



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** Infraction Ordinance Update

**DATE:** November 29, 2007

## **RECOMMENDATION**

Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of infractions.

## **OUTCOME**

Approval of this ordinance will allow violations of all code sections specified in SJMC §1.08.020 to be cited as infractions.

## **BACKGROUND**

All violations of the San José Municipal Code are automatically misdemeanors unless they are specifically made infractions by inclusion in the list of infractions in Section 1.08.020.

## **ANALYSIS**

The list of infractions, San José Municipal Code Section 1.08.020, needs to be updated periodically to correctly reflect Municipal Code sections which were intended by the City Council to be infractions and to correctly reflect the current numbering of Municipal Code sections that can be cited.

There are two substantive changes in this proposed ordinance, as more specifically set forth in Attachment 1 to this memo, and in the draft ordinance, also attached. First, the skateboarding prohibitions, SJMC Chapter 13.21, were amended by the Council on June 20, 2006 to include a provision requiring skateboarders to wear skate park safety equipment. Staff and our Office concur that these violations should be added to the list of infractions rather than be characterized as misdemeanors. In addition, the infraction ordinance needs to correctly reflect the renumbering of the section on skateboarding in specified areas of the City. Second, Section 13.28.140, Posting Notice of Tree Removal, is being deleted from the infraction list, so that violation of this section will be changed from an infraction to a misdemeanor. In addition, in certain cases where violation of entire chapters was previously listed as an infraction, the ordinance is being

November 29, 2007

**Subject: Infraction Ordinance**

Page 2

modified to more specifically refer to sections that can be cited under the Municipal Code.

**PUBLIC OUTREACH/INTEREST**

The contemplated action does not appear to qualify as an item of significant interest based on the established criteria. This memo and ordinance are posted on the City's website for the December 11, 2007 Council Agenda.

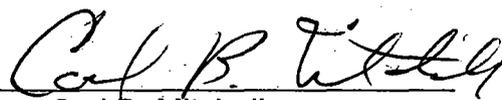
**COORDINATION**

This item has been coordinated with the Police Department, the Department of Parks, Recreation and Neighborhood Services, and the Department of Transportation.

**CEQA**

Not a Project.

RICHARD DOYLE  
City Attorney

By   
Carl B. Mitchell  
Sr. Deputy City Attorney

cc: Debra Figone

For questions please contact CARL B. MITCHELL, Senior Deputy City Attorney, at  
(408) 535-1919.

**ATTACHMENT 1**

**DELETIONS FROM INFRACTION ORDINANCE**

<b>SJMC Section</b>	<b>Subject matter</b>	<b>Effect of Modification</b>
13.28.140	Posting Notice of Tree Removal	Will change violation from infraction to misdemeanor.

**ADDITION TO INFRACTION ORDINANCE**

<b>Former Municipal Code Section</b>	<b>Municipal Code Section</b>	<b>Subject matter</b>
n/a	13.21.300	Skate Park Safety Equipment

**RENUMBERING IN INFRACTION ORDINANCE**

<b>Former Municipal Code Section</b>	<b>Renumbered Municipal Code Section(s)</b>	<b>Subject matter</b>
13.21.040	13.21.200	Skateboarding Prohibitions
Chapter 11.20	11.20.020 11.20.040 11.20.050	Turning Movements
Chapter 11.72	11.72.020 11.72.060 11.72.070 11.72.080 11.72.100 11.72.120 11.72.130 11.72.170	Bicycles
Chapter 11.76	11.76.020 11.76.110 11.76.120	Electric Carts