

ORDINANCE NO. 1

AN URGENCY ORDINANCE OF THE
CITY OF AMERICAN CANYON PROVIDING THAT ALL ORDINANCES OF
THE COUNTY OF NAPA APPLICABLE BEFORE INCORPORATION
SHALL REMAIN IN FULL FORCE AND EFFECT AS CITY ORDINANCES

The City Council of the City of American Canyon does ordain as follows:

Section 1. County Enactments to Remain in Effect.

(a) All ordinances of the County of Napa which have been applicable within the territory now incorporated as the City of American Canyon, to the extent that they applied before incorporation, shall remain in full force and effect as ordinances of the City of American Canyon.

(b) Additionally, the resolutions, rules and regulations of the County of Napa which have been so applicable in implementation of the aforesaid ordinances and State law (such as, but not limited to, the California Environmental Quality Act and regulations pertaining to traffic), to the extent that they applied before incorporation shall remain in full force and effect as resolutions, rules and regulations, respectively, of the City of American Canyon, and which may be amended or repealed in the future by any form of enactment (motion, resolution or ordinance) deemed appropriate by the City Council.

Section 2. Declaration of Intent.

Certain provisions of the county enactments referred to in Section 1 of this ordinance reflect the county governmental structure and contain references to officials, official titles, commissions, and other designations which are not a part of the structure of this City's government. In order to effectively and intelligently administer the county enactments to the extent that they are continued in effect by this ordinance, it is the purpose of this ordinance to provide for the substitution of the appropriate City official, title, or designation in county enactments.

Section 3. Substitution of Appropriate Reference to City.

(a) Whenever in the enactments of the County of Napa which are continued in effect by the City there is a reference to "Board of Supervisors", this reference shall be interpreted to mean the "City Council of the City of American Canyon".

(b) Whenever in the enactments of the County of Napa which are continued in effect by the City there is a reference to an office, official title, or other designation, the reference shall be interpreted to mean that office, title, or designation in the governmental structure of the City, or if there is none, any official or titleholder of the City who has been specifically directed by the City Council or the City Manager to perform the functions referred to or the duties imposed.

(c) Whenever it is appropriate under the circumstances, and in the enactments of the County of Napa which are continued in effect by the City, there is a reference to the

"County of Napa", "County", or "unincorporated area", or "territory" of the County of Napa, such reference shall be interpreted to mean the "City of American Canyon".

(d) Whenever in the enactments of the County of Napa which are continued in effect by the City there is a reference to "Planning Commission", "Board of Zoning Adjustment", "Board of Appeals", "Zoning Administrator", or any other person or body of the County where the context so indicates, this reference shall be interpreted to mean that these agencies or officials are acting as the agents of the City of American Canyon.

Section 4. Duration of County Ordinances Within City.

Each ordinance or enactment of the County of Napa which remains in effect as a City ordinance or enactment by virtue of Section 1 or this ordinance shall remain in effect as a City ordinance for a period of one hundred twenty (120) days or until the Council adopts an ordinance or enactment superseding it, whichever first in time occurs.

Section 5. Matter of Superseding County Ordinances Within 120-Day Period.

No City ordinance enacted within the 120-day period of time shall be deemed to supersede a county ordinance unless the City ordinance specifically refers to the county ordinance and states an intention to supersede it.

Section 6. Enforcement of Continuing County Ordinances

The enforcement of the county ordinances continuing in effect in the incorporated area shall be by the City except insofar as services of enforcement are furnished by the County in accordance with Government Code Section 57384.

Section 7. Authority for Enactment.

This ordinance is adopted under Government Code Section 57376.

Section 8. Declaration of Facts Constituting Urgency.

This ordinance is an urgency ordinance and is for the immediate preservation of the public peace, health and safety. The facts constituting urgency are these: The City of American Canyon is newly incorporated and it comprises territory formerly unincorporated. Government Code Section 57376 of the State of California provides that the City shall immediately upon organization and before performing any other official act adopt an ordinance providing that all the county ordinances applicable before the incorporation shall remain in full force and effect as City ordinances for 120 days or until the Council has enacted ordinances superseding them. It is necessary that this ordinance take effect immediately in order to have continuity in the existence, application, administration, and enforcement of the same ordinances in the City which applied before incorporation until the City may enact ordinances superseding them.

Section 9. Taking Effect.

This ordinance, being an urgency ordinance for the immediate protection of the public safety, health, and general welfare, containing a declaration of the facts constituting the urgency, and passed by at least a four-fifths (4/5) vote of the City Council shall take effect immediately upon its adoption.

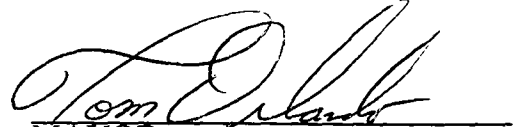
The foregoing ordinance was introduced, approved and adopted at a meeting of the City Council held on January 1, 1992, by the following vote:

Ayes: Councilmembers Anderson, Bennett, Winters, Mayor Pro tem
Mahanay, Winters, Mayor Orlando

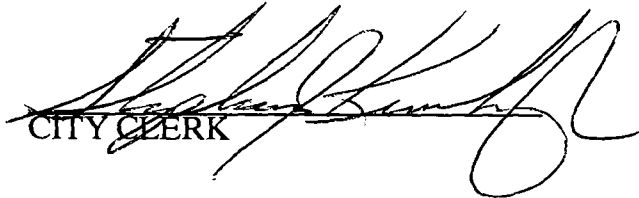
Noes: None

Abstain: None

Absent: None


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

APPROVED AS TO CONTENT:


CITY MANAGER