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2 **Ordinance #09-09**

3 **AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 5-1.24**  
4 **CUMULATIVE REMEDIES OF THE ALBANY MUNICIPAL CODE**

5 **WHEREAS**, 5-1.24 does not incorporate any fines upon any person or business who  
6 does not obtain a business license;

7 **WHEREAS**, staff recommends that Section 5-1.24 be modified to include fine amounts  
8 for persons who do not obtain a business license; and

9 **WHEREAS**, the City Council has reviewed the staff recommendation.  
10

11 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS THAT**  
12 **SECTION 5-1.24 IS HEREBY REPEALED IN ITS ENTIRETY AND IS AMENDED TO**  
13 **READ AS FOLLOWS:**

14 **Section 1: Section 5-1.24, entitled Cumulative Remedies is hereby enacted and shall**  
15 **read as follows:**

16 **5-1.24 Cumulative Remedies.**

17 A. The conviction and punishment of any person for transacting any business  
18 without first obtaining a license shall not excuse or exempt such person from the payment of any  
19 license tax due or unpaid at the time of such conviction, and nothing herein shall prevent a  
20 criminal prosecution of any violation of the provisions of this Chapter. All remedies prescribed  
hereunder shall be cumulative and the use of one or more remedies by the City shall not bar the  
use of any other remedy for the purpose of enforcing the provisions of this Chapter.

21 B. Any person who violates any provision of this chapter shall be guilty of a  
22 misdemeanor or an infraction.

23 1. If charged as an infraction, the penalty upon conviction of such person  
24 shall be as follows: (i) a fine not exceeding one hundred dollars (\$100) for a first violation; (ii)  
a fine not exceeding two hundred dollars (\$200) for a second violation within one year; (iii) a  
fine not exceeding five hundred dollars (\$500) for each additional violation within one year.

25 2. If charged as a misdemeanor, the penalty upon conviction of such person  
26 shall be imprisonment in the county jail for a period not to exceed six months, or a fine not  
exceeding \$1,000 or by both such fine and imprisonment.

1  
2 **Section 2: Publication**

3 This ordinance shall be published in a newspaper of general circulation in the City of  
4 Albany, which said newspaper is designated for that purpose, or it shall be posted in three  
5 locations.

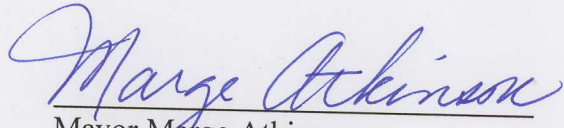
6 **Section 3: Severability**

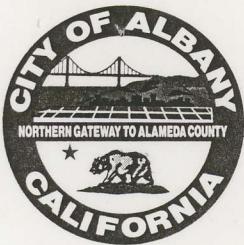
7 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason  
8 held to be invalid, such decision shall not affect the validity of the remaining portions of the  
9 ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the  
10 fact that any one or more sections, subsections, sentences, clause or phrases be declared invalid.  
11

12 **Section 4: Effective Date**

13 This ordinance shall become effective 30 days on or after its final passage and adoption.

14 Date:

15  
16   
17 Mayor Marge Atkinson



# City of Albany

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**CITY ADMINISTRATOR**  
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**CITY CLERK**  
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- Teen Center  
PH. (510) 525-0576

STATE OF CALIFORNIA )  
COUNTY OF ALAMEDA ) ss  
CITY OF ALBANY )

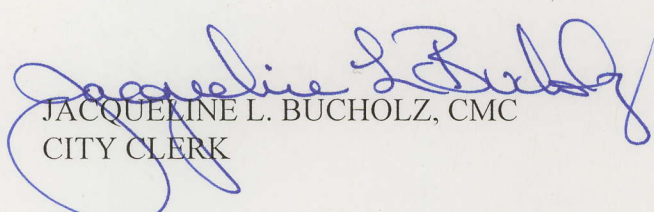
I, **JACQUELINE L. BUCHOLZ**, City Clerk of the City of Albany, California, do hereby certify that the whole number of members of the City Council of said City of Albany is five and that the foregoing is a true and correct copy of Ordinance No. 09-09 which was passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the 20th day of July 2009 A.D., and that the same was so passed and adopted by the following votes and duly published or posted according to State law.

AYES: Council Members Javandel, Lieber, Thomsen, Wile & Mayor Atkinson

NOES: None

ABSENT: None

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Albany, this 21st day of July, 2009.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.*



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