
Irvine Municipal Code Violations Procedures

415.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance of municipal code violations within the city.

415.2 VIOLATIONS OF THE IRVINE MUNICIPAL CODE

With the adoption of the revised ordinances and bail schedule (1-14-2000) most violations of the Irvine Municipal Code have a split filing status and a split bail schedule. Most can be classified as either an infraction or a misdemeanor, based on the violation, with a separate bail set for each crime classification. (i.e., Sleeping in a vehicle; 1st violation - infraction - \$50 fine, 2nd violation - misdemeanor - \$100 fine). A separate reference card (redi-ref) will be provided outlining the violations that can be cited as misdemeanors only or infractions only – not the split status sections.

All violations of the Irvine Municipal Code, both infractions and misdemeanors, will be handled via citation, unless circumstances listed in Penal Code Sections 853.5 or 853.6 exist.

All split status sections will be cited as infractions unless exceptional conduct is noted. The upgrade to misdemeanor status will be made when:

- (a) The defendant has been cited prior for the same violation within a one-year period.
- (b) When the violation is severe in nature.

415.3 CITATION PROCEDURES

- (a) Irvine Municipal Code – Infractions
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Non-traffic” box on the top of citation
 3. No Department Record (DR) number will be issued
 4. Assign an appearance date as usual
 5. No written report required
- (b) Irvine Municipal Code – Misdemeanors
 1. Complete a regular Irvine Police Department Notice to Appear
 2. Mark the “Misdemeanor” box on the top of the citation
 3. Mark the “Non-traffic” box on the top of the citation
 4. A DR number will be issued
 5. Assign an appearance date as usual
 6. Written report required

Irvine Police Department

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415.4 AFFIDAVIT OF CUSTODIAN OF CITY OF IRVINE RECORDS

In the event a citation for a business code violation is challenged in court regarding an Irvine Municipal Code violation, the arresting officer will have an "Affidavit of Custodian of City of Irvine Records" form completed prior to court by the appropriate custodian of that license. The completed form then becomes part of the master case. This form can then be used in court by the arresting officer as proof that the license was not in existence at the time of the arrest.

415.5 COURT ROOM PROCEDURES

The responsibility of prosecution of IMC violations rests solely with the arresting officer. The officer will have to present the evidence necessary to assure a conviction. If the defendant's violation was charged as a misdemeanor, and appears with legal counsel, the District Attorney's Office should be immediately advised, and they will provide a Deputy District Attorney to prosecute the case for the officer.