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TITLE I: GENERAL PROVISIONS

CHAPTER 1.01 ESTABLISHMENT OF CODE

1.01.010 Declaration of Purpose.

The Town Council finds that it is desirable and in the public interest to establish a Municipal Code in order to provide a scheme of organization for the classification and grouping of ordinances which the Council may adopt. The Council intends in adopting ordinances of a general and permanent nature to provide for their placement in accordance with the scheme of the Code. This will provide the user with a convenient and logical compilation of the ordinances of the Town.

1.01.020 Establishment of Municipal Code.

This Code shall be known as the "Truckee Municipal Code". It shall be sufficient to refer to this Code as the Truckee Municipal Code in any prosecution for the violation of any provision of this Code. It shall also be sufficient to designate any ordinance adding to, amending, or repealing provisions of this Code as an addition or amendment to, or a repeal of the Truckee Municipal Code, or any portion thereof.

1.01.030 Contents of Code.

The Truckee Municipal Code shall consist of all ordinances adopted by the Town Council which are of a general and permanent nature. Any ordinance relating to any of the following subject matters is not considered an ordinance of general and permanent nature and need not be included within the Municipal Code:

The naming of streets or roads;
Granting, altering, or withdrawing franchises;
Levying real property taxes;
Calling an election;
Annexation proceedings;
Interim zoning measures;
Zoning or rezoning a particular parcel of property;

Such other ordinances of a special or particular subject matter which the Council considers inappropriate to a compilation of laws of a general and permanent nature.

1.01.040 Outline of Code.

The ordinances of the Town which are of a general and permanent nature shall be organized and grouped according to subject matter.

Ordinances which are adopted from time to time shall be classified and organized under the following scheme of titles:

Title 1 - General Provisions
Title 2 - Administration and Personnel

Title 3 - Revenue and Finance
Title 4 – Cable TV
Title 5 - Business Licenses
Title 6 - Health and Sanitation
Title 7 – Air Quality
Title 8 - Animals
Title 9 - Safety and Conduct
Title 10 - Vehicles and Traffic
Title 11 - (Reserved)
Title 12 - Parks and Recreation
Title 13 - Streets and Sidewalks
Title 14 - (Reserved)
Title 15 - Building and Construction
Title 16 - Mobile Homes
Title 17 - Subdivision
Title 18 - Zoning

1.01.050 Maintenance of Code.

(a) At least three copies of this Code, duly certified by the Town Clerk, shall be maintained on file in the office of the Town Clerk as official copies of this Code. Additional copies of this Code shall be distributed to the departments of the Town as prescribed by the Town Manager.

(b) Duly certified copies of each ordinance making a change in this Code shall be filed in the office of the Town Clerk in books for such purpose, duly indexed for ready reference.

(c) At least semi-annually the Town Clerk shall cause the loose leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the ordinance number and the date on which such change was adopted. Such reprinted pages shall be distributed in order that the loose leaf copies of this Code, prepared for the use and convenience of the officers and employees of the Town and the general public, may be brought up to date.

1.01.060 Interpretation of Code and Other Ordinances.

The provisions of this Code and all proceedings under it are to be construed to effect its purposes and to promote justice.

All the provisions of this Code and all other Town ordinances shall be interpreted to refer to the appropriate or designated officer or office of the Town, and whether an ordinance, uniform Code, statute, or other matter which is adopted by reference refers to any department, officer, employees, inspection, police, or other functions, unless the appropriate or designated office, officer, department, agency, employees, or function of the Town, or to the person or agency performing the function for the Town.

1.01.070 Effect of Code on Past Actions and Obligations.

Neither the adoption of this Code or any portion thereof, nor the repeal by this Code of any ordinance previously in effect in the Town or within the territory currently comprising the Town, shall in any

manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Code, nor be construed as a waiver of any license fee or penalty due and unpaid under such ordinances on such effective date, nor be construed as affect any of the provisions of such ordinances relating to the collection of any such license fee or penalty or the penal provisions applicable to any violation of such ordinances, nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinances, and all vested rights and obligations pertaining to such ordinances shall continue in full force and effect.

1.01.080 Partial Invalidity.
If any chapter, section, sentence, clause or portion of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

1.01.090 Territorial Limitation.
This Code shall refer only to the omission or commission of acts within the territorial limits of the Town of Truckee and that territory outside of the Town over which the Town has jurisdiction or control by virtue of the Constitution, or any law, or by reason of ownership or control of property.

1.01.100 Local Signification.
All references in this Code to places, acts, persons or things and all else in relation to this Code shall be construed to mean that the same are applicable to this Town, whether the Town is mentioned in each particular section or not.

1.01.110 Rules of Construction.
Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in the following sections of this chapter shall govern the construction of this Code.

1.01.120 Effect of Headings.
The title, chapter, article, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, article, or section of this Code.

1.01.130 Meaning of "Section" and "Subsection".
"Section" shall mean a section of this Code, unless one other source is specifically set forth. "Subsection" shall mean a subsection of the section in which the term occurs, unless one other section is expressly set forth.

1.01.140 Acts by Deputies.
Whenever a power is granted to, or a duty is imposed upon, a public officer of employee, the power must be exercised or the duty may be performed by a deputy of such officer or employee of or by a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise.

1.01.150 "Writing".
"Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, such notice, report, statement or record shall be made in writing in the English language, unless this Code expressly provides otherwise.

1.01.160 References to Ordinances: Application to Amendments.
Whenever any reference in this Code is made to an ordinance, the reference shall apply to such ordinance of the Town, unless this Code expressly provides otherwise. Whenever any reference is made to any portion of this Code or to any ordinances of this Town, the reference shall apply to all amendments and additions to this Code.

1.01.170 Statute of Limitations.
When a limitation or period of time prescribed in any existing ordinance or statute for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

1.01.180 Definitions.
As used in this Code, unless a different meaning is apparent from the context of is specified elsewhere in the Code:

(a) "Calendar year" shall mean from January 1 through December 31 of any given year.
(b) "Town" shall mean the Town of Truckee.
(c) "Town Manager" shall mean the appointed official of the Town who occupies the position of chief administrative officer of the Town.
(d) "Council" shall mean the Town Council of the Town of Truckee.
(e) "Council Member" shall mean a person duly elected to the Council.
(f) "County" shall mean the County of Nevada.
(g) "Fiscal year" shall mean from July 1 of any year through June 30 of the following year.
(h) "Gender". The masculine gender shall include the feminine and neuter gender.
(i) "Goods" shall mean and include wares and merchandise.
(j) "May" shall be permissive.
(k) "Month" shall mean a calendar month, unless otherwise specifically expressed.
(l) "Number". The singular number shall include the plural, and the plural number shall include the singular.
(m) "Oath" shall include affirmation.
(n) "Official time standard". Wherever certain hours are named in this Code, they shall mean Standard Time or Daylight Savings Time as may be in current use in the Town.
(o) "Operate" shall mean and include carrying on, keeping, conducting, or maintaining.
(p) "Owner", applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.
(q) "Person" shall include any person, firm, company, corporation, partnership, association, public corporation, City (except the Town of Truckee), the County of Nevada, any district in the County of Nevada, the State of California, or the United States of America, or any department, agency or political subdivision of the above, unless this Code expressly provides otherwise.
(r) "Personal property" shall include money, goods, chattels, things in action, and

evidences of debts.

(s) "Police" shall mean the agency which performs the appropriate law enforcement function for the Town. "Police Chief" or "Chief of Police" shall mean the head of the agency or division which at the time involved has responsibility for performing the police function for, or within, the Town.

(t) "Property" shall include real and personal property.

(u) "Quarterly", where used to designate a period of time, shall mean the first three calendar months of any given year or succeeding period of three calendar months.

(v) "Real property" shall include land, tenements, and hereditaments.

(w) "Sale" shall include any sale, exchange, barter, or offer for sale.

(x) "Shall" shall be mandatory.

(y) "State" shall mean the State of California.

(z) "Street" shall include all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State.

(aa) "Tenant or occupant", applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(bb) "Tense". The present tense shall include the past and future tenses, and the future tense shall include the present tense.

Words and phrases not defined in this Code shall be construed according to the approved usage of the language, or, when appropriate, by reference to definitions contained in State of Federal Law.

(ORD 93-15 06-03-93)

CHAPTER 1.02 VIOLATIONS

1.02.010 Violation -- Infractions.

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code or the provisions of any Code adopted by reference by this Code or any provisions of any ordinance of the Town not included within this Code. Any person violating any such provisions of this Code or any Code adopted by reference by this Code or any other Town ordinance shall be guilty of an infraction, unless such violation is specifically designated as constituting a misdemeanor. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code, or any provision of any Code adopted by reference by this Code, or of any other Town ordinance, is committed, continued, or permitted by such person, and may be punished accordingly.

(b) 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 third 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 Town Attorney or any deputy district attorney, upon a showing by the enforcing agency of the seriousness of the particular alleged violation.

1.02.020 Aiding and Abetting.

Whenever any act or omission is made unlawful by this Code, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.02.025 Violations: Misdemeanor or Infraction.

Whenever in this Code or in any other ordinance or resolution of the Town or in any order, rule or regulation issued or promulgated pursuant thereto, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, any person who willfully violates any such ordinance, regulation or duty to act shall be charged with an infraction or a misdemeanor at the discretion of the District Attorney or the Town Attorney depending upon the prosecuting entity.

(ORD 95-13 08-03-95)

1.02.030 Establishment of Offenses as Infractions.

Any violation expressly declared to be punishable, in the discretion of the court by either a fine, or by a fine or imprisonment, or both, shall become an infraction for all purposes under any of the following circumstances:

(a) Where a judgment imposes a punishment of a fine not exceeding One Hundred Dollars ($100) in the case of a first offense; or

(b) When the court grants probation to a defendant without the imposition of a sentence and, at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be an infraction; or

1.02.040 Punishments.

(a) Any conviction of a misdemeanor under 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 conviction 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).

1.02.050 Imprisonment in County Jail.

Imprisonment for violation of any Town Ordinance shall be in the County Jail.

1.02.060 Violations Public Nuisances.

(a) In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this Code, or any such threatened violation, shall be deemed a public nuisance and may be summarily abated as such by the Town.

(b) Any such violation or threatened violation as referred to in subsection (a), or any condition caused or permitted to exist in violation of any of the provisions of any Code adopted by reference by this Code, or of the provisions of any other Town ordinance, shall be deemed a public nuisance which may be abated by the Town Attorney in a civil judicial action.

1.02.070 Nuisances: Recovery of Abatement Expenses.

(a) Whenever any person creating, causing, committing, or maintaining a public nuisance, as referred to in Section 1.02.060 of this chapter, or other public nuisance, as defined under State law or by other ordinances or regulations, has been given notice, by or on behalf of the Town Attorney or by any other Town officer, employee or policing agent authorized to give such notice, to abate such nuisance or cease and desist from continuing such nuisance or violation of law, and such person fails, refuses, or neglects to comply with the notice within the time specified therein, or if such a time is not specified, then within a time reasonable sufficient to enable such compliance, such non-complying person shall be liable to the Town for any and all costs and expenses to the Town involved in thereafter abating the nuisance and in obtaining compliance with or enforcing the law as referred to or encompassed within such notice.

(b) Costs and expenses, as referred to in subsection (a) of this section, may include, but are not limited to, any and all direct costs and expense related to such things as personnel salaries and benefits, operation overhead, rent, interest, fees for experts or consultants, legal costs or expenses, including attorneys' fees, claims against the Town arising as a consequence of the nuisance or violation, and procedures associated with collecting moneys due hereunder.

(c) The provisions of subsection (a) of this section shall also apply to any person who received a notice, as specified therein, abated the nuisance or violation, but subsequently allowed or was responsible for a recurrence of the nuisance or violation.

(d) The liability of any person for the payment of the costs and expenses provided for in

subsection (a) of this section may be waived in whole or in part by the Town Attorney in any case wherein so determined, in the sole discretion of the Town Attorney, that the failure of refusal of such persons to comply with the notice therein involved was based upon a good faith and bona fide issue of law or fact specially involved in the circumstances of the case. Any determination or decision of the Town Attorney in this regard shall be final and conclusive and shall not be subject to appeal as prescribed in Chapter 2.04 of Title 2 of this Code.

(e) Money due to the Town pursuant to this section may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings may be conducted in a manner substantively similar to proceedings described in Sections 39574, et seq. of the Government Code of the State relating to weed abatement assessments.

1.02.080 Violation of Administrative Provisions.

The violation of, or the failure or omission to perform in accordance with, any administrative provision of this Code by any officer or employee of the Town shall generally not be considered a criminal act, but may be deemed a failure to perform the duties or to observe the rules or regulations of the department, office, commission or board within the meaning of the personnel ordinances and rules and regulations of the Town, if applicable.

1.02.100 Notices -- Service.

Whenever a notice is required to be given, or may be given, under any provision of this Code of any provision of any Code adopted by reference by this Code or any provision of any ordinance or resolution of the Town not included within this Code, such notice may be given as herein provided. Unless different or special provisions are otherwise specifically made in this Code or in some other applicable enactment, any such notice may be given either by personal delivery thereof to the persons 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 the person's last known residence or business address as the same appears in the public records or other records pertaining to the matters to which such notice is directed. Service by mail shall be deemed to have been completed at the time of the deposit in the post office or in the official receptacle thereof.

1.02.110 Notices -- Proof.

Proof of giving any notice may be made by the certificate of any officer or employee of this Town or by the affidavit or declaration under penalty of perjury of any person over the age of eighteen years, which shows service in conformity with this Code or other provision of law applicable to the subject matter concerned. (ORD 93-15 06-03-93)

1.02.111 Authority to Issue Citations.

The provisions of Section 836.5 of the Penal Code of the State authorize certain officers and employees of the Town to issue written Notice to Appear and Release Citations for violations of this Code which such officers or employees have the duty to enforce. The following officers and employees of the Town are hereby designated and authorized to issue such citations:

(a) **Public Works:**

(1) Public Works Director

(2) Road Supervisor

(3) Road Maintenance Lead Worker

4) Road Maintenance Worker III

(b) **Community Development:**

(1) Chief Building Official

(2) Code Enforcement Officer

(3) Town Planner

(4) Planners

(ORD 93-26 09-16-93)

CHAPTER 1.03 ADMINISTRATIVE REMEDIES: ADMINISTRATIVE CITATIONS

1.03.010 Applicability

(a) This Chapter provides for Administrative Citations, which are in addition to all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of the Municipal Code.

(b) Use of this Chapter shall be at the sole discretion of the Town.

(c) This chapter is adopted pursuant to California Government Code Section 53069.4 and any successor section thereto, as well as the authority granted by the Town Charter.

1.03.020 Definitions

(a) Responsible Person shall mean any individual who is the owner or occupant of real property, owner or authorized agent for any business, company, or entity, or any person as defined in Title 8 Section 8.01.020 (q) of the Town of Truckee Municipal Code, who has caused or maintains a violation of the Town of Truckee Municipal Code or any other State Code.

(b) Enforcement Officer shall mean any Town employee or agent of the Town with the authority to enforce any provision of this Code.

1.03.030 Administrative Citation Authority & Service Procedures

(a) Whenever an Enforcement Officer charged with the enforcement of any provision of this Code or applicable State Code, determines that a violation of that provision has occurred, the Enforcement Officer shall have the authority to issue an Administrative Citation to any Responsible Person for the violation.

(b) An Administrative Citation on a form approved by the Town Manager may be issued to the Responsible Person by the Enforcement Officer for violations of the Municipal Code or applicable State Codes in the following manner:

(1) Personal Service. In any case where an Administrative Citation is issued, the Enforcement Officer shall attempt to locate and personally serve the Responsible Person and obtain the signature of the Responsible Person on the Administrative Citation.

(a) Any person being issued an Administrative Citation shall be required to produce adequate identification and sign the Administrative Citation. Any person who refuses to produce adequate identification or who refuses to sign such citation is guilty of a misdemeanor and may be taken into custody by any peace officer of the State of California.

(b) Failure or refusal to sign the Administrative Citation by the Responsible Person shall not affect the validity of the Administrative Citation or of subsequent proceedings.

(2) Service of Administrative Citation by Mail. If the Enforcement Officer is unable to locate the Responsible Person, the Administrative Citation may be mailed to the Responsible Person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective by first class mail, provided that the citation sent by first class mail is not returned.

(3) Service of Administrative Citation by Posting. The Enforcement Officer may post an Administrative Citation on any real property within the Town in which the Town has knowledge that the Responsible Person has a legal interest, or for parking violations, place on any vehicle, and such posting shall be deemed effective service. The Enforcement Officer shall first attempt Personal Service to the Responsible Party before posting the Administrative Citation on real property. Posting an Administrative Citation may also be used in the event Service by Mail has failed.

(ORD 2004-01 1-6-04)

1.03.040 Administrative Citation Contents

To the extent practicable, each Administrative Citation shall contain the following information:

(ORD 2004-01 1-6-04)

(a) The date and time of the violation.
(b) Name, address and phone number of the Responsible Person.
(c) The address or a definite description of the location where the violation occurred.
(d) The Section of the Code violated and a description of the violation.
(e) The amount of the fine for the code violation.
(f) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.
(g) An order prohibiting the continuation or repeated occurrence of the Code violation described in the Administrative Citation.
(h) A description of the Administrative Citation review process, including the time within which the Administrative Citation may be contested and the place from which a Request for Hearing Form to contest the Administrative Citation may be obtained.
(i) The name and signature of the citing Enforcement Officer.

1.03.050 Amount of Fines

(a) The amount of the fines for Code violations imposed pursuant to this Chapter shall be set forth in the Schedule of Fees established by resolution of the Town Council.
(b) The Schedule of Fees shall specify any increased fines for repeat violations of the same Code provision by the same person within twelve months from the date of the Administrative Citation.

(c) The Schedule of Fees shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.

1.03.060 Payment of the Fine

(a) The fine shall be paid to the Town within twenty-one (21) days from the date of the Administrative Citation.
(b) Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the Administrative Citation.

(c) Code Enforcement citations may be dismissed by the Hearing Officer if the violation cited is corrected prior to the time payment of the fine is due (within twenty-one (21) days). This section shall not apply to any other Code Enforcement fees due or to Animal Control related violations.

1.03.070 Hearing Request

(a) Any recipient of an Administrative Citation may contest that there was a violation of the Code or that he or she is the responsible party by completing a Request For Hearing Form and returning it to the Town within twenty-one (21) days from the date of the Administrative Citation.

(b) A Request For Hearing Form may be obtained from the department specified on the Administrative Citation.

(c) The person requesting the hearing shall indicate if they choose to appear in person for the hearing or have the written appeal be submitted for review by the Hearing Officer.

(ORD 2004-01 1-6-04)

(d) If the Enforcement Officer submits an additional written report concerning the Administrative Citation to the Hearing Officer for consideration at the hearing, then a copy of this report also shall be served, mailed, or provided to the person requesting the hearing at least five (5) days prior to the date of the hearing.

1.03.080 Hearing Officer

The Town Manager shall designate the Hearing Officer for the Administrative Citation Hearing.

1.03.090 Hearing Procedure

(a) A hearing before the Hearing Officer shall be set for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the Request For Hearing is filed in accordance with the provisions of this Chapter.

(b) At the hearing, the party contesting the Administrative Citation shall be given the opportunity to testify and to present evidence concerning the Administrative Citation.

(c) The failure of any recipient of an Administrative Citation to appear at the Administrative Citation Hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(d) The Administrative Citation and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents. No other proof concerning the violation shall be required to sustain a finding of conviction, provided, however, that the Hearing Officer may consider such other relevant evidence at the hearing in his or her discretion.

(e) The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the Administrative Citation prior to issuing a written decision.

1.03.100 Hearing Officer's Decision

(a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel the Administrative Citation and shall list in the decision the reason for that decision.

(b) If the Hearing Officer determines that the Administrative Citation should be upheld the Hearing Officer shall set forth in the decision a payment schedule for the fine.

(c) The recipient of the Administrative Citation shall be served with a copy of the Hearing Officer's written decision. The Hearing Officers decision shall also include appeal rights pursuant to California Government Code Section 53069.4 (b) (1).

(d) The employment, performance evaluation, compensation and benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of Administrative Citation fines upheld by the Hearing Officer.

1.03.110 Late Payment Charges

Any person who fails to pay to the Town any fine imposed pursuant to the provisions of this Chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the Schedule of Fees.

1.03.120 Recovery of Administrative Citation Fines and Costs

The Town may collect any past due Administrative Citation fine or late payment charge by use of all available legal means. The Town also may recover its collection costs pursuant to Section 3.10.010 Collection of Debts to the Town.

1.03.130 Notices

(a) The Administrative Citation and all notices required to be given by this Chapter shall be served on the responsible party in accordance with the provisions of Section 1.02.100 Notices-Service.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

CHAPTER 1.04 TOWN SEAL

1.04.010 Purpose

The City seal and logo for the Town of Truckee is adopted and approved. The seal shall contain the name of the City and date of incorporation.

1.04.020 Description

The common seal of the Town shall be of the form and bearing the inscription and figures thereon as shown in Attachment "A".

1.04.030

The common logo of the Town shall appear in substantially the form set forth in Attachment "A".

1.04.040 Validation of Previous Acts

All acts heretofore performed requiring the use of the Town seal, and all papers sealed with the Town seal since incorporation, are declared to be due and legal acts and papers of the Town. All acts heretofore performed and all proceedings and all papers impressed with the seal since that date are validated and declared legal.

1.04.050 Use

The Town Clerk shall have custody and charge of the Town seal and Town logo, and such other insignia that may from time to time be adopted pursuant to this Code. Except as provided by this Code, any seal, logo, insignia, or other symbol officially adopted fot use by the Town of Truckee shall not be affixed to any instrument without the special warrant of the Town Clerk therefor.

1.04.060

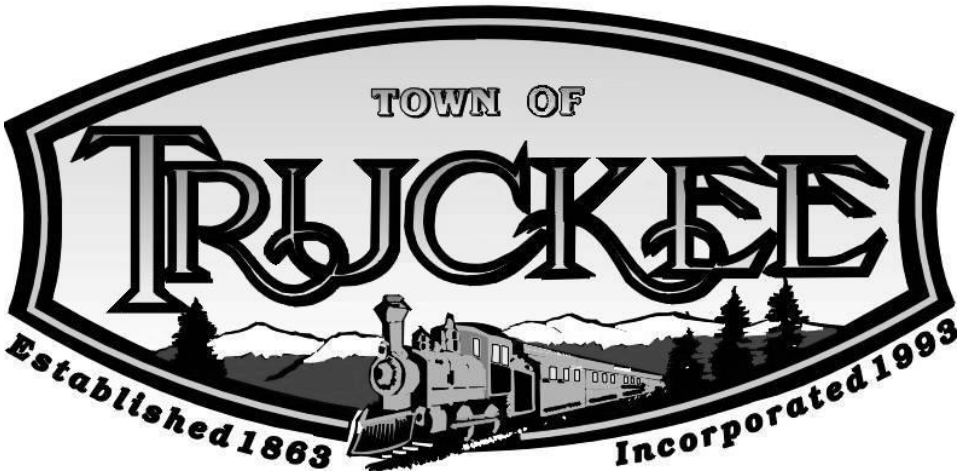
Use of the Town seal, logo, or insignia by any person corporation, or organization shall be subject to the proper approval of the Town Manager.

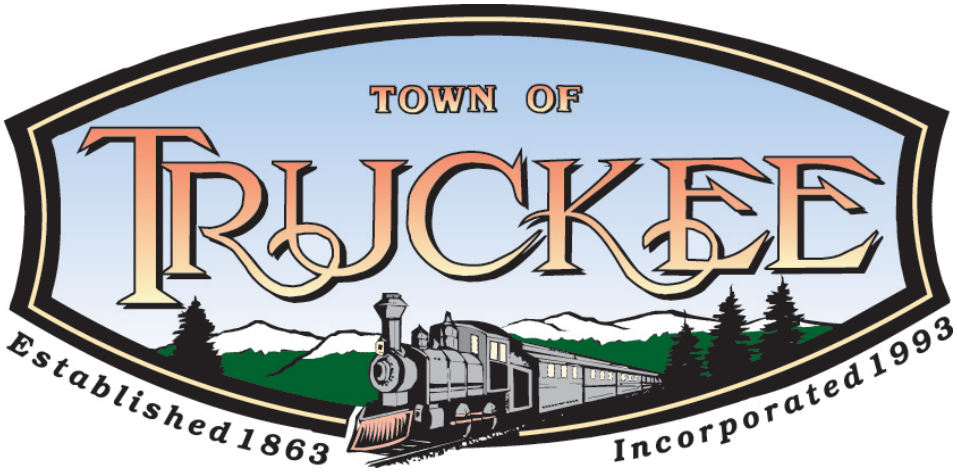
1.04.070

Any person, firm or organization which uses or allows the seal to be used in a manner not permitted for any false, misleading or malicious purpose shall be guilty of an infraction, punishable by fine as authorized by law. Additionally, and without limitation, the Town Attorney is hereby authorized to pursue, upon Council approval, any and all civil remedies available at law or equity for use of the seal in violation of this ordinance.

(ORD 96-08 12-05-96, 2013-01 4/2/2013)

Attachment “A”





CHAPTER 1.05 MAYOR & MAYOR PRO TEMPORE

1.05.010 Selection of Mayor and Mayor Pro Tempore

(a) The Town Council shall, at the first regular meeting in December of each year choose one of its member as Mayor and one of its member as Mayor Pro Tempore for a term of one year.

(b) The Mayor shall preside at meetings of the Town Council and shall be recognized as head of Town Government for all ceremonial purposes, but shall have no regular administrative duties. The Mayor Pro Tempore shall act as Mayor during the absence of the Mayor until the Mayor returns or is able act. The Mayor Pro Tempore shall have all of the powers and duties of the Mayor in the Mayor's absence.

(c) The Mayor may make or second a motion and present and discuss any matter as a member of the Town Council.

(c) The Mayor may sign all written contracts and conveyances made or entered into by the Town and all instruments requiring the Town's seal as the Council may direct.

(ORD 94-16 09-01-94)

CHAPTER 1.08 CITATIONS

1.08.010 Notice to Appear in Lieu of Arrest.

In any case in which a person is arrested for a violation of any provision of this Code and does not demand to be taken before a magistrate, such person may, in lieu of being taken before a magistrate, be issued a written notice to appear in court and then may be released, all pursuant to an in accordance with the procedures prescribed by California Penal Code Section 853.6 et seq.

1.08.050 Authority to Issue Citations.

The provisions of Section 836.5 of the Penal Code of the State authorize certain officers and employees of the Town to issue written Notice to Appear and Release Citations for violations of this Code which such officers or employees have the duty to enforce.

The following officers and employees of the Town are hereby designated and authorized to issue such citations:

(a) **Public Works:**
- (1) Public Works Director
- (2) Road Supervisor
- (3) Road Maintenance Lead Worker
- (4) Road Maintenance Worker III

(b) **Community Development:**
- (1) Chief Building Official
- (2) Code Enforcement Officer
- (3) Town Planner
- (4) Planners

(ORD 93-15 06-03-93)