANCE AMENDING CHAPTER 1,
ARTICLES 3 AND 4 OF ORDINANCE NO. 278
C.M.S., THE OAKLAND MUNICIPAL CODE, TO
INCLUDE A SYSTEM OF INFRACTIONS IN ITS
ENFORCEMENT PROVISIONS

WHEREAS, the enforcement provisions of the Oakland
Municipal Code would be enhanced by the inclusion of an
infractions system, now, therefore

The Council of the City of Oakland does ordain as
follows:

SECTION 1. Chapter 1, Articles 3 and 4 of Ordinance No 278, as
amended, the Oakland Municipal Code, are amended to read as
follows:

ARTICLE 3
PENALTIES

SECTION 1-3.01. VIOLATIONS AS MISDEMEANOR.

a. Unless otherwise provided in this code, any person
violating any of the provisions or failing to comply with any of
the regulatory requirements of this code shall be guilty of a
misdemeanor. Any person convicted of a misdemeanor under the
provisions of this code shall be punishable by imprisonment in
the county jail not exceeding 6 months or by fine not exceeding
five hundred dollars (\$500.00) or by both.

b. Except as otherwise provided in this code, each 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 is committed, continued or permitted by such person
and shall be punishable accordingly. In addition to the
penalties here and above provided, any condition caused or
permitted to exist in violation of any of the provisions of this
code shall be deemed a public nuisance and may be summarily
abated as such by the City of Oakland.

SECTION 1-3.02. PENALTY FOR VIOLATION OF ADMINISTRATIVE PROVISIONS.

(Repealed by Ordinance No. 9544 C.M.S. Passed November 22, 1977)

SECTION 1-3.03 PENALTY FOR FALSE STATEMENTS ON MORTGAGE LOAN APPLICATIONS

It shall be a misdemeanor to make any false statement or certification on any mortgage loan application or other mortgage loan documents submitted in connection with the City of Oakland Multi Lender Mortgage Purchase Program. (As added by Ordinance No. 10165, passed December 8, 1981)

SECTION 1-3.04 VIOLATIONS AS INFRACTION.

a. Any person violating any of the provisions or failing to comply with any of the regulatory requirements of the following code sections shall be guilty of an infraction:

1. Chapter 2. Public Safety

- a) Article 4. Dangerous Structures
- b) Article 5. Accident Prevention
- c) Article 6. Grading, Excavations and Fills

2. Chapter 3. Public Welfare, Morals and Policy

- a) Article 1. Public Nuisances
- b) Article 2. Charities and Relief
- c) Article 8. Fraud and Deceit: Section 3-8.03: Defacing Notices. Violations of other provisions of Chapter 3 Article 8 shall be a misdemeanor.
- d) Article 9. The Animal Control Ordinance, with the exception of Section 3-9.071, Vicious Dogs, the violation of which shall be a misdemeanor.
- e) Article 11. Miscellaneous
- f) Article 12. Theft Provision: Sections 3-12.14 through 3-12.21
- g) Article 13. Trespass: Notwithstanding the provisions of section 1-3.01 a of this code, a person shall be guilty of a separate violation of section 3-13.10 for loitering, prowling, wandering or being present without lawful business on the property of the Housing Authority of the City of Oakland for each and every instance of failure to leave upon request of a peace officer or authorized

agent of the Housing Authority of the City of Oakland or for each return to the property of the Housing Authority of the City of Oakland within 72 hours after being asked to leave by a peace officer or authorized agent of the Housing Authority of the City of Oakland.

- h) Article 14. Mechanical or Electronic Games
- i) Article 17. Bingo Games with exception of section 3-17.29 which shall remain a misdemeanor punishable by a \$10,000.00 fine.
- j) Article 18. Abatement of Illegal Scrapyards and Recycleable Materials Held Illegally in Open Storage.

3. Chapter 5. Businesses, Professions and Trades

- a) Article 1. Taxation and Control
- b) Article 20. Transient Occupancy Tax
- c) Article 22. Cigarette Tax
- d) Article 23. Utility Users Tax
- e) Article 26. Bedroom Tax
- f) Article 27. Real Property Transfer Tax

4. Chapter 6. Public Works

- a) Article 1. Sidewalks and Curbs
- b) Article 2. Streets
- c) Article 3. Parks and Boulevards
- d) Article 4. Garbage Disposal
- e) Article 5. Water Courses
- f) Article 6. Building Sewers
- g) Article 7. Sewer Service
- h) Article 8. Park Permits

5. Chapter 7. Land and Resource Development

- a) Article 2. Building Numbers
- b) Article 3. Set Back Lines and Miscellaneous
- c) Article 4. Real Estate Subdivision Regulations
- d) Article 6. Trees, Notwithstanding the provisions of section 1-3.01 b of this code, the removal of each protected tree shall be deemed a separate and distinct offense punishable under this provision.
- e) Article 7. Condominium Conservation Ordinance
- f) Article 9. Prohibiting discrimination and housing on the basis of pregnancy or tenancy of a minor child.

6. Chapter 9. Electrical Code

- a) Article 3. Permits, Inspections and Fees
- b) Article 4. Regulations and Practices
- c) Article 5. Administration and Enforcement
- d) Article 6. Electrical Appliances

7. Chapter 11. Municipal Elections, Article 4:
Political Signs

b. Any person convicted of an infraction under the provisions of this code shall be punishable upon a first conviction of a fine of not more than \$50.00 and for a second conviction within a period of one year by a fine of not more than \$100.00 and for a third or any subsequent conviction within a one year period by a fine of not more than \$250.00. Any violation beyond the third conviction within a one year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same shall be punishable by a fine of not more than \$500.00 by imprisonment in the county jail for a period of not more than six months or by both.

ARTICLE 4
CITATION OF VIOLATORS

SECTION 1-4.01. AUTHORITY TO ARREST FOR PENAL CODE VIOLATIONS.

Pursuant to Sec. 836.5 of the California Penal Code Supervising Housing Representatives of the City of Oakland are hereby authorized to enforce Section 402b of the California Penal Code and arrest violators thereof. (As added by Ordinance No. 93427 C.M.S., passed July 20, 1976.

SECTION 1-4.02. POWER OF ARREST.

a. The following officers and their subordinates shall have and are hereby vested with the authority to arrest any person who violates the following provisions of this code in the manner provided by Section 836.5 of the California Penal Code:

- | | |
|------------------------------------|----------------------|
| 1. Sr. Park Maintenance Supervisor | Chapter 2, Article |
| Sr. Golf Supervisor | 2 and 7 |
| Management Assistant (Parks) | Chapter 3, Articles |
| Park Specialist | 1, 8, and 9 |
| Sr. Tree Supervisor | Chapter 6, Articles |
| | 3 and 8 |
| | Chapter 7, Article 6 |
| 2. Animal Control Supervisor | Chapter 3, Article 9 |

- | | |
|---|--|
| 3. Deputy Directors of Public Works
Manager, Inspectional Services | Chapter 2, Articles 4 and 6
Chapter 3, Article 12, Sections 14 through 21, and Article 18
Chapter 6, Articles 1, 2, 4, 6 and 7
Chapter 7, Articles 2 and 3
Chapter 9 |
| 4. Office of Community Development
Housing Conservation,
Supervising Housing
Representatives | Chapter 2, Articles 4 and 6
Chapter 3, Articles 1, 12 and 18
Chapter 6, Articles 1, 2, 4, 6, and 7
Chapter 7, Articles 2 and 3
Chapter 9 |
| 5. Oakland Housing Authority,
Chief of Security | Chapter 3, Article 13, Section 10 |
| 6. Revenue Manager | Chapter 5, Articles 1, through 27 |
| 7. Police Service Technician,
Police Services Aide and
Jailer | All provisions of
the Code |

b. The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code, in addition to those officers enumerated in subsection a. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

c. An officer or employee designated pursuant to subsection b shall be determinative of the enforcement powers of such officer or employee notwithstanding a designation of a different officer or employee within the particular provision of this code referred to in subsection a.

SECTION 2, Date Effective, This ordinance shall be, and is hereby declared to be in full force and effect on January 1, 1984.

IN COUNCIL, OAKLAND, CALIFORNIA, October 18, 19 83

PASSED BY THE FOLLOWING VOTE:

AYES— ~~BAZILE~~, CANNON, GIBSON, GILMORE, MOORE, OGAWA, RILES, SPEES, and ~~PRESIDENT WILSON~~ - 7

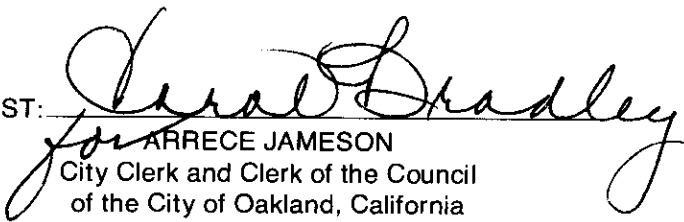
NOES— 0

ABSENT— BAZILE, PRESIDENT WILSON - 2

ABSTENTION— 0

ATTEST:

-6-


ARRECE JAMESON
City Clerk and Clerk of the Council
of the City of Oakland, California