

## CHARTER

We, the people of the City of Del Mar, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

### *Footnotes:*

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**Editor's note**— *The Charter of the City of Del Mar was originally adopted by the city council on December 21, 1959, by Resolution No. 22. The Charter was approved by the voters of the city on February 9, 1960, by a vote of 578 to 81. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. A uniform system of capitalization has been employed and a frontal analysis has been added for the convenience of the user. Otherwise, the Charter is set out herein exactly as adopted.*

## ARTICLE I. - INCORPORATION AND SUCCESSION

### Sec. 100. - Name and boundaries.

The City of Del Mar, hereinafter termed the city, shall continue to be a municipal corporation under its present name of "City of Del Mar." The boundaries of the city shall be boundaries as established at the time this Charter takes effect or as such boundaries may be changed thereafter in the manner authorized by law.

### Sec. 101. - Succession, rights and liabilities.

The City of Del Mar shall continue to own, possess, control and be entitled to all rights and property of every kind and nature owned, possessed, or controlled by it or to which it is entitled at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

### Sec. 102. - Ordinances.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

### Sec. 103. - Continuance of terms of office.

The members of the city council in office at the time this Charter takes effect shall continue to hold their respective offices for the terms for which they were elected.

Sec. 104. - Continuance of present officers and employees.

The present officers and employees of the city shall continue to perform the duties of their respective offices and employments without interruption for the same compensations and under the same terms and conditions provided by existing ordinances, resolutions, rules or laws but subject to such removal, amendment, change and control as is provided or permitted in this Charter.

Sec. 105. - Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the city or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

ARTICLE II. - POWERS OF CITY

Sec. 200. - Powers.

The City shall have the power to levy a tax or taxes upon the right or privilege of being admitted to any premises for the purpose of attending or witnessing any exhibition, entertainment or event, or series of events (amusement, sporting or otherwise) or upon the right of privilege of attending or witnessing any such exhibition, entertainment, or event, or series of events, when a charge or price is paid or imposed for said right or privilege.

Sec. 201. - Subject to General Laws.

Except as provided below in section 202 of this Charter, the City shall be subject to and governed by the general laws of the State, as now and hereafter existing, relating to cities organized under said general laws, and shall have and may exercise all the rights, powers and privileges and be subject to all the restrictions, limitations and procedures granted or imposed by said general laws upon such general law cities. The City shall act consistently with the City's General Plan (Community Plan).

(Amend. of 11-6-2018)

Sec. 202. - Reserved Charter Rights.

The City of Del Mar reserves all rights, including the right of home rule, to exercise the maximum local control allowed by the California Constitution over local affairs. While the City shall act consistently with the City's General Plan (Community Plan), this reservation of home rule authority includes, but is not limited to, all other land use and zoning matters as follows:

- a. Any Specific Plans
- b. Zoning
- c. Subdivisions
- d. The City's Local Coastal Program
- e. Housing and the implementation of the city's Housing Element
- f. Any other land use regulation applicable to the city

(Amend. of 11-6-2018)

### ARTICLE III. - EFFECT OF SCHOOL DISTRICTS

Sec. 300. - No effect on present school districts.

The adoption of this Charter shall have no effect upon any existing school district or the boundaries thereof or upon the board of education of any such school district or the members thereof.

### ARTICLE IV. - DEFINITIONS

Sec. 400. - Definitions.

Unless the provision or the context otherwise requires, as used in this Charter:

- a) "Shall" is mandatory, and "may" is permissive.
- b) "City" is the City of Del Mar, and "city council," "department," "agency," "officer," or "employee" is city council, department, agency officer or employee, as the case may be, of the City of Del Mar
- c) "State" is the State of California.

### ARTICLE V. - SEVERABILITY

Sec. 500. - Validity.

If any provisions of this Charter, or the application thereof to any person or circumstance, is held invalid, the remainder for the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

## ARTICLE VI. - EFFECTIVE DATE

### Sec. 600. - Effective Date of Charter.

This Charter shall take effect upon its approval by the Legislature.

**Editor's note—** This Charter was approved by the Legislature in 1961 Sess. Laws, ch. 20, p. 256. It was filed with the Secretary of State on March 24, 1960.

### CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Legislation	Date	Section this Charter
Amend. of	11- 6-2018	201
	Added	202