

Title 9

PUBLIC PEACE, SAFETY AND MORALS

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Chapter 1

DISORDERLY CONDUCT

Section:

- 9.01.010 Disorderly Conduct.**
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- 9.01.060 Interference with Telephone and Telecommunication Apparatus.**

9.01.010 Disorderly Conduct.

No person shall recklessly, knowingly, or intentionally:

- A. Engage in fighting or conduct that results in or is likely to result in serious bodily injury to a person or substantial damage to property;
- B. Make or continue to make “loud and raucous noise” after being asked to stop by a police officer. “Loud or raucous noise” shall mean any sound which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person.
- C. Disrupt a lawful assembly of persons;
- D. Obstruct vehicular or pedestrian traffic; or
- E. Participate in an assembly of five (5) or more persons with the common intent to commit an unlawful act, or a lawful act by unlawful means.

9.01.020 Loitering.

No person shall loiter in such a manner to:

- A. Obstruct the free passage of pedestrians or vehicles;
- B. Remain upon any business premises after its business hours, without the consent of the owner or legal occupant;
- C. Remain upon any private property without the written consent of the owner or legal occupant;
or
- D. Remain upon any business premises or private property after having been asked to leave by

the owner or legal occupant;

9.01.030 Flight from Police Officer.

No person shall take flight upon appearance of a police officer, refuse to identify oneself, or endeavor to conceal himself or herself or any object.

9.01.040 Obstructing Building Entrances.

No person shall block, obstruct, or prevent free access to the entrance to any building open to the public.

9.01.050 Obstructing Places of Public Assembly.

It is unlawful for any person, firm, or corporation to place or set in any aisle or passageway in any building, apartment, hall or room used for public assemblages at any time during any performance, exhibition, concert, play, ball, lecture, service or public assembly, any campstool, benches, chairs, sofas or other obstructions or impediments to passage, along and through the entire width and length of the aisle or passageway during services, assembly, or entertainment.

9.01.060 Interference with Telephone and Telecommunication Apparatus.

It is unlawful:

A. For any person wantonly or negligently to break, remove, damage, disturb or interfere with any wire, pole, apparatus or appurtenance of any telephone company, cell towers, or other telecommunication apparatus;

B. For any person not in course of service in or for such company to break, remove, damage, disturb, or interfere with any wire, pole, apparatus or appurtenance belonging to or being used by any telephone company, cell tower, or other telecommunication apparatus, the same being lawfully in place, without having first obtained a specific permit to do so from the manager of such company, from the local superintendent, or in case of his absence or refusal, and when such wire, pole, apparatus or appurtenances are in, on or over or across any public street, way or square, from the Mayor;

C. For any person to climb any pole, mast or tower of any cell tower, other telecommunication, telephone, fire alarm or electric light system without the consent of the officer or person having local superintendence of the same, except that in cases of emergency, such permission may be given by the City Council.

Chapter 02

FALSE REPORTS

Sections:

9.02.010 Prohibited.

9.02.010 Prohibited.

It is unlawful for any person knowingly to report, or cause to be reported to the Police or Fire Department, or to any member thereof, any false or fictitious information indicating that a crime has been, or is about to be, committed, or knowingly to make any false or fictitious request for help or protection to the Police or Fire Department, or to any member thereof, or knowingly to cause the Police or Fire Department or any member thereof, to respond to any false or fictitious report or to request any assistance or investigation in connection with, or as a result of, any such false or fictitious report or information.

Chapter 03

EMERGENCY ALARMS

Sections:

- 9.03.010** **Definitions.**
- 9.03.020** **Administration.**
- 9.03.030** **Funding.**
- 9.03.040** **Duties of Alarm Users.**
- 9.03.050** **Audible Alarms—Restrictions, Abatement of Malfunctioning Alarm.**
- 9.03.060** **Registration and Duties of Alarm Installation Companies and Monitoring Companies.**
- 9.03.070** **Duties and Authority of the Alarm Administrator.**
- 9.03.080** **False Alarm Fines, Fees, and Late Charges.**
- 9.03.090** **Suspension and Revocation.**
- 9.03.100** **Alarm Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site.**
- 9.03.110** **Appeals of Determinations Regarding Alarm Fees and Fines.**
- 9.03.120** **Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies.**
- 9.03.130** **Police Department Response.**

9.03.010 **Definitions.**

For purposes of this chapter, the following terms shall have the following meanings:

- A. “Alarm Administrator” means the person or persons designated by the Chief of Police to administer the provisions of this chapter.
- B. “Alarm agreement holding company” means the alarm installation company or monitoring company that holds a legal contract or agreement between the alarm installation company or monitoring company and the alarm user.
- C. “Alarm dispatch cancellation” means the termination of a police response to an alarm site after an alarm dispatch request is made but before an officer’s arrival at the alarm site.
- D. “Alarm dispatch request” means a manual or automatic notification to the Police Department that an alarm has been activated at a particular alarm site.
- E. “Alarm installation company” means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

F. "Alarm site" means a location served by one (1) or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if each unit is served by a separate alarm system. In a single unit building that houses two (2) or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

G. "Alarm system" means a device, or series of devices, which emits or transmits an audible or remote visual or electronic alarm signal, which is intended to summon police response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes alarm systems that annunciate an alarm only at the alarm site, but does not include an alarm installed in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

H. "Alarm user" means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

I. "Burglar alarm" means an alarm intended to identify the presence of an intruder in either a business or residence.

J. "Enhanced call confirmation" means an attempt by the monitoring company, or its representative, to contact the alarm site, alarm user, or the alarm user's designated representatives by telephone or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting an alarm dispatch request, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this chapter, telephone confirmation shall require, as a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves, to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers of those contacted or attempted to contact shall be provided when requested.

K. "False alarm" means an alarm dispatch request to the Police Department which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.

L. "Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

M. "Monitoring company" means a person in the business of receiving signals from an alarm system and relaying alarm dispatch requests to the Police Department.

N. “One (1) plus duress alarm” means the manual activation of a silent alarm signal by entering a code that adds one (1) number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one (1) plus duress code = 1235).

O. “Panic alarm” means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.

P. “Responsible party” means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

9.03.020 Administration.

A. Responsibility for administration of this Chapter is vested with the Police Department.

B. The Chief of Police shall designate an Alarm Administrator to carry out the duties and functions described in this Chapter.

9.03.030 Funding.

The amount of the fees and fines set forth in this chapter shall be specified in the City’s Fee Schedule, which may be revised by a resolution of the City Council. The term “fees” include any type or class of fee and includes late charges.

9.03.040 Duties of Alarm Users.

A. An alarm user shall:

1. Maintain the alarm site and the alarm system in a manner that will minimize false alarms;
2. Make every reasonable effort to arrive at the alarm system’s location within thirty (30) minutes after being requested by the monitoring company or Police Department in order to:
 - a. Deactivate an alarm system;
 - b. Provide access to the alarm site; or
 - c. Provide alternate security for the alarm site, such as ensuring an individual is available and on standby to assist the monitoring company or Police Department;
3. Provide his, her, or its monitoring company with the updated names and telephone numbers of at least two (2) individuals who are able and have agreed to:
 - a. Receive notification of an alarm system activation;
 - b. Respond to the alarm site; and
 - c. Provide access to the alarm site and deactivate the alarm system, if necessary;

4. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report; and

5. Notify his, her, or its monitoring company of any suspension of police response (as provided for under this chapter) and, in the event of such suspension, request that the monitoring company not make an alarm dispatch request.

B. No person shall operate, or cause to be operated, any automatic voice dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any prerecorded message or signal.

C. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.

9.03.050 Audible Alarms—Restrictions, Abatement of Malfunctioning Alarm.

A. No alarm system shall emit a sound resembling an emergency vehicle siren or civil defense warning. The Chief of Police shall make the final determination regarding any question of an audible alarm for purposes of this section.

B. After the effective date of this chapter, no one shall install, modify, or repair an alarm system in the City that has a siren, bell or other signal that is audible from any property adjacent to the alarm site that sounds for longer than fifteen (15) consecutive minutes upon activation or that repeats the fifteen (15) minute audible cycle more than two (2) consecutive times during a single armed period.

C. In the event that an audible alarm is activated and fails to reset itself, or continues to activate for more than sixty (60) minutes and the responsible party cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police Department may cause the alarm to be silenced in a manner deemed appropriate for the circumstances. The alarm user shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of three hundred dollars (\$300.00). In no event shall the City, its employees, or agents be responsible or liable for damage resulting from any alarm disconnection or silencing authorized by this section.

9.03.060 Registration and Duties of Alarm Installation Companies and Monitoring Companies.

A. Registration.

1. No alarm installation company or alarm agent, as defined by the Business and Professions Code, shall install, maintain, or repair any alarm system within the City unless the alarm installation company or alarm agent has, prior to performing such work, obtained a City business license.

2. Each alarm installation company and alarm monitoring company must designate one (1) individual as the alarm response manager for the company that handles alarm issues for the company and acts as the primary point of contact for the City's Alarm Administrator. The designated alarm response manager must be knowledgeable of the provisions of this chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the alarm response manager shall be provided to the Alarm Administrator. Failure to designate an alarm response manager within thirty (30) days after being notified in writing from the Alarm Administrator may result in the suspension of Police Department response to alarm dispatch requests from the noncomplying alarm installation company or monitoring company.

3. Each alarm installation company shall provide the name, address and phone number of any monitoring company it is using to monitor its alarm sites within the City, and monitoring companies shall do the same for alarm installation companies that use their monitoring services within the City.

B. Alarm installation companies shall:

1. Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:

- a. The applicable law relating to false alarms, including potential for fines and suspension of an alarm;
- b. How to prevent false alarms; and
- c. How to operate the alarm system.

2. After the effective date of this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one (1) plus duress alarms. Monitoring companies may continue to report one (1) plus duress alarms received from alarm systems programmed with one (1) plus duress alarms installed prior to the effective date of this chapter.

3. After the effective date of this chapter, alarm installation companies shall not install, modify, or repair "single action" devices for the activation of holdup, robbery, or panic alarms. New devices shall require two (2) actions or an activation time delay to provide more positive assurance that the user intends to activate the device.

4. Ninety (90) days after the effective date of this chapter, an alarm installation company shall, on new installations, use only alarm control panel(s) which are listed as ANSI/SIA CP-01 Control Panel Standard – Features for False Alarm Reduction. The Control Panel Standard details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control

panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, are marked as follows: “Design evaluated in accordance with SIA CP-01 Control Panel Standard – Features for False Alarm Reduction.”

5. An alarm installation company shall not use an automatic voice dialer for any alarm system which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department or the City and then transmit any prerecorded message or signal.

6. An alarm installation company shall ensure that alarm users of alarm systems equipped with a duress, robbery, holdup, or panic alarm feature have been provided adequate training as to the proper use of the alarm system’s operation and function.

7. All alarm systems shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service for a period of up to four (4) hours will not activate the alarm system.

8. All audible alarm systems shall include a device which will limit the duration of the audible alarm to a period of not more than fifteen (15) minutes per activation.

C. A monitoring company shall:

1. Report alarm signals by using telephone numbers or procedures designated by the Alarm Administrator or other approved communication processes.

2. Employ enhanced call confirmation procedures on all burglar alarm dispatch requests. The Police Department may refuse to accept an alarm dispatch request from a monitoring company that has failed to employ the procedures required by enhanced call confirmation. This subsection shall become effective ninety (90) days after the effective date of this chapter.

3. Communicate alarm dispatch requests to the Police Department in a manner and form determined by the Alarm Administrator.

4. Communicate alarm dispatch cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

5. Communicate all available zone activation information (north, south, front, back, door, window, etc.) about the location of an alarm signal(s) as part of an alarm dispatch request.

6. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

7. Notify the Police Department of any alarm site that it knows, or reasonably should know, has guard dog(s), pets, or is fitted with a protective or reactive alarm system. Protective and

reactive alarm systems are those that produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic, or other means, including devices that obscure or disable a person's vision. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device or take control of the guard dog(s).

8. After an alarm dispatch request, promptly advise the Police Department if the monitoring company knows that the alarm user or a responsible party is on the way to the alarm site.

9. Each monitoring company shall maintain, for a period of at least one (1) year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address, and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify the need for a police or fire response. The Alarm Administrator may request copies of such records for any individual alarm user. If the request is made within sixty (60) days after an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within ten (10) days after receiving the request. However, in the event that such request is so voluminous that additional time is required to provide an adequate response, the monitoring company shall provide notice to the City requesting an extension and furnish the records within no more than thirty (30) days of receiving the request.

10. Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

D. An alarm installation company or monitoring company that converts the servicing of any alarm system account from another company shall notify the Alarm Administrator of such conversion and shall make a reasonable effort to provide to the Alarm Administrator, within sixty (60) days from the date of conversion, an alarm user list of the converted accounts, in a format acceptable to the Alarm Administrator.

9.03.070 Duties and Authority of the Alarm Administrator.

A. The Alarm Administrator shall:

1. Designate the manner and form of alarm dispatch requests and the telephone numbers and communication process that are to be used for such requests; and
2. Establish a procedure to accept alarm dispatch cancellation requests.

B. The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests.

C. The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:

1. The date and time of an officer's response to the false alarm; and
2. Any false alarm fine incurred.

9.03.080 False Alarm Fines, Fees, and Late Charges.

A. The Alarm Administrator may assess the alarm user a fine for a false alarm occurring at that alarm user's alarm site. The amount of fines for false alarms, or any fees or late charges set forth in this chapter, shall be established by a resolution of the City Council, as it may be amended from time to time.

B. Fines assessed under this section are due within thirty (30) days of written notice unless otherwise noted. A late charge shall be imposed for each individual fee or fine due that is not paid within thirty (30) days.

9.03.090 Suspension and Revocation.

A. When grounds as hereafter provided exist, the designated authority may determine to suspend response to an alarm. Suspensions of response shall not exceed a maximum of three hundred sixty-five (365) calendar days. Use of an alarm system during the term of a suspension shall be a violation of this Chapter. The following shall constitute grounds for suspension of an alarm response: 1. The violation of any provision of this Chapter. 2. Assessment of three (3) or more false alarm service fees within any consecutive twelve (12) month period. 3. Failure to pay any false alarm service fee. 4. Failure to pay any fine assessed by a court of competent jurisdiction for any violation of this Chapter. 5. Failure of a subscriber to repair, or cause to be repaired, any malfunctioning alarm system.

B. An alarm response may be permanently revoked by the designated authority for any of the following reasons: 1. If the response has been previously suspended on three (3) or more occasions. 2. If, upon notification of nonresponse and order of disconnection of the alarm system, the party fails or refuses to disconnect the alarm system and continues to operate the alarm system in violation of subsection A of this Section.

C. Prior to any suspension or revocation taking effect, the subscriber shall be notified, in writing, delivered by certified/registered mail to the most recent address, of the intent to suspend or revoke the response, the specific reasons for the proposed action, the effective date of the action and the subscriber's right to appeal the decision pursuant to this Chapter.

D. Upon the suspension of any alarm response, such response shall not be reinstated until all outstanding fees have been paid and the subscriber has supplied written documentation that mechanical repairs and/or personnel training have been completed to ensure against future false alarms.

9.03.100 Alarm Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site.

A. The Alarm Administrator shall notify the Police Department of each alarm user whose alarm qualifies for suspension under this chapter. The Alarm Administrator may suspend an alarm if it is determined that:

1. The alarm user has had four (4) or more false alarms within a one (1) year period, except that the Alarm Administrator may waive a suspension upon receipt of documented work orders showing reasonable attempts to repair the alarm system prior to the notice of suspension; or
2. The alarm user fails or refuses to pay an alarm fee, false alarm fine, late charge, or any other fee, fine, or charge assessed under this Chapter.

B. It shall be a violation of this section for a person to operate an alarm system during the period in which the alarm is suspended, or for a monitoring company to make an alarm dispatch request to an alarm site after the monitoring company's alarm response manager has been notified by electronic mail by the Alarm Administrator that alarm site has been suspended. A grace period of five (5) business days after the alarm response manager's notification shall be granted to the monitoring company to comply with this section. The alarm monitoring company shall be assessed a fine for requesting an alarm dispatch request on a suspended alarm site.

C. In addition to the fines set forth in 9.03.080, a supplemental fine shall be imposed upon any person operating a suspended alarm system.

D. It shall be the responsibility of the alarm user to notify their respective alarm monitoring company of their suspension status. An alarm user shall be jointly and severally liable for all false alarm fines incurred on their alarm site.

E. Unless there is a separate indication of a crime in progress, the Police Department may or may not dispatch an officer to an alarm site for which an alarm is suspended.

9.03.110 Appeals of Determinations Regarding Alarm Fees and Fines.

A. If the Alarm Administrator assesses a fee or fine, suspends an alarm, or denies renewal, the Alarm Administrator shall send notice of the action and a statement of the right to appeal to the affected applicant, alarm user, alarm installation company, or alarm monitoring company.

B. The applicant, alarm user, alarm installation company or alarm monitoring company may appeal any action described in subsection A of this section to the Chief of Police, or his or her designee, by setting forth in writing the reasons for the appeal and delivering the appeal to the Chief of Police, or designee, within twenty (20) days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Chief of Police, or designee, is as follows:

1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal fee shall be in an amount established by resolution of the City Council and will be returned to the appealing party if the appeal is successful.

2. The Chief of Police, or designee, shall provide the appealing party notice of the date and time for the appeal hearing, no later than ten (10) days prior to the appeal hearing. The appealing party shall have the right to appear at the appeal hearing and present evidence in support of his or her appeal.

3. The Chief of Police, or designee, shall conduct a hearing on the appeal within thirty (30) days after the Police Department's receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Chief of Police, or designee, must base the decision on the preponderance of evidence presented at the hearing and must render a decision within fifteen (15) days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

4. Filing of an appeal shall stay any action by the Alarm Administrator to suspend an alarm or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this chapter that occur thereafter.

D. The Alarm Administrator or the Chief of Police, or their respective designees, may adjust the count of false alarms or assessed fees based on:

1. Evidence that a false alarm was caused by action of a communications service's provider (i.e., telephone, cellular, cable company);

2. Evidence that a false alarm was caused by a power outage or severe weather such as a tornado, earthquake, or excessive winds;

3. Evidence that an alarm dispatch request was not a false alarm; or

4. The occurrence of multiple alarms within a twenty-four (24) hour period, which may be considered as one (1) false alarm if the alarm user has taken corrective action. This subsection shall not apply to false alarms directly caused by the alarm user.

E. The Alarm Administrator may waive all or part of a false alarm fine due to extenuating circumstances or to encourage corrective action.

9.03.120 Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies.

A. The Chief of Police may suspend police response to an alarm dispatch request from an alarm installation company or monitoring company if it is determined that:

1. There is a continuing or reoccurring violation of this chapter by the alarm installation company or monitoring company, and the condition causing the violation has not been corrected; or
2. The alarm installation company or monitoring company has failed to pay the fees, fines, or other charges assessed under this chapter for more than sixty (60) days after the fee, fine, or other charge is due.

B. The Police Department shall have no duty to respond to any alarm dispatch request where the alarm installation company or monitoring company who installed or monitors that alarm has failed to comply with California licensing requirements or failed to maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company Operator's License.

C. A suspension of police response made pursuant to this subsection shall be subject to the appeal process provided for within this chapter. In addition, the Alarm Administrator has the ability to accept a workable solution from the affected party prior to an appeal. The affected party has sixty (60) days after the written notice of suspension before police response is suspended to its alarm customers.

D. The Alarm Administrator shall notify all known alarm users subscribing to an alarm installation company or an alarm monitoring company that the Police Department has suspended response to the company's alarm dispatch requests within ten (10) days of such suspension.

E. The City shall assess the alarm installation company or monitoring company a reinstatement fee. In addition, if the Alarm Administrator has incurred costs in notifying alarm users by mail of the suspension of their alarm installation company or monitoring company, reimbursement to the City of those costs shall be a condition of reinstatement.

9.03.130 Police Department Response.

A. Subject to the suspension provisions in Section 9.03.100, the Police Department at its discretion will respond to all "in progress" robbery or panic alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the monitoring company. Police supervisors may, in their discretion, cancel a police response to any or all alarms based on weather or other factors affecting police service needs.

B. The Chief of Police, or his or her designee, may reprioritize assignment of response times at any time during a twenty-four (24) hour period as may be necessary due to the service needs of the community.

Chapter 04

NOISE

Sections:

- 9.04.010 Noise Prohibited.**
- 9.04.020 Unnecessary Noises.**
- 9.04.030 Exception to Sections 9.04.010 and 9.04.020.**
- 9.04.040 Penalty for Violation.**

9.04.010 Noise Prohibited.

It is unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

9.04.020 Unnecessary Noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the provisions of this Chapter, but the enumeration shall not be deemed to be exclusive, namely:

- A. **Horns, Signaling Devices:** Sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;
- B. **Radios, Stereos, or Other Sound Amplification Devices:** The using, operating, or permitting to be placed, used or operated by radio receiving set, musical instrument, stereo, or other machine or device for the producing, reproducing, or amplifying sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, stereo, machine or device between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section. This section can be enforced at any time of the day. Nothing in this section that establishes prima facie evidence of a violation of this section shall be interpreted to limit the City's ability to enforce this section;

- C. Animals, Birds: The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;
- D. Exhausts: The discharge into the open air of the exhaust of any motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- E. Construction or Repairing of Buildings: The erection (including excavating), demolition, alteration or repair of any building other than between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M., except that, by special permit issued by the Building Inspector or City Engineer, as the case may be, upon a determination that the public health and safety will not be impaired thereby, the erection, demolition, alteration or repair of any building or the excavation of streets and highways may be permitted within the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M.;
- F. Hawkers, Peddlers: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood;
- G. Machinery: Operation between the hours of eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. of any machinery or appliance, use of which is attended by loud or unusual noise;
- H. Motor Vehicles: The using or operating of any motor vehicle in a manner which creates shrill, piercing or loud noises which may be heard beyond the property lines of the property from which the subject noise is produced or caused;
- I. Snow-Cone, Ice Cream Trucks: Soft music allowed over p.a. system or bells - no loud music. Loud is defined as a noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

9.04.030 Exception to Sections 9.04.010 and 9.04.020.

The provisions of Sections 9.04.010 and 9.04.020 shall not apply to any noise or situation within the scope of section 23109 of the Vehicle Code of the State.

The collection of garbage is hereby exempted from the time limits contained in Sections 9.04.010 and 9.04.020 to the extent that it does not create a public nuisance. Garbage collection shall not start prior to five o'clock (5:00) A.M.

9.04.040 Penalty for Violation.

Any person violating or permitting or responsible for the violating of any of the provisions of this Chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Title 19 of this Code.

Chapter 05

GRAFFITI

Sections:

9.05.010 Accessibility to Graffiti Implements.

9.05.020 Sale to Minors Prohibited.

9.05.030 Possession by Minors Prohibited.

9.05.010 Accessibility to Graffiti Implements.

Every person, firm, or entity who owns, conducts, operates, or manages a retail commercial establishment selling graffiti implements within the City shall store, stock, keep or display graffiti implements in an area secure and inaccessible to the public in the regular course of business and accessible only to employees of such retail commercial establishments.

9.05.020 Sale to Minors Prohibited.

No person, firm, or entity, except a parent or guardian, shall sell, give, or furnish any aerosol spray paint container, dye container, or any marker pen with a tip exceeding three-eighths of an inch in width, containing anything other than a solution which can be removed with water after it dries to any minor unless that person, firm, or entity provides for the supervision of the minor's use of such aerosol paint container, dye container, or marker pen, so as to assure that the minor does not deface any public or private property, or violate any other section of this chapter.

9.05.030 Possession by Minors Prohibited.

No person under eighteen (18) years of age shall have any aerosol paint container, dye container, or marker pen with a tip larger than three-eighths of an inch in width in their possession in any public place or in an automobile, vehicle, or any other conveyance unless that person is accompanied by a parent or guardian.

Chapter 06

SHOPPING CARTS

Sections:

- 9.06.010 Declaration of Purpose.**
- 9.06.020 Definitions.**
- 9.06.030 Enforcement Authority**
- 9.06.040 Authority To Inspect.**
- 9.06.050 Alternate Remedies.**
- 9.06.060 Additional Rules and Regulations.**
- 9.06.070 Signs On Shopping Carts; Required.**
- 9.06.080 Removal, Abandonment, Alteration, Possession; Prohibited.**
- 9.06.090 Penalty.**
- 9.06.100 Exceptions.**
- 9.06.110 Retrieval Of Shopping Carts By City/Authority To Impound.**
- 9.06.120 Authority To Impound Without Three-Day Notice To Owner.**
- 9.06.130 Posted Notice Required.**
- 9.06.140 Abandoned Cart Prevention Plan.**
- 9.06.150 Abandoned Cart Prevention Plan Approval.**
- 9.06.160 Shopping Cart Retrieval Businesses/Records Required.**
- 9.06.170 Sign Required.**
- 9.06.180 Violations.**
- 9.06.190 Businesses With Twenty-Five Or Fewer Carts/Exemption.**

9.06.010 Declaration of Purpose.

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic within the City of Ceres. Wrecked, dismantled and/or abandoned shopping carts on public or private property create conditions that reduce property values, and promote blight and deterioration within the City's neighborhoods. The purpose of this Chapter is to make the removal of shopping carts from the premises of a business establishment a violation of this Code and provide regulations and procedures for the retrieval of shopping carts consistent with the provisions of Section 22435.7 of the Business and Professional Code of the State of California.

9.06.020 Definitions.

For the purpose of this Chapter the following terms are defined as follows:

“Abandoned Shopping Cart” Any cart removed from a business establishment's premises without written permission of the owner and located on either public or private property.

“Abandoned Cart Prevention Plan” A plan that meets the requirements of Section 9.06.140 and has been approved by the City in accordance with Section 9.06.150

“Business Of Shopping Cart Retrieval” A business that searches for, gathers and restores possession to the owner, or an agent thereof, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a business establishment.

“Owner” Any person or entity within a business establishment who owns, possesses, or has the power to make a shopping cart available to customers. For the purpose of this Chapter, owner includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager or other designated agent of a business establishment providing shopping carts for customer use.

“Parking Area” A parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The parking area of a business establishment located in a multi-store, store complex or shopping center shall include the entire parking area used by the complex or center.

“Premises” The entire area owned, rented, leased, or utilized by a business establishment that provides shopping carts for customer use, including parking areas.

“Shopping Cart” A basket which is mounted on wheels or a similar device generally used in a business establishment by a customer for the purpose of transporting goods of any kind. This includes, but is not limited to, laundry, grocery or shopping carts.

9.06.030 Enforcement Authority.

The Police Chief and/or his or her designated agents and designated code enforcement officers shall have the authority and powers necessary to determine whether a violation of this Chapter exists and to take appropriate action to gain compliance with the provisions of this Chapter and applicable State codes. These powers include the power to issue administrative citations and to inspect public and private property as allowed by State and Federal law. It also includes the power to impose civil penalties for any violation of this Chapter as provided in Title 19 of this Code.

9.06.040 Authority To Inspect.

The Police Chief and/or his or her designated agents and designated Code Enforcement Officers are authorized to enter upon any property or premises as allowed by State and Federal law to ascertain whether the provisions of this Chapter or applicable State codes are being obeyed, and to make any examinations as may be necessary in the performance of their enforcement duties. All inspections, entries, and examinations shall be done in a reasonable manner as allowed by State and Federal law. If an owner, tenant, occupant or agent or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure.

9.06.050 Alternate Remedies.

Nothing in this Chapter shall prevent the City from pursuing criminal, civil, administrative or any other legal remedy to address violations of this Chapter.

9.06.060 Additional Rules and Regulations.

In addition to the provisions and requirements of this Chapter, the City Council may, from time to time, by resolution, establish additional rules and regulations concerning programs, practices and regulations pertaining to shopping cart retrieval.

9.06.070 Signs On Shopping Carts; Required.

A. Every shopping cart owned or provided by a business establishment in the City of Ceres must have a sign permanently affixed to it that contains the following information:

1. Identifies the owner of the shopping cart or the name of the business establishment, or both;
2. Notifies the public of the procedure to be used for authorized removal of a shopping cart from the establishment's premises;
3. Notifies the public that the unauthorized removal of a shopping cart from the premises or parking area of a business establishment, or the unauthorized possession of a shopping cart is a violation of State law BP Section 22435.1;
4. Displays a permanently affixed sticker notifying the public that the unauthorized removal of the shopping cart from the premises of a business establishment, or the unauthorized possession of a shopping cart is a violation of local municipal code; and
5. Lists a valid telephone number or address for returning the shopping cart removed from the premises or parking area to the owner or retailer.

9.06.080 Removal, Abandonment, Alteration, Possession; Prohibited.

A. It is unlawful to do any of the following acts, if a shopping cart has a permanently affixed sign as required by Section 9.06.070:

1. To remove a shopping cart from the premises or parking area of a business establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
2. To be in possession of any shopping cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

3.To leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

4.To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

5.To be in possession of any shopping cart while that cart is not located on the premises or parking lot of a business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

9.06.090 Penalty.

Any person who violates any of the provisions of Section 9.06.080 is guilty of a misdemeanor, or in the alternative the City may use the administrative enforcement remedies set forth in Title 19 of this Code for violations of this Section.

9.06.100 Exceptions.

Section 9.06.080 shall not apply to any person who has written consent from the owner of the shopping cart authorizing possession or removal of the cart from the business establishment's premises or authorizing any of the acts specified in Section 9.06.080.

For all persons authorized by an owner to remove a cart from the premises or parking area of a business establishment, the owner shall issue to such persons an "Authorization Card" in a form approved by the Police Chief.

9.06.110 Retrieval Of Shopping Carts By City/Authority To Impound.

A. The City of Ceres may impound a shopping cart when all of the following conditions are satisfied:

1.The shopping cart has a sign affixed to it as required by Section 9.06.070 of this Chapter.

2.The shopping cart is located outside the premises or parking area of a business establishment as defined in Section 9.06.020.

3. Except as provided in Section 9.06.120, the shopping cart is not retrieved within three (3) business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the City of the shopping cart's discovery and location.

B. In instances where the location of a shopping cart will impede emergency services, the City is authorized to immediately retrieve the shopping cart from public or private property.

C. Any shopping cart that is impounded by the City pursuant to this Section shall be held at a location that is both:

1. Reasonably convenient to the owner of the shopping cart; and
2. Open for business at least six (6) hours of each business day.

D. Any shopping cart not reclaimed from the City within thirty (30) days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the City.

E. The City may impose an administrative penalty on the owner of a shopping cart in an amount not to exceed fifty dollars (\$50.00) for each occurrence in excess of three (3) during a specified six (6) month period for failure to retrieve shopping carts in accordance with this Section. An occurrence includes all shopping carts impounded in accordance with this Section in a one-day period.

F. The City is authorized to recover actual costs incurred for impounding a shopping cart under the authority of this Section.

9.06.120 Authority To Impound Without Three-Day Notice To Owner.

A. Notwithstanding Section 9.06.110(A)(3), the City may impound a shopping cart that otherwise meets the criteria set forth in Sections 9.06.110(A)(1) and (A)(2) without complying with the three (3) day advance notice requirement provided that:

1. The owner of the shopping cart, or his or her agent, is provided actual notice within twenty-four (24) hours following the impound and the notice informs the owner, or his or her agent, of the location where the shopping cart may be claimed. For the purposes of this Section "actual notice" shall include any of the following noticing methods:

- a. Personal delivery of written notice to the "owner" as defined in Section 9.06.020;
- b. Delivery of written notice by facsimile or e-mail transmission to the "owner" as defined in Section 9.06.020;
- c. Oral notice by telephone to the "owner" as defined in Section 9.06.020, provided the City employee giving the oral notice confirms the giving of such notice by sending a written confirmation by facsimile or e-mail transmission to

the person to whom oral notice was given within twenty-four (24) hours of giving such oral notice.

2.Any shopping cart so impounded shall be held at a location in compliance with Section 9.06.110(C).

3.Any shopping cart reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to Sections 9.06.110(E) and 9.06.110(F). Any cart reclaimed within the three (3) business day period shall not be deemed an occurrence for purposes of Section 9.06.110(E).

4.Any shopping cart not reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be subject to any applicable fee or penalty imposed pursuant to Sections 9.06.110(E) and (F) commencing on the fourth business day following the date of the notice.

5.Any shopping cart not reclaimed by the owner, or his or her agent, within thirty (30) days of receipt following the date of actual notice may be sold or disposed of as provided for in Section 9.06.110(D).

9.06.130 Posted Notice Required.

There shall be posted by the owner, prominently and conspicuously, at all public entrances and exits to the business, a notice in substantially the following form:

REMOVAL OF SHOPPING CARTS (or Laundry Carts, or other types of carts, if applicable) IS PROHIBITED BY LAW AND SHALL SUBJECT THE VIOLATOR TO A MINIMUM FINE OF \$100.00

9.06.140 Abandoned Cart Prevention Plan.

Every owner who allows or intends to allow the use of carts outside a building or enclosed area of a business shall develop, implement and comply with an abandoned cart prevention plan.

A. The plan must include, at a minimum, the following information:

1.The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different;

2.A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of State and local law in addition to the notice required under Sections 9.06.070 and 9.06.130. This notice may be provided in the form

of flyers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition;

3.A description of the physical measures that will be implemented to prevent the removal of carts from the premises. Physical measures may include, but are not limited to: devices on carts that prevent their removal from the premises; posting of a designated employee or security guard to deter and stop customers from removing carts from the premises, prohibiting carts outside the building of the business unless accompanied by an employee; and

4.A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the Supervisor of the Ceres Code Enforcement Unit.

B. Two or more businesses may collaborate and submit a single plan.

9.06.150 Abandoned Cart Prevention Plan Approval.

A. Each owner shall submit a proposed abandoned cart prevention plan to the Supervisor of the Ceres Code Enforcement Unit within sixty (60) days of the effective date of this Chapter, and by July 1st of each year thereafter. Proposed businesses shall have an approved abandoned cart prevention plan prior to commencing business. After initial submission and approval of an abandoned cart prevention plan, an owner submitting the same plan to comply with the requirement of submitting a plan by July 1st of each subsequent year, may do so by submitting a letter of intent stating that the owner is submitting the plan currently in operation.

B. The Supervisor of the Ceres Code Enforcement Unit shall approve or reject the proposed abandoned cart prevention plan within thirty (30) days of the plan's submission. The Supervisor of the Ceres Code Enforcement Unit may deny a plan based upon any of the following grounds:

1.The implementation of the plan violates any provision of the building, zoning, health, safety, fire, police or other provision of this Code or any County, State or Federal law which substantially affects public health, welfare, or safety;

2.The plan fails to include all of the information required by this Chapter;

3.The plan is insufficient or inadequate to prevent removal of carts from the premises;

4.The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;

5.Implementation of the plan violates a term or condition of a plan or other requirement of this Chapter; and/or

6. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.

C. The Ceres Code Enforcement Unit will provide to owners an approved form for an Abandoned Cart Prevention Plan for use by owners. A plan which is in substantial compliance with the approved form will be approved by the Supervisor of the Ceres Code Enforcement Unit, unless special or unique conditions exist due to the geographical location of the premises as they relate to cart retention and prevention efforts. The approved form may be amended administratively from time to time should the Ceres Code Enforcement Unit determine that the provisions of the approved form fail to adequately address cart removal problems. For those business establishments using an approved form, the amendments shall be effective within thirty (30) days after written notice of the amendment(s) is given to the owner.

D. If the plan is rejected as incomplete or inadequate, the Supervisor of the Ceres Code Enforcement Unit shall indicate areas that are incomplete or inadequate, and the owner shall have an additional thirty (30) days within which to resubmit a complete and adequate plan. The Supervisor of the Ceres Code Enforcement Unit shall approve or reject the resubmitted plan with thirty (30) days of the date of resubmission of the plan.

E. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days of the plan's approval. If an owner is proposing new measures, the measures from the approved plan in the previous year shall be continued until the new measures are implemented.

F. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this Chapter shall be required to keep all carts inside the building or enclosed areas of the business.

G. Any owner who is required to, but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection F above, shall be subject to an administrative civil penalty in accordance with the administrative enforcement remedies set forth in Title 19 of this Code.

H. The decision of the Supervisor of the Code Enforcement Unit to deny a plan may be appealed to the Police Chief, or his/her designee. A written notice of appeal must be submitted to the Supervisor of the Ceres Code Enforcement Unit within ten (10) days of the denial of the plan and accompanied by a copy of the plan. The Police Chief or designee shall review the plan under the grounds for denial set forth in subsection B of this Section and provide a decision approving or denying the plan within thirty (30) days of receipt of the notice of appeal. The decision of the Police Chief or designee shall be final. There shall be no further administrative appeal process.

I. Even though approved, a plan may be reevaluated at any time by the Supervisor of the Ceres Code Enforcement Unit if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing removal of carts from the premises.

9.06.160 Shopping Cart Retrieval Businesses/Records Required.

Any person who engages in the business of shopping cart retrieval shall retain records showing written authorization from the shopping cart owner, or any agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.

9.06.170 Sign Required.

Each vehicle employed for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

9.06.180 Violations.

Any person who violates the provisions of this Chapter is guilty of a misdemeanor. In addition, the City may use the administrative enforcement remedies set forth in Title 19 of this Code for violations of this Chapter.

9.06.190 Businesses With Twenty-Five Or Fewer Carts/Exemption.

The provisions of Section 9.06.140 and 9.06.150 this Chapter relating to abandoned cart prevention plans and their approval shall not be applicable to owners or businesses who maintain twenty-five (25) or fewer shopping carts, unless the Police Chief determines that shopping carts from such owner or business are being routinely abandoned at locations off the site of the business. In such case, the owner or business shall be given written notice that it is necessary to comply with the provisions of this Chapter, and compliance must be accomplished within sixty (60) days from the date of such notice.

Chapter 07

PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES

Sections:

9.07.010 Public Consumption of Alcoholic Beverages Prohibited.

9.07.020 Exceptions.

9.07.010 Public Consumption of Alcoholic Beverages Prohibited.

It shall be unlawful for a person to drink any alcoholic beverage or have in his or her possession an open container of an alcoholic beverage on any public street, sidewalk, alley or walkway, municipal park or on any private lot held open to the public, or on any public parking lot, unless otherwise permitted by this code.

9.07.020 Exceptions.

The provisions of this Article shall not apply in the following circumstances:

A. Bona Fide Eating Place. This Chapter shall not prohibit the consumption, of alcoholic beverages purchased on the premises by the customer of a bona fide eating place, as the term is defined in California Business and Professions Code Section 23038, if the bona fide eating place has obtained a license from the Department of Alcoholic Beverage Control which permits the sidewalk consumption.

B. Special Events.

1. The Chief of Police shall have the power to grant a waiver of the provisions of this Chapter for special events conducted upon a property which is defined as a "public place" pursuant to this Chapter. In granting any such waiver, the Chief of Police shall have the authority to impose reasonable restrictions upon the sale or consumption of alcoholic beverages at such special events.

2. In order to receive a permit to conduct a special event on public property within the City, it is necessary that the applicant prove that it is a nonprofit entity organized for fraternal, charitable, religious, or other nonprofit purposes, which organization has been in existence for at least six (6) months prior to making application for a permit to conduct a special event and which organization has a regular membership and meets at regular intervals for purposes other than the conduct of special events.

3. Applications for a waiver pursuant to this Section shall be submitted to the Chief of Police on forms provided for that purpose at least twenty (20) days prior to the proposed special event.

Chapter 08

NUDITY IN PUBLIC PLACES

Sections:

9.08.010 Public Nudity Prohibited.

9.08.020 Exceptions.

9.08.010 Public Nudity Prohibited.

No person shall appear nude in any place open to the public or any place visible from a place open to the public without an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus, or anal region of any person or any portion of the breast at or below the areola thereof of any female person.

9.08.020 Exceptions

This subsection shall not apply to the following:

- A. Children under the age of ten (10) years;
- B. The exposure of a breast while breastfeeding a nursing child;
- C. Theatrical performances in a theater, concert hall, or other similar establishment located on public property;
- D. Nudity within a fully enclosed structure intended to allow brief nudity, such as a bathroom, locker room, dressing room, or changing room; and
- E. Any act that is expressly permitted by any law of the state of California.

Chapter 09

URINATING AND DEFECATING IN PUBLIC PLACES

Sections:

9.09.010 Urinating in Public Places.

9.09.020 Defecating in Public Places.

9.09.010 Urinating in Public Places.

No person shall discharge, release, or otherwise cause human urine to be placed in:

- A. Any place open to the public, upon any street, alleyway, walkway, gully, telephone booth, park, or other public way;
- B. In or upon any parking lot or other premises to which the public has access;
- C. In any water or waterway, upon levees or tanks adjacent thereto except in toilets, portable toilets, or other receptacles designed for the purpose of urination.

9.09.020 Defecating in Public Places.

No person shall discharge, release, or otherwise cause human feces or other material from human bowels to be placed in:

- A. Any place open to the public, upon any street, alleyway, walkway, gully, telephone booth, park or other public way, including public areas of private property;
- B. In or upon any parking lot or other premises to which the public has access;
- C. In any water or waterway, upon levees or tanks adjacent thereto except in toilets, portable toilets, or other receptacles designed for the purpose of defecation and designated for that purpose.

Chapter 10

CURFEW FOR MINORS

Sections:

- 9.10.010** **Definitions.**
- 9.10.020** **Purpose.**
- 9.10.030** **Unlawful Conduct.**
- 9.10.040** **Exceptions.**
- 9.10.050** **Enforcement.**
- 9.10.060** **Penalties.**

9.10.010 **Definitions.**

The following definitions are applicable to this Chapter:

A. "Curfew hours" means the period from eleven o'clock (11:00) P.M. any night until five o'clock (5:00) A.M. the following morning.

B. "Emergency" means unforeseen circumstances or a situation that calls for immediate action. The term includes, but is not limited to, an automobile accident, fire or explosion, natural disaster or any condition requiring immediate action to prevent bodily injury or loss of life.

C. "Establishment" means a privately-owned place of business operated for profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

D. "Guardian" means:

1. A person who, under court order, is the guardian of the minor; or
2. A public or private agency with whom a minor has been placed by a court.

E. "Minor" means any person under eighteen (18) years of age.

F. "Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment.

G. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor.

H. "Public place" means any place the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

I. "Remain" means:

1. To linger, stay or be present; or
2. Fail to leave the premises when requested to do so by a peace officer, the owner, operator or other person in control of the premises.

J. "Responsible adult" means a person at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

9.10.020 Purpose.

The City Council finds that a juvenile curfew ordinance is necessary and desirable because the protection of minors warrants a higher degree of governmental regulation. This higher degree of regulation is premised upon the peculiar vulnerability of children and minors' inability to make critical decisions in an informed and mature manner. The City recognizes a compelling interest in preserving the safety of the community generally and providing a higher degree of protection for its minors specifically during nighttime hours.

9.10.030 Unlawful Conduct.

Except as provided in Section 9.10.040 of this Chapter, it is unlawful for:

- A. Any minor to remain in any public place or on the premises of any establishment within the City during curfew hours; or
- B. Any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours; or
- C. Any owner, operator or employee of an establishment to knowingly permit a minor to remain in or upon the premises of an establishment during curfew hours.

9.10.040 Exceptions.

A. The conduct defined as unlawful in subsections 9.10.030A and B of this Chapter shall not be unlawful if:

1. The minor is accompanied by the minor's parent, guardian, or by a responsible adult;
2. The minor is on an errand at the direction of the minor's parent or guardian or responsible adult without detour or delay;
3. The minor is in a motor vehicle involved in intrastate or interstate travel;
4. The minor is engaged in employment, or going to or returning home from employment, without detour or delay;

5. The minor is involved in an emergency;
6. The minor is on the sidewalk adjacent to the minor's residence, or the residence of a responsible adult, providing the minor is not otherwise violating the law;
7. The minor is attending an official school, religious or other adult supervised recreational activity sponsored by the City, a civic organization or other similar entity that takes responsibility for the safety of the minor, or going to or returning home from such an activity, without detour or delay;
8. The minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
9. The minor is emancipated pursuant to law.

B. The conduct defined as unlawful in subsection 9.10.030C of this Chapter, shall not be unlawful if the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

9.10.050 Enforcement.

Before taking any enforcement action under this Chapter, a peace officer shall ask the apparent offender's age and reason for being in a public place or on the premises of any establishment during curfew hours. The officer shall not issue a citation or detain a minor under this Chapter unless the officer reasonably believes an offense has occurred and based upon the minor's response(s) and other circumstances, none of the exceptions under this Chapter appears present or applicable.

9.10.060 Penalties.

Any person who violates a provision of this Chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Minors shall be dealt with in accordance with Juvenile Court law and procedure.

Chapter 11

SKATEBOARDS, ROLLER SKATES, SCOOTERS AND MOTORIZED RECREATIONAL DEVICES

Sections:

9.11.010 Purpose and Intent.

9.11.020 Definitions.

9.11.030 Prohibitions on the use of Skateboards, Roller Skates, Scooters and Motorized Recreational Devices.

9.11.040 Posting of No Skateboarding Signs.

9.11.050 Penalty.

9.11.010 Purpose and Intent.

The City Council finds and declares that the purpose of this Chapter is to promote the public peace, morals, health, safety, and general welfare of persons in the City by regulating the use of skate boards, roller skates, scooters and motorized recreational wheeled devices on certain public property and on private property accessible to the general public.

9.11.020 Definitions.

“Skateboard” means a board of any material, which has wheels attached to it.

“Roller Skate” means a footwear, or device which may be attached to the foot or footwear, to which wheels are attached.

“Scooter” means a board of any material mounted between two wheels with an upright steering handle attached to the front wheel.

“Motorized Recreational Devices” means a skateboard, roller skate or scooter powered by an electric motor.

9.11.030 Prohibitions on the use of Skateboards, Roller Skates, Scooters and Motorized Recreational Devices.

A. The City Council may, by resolution, prohibit the use of skateboards, roller skates, scooters and motorized recreational devices on public streets, sidewalks, parking lots, and other public property when determined necessary to protect the health, safety, and welfare of pedestrians, motorists, or persons operating said skateboards, roller skates, scooters or motorized recreational device on said streets and sidewalks.

B. No person shall ride a skateboard, roller skate, scooter or motorized recreational device on any privately-owned property which has posted signs prohibiting skateboards, roller skates, scooter or motorized recreational devices, without the express consent of the property owner or

property manager.

C. No person shall use a skateboard, roller skates, scooters or motorized recreational device upon any sidewalk or street in a manner that interferes with pedestrian or vehicular traffic.

9.11.040 Posting of Signs Prohibiting Skateboards, Roller Skates, Scooters or Motorized Recreational Devices.

The City Manager, or his or her designee, may post or erect signs prohibiting skateboards, roller skates, scooters, or motorized recreational devices on public streets and sidewalks so designated by resolution of the City Council.

9.11.050 Penalty.

Violations of this Chapter shall be deemed to be an infraction, unless deemed a misdemeanor in the discretion of the City or District Attorney. A violation of any of the provisions of this Chapter shall constitute a nuisance and may be abated by the City by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

Chapter 12

SOCIAL HOST LIABILITY

Sections:

- 9.12.010** **Definitions.**
- 9.12.020** **Legislative Findings.**
- 9.12.030** **Hosting, Permitting, Allowing a Party, Gathering, or Event Where Minors Consume Alcoholic Beverages Prohibited.**
- 9.12.040** **Prima Facie Evidence.**
- 9.12.050** **Reservation of Legal Options.**
- 9.12.060** **Severability.**

9.12.010 **Definitions.**

The terms used in this Chapter have the meaning provided by state law except as expressly provided herein:

- A. “Adult” means any person of twenty-one (21) or more years in age.
- B. “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, produced from any source or process.
- C. “Alcoholic beverage” means any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as defined in California Business and Professions Code section 23004, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.
- D. “Family gathering” means a gathering where each minor present is supervised by his or her parent or legal guardian.
- E. “Gathering” means a party, gathering, or event where a group of two (2) or more persons have assembled or are assembling for a social activity.
- F. “Legal guardian” means a person who, by court order, is the guardian of the person or a minor, or a public or private agency with whom a minor has been placed by the court.
- G. “Minor” means any person under the age of twenty-one (21) years.
- H. “Parent” means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

I. “Premise” means any residence or other private property, place, or premises, including any commercial or business premises.

J. “Responsible person” means a person or persons with a right of possession of the premises, including, but not limited to:

1. An owner of the residence or other private property, place or premises, including any commercial or business premises;
2. A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;
3. The landlord of another person responsible for the gathering;
4. The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises; and
5. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.

K. “Social host” means a person who knowingly hosts, permits, or allows a gathering to take place where one or more minors consume one or more alcoholic beverage on property owned or controlled by the person and the person knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage.

9.12.020 Legislative Findings.

A. Minors often obtain, possess, or consume alcoholic beverages and marijuana at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages and marijuana by minors, yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages and marijuana by minors at these gatherings.

B. Consumption of alcoholic beverages and marijuana by minors is harmful to the minors themselves and poses an immediate threat to the public health, safety, and welfare in that it increases alcohol abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.

C. Law enforcement responses to gatherings involving consumption of alcoholic beverages and marijuana by minors often requires extensive resources to manage the incident. Further, when law enforcement personnel respond to gatherings involving the consumption of alcoholic beverages or marijuana by minors it takes away valuable resources from other service calls in the community, thereby placing the community at increased risk. Law enforcement, fire, and emergency response services are not currently reimbursed for the response cost associated when

called to a premise or gathering where minors obtain, possess, or consume alcoholic beverages or marijuana.

D. The prohibitions found in this chapter are reasonable and expected to deter the consumption of alcoholic beverages and marijuana by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the city after cost reimbursement, will be directed toward alcohol and drug abuse and prevention education programs in the community.

9.12.030 Hosting, Permitting, Allowing a Party, Gathering, or Event Where Minors Consume Alcoholic Beverages Prohibited.

A. No person having control of any premises shall knowingly host, permit, or allow a gathering to take place at said premises where at least one (1) minor consumes an alcoholic beverage or marijuana. A violation of this Section, whenever the person having control of the premises knows a minor consumed an alcoholic beverage or marijuana, or should have known, had the person taken all reasonable steps to prevent the consumption as set forth in division (B) of this section.

B. Any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises shall take all reasonable steps to prevent the consumption of alcoholic beverages and marijuana by any minor at the gathering. Reasonable steps include, but are not limited to:

1. Controlling access to alcoholic beverages and marijuana at the gathering;
2. Controlling the quantity of alcoholic beverages at the gathering;
3. Verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification; and
4. Supervising the activities of minors at the gathering.

C. This section shall not apply to conduct involving the use of alcoholic beverages or marijuana that occurs exclusively between a minor and his or her parent or guardian, as permitted by Article I, § 4, of the California Constitution or if the event is a family gathering as defined by this Code.

D. This section shall not apply to any California Department of Alcoholic Beverages Control licensee at any premises regulated by the Department of Alcoholic Beverages Control.

9.12.040 Prima Facie Evidence.

Physical presence of the responsible person or social host having control of the premises at the time a minor obtains, possesses, or consumes any alcoholic beverage or marijuana shall serve as prima facie evidence that the responsible person or social host had the knowledge or should have had the knowledge that the minor obtained the alcoholic beverage or marijuana at the gathering.

9.12.050 Reservation of Legal Options.

A. The City does not waive its right to seek reimbursement for actual costs of services associated with the enforcement of this chapter through other legal remedies or procedures.

B. The procedure provided for in this chapter is in addition to any other statute, ordinance or law, civil or criminal. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter, nor does it limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of this chapter.

9.12.060 Severability.

If any provisions of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

Chapter 13

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.13.010 Impersonating City Police Officers and Employees.

9.13.020 Interface with Police or Fire Dogs.

9.13.030 Offenses Against Fire Department.

9.13.010 Impersonating City Police Officers and Employees.

It shall be unlawful for any person to wear a uniform substantially similar to the official uniform of the Police Department except Federal, State, County or local officers when so designated as their official uniform, or other persons authorized by the Chief of Police or his or her designee.

A uniform shall be deemed substantially similar to the uniform of the Police Department if it resembles the official uniform as to cause a reasonable person to believe that the person wearing the uniform is a member of the Police Department.

9.13.020 Interface with Police and/or Fire Dogs.

No person shall willfully tease, taunt, torment, strike, kick, mutilate, disable, injure, or interfere with any dog while being used by the Police or Fire Department, or any officer or employee thereof, in the performance of any function or duty of the Department.

9.13.030 Offenses Against Fire Department.

It is unlawful:

A. To break, remove, damage, disturb or in any way interfere with any hose, wire, apparatus or appurtenance of the fire alarm system without first having a special permit or authority to do so from the Fire Chief;

B. Willfully or negligently to drive any vehicle over or across any fire hose, such hose then and there not being fully protected from damage thereby;

C. Willfully or negligently to obstruct or impede any member or apparatus of the Fire Department when such member or apparatus is going to or engaged in extinguishing a fire;

D. Willfully to give or turn in a false alarm;

E. To open or leave open, except for ordinary household purposes, any faucet or watercock directly or indirectly connected with the source from which the Fire Department derives its water supply for extinguishing fires, or to use or continue using for irrigating purposes any water from any pipe connected with said source of water supply, from and after a fire alarm during any part of the time the Fire Department is using such source of supply for fire extinguishment; or

F. For any person to park, stop or abandon any vehicle within one thousand feet (1,000') of any authorized emergency vehicle while such authorized emergency vehicle is actually engaged at the scene of any fire, accident, explosion, flood, riot, earthquake, or any other emergency.

Chapter 14

FIREARMS

Sections:

- 9.14.010** **Definition.**
- 9.14.020** **Prohibition.**
- 9.14.030** **Exceptions.**
- 9.14.040** **Report Lost or Stolen Firearm Required.**

9.14.010 **Definition.**

For the purposes of this Chapter, “firearm” shall mean any device, designed to be used as a weapon or modified to be used as a weapon, which expels a projectile through a barrel by the force of an explosion or other form of combustion.

9.14.020 **Prohibition.**

No person shall discharge any firearm, pistol, rifle, gun, anvil loaded with powder, bow, air gun, BB gun, slingshot, or other device whereby shot, bullet, arrow, or other missile or substance is discharged within the City or within any City-owned park situated outside the city limits, unless an exception under Section 9.14.030 applies.

9.14.030 **Exceptions.**

This Chapter shall not apply to:

- A. Officers in the discharge of their official duties;
- B. Any firearms or other weapon discharged at a regularly established gun or rifle club, archery range, or shooting gallery approved in writing by the Chief of Police.
- C. Any person discharging a firearm when necessary to protect a human life or to destroy or kill any predatory or dangerous animal while defending one's self or another person against an immediate threat of great bodily harm;
- D. The firing of salutes by firing squads at military funerals; and
- E. The discharge of blank cartridges in theatrical performances or sporting events.

9.14.040 **Report Lost or Stolen Firearm Required.**

No person who owns or possesses a firearm shall knowingly or negligently fail to report the theft or loss of such firearm to the Chief of Police within twenty-four (24) hours from the time he or she knew or should have known the firearm has been stolen or lost, when either the owner or possessor resides in the city, or the theft or loss of the firearm occurs in the city.

Chapter 15

CONCEALED AND DANGEROUS WEAPONS

Sections:

- 9.15.010** **Definitions.**
9.15.020 **Carrying Prohibited; Exception.**
9.15.030 **Exemption.**

9.15.010 **Definitions.**

As used in Sections 9.15.010 through 9.15.030, "Dangerous Weapon" means and includes, but is not limited to:

- A. Any knife having a blade three inches (3") or more in length, or any snap blade or spring blade knife regardless of the length of the blade;
- B. Any ice pick or similar sharp stabbing tool;
- C. Any straight edge razor or any razor blade fitted to a handle;
- D. Any cutting, stabbing, or bludgeoning weapon or device capable of inflicting grievous bodily harm;
- E. Any dirk, dagger, or bludgeon.

9.15.020 **Carrying Prohibited; Exception.**

It is unlawful for any person, while carrying a concealed "dangerous weapon" as defined in this Article, upon his or her person, to:

- A. Engage in any fight or to participate in any other rough or disorderly conduct upon any public place, way, or upon the premises of another; or
- B. Loiter about any place where intoxicating liquors, cannabis, or cannabis products are sold, or any other place of public resort.
- C. To carry upon his person or to have in his possession or under his control any dangerous weapon; provided that it shall be a defense to any prosecution for a violation of this Section, if, at the time of the alleged violation, the instrument or device alleged to be a dangerous weapon was in good faith carried upon the person of the accused or was in good faith in his possession or control for use in his lawful occupation or employment or for the purpose of lawful recreation; and provided, further, that the provisions of this Section shall not apply to the commission of any act which is made a public offense by any law of this State.

9.15.030 Exemption.

This Article shall not apply to police officers in the discharge of their official duties.

Chapter 16

PARKS, PUBLIC PROPERTY, AND PUBLIC FACILITIES

Sections:

- 9.16.010** **Definitions.**
- 9.16.020** **Purpose.**
- 9.16.030** **Compliance Required.**
- 9.16.040** **Permit Required for Certain Activities; Procedure.**
- 9.16.050** **Administrative Regulations.**
- 9.16.060** **Use of Areas in Park.**
- 9.16.070** **Closing Sections of Parks.**
- 9.16.080** **Acts Prohibited in City Parks; Infractions.**
- 9.16.090** **Violations.**
- 9.16.100** **Acts Prohibited in City Parks, Public Property and Public Facilities.**
- 9.16.110** **Special Provisions Regarding the Use of Amplified Sound in Public Parks, Public Facilities or Upon Public Property.**
- 9.16.120** **Regulations Regarding the Use of Skate Park Facilities.**

9.16.010 **Definitions.**

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

A. “Amplified sound, sound systems, or equipment” means any electrical or battery-operated machine or device for the amplification of the human voice, music or any other sound. This definition shall not include standard battery-operated radios, stereos, tape players, or compact disc players, when such equipment is used and operated at a volume level which does not disturb the peaceful and quiet enjoyment of other persons in public parks or of persons residing in residential areas adjacent to the public parks. This definition shall likewise not include a public address system so long as its use is limited to the making of speeches or announcements, and is not used for the purpose of amplifying music or other sounds.

B. “Director” means the Recreation Manager.

C. “Picnicker” means a person on an outing or excursion with food usually provided by such person and eaten in the open.

D. “Public facilities” means all buildings, structures or improvements owned, maintained, leased or controlled by the City, and designated by the City for use by the public for recreational, social or public service activities.

E. “Public parks” means those real properties, together with all improvements located thereon, which are owned and maintained by the City for use by the public as a park.

F. "Public property" means all real property owned, maintained, leased or controlled by the City, specifically including, but without limitation, all public streets, sidewalks and rights of way.

G. "Special community events or activities" mean those events or activities which are intended for the benefit of, and may be attended by, the public at large; or, those events or activities which are intended for the benefit of, and will be attended primarily by the membership of, a community-based social, ethnic, or religious organization, which group or organization has been in existence within the City for at least six (6) months prior to making its application for a permit.

H. "Vehicle" means a wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled, including any trailer in tow of any size, kind or description, except baby carriages, wheelchairs, and vehicles in the service of the City.

9.16.020 Purpose.

The purpose of this Chapter is to regulate the use by the public of the City's public parks, property and facilities in order to maximize the enjoyment and use of such parks, property and facilities; minimize the disturbance or interference with the use of surrounding properties and the use of the parks, property or facilities by other members of the public; and, generally protect and safeguard the public's interest in such parks, property and facilities.

9.16.030 Compliance Required.

No person shall use, enter, be or remain in any "public park," "public property" or "public facility" as defined in this Chapter, unless they comply with all the applicable regulations set forth in this Chapter and such administrative rules and regulations as may be established by resolution of the City Council as provided herein.

9.16.040 Permit Required for Certain Activities; Procedure.

A. Each person or organization shall secure from the City a permit for use of any public park, public property or public facility where such use involves any of the following uses or activities:

1. Persons or groups proposing to erect or maintain a display/sales table, booth or similar structure, in or upon any park, public property or other public facility;
2. Persons or groups desiring to reserve a facility or park area for a limited time for their exclusive use;
3. Any person(s) or group desiring to hold a contest, demonstration or exhibit in a park or public facility for which fees will be charged;
4. Overnight camping by youth organizations. Overnight camping by youth organizations for persons fifteen (15) years of age and under shall be limited to no more than two (2) consecutive nights. Such youth organizations shall be accompanied by their chaperones. Camping for more than two (2) consecutive nights must be approved by the City Council;

5. The offering of any article of food or drink for sale; or the stationing or placing of any stand, cart or vehicle for the transportation, sale or display of any such article of food or drink in the park or on public property adjacent to such park;

6. The construction or erection of any building or structure of whatever kind, whether permanent or temporary in character, or the running or stringing on any private or public service utility into, upon or across such land;

7. The restriction of a portion of any public street and/or sidewalk for exclusive uses such as block parties, fun runs, parades and specific festivals.

B. Applications for such permits shall be submitted upon forms provided by the Recreation Manager and shall be accompanied by such fee as may from time to time be set by resolution of the City Council.

1. The Recreation Manager or designee shall grant or conditionally approve such application, if the Director determines that the application is consistent with the purposes of this Chapter as set forth in Section 9.16.020. If such finding cannot be made, the application for permit shall be denied.

2. The applicant for a permit, or any interested party, may appeal the decision of the Recreation Manager. The term "interested party" shall mean any person whose interest in the matter is adversely affected by the decision of the Recreation Manager. All requests for appeal shall be made in writing and served upon the City Clerk.

The person appealing the decision of the Recreation Manager may appeal directly to the City Council, in which event the appeal shall be scheduled for the next regular Council meeting which is at least seven (7) days from receipt of the written request for appeal. In the alternative, the person appealing may elect to appeal first to the City Manager, in which event the appeal hearing will be held before the City Manager, or his designee, within ten (10) days of receipt of the written request for appeal. Decisions of the City Manager, or his designee, may be appealed to the City Council. Fees and other administrative rules and regulations regarding such appeals shall be established by resolution of the City Council.

C. It is unlawful for any person to conduct any use or activity for which a permit is required as provided in this Chapter without first obtaining such permit.

D. Any permit issued pursuant to this Section shall be revoked upon a finding by the Recreation Manager or the Managers designee that the person or organization has failed to comply with any conditions of approval imposed upon the permit issued as provided herein.

9.16.050 Administrative Regulations.

In addition to the rules, regulations and restrictions set forth in this Chapter, the City Council may, from time to time, pass appropriate resolutions to establish administrative rules and

regulations as may be deemed necessary to regulate the use of "public parks," "public property" and "public facilities" as defined herein.

9.16.060 Use of Areas in Park.

A. The Recreation Manager or designee shall have the authority to regulate the activities in park areas, when necessary, to prevent congestion and to secure the maximum use of the park facilities for the comfort and convenience of all, and may limit the length of time such facilities, including picnic facilities, are used to avoid crowding. Visitors shall comply with any directions given to achieve this end.

B. Individual fireplaces or tables and benches shall be used on the basis of "first come, first serve" except in areas designated by "reservation only."

9.16.070 Closing Sections of Parks.

Any part of a park may be declared closed to the public for all or specified purposes by the Recreation Manager or the Public Works Director at any time and for any interval of time, either temporarily or at regular intervals.

9.16.080 Acts Prohibited in City Parks; Infractions.

No person shall do any of the following acts within a City park:

- A. Fail to obey all properly posted signs regulating park use;
- B. Picnic or lunch in a place reserved by others;
- C. Bring into any park any material which, if spilled, spread, sprayed or used for marking, will be injurious to humans, turf, plant growth or facilities;
- D. Pick the flowers or seeds of any tree or plant;
- E. Attach any rope, wire or other contrivance to any tree or plant;
- F. Dig in or otherwise disturb any park area or in any way injure or impair the natural beauty or usefulness of any area;
- G. Climb any tree, or walk, stand or sit upon any monument base, fountain, railing, fence or upon any other property not designated, constructed or customarily used for such purposes;
- H. Remove or have in his possession any wild animal, bird, or fowl, or the eggs, nest or young of any reptile, wild animal or bird;
- I. Except in any dog park, no person having the control or care of any dog shall permit such dog to enter or remain in a park, unless it is led by a leash of suitable strength no more than six feet (6') in length. The person owning, controlling or having custody of such dog shall be jointly and severally responsible for all damages caused by such dog. Such person who has control of a dog

or dogs shall be responsible for the pickup and proper disposal of the dog excrement;

J. Make or kindle a fire for any purpose, except at places provided for such purpose, unless prior permission shall be obtained therefor from the Recreation Manager, or leave a fire started by such person, or at such person's direction, or used by such person until such fire is completely extinguished;

K. Play or practice golf or use golf clubs and golf balls in any area of the parks;

L. Dump, deposit, or leave any bottle, broken glass, ashes, paper box, can, refuse or trash, except in the receptacles provided for such materials. Where such receptacles are not provided, all such material shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;

M. Maintain, use, or consume within a City public park any beverage which is commercially packaged or contained within a glass container. For the purpose of this subsection, glass baby bottles being used for the purpose of feeding infant children shall not be deemed a violation of this subsection.

N. Use skateboards, in-line skates, roller skates, scooters or bicycles within tennis courts, basketball courts, parking areas, covered picnic areas, or baseball complex.

O. Fail to obey the lawful order of any peace officer or City employee authorized to enforce the rules and regulations as set forth herein.

P. Fail to obey all traffic regulations concerning the use of vehicles or caution, stopping, parking and all other signs posted for control or to safeguard life and property.

R. Park a vehicle in other than an established or designated parking area or use a parking area in a manner not in accordance with the posted directions or the instructions of a designated City representative or peace officer who may be present.

S. Ride any other person on a bicycle, except where the bicycle is built for operation by more than one person.

T. No person in a park or on public or private property adjacent to a park shall produce or allow to be produced any loud noise from a radio, stereo, tape deck or other means which noise disturbs the peaceful and quiet enjoyment of any person in a public park or in residential areas adjacent to a public park.

U. It shall be unlawful to use tobacco products of any kind, including, but not limited to, chewing tobacco, cigars, cigarettes, e-cigarettes, cannabis, or cannabis products, in or upon any City park, Baseball Complex, soccer complex or, within twenty feet (20') of exterior to the complex, or to discard lighted or unlighted cigars, cigarettes, cannabis, or cannabis products in

said areas. After the posting of signs affording reasonable notice to persons of this restriction, any person violating this provision shall be guilty of an infraction, which shall be punishable by a fine of established by resolution of the City Council.

9.16.090 Violations.

Violation of any provision of Section 9.16.080 shall be punishable as an infraction, with fines assessed established by resolution of the City Council.

9.16.100 Acts Prohibited in City Parks, Public Property and Public Facilities.

No person shall do any of the following acts:

A. Willfully mark, paint, deface, disfigure, injure, tamper with, or displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or appurtenances or other public property. The parents of any minor committing such acts shall be responsible for all such damages caused by their minor children.

B. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark of any tree.

C. Make or cause to be made any duplicate keys to public facilities rented from the City, or to keep City keys.

D. Sell or offer for sale any alcoholic beverage in a public park, upon "public property" or in "public facilities" as defined in this Chapter, except for special events or as provided in subsection 9.07.020 of this Title, and except as authorized pursuant to any administrative rules and regulations adopted by the City Council pursuant to Section 9.16.050 of this Chapter.

9.16.110 Special Provisions Regarding the Use of Amplified Sound in Public Parks, Public Facilities or Upon Public Property.

A. The use of amplified sound, sound systems, or equipment is permitted in public facilities and upon public property, provided a permit for its use is first obtained in accordance with the provisions of Section 9.16.040 of this Chapter.

B. The use of amplified sound, sound systems, or equipment is prohibited in all public parks, except as provided in subsection C of this Section.

C. The use of amplified sound, sound systems, or equipment may be allowed in public parks for special community-related events or activities, provided a permit for its use is first obtained from the Recreation Manager pursuant to the procedure set forth in subsection 9.16.040(A) of this Chapter.

1. When issuing any such permit, the Recreation Manager may impose such conditions or restrictions upon the use of amplified sound, sound systems, or equipment as may be necessary to safeguard and protect the quiet enjoyment of other users of the park and of persons residing in residential areas adjacent to the park. Such conditions may include, but are not limited to, any of the following conditions:

- a. Restrictions upon the location and directional positioning of the equipment used for amplification.
- b. Restrictions upon the time period or periods during which amplification equipment may be used.
- c. Restrictions upon the maximum size, and sound level produced by the amplification equipment.

D. It shall be unlawful for any person to fail to properly obtain a permit as required by this Section, or to conduct the use authorized by the permit in violation of any term or condition of the permit.

Chapter 17

MISUSE OF THE 911 OR EMERGENCY CALL SYSTEM

Sections:

- 9.17.010 Purpose.**
- 9.17.020 Definitions.**
- 9.17.030 Prohibited.**
- 9.17.040 Penalties.**

9.17.010 Purpose.

This chapter is intended to reduce the number of false requests for emergency assistance or similar misuse of the 911 emergency response system which occur within the City and result in waste of City resources and/or the creation of a public safety risk by providing for certain penalties for such misuse.

9.17.020 Definitions.

The following persons or words used in this Chapter shall be defined as set forth in this Section:

- A. "Person" includes any natural person, partnership, joint stock company, unincorporated association of society, or corporation of any character whatsoever; and
- B. "Misuse of the 911 system" is a request for emergency response when no actual emergency exists and when the caller does not have a good faith basis to request emergency assistance. This definition includes false reporting, as that term is defined under Section 9.02.010. This Chapter shall not be applicable to mechanical activations of requests for assistance, nor shall it be interpreted to impose liability on any person who makes a good faith request for emergency assistance based on a reasonable factual basis that an emergency situation exists.

9.17.030 Prohibited.

It shall be unlawful for any person to misuse the 911 system. It shall be an affirmative defense that the person charged has a good faith, reasonable factual basis for the request.

9.17.040 Penalties.

Unless otherwise provided in this Chapter or by state statute adopted by reference, any person violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 and/or 90 days in jail.

Chapter 18

GAMBLING

Sections:

- 9.18.010** **Definitions.**
- 9.18.020** **Commercial Gambling.**
- 9.18.030** **Gambling Prohibition.**
- 9.18.040** **Simulated Gambling Devices Prohibited.**

9.18.010 **Definitions.**

A. "Game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest, or other promotion, lotto, and any other game associated with gambling or which could be associated with gambling. "Game" does not necessarily imply gambling as that term may be defined elsewhere.

B. "Simulated gambling device" means any device that, upon connection with an object, is available to play or operate a computer simulation of a game, where the play or operation of the device may deliver or entitle to a person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. The following rules of construction apply to the definition of "simulated gambling device":

1. "Device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer, or other device or equipment. The meaning of "device" also includes any associated equipment necessary to conduct the operation of the device.
2. "Upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.
3. "Object" means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
4. "Play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.
5. "Computer simulation" includes simulations by means of a computer, computer system,

video display, video system or any other form of electronic video presentation.

6. "Game" includes slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest, or other promotion, lotto, and any other game associated with gambling or which could be associated with gambling. "Game" does not necessarily imply gambling as that term may be defined elsewhere.

7. "Payoff" means cash, monetary or other credit, billet, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

8. "Gambling" in the term "simulated gambling device" is for convenience of reference only. "Simulated gambling device" is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

9.18.020 Commercial Gambling.

No person, firm, corporation, or association shall for profit or any commercial purpose keep, operate, conduct, or maintain any house, room, apartment, dwelling place, building, or premises within the City, where any game or gambling, that is not otherwise included in Penal Code sections 330 or 330a, is played, conducted, dealt, or carried on with cards, dice, or any other device of whatsoever nature, for money, checks, credit, merchandise, or other representative of value.

9.18.030 Gambling Prohibition.

No person shall deal, operate, attend, play, or bet at or against any game that is played, conducted, dealt, or carried on with cards, dice, dominoes, or other device, for money, checks, chips, credit, or any representative of value, in any house, room, apartment, or place. However, this Subsection shall not apply to occasional private games, otherwise lawful, carried on for purely social purposes in a private home.

9.18.040 Simulated Gambling Devices Prohibited.

It is unlawful for any person to manage, supervise, maintain, provide, produce, possess or use one (1) or multiple simulated gambling device(s) for commercial purposes. Each individual act to manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this section.

Chapter 19

ENFORCEMENT

Section:

9.19.010 Violation Constitutes Nuisance.

9.19.020 Violations Constitute Misdemeanor Unless Otherwise Indicated.

9.19.010 Violation Constitutes Nuisance.

Any violation of this Title shall also constitute a nuisance, which may be subject to code enforcement action pursuant to Title 19.

9.19.020 Violations Constitute Misdemeanor Unless Otherwise Indicated.

Any violation of this Title shall constitute a misdemeanor, which is punishable as provided in Title 19, unless otherwise indicated.

CHAPTER 20

DRONE REGULATIONS

Section:

- 9.20.010 Purpose and Intent**
- 9.20.020 Definitions**
- 9.20.030 Operating Requirements and Restrictions**
- 9.20.040 Protected Sites**
- 9.20.050 Exemptions**
- 9.20.060 Commercial Operations**
- 9.20.070 Enforcement**

9.20.010 Purpose and Intent.

The purpose and intent of this Chapter is to effectively regulate Unmanned Aircraft Systems or Drones within the City in order to promote the health, safety, and general welfare of City residents. The City seeks to implement appropriate regulations of Drones pursuant to the City's police powers and its authority to issue regulations related to zoning, land use, privacy, trespass, and law enforcement operations. All regulations herein are intended to protect the health, safety, and welfare of the public and address specific areas of local municipal concern where a Drone incident could cause harm and injury. It is not intended to restrict Persons operating commercial Drones in compliance with all applicable FAA rules and other applicable laws, or outside of prohibited areas. This Chapter is not intended to preempt FAA rules, but to operate in conjunction with those rules to promote public safety and privacy while recognizing the limitations in the FAA's enforcement authority.

9.20.020 Definitions.

For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

"City Manager's Designee" means the City Manager or any agent of the City as designated by the City Manager.

"Emergency Responder" shall mean any Person engaged in providing emergency services who is an agent of the City, the County of Stanislaus, a public agency, a law enforcement agency, the fire department, or a public safety organization.

"FAA" means the Federal Aviation Administration.

"Person" shall mean and include any natural person, corporation, company, firm, association, organization, co-partnership, joint venture, trust, business trust, syndicate, estate, receiver, society, club, fraternal organization, any group or combination acting as a unit, and any officer, agent, employee, or servant of any of the foregoing.

"Special Event" shall mean any event, assembly, or gathering held on public land or open-air facility, private property, or commercial or industrial facility that is open to the public and

intended to attract people. This includes, but is not limited to, sporting events, concerts, festivals, farmer's markets, street faire, and other similar events.

“Unmanned Aircraft System” or “Drone” means an aircraft without a human pilot on board, that is controlled from an operator on the ground, and operates without the possibility of direct human intervention from within, or on, the aircraft.

“Visual Line of Sight” refers to the ability of a Drone operator to have a direct, unaided, and unobstructed view of the operator's controlled Drone. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, goggles, or other devices designed to provide a “first-person” view from the Drone, do not constitute Visual Line of Sight.

9.20.030 Operating Requirements and Restrictions.

No Person shall operate any Drone in a manner that is prohibited by any federal, State, or local regulations. The following shall apply to the operation of Drones within the City:

- A. No Person shall operate any Drone in the City beyond the Visual Line of Sight of the Person operating the Drone.
- B. No Person shall operate any Drone other than during daylight hours.
- C. No Person shall operate any Drone more than four hundred (400) feet above the earth's surface and no faster than fifty (50) miles per hour unless written proof of authorization to do so is obtained from the FAA and is provided to the City and verified.
- D. Excluding takeoff and landing, no Person shall operate any Drone closer than twenty-five (25) feet to any individual, except the operator or agents of the operator.
- E. No Person shall operate any Drone under the influence of alcohol, cannabis, or any other drug or intoxicating compound.
- F. No Person shall operate any Drone in a careless or reckless manner so as to endanger the life, safety, health, or welfare of another Person or another Person's property. The standard for what constitutes careless and reckless operation under this Subsection shall be the same as the standard set forth in any federal statutes or regulations governing aeronautics including, but not limited to, Public Utilities Code section 21407 and Federal Aviation rule 91.13, 14 C.F.R. 91.13.
- G. No Person shall operate any Drone in a manner that violates an individual's reasonable expectation of privacy, as set forth by all applicable State laws, or record or transmit any visual image, sound recording, or other physical impression of any Person or private real property located in the City under circumstances in which the subject Person or owner of the subject real property has a reasonable expectation of privacy, including, but not limited to, inside the premises or curtilage of a private residence, office, or hotel room, or inside an enclosed yard or exterior deck.

H. No Person shall operate a Drone in a manner that directly interferes with the lawful efforts of any Emergency Responder to respond to an emergency or to provide emergency services.

I. No Person shall operate any Drone that contains, or has affixed or attached to it, hazardous materials, a weapon, a firearm, a bb device, an explosive, a device or container assembled for the purpose of causing an explosion, or any other item that may be used as a weapon.

J. No Person shall operate any Drone in a way that interferes with manned aircraft, and the operator shall always yield to any manned aircraft.

K. No Person shall operate any Drone within the City in violation of any temporary flight restriction or "Notice to Airmen" issued by the FAA.

L. Excluding takeoff and landing, no Person shall operate any Drone less than one hundred (100) feet above any public street or sidewalk.

M. No Person shall operate any Drone within five hundred (500) feet of any other privately-owned Drone. No Person shall operate any Drone within one thousand five hundred (1,500) feet of any other publicly owned Drone. Any Person operating a Drone shall remain clear of, and not interfere with, any manned aircraft operations. Any Person operating a Drone shall see and avoid other aircraft and obstacles at all times.

N. No Person shall operate any Drone in a manner that interferes with a parade or motorcade.

O. Any Person who causes injury to another Person while operating a Drone shall comply with the following:

1. The Drone operator shall notify the City's Police Department of the injury within twenty-four (24) hours of the incident.
2. The Drone operator shall give the operator's name and current residential address to the City's Police Department, and shall also present a valid and unexpired form of identification issued by a State government or the United States federal government.
3. Each failure to report injury to another Person as required by this Subsection shall constitute a separate violation of this Chapter.

P. Any Person who causes damage to the property of another Person while operating a Drone shall comply with the following:

1. The Drone operator shall immediately locate and notify the owner or Person in charge of the damaged property of the name and current residential address of the Drone operator and of the owner of the Drone involved. The Drone operator shall also present a valid and unexpired form of identification issued by a State government or the United States federal government.
2. In the event the owner or Person in charge of the damaged property cannot reasonably be ascertained or located, the Drone operator shall leave in a conspicuous place on the property damaged a written notice giving the name and current residential

address of the Drone operator and of the owner of the Drone involved, as well as a statement of the circumstances of the incident resulting in the property damage. The Drone operator must also provide this information to the City Police Department within twenty-four (24) hours of the incident.

3. Each failure to report an incident of property damage as required by this Subsection shall constitute a separate violation of this Chapter.

Q. The City Manager, the Chief of Police, the Fire Chief, or their respective designees may issue “No Fly” proclamations prohibiting Drone operations as necessary to protect public safety. “No Fly” proclamations shall specify the locations, dates, and times that Drone operations are prohibited and shall be posted on the City’s website, at City Hall, and at the Police Department. Drone operators are required to verify whether a “No Fly” proclamation is in effect prior to initiating Drone operations. No Fly proclamations may be imposed citywide or limited to certain areas and may be in effect for certain times or for certain dates in their entirety, as necessary to protect public safety. It is a violation to operate a Drone during “No Fly” hours, or to fail to immediately cease Drone operations after being notified by an agent of a public safety agency that a “No Fly” restriction is in effect.

R. This Chapter shall not prohibit the use of Drones that both: (1) are flown in compliance with Section 336 of the Federal Aviation Administration Modernization and Reform Act of 2012; and (2) do not transmit or record visual images or audio recordings of any Person or real property located in the City without the Person or property owner’s written consent.

9.20.040 Protected Sites.

A. *Ports.* No Person shall operate a Drone within five (5) miles of any airport or nautical facility, unless authorized by the chief administrator of the facility in writing.

B. *Government Buildings.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any government building, unless authorized by the chief administrator of the building in writing.

C. *City Hall.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of City Hall, unless authorized by the City Manager in writing.

D. *Courts.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any courthouse, unless authorized by the supervising judge of the courthouse in writing.

E. *Jails.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any jail or prison facility, unless authorized by the chief administrator of the jail or prison facility in writing.

F. *Police Station.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any police station or structure, unless authorized by the Chief of Police in writing.

G. *Sheriff Station.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any sheriff’s station or structure, unless authorized by the Sheriff in writing.

H. *Fire Station.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any fire station or structure, unless authorized by the Fire Chief in writing.

I. *Schools.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any school or school yard, while school is in session unless authorized by the principal or superintendent of the school in writing.

J. *Public Utility Facilities.* No Person shall operate a Drone within the airspace above or within a five hundred (500)-foot horizontal distance of any public utility facility, including, but not limited to, any water, sewage, or electric generating facility, without the authorization of the chief administrator of the facility in writing (and subject to any restrictions that the chief administrator of the facility may impose).

K. *Communication and Utility Lines.* No Person shall operate a Drone within the airspace above, or within a one hundred (100)-foot horizontal distance of any, cell tower, overhead wire, cable, conveyor, or similar equipment for the transmission of sounds, signal, heat, light, power, utility, or data, or upon or along any public way within the City, without the authorization of the owner or chief administrator of the equipment in writing (and subject to any restrictions that the owner or chief administrator of the equipment may impose).

L. *Churches.* No Person shall operate a Drone within the airspace above any open-air assembly area, place of worship, or public building or facility, without the authorization of the chief administrator in (and subject to any restrictions that the chief administrator may impose).

M. *Private Property.* No Person shall operate a Drone within the airspace above any populated or developed private property, unless authorized by the property owner in writing. This Subsection shall not apply to Persons on the premises who are engaging in activities protected by the Constitutions of the State of California or the United States of America, or to Persons who are on the premises at the request of a resident or management and who are not loitering or otherwise violating any law or ordinance.

N. *Special Events.* No Person shall operate a Drone within a five hundred (500)-foot horizontal distance of any Special Event in the City, unless authorized by the City Manager in writing.

9.20.050 Exemptions.

A. The provisions of this Chapter shall not apply to any Drone that is used or operated by or on behalf of the City or any law enforcement, public safety, or government agency in compliance with all applicable federal, State, and local laws and policies.

B. This Chapter shall not apply to any Drones used by the City or any City-contracted agent or agency engaging in City business, including, but not limited to: flight training, surveying and mapping property, inspecting infrastructure, monitoring traffic, or recording local events.

9.20.060 Commercial Operations.

A. In addition to the other requirements of this Chapter, commercial Drone operators must comply with all applicable FAA, federal, State, and local regulations while operating within the City.

B. A business license must be obtained from the City before commencing any commercial Drone activities within the City. If commercial Drone activities involve operating in, or passing through, multiple jurisdictions, the commercial Drone operator is responsible for paying the proportionate business license fees and taxes due to the City for the proportion of operations occurring within the limits of the City and its airspace.

C. Commercial Drone operators must submit a report to the City prior to commencing commercial Drone operations. The report must include the intended flight plan, areas of operation, and the purpose of the commercial operations.

9.20.070 Enforcement.

A. Any condition created, caused, committed, or maintained in violation of any provision of this Chapter is hereby declared to be unlawful and a public nuisance.

B. Any Person who engages in a violation of this Chapter, or who owns, possesses, manages, controls, or has charge of any Drone in violation of this Chapter, shall be subject to the penalties and remedies provided by this Chapter.

C. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.

D. Any Person in violation of any provision of this Chapter may:

1. Be guilty of a misdemeanor, punishable by imprisonment of up to six (6) months in County jail, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both; or
2. Be punished by an administrative fine pursuant to Title 19.

E. Any intentional injury or property damage caused while operating a Drone will be referred to the County District Attorney for criminal prosecution.

F. Upon any violation of this Chapter, the City Manager's Designee, any Emergency Responder, or any other law enforcement officer (collectively "Officer") shall be authorized to use reasonable force to cause the violating Drone to land on the ground. Neither the City, nor the Officers involved, shall be liable for any damage to a Drone caused by an Officer while enforcing this Chapter.

G. Neither the City, nor any Emergency Responders involved, shall be liable for any damage to a Drone caused by the Emergency Responder while performing emergency services if such damage was reasonably necessary to ensure unhindered performance of emergency services.

H. Any Drone found to be operated in violation of this Chapter may be impounded and held as evidence in any enforcement proceeding, including a proceeding brought under this Chapter.

Any impounded Drone will be returned at the conclusion of any enforcement proceeding upon payment to the City of an impound fee established by City Council resolution.

I. The expenses of seizing, eradicating, destroying, or taking remedial action with respect to any impounded Drone shall be recoverable from the owner and operator of the Drone. Proof of liability for any forfeiture petition under this Chapter shall be by a preponderance of the evidence.

J. These penalties and remedies are cumulative, and in addition to any other penalties and remedies available to the City.

CHAPTER 21

SALE OF DRUG PARAPHERNALIA

Sections

- 09.21.010** **Penalty Provisions.**
- 09.21.020** **Drug Paraphernalia Defined.**
- 09.21.030** **Evidence of Drug Paraphernalia.**
- 09.21.040** **Exemptions.**
- 09.21.050** **Minors Excluded.**
- 09.21.060** **Entry By Minors.**
- 09.21.070** **Sale and Display Rooms.**

09.21.010 **Penalty Provisions.**

A violation of any provisions of this Chapter shall be punishable as an infraction. A first conviction for a violation of any provisions of this Chapter shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). A second conviction within one year of a prior conviction shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Three (3) or more convictions within a one-year period shall be punishable by fines of not less than two hundred dollars (\$200.00) nor more than three hundred dollars (\$300.00).

09.21.020 **Drug Paraphernalia Defined.**

As used in this Chapter, the term "drug paraphernalia" means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, as defined in the Health and Safety Code of the State. "Drug paraphernalia" includes, but is not limited to, all of the following:

- A. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- B. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- C. Isomerization devices intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- D. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- E. Scales and balances intended for use or designed for use in weighing or measuring controlled substances;

F. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use or designed for use in cutting controlled substances;

G. Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana or any controlled substance;

H. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding controlled substances;

I. Capsules, balloon, envelopes, and other containers intended for use or designed for use in packaging quantities of controlled substances;

J. Containers and other objects intended for use or designed for use in storing or concealing controlled substances;

K. Hypodermic syringes, needles, and other objects intended for use or designed for use in parenterally injecting controlled substances into the human body;

L. Objects intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil or any controlled substance into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,
2. Water pipes,
3. Carburetion tubes and devices,
4. Smoking and carburetion masks,
5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand, such objects being commonly known and referred to as "roach clips,"
6. Cocaine spoons and cocaine vials,
7. Chamber pipes,
8. Carburetor pipes,
9. Electric pipes,
10. Air-driven pipes,
11. Chillums,
12. Bongs,
13. Ice pipes or chillers.

09.21.030 Evidence of Drug Paraphernalia.

In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

- B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
- C. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this Chapter shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
- D. Instructions, oral or written, provided with the object concerning its use;
- E. Descriptive materials accompanying the object which explain or depict its use;
- F. National and local advertising concerning its use;
- G. The manner in which the object is displayed for sale;
- H. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- I. The existence and scope of legitimate uses for the object in the community;
- J. Expert testimony concerning its use.

09.21.040 Exemptions.

This Chapter shall not apply to the following persons:

- A licensed pharmacist or other person authorized by law who sells or furnishes drug paraphernalia described in subsection K of Section 9.60.020, upon the prescription of a physician, dentist, or veterinarian;
- B. Any physician, dentist, or veterinarian who furnishes or prescribes drug paraphernalia described in subsection K of Section 9.21.020 to his or her patients;
- C. Any manufacturer, wholesaler or retailer licensed by the California State Board of Pharmacy to sell or transfer drug paraphernalia described in subsection K of Section 9.21.020.

09.21.050 Minors Excluded.

No owner, manager, proprietor or other person in charge of any room or enclosure in any place of business selling, or displaying for the purpose of sale, any drug paraphernalia when such person knows, or reasonably should know, that the drug paraphernalia is for use as such, shall allow or permit any person under the age of eighteen (18) years to be in, remain in, enter, or visit such room or enclosure unless such minor is accompanied by one of his or her parents or by the minor's legal guardian.

09.21.060 Entry By Minors.

No person under the age of eighteen (18) years shall be in, remain in, enter, or visit any room or enclosure in any place used for the sale, advertising, or displaying for sale of any drug paraphernalia, unless such person is accompanied by one of his or her parents, or his or her legal guardian, when such minor knows, or reasonably should know, that the drug paraphernalia is for use as such.

09.21.070 Sale and Display Rooms.

No person shall display for sale, offer to sell, sell or store, any drug paraphernalia, when such person knows or reasonably should know that the drug paraphernalia is for use as such, except within a separate room or enclosure from which persons under the age of eighteen (18) years are excluded, except when accompanied by a parent or guardian, and from the outside of which room or enclosure the display, storage, or sale of drug paraphernalia is not visible.