

AMERICAN WEALTH CLUB

MAY 24 1913

OF CALIFORNIA

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# THE ORDINANCES AND CHARTER

— OF THE —

## CITY OF MONTEREY

1913

# THE ORDINANCES

— OF THE —

## CITY OF MONTEREY

A Municipal Corporation of the  
State of California under a  
Freeholders' Charter



CLASSIFIED

With appendix containing the Charter  
of said City

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*February, 1913*

ORDINANCES OF THE CITY OF MONTEREY.

Published by authority of The Council, pursuant to the provisions of the City Charter.

PREFACE.

Pursuant to Section 74 of the Charter, The Council authorized the publication in book form of the Ordinances of The City of Monterey.

Many of the new Ordinances, particularly those collected under the head of Government and Administration, were adopted to carry out the provisions of the new Charter. The Ordinances have been classified and printed under appropriate heads.

In this compilation such Ordinances only as are now in force and are of more or less permanent interest, are published in full. Ordinances of a special or temporary character have been omitted, as, for example, Ordinances repealing other Ordinances, or Ordinances which have become non-operative by lapse of time.

There is, included, for the convenience of the public, the headings only of Ordinances granting franchises (The Ordinances granting the recent Street Railway Franchise is, however, published in full), changing of names of streets and the like. The adoption clause is omitted from all ordinances but the date of the final passage is given.

H. G. JORGENSEN,  
*City Attorney.*

## CORPORATE HISTORY OF THE CITY OF MONTEREY.

The City of Monterey was originally incorporated by the special act of the legislature of March 30th, 1850. (See Statutes 1850, page 131). This act declared that all lands heretofore known and acknowledged as the Pueblo of Monterey shall henceforth be known as the City of Monterey.

The act of 1850 was repealed by a special act of the legislature, and the City reincorporated with the same boundaries as before, by the act of 1851. (See Statutes 1851, pages 367 and 375).

The City was again disincorporated by a special act of the legislature, approved May 11, 1853, and reincorporated by the same act with the same boundaries. (See Statutes 1853, pages 159 and 161). This Charter of 1853 was amended by a special act of the legislature March 4, 1857. (See Statutes 1857, page 55). It was again amended by the legislature on April 18, 1862, by special act. (See Statutes 1862, page 274). It was again likewise amended by the act of April 2, 1866. (See Statutes 1865-66, page 834). This act of 1853 was finally repealed by the special act of the legislature March 16, 1889. (See Statutes 1889, page 227).

By a vote of the Board of Supervisors of Monterey County at a regular meeting held on the 10th day of June, 1889, the City of Monterey was duly declared to be a municipality of the sixth class under the provisions of the General Municipal Corporation Act of 1883. The boundaries of the City as thus incorporated were the same as those designated in the Freeholders' Charter of 1910. (See Charter herein).

The Freeholders' Charter of the City of Monterey was prepared by a board of fifteen freeholders and voted for and ratified by the qualified voters of the City of Monterey at a special election, held on the 12th day of December, 1910, and was adopted and approved by the legislature March 2, 1911. In force and effect for all purposes July 1st, 1911.

# HISTORY OF THE ORDINANCES OF THE CITY OF MONTEREY AS ORIGINALLY ENACTED.

## ORDINANCES OF THE CITY OF MONTEREY NOT IN FORCE AND NON-OPERATIVE AT DATE OF COMPILATION HEREOF.

- Ordinance No. 1, repealed by Ordinance No. 59.  
Ordinance No. 2, repealed by Charter.  
Ordinance No. 3, repealed by Ordinance No. 56.  
Ordinance No. 4, repealed by Ordinance No. 43.  
Ordinance No. 5, repealed by Ordinance No. 45.  
Ordinance No. 6, repealed by Ordinance No. 44.  
Ordinance No. 7, repealed by Ordinance No. 46.  
Ordinance No. 8, repealed by Ordinance No. 150.  
Ordinance No. 9, repealed by Ordinance No. 49.  
Ordinance No. 10, repealed by Charter.  
Ordinance No. 11, repealed by Ordinance No. 50.  
Ordinance No. 13, repealed by Ordinance No. 47.  
Ordinance No. 14, repealed by Ordinance No. 51.  
Ordinance No. 15, repealed by Ordinance No. 48.  
Ordinance No. 16, repealed by Ordinance No. 103.  
Ordinance No. 17, no record in files or books.  
Ordinance No. 18, no record in files or books.  
Ordinance No. 19, no record in files or books.  
Ordinance No. 20, no record in files or books.  
Ordinance No. 21, no record in files or books.  
Ordinance No. 22, no record in files or books.  
Ordinance No. 23, no record in files or books.  
Ordinance No. 24, an Ordinance granting gas franchise to Martin Sand and Thomas D. Poole. (Right forfeited by non-user so declared by Charter.)  
Ordinance No. 25, repealed by Ordinance No. 39 C. S.  
Ordinance No. 26, repealed by Ordinance No. 43.  
Ordinance No. 27, granting street railway franchise. Practically repealed by Ordinance No. 36 C. S. and all rights waived by grantee.  
Ordinance No. 28, creating Board of Health and defining its powers. Repealed by Ordinance No. 37 C. S.  
Ordinance No. 29, fixing tax rate for 1890 (non-operative).  
Ordinance No. 30, repealed by Ordinance No. 43.  
Ordinance No. 31, repealed by Ordinance No. 39 C. S.  
Ordinance No. 32, void. No power to enact.  
Ordinance No. 33, repealed by Ordinance No. 58.  
Ordinance No. 34, fixing electric light rates to April, 1892. (Non-operative.)  
Ordinance No. 36, repealed by Ordinance No. 103.

prisoned not exceeding ninety days, or by both such fine and imprisonment.

Sec. 4. Ordinance No. 15 of the City of Monterey, passed by the Board of Trustees on the 23rd day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and first publication.  
Passed January 5th, 1892.

### ORDINANCE NO. 49.

#### *To Prohibit the Carrying of Concealed Weapons.*

The Board of Trustees of the City of Monterey do ordain as follows:

Section 1. Every person not being a peace officer, who shall, within the corporate limits of the City of Monterey, carry or wear any dirk, pistol, sword in cane, slung-shot or other dangerous or deadly weapon concealed, except by special permission in writing from the President of the Board of Trustees of said City, shall, upon conviction thereof before any Court of competent jurisdiction be deemed guilty of a misdemeanor and shall be fined in any sum not less than Twenty-five nor more than Three Hundred Dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment.

Sec. 2. Ordinance No. 9 of the City of Monterey, passed by the Board of Trustees on the 16th day of July, 1889, and all ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage and first publication.

Passed January 5th, 1892.

or planted, or the suspension of any one of said wires or the allowing any one of said wires to remain so suspended contrary to the provisions of this ordinance shall constitute a separate offense.

Sec. 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 8. This ordinance to take effect and be in force from and on the said 15th day of August, A. D. 1911.

Sec. 9. The City Clerk is hereby instructed to cause this ordinance to be immediately published once in the "Monterey New Era," a newspaper of general circulation printed, published and circulated in said City.

Adopted the 16th day of May, 1911.

### ORDINANCE NO. 9, C. S.

*An Ordinance Requiring the Removal of All Porches, Verandas and Wooden Awnings and Certain Signs Extending Over Any Sidewalk or Portion of Any Sidewalk on or in Alvarado Street in the City of Monterey, and Declaring Any Such Porches, Verandas, Wooden Awnings or Signs a Public Nuisance and Making it Unlawful to Erect Any Such Porch, Veranda, Wooden Awning or Sign.*

The Council of The City of Monterey do ordain as follows:

Section 1. It is hereby declared to be unlawful for any person to erect or maintain any porch, veranda or wooden awning which shall extend over any sidewalk or portion of any sidewalk, on or in Alvarado street in The City of Monterey.

Sec. 2. It is hereby declared to be unlawful for any person to erect or maintain any sign which shall extend over any sidewalk or portion of any sidewalk on or in Alvarado street in The City of Monterey, more than two feet, provided that nothing in this Ordinance shall be deemed to be a prohibition of the erection and maintenance of swinging electric sign or signs.

Sec. 3. It is hereby made the duty of the owner of any porch, veranda or wooden awning, extending over any sidewalk or portion of any sidewalk, or of any sign

extending over any sidewalk or portion of any sidewalk, more than two feet, on or in Alvarado street in The City of Monterey, to remove the same within thirty (30) days after the final passage and approval of this ordinance.

Sec. 4. Any such porch, veranda, wooden awning or sign which shall be maintained contrary to the provisions of this ordinance is hereby declared to be a public nuisance and may be removed by The City of Monterey, or any of its officers, at the expense of the person who shall erect or maintain the same, and the said expense of the removal thereof shall be a lien upon the premises and building to which said porch, veranda, wooden awning or sign is attached.

Sec. 5. Any violation of the provisions of this ordinance shall be a misdemeanor, punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the County Jail of Monterey County for not more than ninety (90) days, or by both such fine and imprisonment. Any sentence of fine may provide for its collection by imprisonment for the time, in the manner, and at the rate provided by law.

Sec. 6. This ordinance shall be in force and take effect from and after thirty (30) days after its final passage and approval.

Passed and approved October 17, 1911.

In effect: November 16, 1911.

## ORDINANCE NO. 10, C. S.

*An Ordinance Prohibiting the Sweeping, Throwing, Depositing, or Placing of Any Sweepings, Paper, Waste, Trash, or Rubbish Upon or Into Any Sidewalk, Street, Alley, Public Place, Court, Park, or Square in The City of Monterey.*

The Council of The City of Monterey do ordain as follows, to wit:

Section 1. It shall be unlawful for any person, firm or corporation to sweep, throw, deposit, or place any sweepings, paper, waste, trash, or rubbish of any kind upon or into any sidewalk, street, alley, public place, court, park, or square in The City of Monterey.