

**ORDINANCE NO. 94-01**

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON  
AMENDING PROVISIONS OF THE MUNICIPAL CODE  
AND SUBSEQUENTLY ADOPTED ORDINANCES TO  
BE CONSISTENT WITH APPLICABLE LAW  
AND TO CLARIFY CERTAIN PROVISIONS**

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

Section 1: The second paragraph of Section 1.01.200 entitled Violation -- Infraction, shall be amended to read as follows:

Any provision or requirement of this Code or otherwise as referred to above, the violation of which or the failure to comply with which, is designated as an infraction, shall be prosecutable as a misdemeanor upon a fourth violation and each violation thereafter of the same provision by the same individual. In addition, any such violation or failure to comply may be prosecuted originally as a misdemeanor in the discretion of the City Attorney or any Deputy District Attorney, upon a showing of the enforcing agency of the seriousness of the particular alleged violation.

Section 2: Section 1.01.220(a) entitled Establishment of offenses as infractions, shall be amended to read as follows:

- (a) Where a judgment imposes a punishment of a fine not exceeding one hundred dollars (\$100) in the case of a first offense; or,

Section 3: Section 1.01.230 entitled Punishments, shall be amended to read as follows:

- (a) Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.
- (b) Any person convicted of an infraction under the provisions of this Code shall be punishable for a first conviction of a fine of not more than one hundred dollars (\$100), for a second conviction within a period of one year by a fine of not more than two hundred dollars (\$200), and for a third or any subsequent conviction within a period of one year by a fine of not more than five hundred dollars (\$500).

Section 4: Section 3.12.120, entitled Formal (Sealed) Bid Procedures shall be amended to read as follows:

Except as otherwise provided herein, public projects, as defined in Section 20161 of the Public Contracts Code, and purchases of supplies and equipment of an estimated value greater than five thousand dollars (\$5,000) shall be awarded to the lowest responsible bidder pursuant to the formal bid procedure as hereinafter prescribed.

Section 5: Section 3.22.050 entitled Government and its Agencies not Liable, shall be amended to read as follows:

Any deed instrument or writing to which the United States or agency any or instrumentality thereof, any State or territory, or political subdivision thereof is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title.

Section 6: Ordinance 1, Section 4, entitled Duration of County Ordinance with City, is hereby amended to read as follows:

Each ordinance or enactment of the County of Napa which remains in effect as a City ordinance or enactment by virtue of Section 1 of 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 last in time occurs.

Section 7: Ordinance No. 2, Section 12, entitled Exclusions subsections (c) and (d) are hereby amended to read as follows:

(c) The gross receipts from the sale of tangible personal property to operators or aircraft to be used or consumed principally outside this City and to be used or consumed in the use of the aircraft as a common carrier under the authority of the laws of this State, the United States or any foreign government.

(d) In addition to the exemptions provided in Revenue and Taxation Code section 6366 and 6366.1, storage, use, or other consumption of tangible personal property purchased by operators or aircraft to be used or consumed by the operators in the use of the aircraft as a common carrier under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government.

Section 8: Ordinance No. 92-20, Section 3.28.020, entitled Business License required shall be amended to read as follows:

Subject to the provisions of this chapter, all businesses engaged in or carried on in the City shall pay annual business license fees in the amounts as provided in this chapter. It is unlawful for any person to commence, transact, engage in, or carry-on any business in the City without first having obtained a valid license and paid the license fee therefore, or without complying with any and all applicable provisions of this chapter. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or corporation within the City where the imposition of such a condition precedent would be contrary to law. When any person shall by use of signs, circulars, cards, telephone book, or newspapers, advertise, hold out, or represent that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, and such person fails to provide, after request by the Collector, a sworn statement that he is not conducting a business in the City, then these facts shall be considered prima facie evidence that he is conducting a business in the City.

Section 9: Ordinance No. 92-19, Section 90, entitled Traffic Engineer to Erect Stop Signs, second paragraph is hereby amended to read as follows:

A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in Section 21355 of the Vehicle Code.

Section 10: Ordinance No. 92-19, Section 152(B), entitled Use of Streets for Storage of Vehicles Prohibited shall be amended to read as follows:

In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of 72 hours, any officer of the police department or any regularly employed and salaried civilian employee of the City who is engaged in the direction of traffic or enforcement of parking regulations when designated by the Chief of Police, may remove said vehicle from the street in the manner and subject to the requirements of Sections 22850 through 22854, inclusive, of the Vehicle Code of the State of California.

Section 11: Ordinance No. 92-19, Section 161 entitled, Display of Warning Devices When Commercial Vehicle Disabled, shall be amended to read as follows:

Every motor truck having an unladen weight of 6,000 pounds or more, and every truck tractor irrespective of weight, when operated upon any street or highway during the time specified in Section 280 of the Vehicle Code shall be equipped with and carry at least three red emergency reflectors which reflector shall be of a type approved by the Department of Highway Patrol.

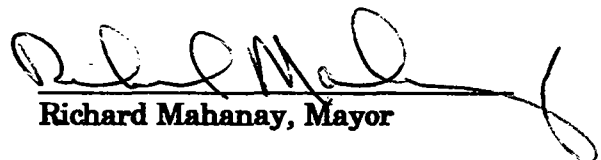
When any vehicle above mentioned, or any trailer or semi-trailer is disabled upon streets or highways outside of any business or residence district within the City, and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of 200 feet during any time mentioned in Section 280 of the Vehicle Code, the warning signals of the character indicated above shall be immediately placed in the manner set forth in California vehicle Code section 25300, subsections (b) through (d), inclusive, and shall be displayed continuously during the times mentioned in Vehicle Code section 280 while such vehicle remains disabled upon such street or highway.

Section 12: Ordinance 92-19, Section 10 entitled Penalties, is hereby amended to read as follows:

Every person convicted of an infraction for a violation of this Code shall be punished upon a first conviction by a fine not exceeding one hundred dollars (\$100) and for a second conviction with a period of one year by a fine not exceeding two hundred dollars (\$200) and for a third or any subsequent conviction within a period of one year by a fine not exceeding two hundred fifty dollars (\$250).

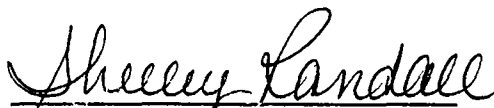
**ADOPTED AND APPROVED** this 3rd day of February, 1994, by the following vote:

- AYES: Councilmembers Bennett, Winters, Mayor Pro Tem Anderson, Mayor Mahanay
- NOES:
- ABSTAIN:
- ABSENT: Councilmember Orlando



Richard Mahanay, Mayor

**ATTEST:**



Shelley Randall  
Deputy City Clerk

**APPROVED AS TO FORM:**



Nellie Ancel  
Assistant City Attorney