

COUNCIL COMMUNICATIC

TO: THE CITY COUNCIL

DATE:

NO.

FROM: THE CITY MANAGER'S OFFICE

JANUARY 8, 1987

SUBJECT: AMEND LODI MUNICIPAL CODE BUSINESS LICENSE ORDINANCE TO REQUIRE THAT THE PENALTY FOR VIOLATIONS THEREOF IS AN INFRACTION.

PREPARED BY: City Attorney

RECOMMENDED ACTION: That the City Council introduce an ordinance adding to Chapter 5.04 a new section as follows:

"Section _____. Violation-Infraction.

"Any violation of this Chapter is an infraction unless the defendant has been convicted of three or more violations of a particular section within the twelve-month period immediately preceding the commission of the offense, and then the violation of this Chapter constitutes a misdemeanor."

BACKGROUND INFORMATION: Under Lodi Municipal Code Section 1.08 010 and pursuant to Government Code Section 36900, any violation of a city ordinance is a misdemeanor, unless by ordinance it is made an infraction. Under our business license ordinance as written, violations are a misdemeanor. It is difficult to enforce the provisions of the business licenses because of increased activity in that area of business, and the process that must be gone through to obtain a misdemeanor conviction. It would seem logical to adopt an ordinance under which violations would be an infraction with stipulations, rather than a misdemeanor. The misdemeanor violation requires fines and can carry a prison sentence. The infraction would be a civil offense and this would seem to be the way to go in order to cite offenders without having to go to the lengths that a misdemeanor conviction would require. It would be my intention to ask the Judge to set fines in an amount sufficient to cover all of our costs.

Respectfully submitted,


Ronald M. Stein
City Attorney

RMS:vc

ccbusli/txta.01v

ORDINANCE NO. 1397

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE LODI MUNICIPAL CODE BY ADDING A
NEW SECTION UNDER CHAPTER 5.04 - BUSINESS LICENSES GENERALLY

BE IT ORDAINED BY THE LODI CITY COUNCIL

SECTION 1. Lodi Municipal Code Chapter 5.04 - Business Licenses
Generally is hereby amended to add a new section as follows:

"Section _____. Violation-Infraction.

"Any violation of this Chapter is an infraction unless the
defendant has been convicted of three or more violations of a
particular section within the twelve-month period immediately
preceding the commission of the offense, and then the violation
of this Chapter constitutes a misdemeanor."

SECTION 2. All ordinances and parts of ordinances in conflict
herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi
News Sentinel", a daily newspaper of general circulation printed and
published in the City of Lodi, and shall be in force and take effect
thirty days from and after its passage and approval.

Approved this 4th day of February, 1987

FRED M. REID
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1397 was introduced at a regular meeting of the City Council of the City of Lodi held January 21, 1987 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 4, 1987 by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1397 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

RONALD M. STEIN
City Attorney