



## **Article 1 General Provisions**

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## **Chapter 1.1 Introduction to Article 1**

### **1.1.10 Purpose of this Article**

The purpose of this Article is to establish the authority for the Municipal Code of the City of La Habra Heights and to define the categories of violations and the enforcement of this Code and the rules of construction that are applicable.



## Chapter 1.2 Authority of the Municipal Code

### 1.2.10 Purpose of this Chapter

The purpose of this Chapter is to establish the authority of the Municipal Code and the City's regulations, ordinances, and administrative procedures contained herein.

### 1.2.20 Title and References

This Municipal Code shall be known as the *La Habra Heights Municipal Code*. This La Habra Heights Municipal Code may also be referred to hereinafter as the *Municipal Code* or the *Code*.

### 1.2.30 Effective Date

The provisions of this Municipal Code shall take effect upon the date of its adoption by the City Council of the City of La Habra Heights.

### 1.2.40 Effect of Code on Past Actions and Obligations

The adoption of the Municipal Code shall not affect any of the following:

- A. **Municipal Code's Effect on Prosecution.** The adoption of this Municipal Code shall not effect the prosecution of any violations of ordinances that were committed prior to the date of this Code's adoption.
- B. **Municipal Code is Not a Waiver.** This Municipal Code shall not be construed as a waiver of any license or penalty or other provisions of any other ordinance.
- C. **Municipal Code's Effect on Other Ordinances.** The adoption of this Municipal Code shall not be construed as affecting any provisions of other ordinances related to the collection of any license, penalty, or fee. The adoption of this Municipal Code shall not be construed as affecting the provisions applicable to any violation of any other ordinance.
- D. **Municipal Code's Effect on Cash Deposits.** The adoption of this Municipal Code shall not affect the validity of any bond or cash deposit that is required pursuant to any other ordinance.

### 1.2.50 References to Specific Ordinances

This Municipal Code shall not affect deposits, notices, signs, warnings or other matters of record that refer to, or are connected with, ordinances that are specifically designated by number. Any such references shall apply to the corresponding provisions established in this Municipal Code.

### 1.2.60 Severability and Validity of this Code

If any portion of this Municipal Code is legally determined to be invalid or unconstitutional, any such decision shall not affect the validity of the remaining portions of this Municipal Code.



## **Chapter 1.3 Violations of this Code**

### **1.3.10 Purpose of this Chapter**

The purpose of this Chapter is to discuss violations of this Municipal Code including those that are misdemeanors, infractions, or ongoing violations and to specify the method of enforcement of the violation.

### **1.3.20 Violations of this Code (Misdemeanors)**

Any person who violates or fails to comply with the provisions or requirements of this Municipal Code shall be guilty of a misdemeanor unless such violation or failure to comply is expressly stated by this Code to be an infraction. The penalties for any misdemeanor violations of this Municipal Code are described in Article 8 of this Municipal Code.

### **1.3.30 Violations of this Code (Infractions)**

Any person who violates or fails to comply with the provisions or requirements of this Municipal Code that are expressly stated by this Code to be an infraction shall be guilty of an infraction. The penalties for any infraction violation of this Municipal Code are described in Article 8 of this Code.

### **1.3.40 Ongoing and/or Continuous Violations**

A violator shall be guilty of a separate offense for each and every day any violation is committed or continued. In addition to any penalty, any condition resulting in the violation of the provisions or requirements of this Municipal Code shall be deemed a public nuisance. Any such nuisance may be summarily abated. Additionally, every day any such nuisance continues or is permitted to continue shall be regarded as a new and separate offense.

### **1.3.50 Enforcement of Misdemeanors**

*Infractions* and *misdemeanors* shall be enforced pursuant to the provisions of State of California Penal Code.



## Chapter 1.4 Rules of Construction

### 1.4.10 Purpose of this Chapter

The purpose of this Chapter is to establish the rules of construction and interpretation of this Municipal Code.

### 1.4.20 Construction

This La Habra Heights Municipal Code is intended to be internally consistent. Wherever the provisions of this Municipal Code and the provisions of any applicable Los Angeles County Code or any other Code that has or will be adopted by reference are in conflict, the more restrictive provisions shall be applicable, unless otherwise stated.

### 1.4.30 Rules of Convention

The following grammatical rules shall apply in this Municipal Code and any Ordinances in the City unless it is apparent from the context that a different construction is intended:

- A. **Time of Day.** Whenever a certain hour or time of day is specified in this Municipal Code or any permit, condition of approval or notice issued or given, such hour shall be Standard Time or Daylight Savings Time, whichever is in current use in the City.
- B. **Number of Days.** Whenever a number of days are specified in this article or any permit, condition of approval or notice issued or given as set forth in this Municipal Code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.
- C. **Other Terms.** Any term not specifically defined in this chapter shall correspond to that provided in a dictionary.
- D. **Gender.** The masculine gender, where used, also includes the feminine.
- E. **Number.** The singular number includes the plural, and the plural, the singular.
- F. **Tenses.** The present tense includes the past and future tenses, and the future, the present unless otherwise noted.
- G. **Shall and May.** "Shall" is mandatory and "may" is permissive unless the context dictates otherwise.

### 1.4.40 Defined Terms

Words or terms that are italicized have distinct meanings in this Municipal Code. The definitions of these words are as provided in Article 12 of this Municipal Code. For all words not defined in this Municipal Code, conventional meanings shall apply.

### 1.4.50 Interpretation in the Use of Other Codes by Reference

Certain sections or provisions of the Los Angeles County Code and state statutes have been adopted by reference in this La Habra Heights Municipal Code. The following references in the Los Angeles County ordinances or statutes shall have the following meanings when incorporated in the La Habra Heights Municipal Code unless the context requires otherwise:



1. "County of Los Angeles" and "County" shall mean the City of La Habra Heights.
2. "Board of Supervisors" shall mean the City Council of the City of La Habra Heights.
3. "Unincorporated territory" shall mean the City of La Habra Heights.
4. "County officer" shall mean the appropriate or designated office of the City of La Habra Heights as designated by the City Manager.
5. "Public Welfare Commission" shall mean the City Council of the City of La Habra Heights.
6. "Planning Director" shall mean the Community Development Director of the City of La Habra Heights or any other such person designated by the City Manager.

### **1.4.60 Interpretation and Application of All Other Ordinances**

For the purpose of this Municipal Code, and in the interpretation and application of all other existing and future City ordinances, except as the context may otherwise require, the following terms shall be applicable:

1. "City" shall mean the City of La Habra Heights.
2. "Council" shall mean the City of La Habra Heights City Council.
3. "County" shall mean the County of Los Angeles
4. "Oath" shall mean and include affirmation.
5. "Office". The use of the title of any officer, employee, or official shall mean such officer, employee or official of the City La Habra Heights, or his or her duly authorized representative.
6. "Person" shall mean and include any person, firm, association, organization, partnership, business, trust, company or corporation and any municipal, political or governmental corporation, district, body or agency, other than the City of La Habra Heights.
7. "State" shall mean the State of California.

### **1.4.70 Effect of Headings**

Article, chapter, section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article, chapter, section or subsection hereof.

### **1.4.80 Acts by Deputy**

Whenever in this Municipal Code a power is granted to or a duty is imposed upon a public officer or employee, the power may be exercised or the duty may be performed by a deputy or employee or by a person otherwise duly authorized pursuant to law or ordinance, or by an officer of the County of Los Angeles, or by an employee of such officer when by contract with the City of La Habra Heights. Such officer is obligated and has agreed to perform certain duties on behalf of the City, unless this Code expressly provides otherwise.



### **1.4.90 Reference Applies to Amendments**

Whenever a reference is made to any portion of this Municipal Code, or to any ordinance of this City, the reference shall refer to the most current version of such code or ordinance as it may be amended from time to time.

### **1.4.100 Service of Notices**

Whenever a notice is required to be given under this Municipal Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the address appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Whenever any service of notice is required, it shall be written in English unless expressly provided otherwise. Service by mail shall be deemed to have been completed at the time of deposit at the post office.