

**REGULAR**

**NUMBER: 17.16**

**TITLE: AN ORDINANCE OF THE CITY OF MILPITAS AMENDING SECTION 4.09-3 OF CHAPTER 1 OF TITLE I OF THE MILPITAS MUNICIPAL CODE**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, 2009, upon motion by Councilmember \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, 2009. upon motion by Councilmember \_\_\_\_\_. Said Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Robert Livengood, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**WHEREAS**, the City Council wishes to clarify the current Schedule of Misdemeanors to reflect changes in the Municipal Code; and

**NOW THEREFORE**, the City Council of the City of Milpitas does hereby **ORDAIN** as follows:

Ordinance No. 17.16

**SECTION 1.** Section I-1-4.09 is hereby amended as follows:

Violation of the following specific provisions of the Milpitas Municipal Code shall constitute a misdemeanor:

I-1-4.09-3.1 Deleted by Ord. 17.12.

I-1-4.09-3.2 Section V-14-1.00 Discharging or Shooting Firearm, Crossbow, Bow and Arrow or Slingshot.

I-1-4.09-3.3 Section V-100-3.03 Willful refusal or failure to comply with any lawful order of a police officer or fire department official.

I-1-4.09-3.4 Section V-210-5.18 entitled "Compliance with Quarantine"; Section V-210-3.04 entitled "Notice Not Required in an Emergency Situation"; Section V-210-5.13 entitled "Killing or Wounding of Domestic Animals by Potentially Dangerous Dogs," Section V-210-13.11 entitled "Multiple Offenses."

I-1-4.09-3.5 Section V-16-4.00 Unlawful Presence in Shopping Center.

I-1-4.09-3.6 Section V-8-1.00 Minor Remaining or Loitering in Public Place.

I-1-4.09-3.7 Chapter 2, Title VIII "Milpitas Sanitary Code" of the Milpitas Municipal Code.

I-1-4.09-3.8 Sections III-22-21.04, III-22-21.05, and III-22-21.06 of Chapter 22, Title III ("Cable Franchise Ordinance") of the Milpitas Municipal Code.

I-1-4.09-3.9 Deleted by Ord. 113.20.

**SECTION 2. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

**SECTION 3. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.