Chapter 1.01

CODE ADOPTED

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Section 1.01.010 Code adopted.

The Riverside Municipal Code, as compiled from the ordinances and prior code sections of the City, and edited and published by Book Publishing Company of Seattle, Washington, is adopted as the code of Riverside.  (Ord. 3539 § 1, 1968)

Section 1.01.020 Title--Citation--Reference.

This code shall be known as the "Riverside Municipal Code" and it shall be sufficient to refer to this code as the "Riverside Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also 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 of, or repeal of the "Riverside Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Riverside Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this code.  (Ord. 3539 § 2, 1968)

Section 1.01.030 Reference applies to amendments.

Whenever a reference is made to this code as the "Riverside Municipal Code" or to any portion thereof, or to any ordinance of the City, the reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 3539 § 3, 1968)

Section 1.01.040 Codification authority.

This code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances of the City, codified pursuant to Sections 50022.1 through 50022.10 of the Government Code of the State and Section 415 of the City Charter. (Ord. 3539 § 4, 1968)

Section 1.01.050 Definitions and Construction.

Unless the context otherwise requires, the following words and phrases where used in
this code shall have the meaning and construction given in this Section:
"Code" means the Riverside Municipal Code;
"City" means the City of Riverside;
"City Council" means the City Council of Riverside;
"City employee" shall mean a natural person who performs service to the City of Riverside in exchange for monetary compensation through the City payroll, whether full-time, part-time, seasonally, or pursuant to a contract (including persons made available to work through the services of a staffing, temporary, or employment agency) regardless of employment classification or benefits. This definition shall not include natural persons who are interns, independent contractors, or volunteers; except those volunteers enforcing handicapped parking regulations as authorized by the Vehicle Code. This definition shall apply only to this Code and solely for the purpose of designating those persons who shall have the authority to enforce its provisions. No enlargement, extension, abrogation, or restriction of rights conferred by any collective bargaining agreement or law governing labor and employment shall be construed from this definition.
"County" means the County of Riverside;
"Finance Director" means the Chief Financial Officer/Treasurer.
"Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer, or employee of any of them;
"State" means the State of California;
"Oath" includes affirmation;
Gender. The masculine gender includes the feminine and neuter;
Number. The singular number includes the plural, and the plural the singular;
Tenses. The present tense includes the past and future tenses, and the future tense includes the present tense;
Shall, May. "Shall" is mandatory, "may" is permissive;
Title of Office. The use of the title of any officers, employee, department, board or commission means that officer, employee, department, board or commission of the City. (Ord. 7182 § 1, 2012; Ord. 6872 § 2, 2006; Ord. 6806 § 1, 2005; Ord. 3539 § 5, 1968)

Section 1.01.060 Reference to specific ordinances.
The provisions of this code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within this code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 3539 § 6, 1968)

Section 1.01.070 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 August 9, 1968, nor be construed as a waiver of any license, fee, or penalty at August 9, 1968, 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. 3539 § 7, 1968)
Section 1.01.080 Effective date.

This code shall become effective on August 9, 1968. (Ord. 3539 § 8, 1968)

Section 1.01.110 Penalties for violations.

A. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements or provisions of this Code heretofore or hereafter enacted or the provisions of any code adopted by reference by 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, unless such violation or failure to comply is specifically declared to be an infraction by other provisions of this Code. Notwithstanding any other provisions of this Code, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Notwithstanding this Section and as an alternative to criminal prosecution, all violations of this Code are subject to the administrative code enforcement remedies set forth at Chapter 1.17 and any other administrative proceeding now or hereafter authorized under this Code.

B. Any person convicted of an infraction under the provisions of this Code, or any code adopted by reference by this Code, shall be punished by a fine not exceeding two hundred-fifty dollars.

C. Any person convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of or failure to comply with any provision of this Code, or the provisions of any code adopted by reference by this Code, is committed, continued or permitted by such person and shall be punishable accordingly.

E. In addition to the penalties provided by this Section or elsewhere in this Code, or in any code adopted by reference by this Code, 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 abated by the City, and each day such condition continues shall be regarded as a new and separate offense.

F. In any civil action commenced by the City to abate a nuisance, to enjoin a violation of any provision of this Code or any provision of any code adopted by reference by this Code, to collect a civil penalty imposed either by this Code or by State or federal law, or to collect a civil debt owing to the City, the prevailing party shall be entitled to recover in any such action reasonable attorneys’ fees and costs of suit. Pursuant to Government Code section 38773.5(b), the recovery of attorneys’ fees by the prevailing party is limited to individual actions or proceedings in which the City elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys’ fee. In no action or special proceeding shall an award of attorneys’ fees to a prevailing party exceed the amount of reasonable attorneys’ fees incurred by the City in the action or proceeding.

G. Any person who violates any provision or fails to comply with any requirement or provision of this Code heretofore or hereafter enacted or any provision of any code adopted by reference by this Code shall be liable for a civil penalty not to exceed one thousand dollars for each violation. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. In determining the amount of the civil penalty, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the person, whether corporate or individual, and any corrective action taken by the defendant. The civil penalty prescribed by this subsection shall be assessed and recovered and a civil
action brought by the City Attorney in any court of competent jurisdiction. The civil penalty prescribed by this subsection may be sought in addition to injunctive relief, specific performance or any other remedy, provided, however, that a civil penalty shall not be sought for any violation for which a criminal prosecution has been commenced.

H. A violation of any section of this Code which is punishable as an infraction shall be charged and prosecuted as an infraction, provided that for the second or any additional violation of said section within a one year period, the City Attorney at his or her discretion may charge and prosecute the matter as a misdemeanor. (Ord. 7182 § 1, 2012; Ord. 6872 § 1, 2006; Ord. 6349 § 1, 2, 3, 1997; Ord. 6220 § 1, 1995; Ord. 5258 § 1, 1985; Prior code § 1.8)

Section 1.01.115 Enforcement authority; criminal citations; administrative enforcement.

A. Enforcement Authority.

City employees holding the positions hereinafter designated, and designated County of Riverside employees, shall have the authority to enforce the provisions of this Code, the provisions of any code adopted by reference by this Code, and the ordinances and regulations adopted by the City.

B. Designated City and/or County employees:

1. The department directors and employees charged with the enforcement of the City's zoning ordinances and regulations, the City's building and construction ordinances and regulations, the City's health and sanitation ordinances and regulations including conditions declared to be nuisances, the litter and littering ordinances and regulations, the pedestrian food vendors ordinances and regulations, the garage sales ordinances and regulations, the noise ordinance and regulations, the landscape maintenance ordinances and regulations, the bees and apiaries ordinance and regulations, and the airport and aircraft ordinance and regulations all as specified in Chapters 5.38, 5.49 and 8.20, and Titles 6, 7, 9, 12, 13, 16, and 19 of this Code.

2. Each County employee holding the position of Animal License Inspector and Animal Control Officer and charged with the enforcement of Chapter 8.12 of this Code.

3. Every City employee charged with the enforcement of the traffic and parking regulations of the City as set forth in this Code; and the enforcement of those sections of the Vehicle Code designated by the Chief of Police and which may be enforced by employees other than peace officers.

4. Every City employee holding the position of Park Ranger and charged with the enforcement of Title 7, Chapters 2.28, 8.12, 9.08, 9.12, 9.16, 9.18, 9.32, 9.52, 10.44, 10.45, 10.48, 10.52, 10.56, and 10.60, and Sections 9.04.080, 9.04.090, 9.04.100, 9.04.200, 9.05.030, 10.54.030, 10.64.230, 10.64.240, 10.64.250, 10.64.260, 10.64.290, 10.64.310, 10.64.320, 10.64.330, and 10.64.340 on City property.

5. Every City employee charged with the enforcement of the airport and aircraft regulations of the City as set forth in Title 12 of this Code.

6. The Director of the County of Riverside Department of Environmental Health Services and his or her duly authorized Environmental Health Specialists who are referred to herein as "Enforcement Officers" charged with the enforcement of the City's ordinances and regulations regarding Food Establishments, Food Facilities, Regulation of Food Handlers, and Regulation for the Safety, Operation and Structure of Public Swimming Pools and Spas with the City as set forth in Chapters 6.08, 6.09, 6.10 of this Code.

C. Criminal Citations.

1. Those City and County of Riverside employees designated above are authorized, pursuant to California Penal Code Sections 19.7 and 836.5, and by this section, to issue a criminal citation to a person, without warrant, whenever such employee has reasonable cause
to believe that the person has committed a misdemeanor or an infraction, in such employee's presence, which is a violation of this Code or any code adopted by reference by this Code.

2. If a person is to be cited, the designated City or County employee shall issue a NOTICE TO APPEAR (the citation) to such person, pursuant to California Penal Code Sections 853.5 and 853.6, and request that the person sign the NOTICE TO APPEAR, which shall constitute the person's written promise to appear in court. After obtaining the written promise to appear, the employee must immediately release the person.

3. If the person cited refuses to sign the NOTICE TO APPEAR, the designated City or County employee must immediately release the person and refer the matter to the City Attorney's Office or other agency for appropriate action.

D. Administrative Enforcement.

Those City and County of Riverside employees designated above are deemed Enforcement Officers for purposes of issuing notices of violations, administrative citations, and administrative civil penalties notices, as set forth in Chapter 1.17 of this Code. (Ord. 6872 § 3, 2006; Ord. 6702 § 1, 2003; Ord 6653 § 3, 2003; Ord. 6554 § 4, 2000; Ord. 6526 § 1, 2000; Ord. 6429 § 1, 1998; Ord. 6392 § 1, 1997; Ord. 6273 § 2, 1996; Ord. 6170 § 1, 1994; Ord. 6022 § 3, 1992; Ord 5667 § 1, 1988; Ord. 5590 § 1, 1987; Ord. 5494 § 1, 1987; Ord. 5258 § 2, 1985)

Section 1.01.120 Official time defined.
Whenever certain hours are named herein, they mean Pacific Standard Time or Daylight Saving Time as may be in current use in the City. (Prior code § 1.6)

Section 1.01.130 Effect of repeal of ordinances.
The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed. (Prior code § 1.4)

Section 1.01.140 Severability of parts of code.
It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Prior code § 1.5)