

CHAPTER 1
GENERAL PROVISIONS

- § 1-10. How code designated and cited
- § 1-11. Definitions and rules of construction
- § 1-12. Titles of sections
- § 1-13. Provisions considered as continuations of existing ordinances
- § 1-14. Construction of legislation--Director acts
- § 1-15. Effect of repeal of ordinances
- § 1-16. Severability of parts of code
- § 1-17. General penalty; continuing violations
- § 1-18. Arrest of persons for violations of code, etc.-- giving of notice and promise to appear
- § 1-19. Notice and promise to appear--Time limitation
- § 1-19.1. Same--Court to be specified
- § 1-19.2. Same--Written promise to appear
- § 1-19.3. Same--Bail to be set; forfeiture of bail
- § 1-19.4. Same--When warrant to issue
- § 1-19.5. Same--State law to be complied with
- § 1-19.6. Same--By who issued
- § 1-19.7. Same--Willful violation of promise
- § 1-19.8. Same--Arrest
- § 1-20. Cancellation of contracts entered pursuant to Williamson Act; public hearing notice given to parties
- § 1-21. Training of newly elected supervisors

Sec. 1-10. How Code designated and cited¹

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Solano County, California" and may be so cited. It may also be cited as the "Solano County Code."

(Ord. No. 777, §1; Ord. No. 1423, §1)

Sec. 1-11. Definitions and rules of construction

In the construction of this Code and of all ordinances of the county, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

Board of Supervisors. Whenever the words "board of supervisors" is used,

¹For state law authorizing county to codify its ordinances, see Government Code ' ' 25126 to 25130. As to the authority of counties to enforce regulations not in conflict with the general law, see Const. Art. XI, ' 7.

they shall be construed to mean the board of supervisors of Solano County.

Code. The words "the Code" or "this Code" shall mean "The Code of Solano County, California."

Computation of time² means the time in which any act provided by law is to be done, and is computed by excluding the first day and including the last day unless the last day is a holiday and then it is also excluded.

County. The words "the county" or "this county" shall mean the County of Solano.

Day.³ A "day" is a period of time between any midnight and the midnight following.

Daytime, nighttime.⁴ "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Gender.⁵ The masculine gender includes the feminine and neuter.

Highways or roads shall include the whole of all public ways, roads, alleys, courts and streets and sidewalks between the property lines forming the exterior lateral boundaries thereof, and those parts of public squares and places which form traveled parts of highways or roads.

In the county. The words "in the county" shall mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority.⁶ All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Person.⁷ "Person" includes any person, firm, association, organization, partnership, joint venture, business trust, corporation or company.

Personal property.⁸ Personal property includes every species of property, except real property, as herein defined.

²For similar state law, see Govt. Code ' 6800.

³For similar state law, see Govt. Code ' 6806.

⁴For similar state law, see Govt. Code ' 6807.

⁵For similar state law, see Govt. Code ' 12.

⁶See Civil Code ' 12.

⁷For similar state law, see Govt. Code ' 17; C.C.P. ' 17.

⁸See Civil Code, ' ' 14, 663.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process.⁹ Process includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property.¹⁰ The word "property" shall include real and personal property.

Real property.¹¹ Real property shall include lands, tenements and hereditament.

Shall, may.¹² "Shall" is mandatory and "may" is permissive.

Signature or subscription by mark.¹³ "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes the witness's own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. The words "the state" or "this state" shall be construed to mean the State of California.

Tenant or occupant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.

Tenses.¹⁴ The present tense includes the past and future tenses, and the future includes the present.

Week.¹⁵ A week consists of seven consecutive days.

Writing.¹⁶ Writing includes any form of recorded message capable of

⁹For similar state law, see Govt. Code ' 22.

¹⁰See Civil Code ' 14; C. C. P. ' 17.

¹¹See Civil Code ' ' 14, 658.

¹²For similar state law, see Govt. Code ' 14.

¹³For similar state law, see Govt. Code ' 16.

¹⁴For similar state law, see Govt. Code ' 11.

¹⁵For similar state law, see Govt. Code ' 6805.

¹⁶For similar state law, see Govt. Code ' 8.

comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Year.¹⁷ The word "year" shall mean a calendar year, except where otherwise provided.

(Ord. No. 586, §2; Ord. No. 777, §1; Ord. No. 1140, §1; Ord. No. 1399, §1; Ord. No. 1423, §1)

Sec. 1-12. Titles of sections

The titles of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the titles, are amended or re-enacted.

(Ord. No. 586, §3; Ord. No. 777, §1; Ord. No. 1140, §2; Ord. No. 1399, §1; Ord. No. 1423, §1)

Sec. 1-13. Provisions considered as continuations of existing ordinances

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

(Ord. No. 586, §4; Ord. No. 777, §1; Ord. No. 1140, §3; Ord. No. 1399, §1; Ord. No. 1423, §1)

Sec. 1-14. Construction of legislation--Directory acts

The use of the word "shall" in this code or any ordinance, resolution, rule or other regulation is not intended to impose upon the county, its officers, agents or employees a mandatory duty of care towards persons or property so as to provide a basis of civil liability for damages. Any provision of this code or any ordinance, ordinance adopting uniform codes by reference, resolution, rule or other regulation which govern the conduct of the county, or any of its officers, agents or employees, shall in all instances be deemed to be directory, rather than mandatory. It is the intent of this section to preserve the immunities provided by the Tort Claims Act and not to impose on the county or its officers, agents or employees, a mandatory duty of care toward persons and property so as to provide a basis of civil liability for damages.

(Ord. No. 586, §5; Ord. No. 777, §1; Ord. No. 1140, §4; Ord. No. 1265, §1; Ord. No. 1399, §1; Ord. No. 1423, §1)

¹⁷For state law definition of year, see Govt. Code ' 6803.

Sec. 1-15. 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.

(Ord. No. 586, §6; Ord. No. 777, §1; Ord. No. 1140, §5; Ord. No. 1399, §1; Ord. No. 1423, §1)

Sec. 1-16. Severability of parts of Code

It is hereby declared to be the intention of the board of supervisors 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 or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Ord. No. 1423, §1)

Sec. 1-17. General penalty; continuing violations¹⁸

Whenever in this Code or in any other ordinance of the county or in any rule or regulation promulgated pursuant thereto, any act is prohibited or made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided for, the violation of any such provision of this code or any other ordinance, rule or regulation of the county shall be punished by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Every day any violation of this Code or any other ordinance, rule or regulation of the county shall continue shall constitute a separate offense.

(Ord. No. 1423, §1)

¹⁸ For state law establishing a penalty for a fine not exceeding five hundred dollars or six months' imprisonment or both, for commission of a misdemeanor, see Penal Code ' 19. As to courts generally, see Ch. 8 of this Code.

Sec. 1-18. Arrest of persons for violations of Code, etc.--Giving of notice and promise to appear

Any person arrested for a violation of this Code or any other ordinance of the county, violations of which are punishable as misdemeanors, and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare, in duplicate, a written notice to appear in court, such notice containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court, all as is more fully set forth in section 853.6 of the Penal Code of the state.

The officer shall, as soon as practicable, file the duplicate notice with the prosecuting attorney.

(Ord. No. 383, §§ 2 to 4; Ord. No. 874, §10; Ord. No. 922, §1; Ord. No. 1035, §1; Ord. No. 1078, §1; Ord. No. 1364, §1; Ord. No. 1423, §1)

Sec. 1-19. Notice and promise to appear--Time limitation

The time specified in the notice to appear shall be at least five days after such arrest.

(Ord. No. 1043, §5; Ord. No. 1333, §1; Ord. No. 1364, §2; Ord. No. 1423, §1)

Sec. 1-19.1. Same--Court to be specified

The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(Ord. No. 1423, §1)

Sec. 1-19.2. Same--Written promise to appear

The arresting officer shall deliver one copy of the notice to appear to the arrested person and the arrested person, in order to secure release, shall give the persons written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person from custody.

(Ord. No. 1423, §1)

Sec. 1-19.3. Same--Bail to be set; forfeiture of bail

The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which, in the magistrate's judgment, in accordance with the provisions of section 1275 of the Penal Code of the state, will be reasonable and sufficient for the appearance of defendant, and shall endorse upon the notice a statement

signed by the magistrate in the form set forth in section 815a of the State Penal Code. The defendant may, prior to the date upon which the defendant promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may, in the magistrate's discretion, order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to section 1463 of the Penal Code of the state.

(Ord. No. 1423, §1)

Sec. 1-19.4. Same--When warrant to issue

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until that person has violated such promise, or has failed to deposit bail to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment as required by law.

(Ord. No. 1423, §1)

Sec. 1-19.5. Same--State law to be complied with

The arresting officer and the arrested person shall comply in all respects with applicable state law and, in the event of any change or addition to the state law in conflict with sections 1-18 to 1-19.8, inclusive, the state law shall control and shall be complied with.

(Ord. No. 1423, §1)

Sec. 1-19.6. Same--By who issued

Any officer or the officer's deputy charged with the enforcement of any provisions of this Code or county penal ordinance may issue citations in compliance with the applicable provisions of the State Penal Code and of sections 1-18 through 1-19.8, inclusive, of this Code.

(Ord. No. 1423, §1)

Sec. 1-19.7. Same--Willful violation of promise

Any person who willfully violates a written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which the person was originally arrested.

(Ord. No. 1423, §1)

Sec. 1-19.8. Same--Arrest

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in section 853.1 of the State Penal Code, or as provided in section 1-19.3 of this Code, the magistrate shall issue and have delivered for execution a warrant for that person's arrest.

(Ord. No. 1423, §1)

Sec. 1-20. Cancellation of contracts entered pursuant to Williamson Act; public hearing; notice given parties

Prior to approval by the board of supervisors of a petition for cancellation of any contract or agreement entered into pursuant to the provisions of the "Williamson Act" of the state, the board shall hold a public hearing on the matter and shall mail notice thereof to each and every owner of property under contract or agreement within the same agricultural preserve.

(Ord. No. 733, §1; Ord. No. 1063, §1; Ord. No. 1374, §1; Ord. No. 1423, §1)

Sec. 1-21. Training of newly elected supervisors

(a) Pursuant to provisions of Government Code Section 25208.4, the board of supervisors authorizes the expenditure of funds for the training and orientation of supervisors elect who have not yet assumed the office to which they have been elected, providing, that sufficient funds are currently available in the appropriate budget. Such expenditures are authorized for course fees, travel and per diem expenses, course materials, and consultant services.

(b) The training and orientation shall only be provided if and when so requested by the supervisor elect.

(Ord. No. 1119, §1; Ord. No. 1183, §1; Ord. No. 1199, §1; Ord. No. 1265, §1; Ord. No. 1284, §1; Ord. No. 1374, §1; Ord. No. 1376, §1; Ord. No. 1377, §1; Ord. No. 1459, §1.)