

TITLE 9  
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT (RESERVED)
- II. OFFENSES AGAINST THE PERSON (RESERVED)
- III. OFFENSES AGAINST PUBLIC DECENCY
  - 9.20 GAMBLING
  - 9.21 Repealed by Ordinance No. 2002-01
  - 9.23 DRINKING ALCOHOLIC BEVERAGES IN PUBLIC
  - 9.25 URINATION AND DEFECACTION IN PUBLIC
- IV. OFFENSES AGAINST PUBLIC PEACE
  - 9.30 CAMPING, LODGING AND STORAGE OF PERSONAL PROPERTY
  - 9.32 RADIO INTERFERENCE
- V. OFFENSES AGAINST PROPERTY
  - 9.35 ALARM SYSTEMS
  - 9.48 TRESPASSING
  - 9.52 INTERFERING WITH FLOOD CONTROL
  - 9.56 TAMPERING WITH FIRE HYDRANTS
  - 9.57 OBSTRUCTION OF PUBLIC THOROUGHFARES
- VI. CONSUMER PROTECTION
  - 9.68 SOLICITING PERSONAL INJURY VICTIMS
  - 9.70 Repealed by Ordinance No. 2011-08
  - 9.72 PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES
- VII. OFFENSES BY OR AGAINST MINORS
  - 9.80 CURFEW
  - 9.82 SEX OFFENDER RESIDENCY RESTRICTIONS
- VIII. WEAPONS
  - 9.92 DISCHARGING OF WEAPONS



TITLE 9  
PUBLIC PEACE, MORALS AND WELFARE

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT  
(RESERVED)

II. OFFENSES AGAINST THE PERSON (RESERVED)

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.20

GAMBLING

Sections:

**9.20.010 Gambling rooms prohibited.**

**9.20.010 Gambling rooms prohibited.**

It is unlawful for any person, either as owner, principal, agent, servant or employee, to establish, open, keep, maintain or carry on, or assist in keeping, maintaining or carrying on any gambling house, room or place for the purpose of playing any game of chance or skill, either with cards or otherwise, for money, checks or other representatives of value within the city. (Prior code § 14.9)

## Chapter 9.23

### DRINKING ALCOHOLIC BEVERAGES IN PUBLIC

#### Sections:

- 9.23.010 Definitions.**
- 9.23.020 Drinking alcoholic beverages in public places prohibited.**
- 9.23.030 Use of alcoholic beverages in connection with a permitted use.**

#### **9.23.010 Definitions.**

For the purposes of this Chapter 9.23, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains more than one-half of one percent of alcohol by volume and which is fit for consumption as a beverage, either alone or when diluted, mixed, or combined with other substances.
- B. "Public place" means and includes any public street, alley, sidewalk, parkway, off-street parking area, park, or other city property. (97-08)

#### **9.23.020 Drinking alcoholic beverages in public places prohibited.**

Any person drinking or consuming any alcoholic beverage in or upon any public place or going in or upon any part of any public place while they are drinking or consuming any alcoholic beverage except as otherwise permitted by this Chapter shall be guilty of an infraction. (97-08)

#### **9.23.030 Use of alcoholic beverages in connection with a permitted use.**

Notwithstanding Section 9.23.020, alcoholic beverages may be dispensed and consumed in public places in connection with: 1) a use or an event previously approved as part of a City approval of a conditional use permit, special use and development permit or other special permit approved pursuant to Title 16 of this code; 2) a use or event approved pursuant to this code; or 3) a use or event on City property where an alcohol permit is obtained pursuant to Chapter 11.04 of this code; or 4) a special use or event approved by the City Manager or his or her designee. (97-08)

## Chapter 9.25

### URINATION AND DEFECATION IN PUBLIC

#### Sections:

#### **9.25.010 Urination and defecation in public.**

#### **9.25.010 Urination and defecation in public.**

Any person who, in any public park, street, alley, highway, public meeting place, assembly or other public place, or in an area on private property exposed to viewing by the public from said public places, urinates or defecates, shall be deemed guilty of an infraction; provided, that this section shall not be applicable to the act of urinating or defecating in a proper receptacle, in a restroom or bathroom in any enclosed structure. (97-07)

## IV. OFFENSES AGAINST PUBLIC PEACE

### Chapter 9.30

#### CAMPING, LODGING AND STORAGE OF PERSONAL PROPERTY

##### Sections:

- 9.30.010** Purposes of chapter.
- 9.30.020** Definitions.
- 9.30.030** Unlawful camping, lodging and storage of personal property.
- 9.30.040** Exemptions from provisions.

##### **9.30.010 Purposes of chapter.**

The purpose of this chapter is to ensure that public streets, public property, and other areas are clean and readily accessible to the public, and to prevent the use of public property for camping purposes or storage of personal property which interferes with the rights of others to use such areas for the purposes for which they are intended. (05-08)

##### **9.30.020 Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Camp” means to pitch or occupy camp facilities; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, or temporary shelters.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, tents, huts or other temporary physical shelters, cots, beds, sleeping bags, backpacks, suitcases, shopping carts, blankets, clothing, hammocks, buckets, or non-city designated cooking facilities and similar equipment.

“Lodge” shall have the meaning ascribed to the term in Section 647(j) of the California Penal Code, as it may be amended from time to time, and shall include (but not be limited to) sleeping or being inside a sleeping bag.

“Public Property” means any publicly owned or maintained property in the city, including any of the following: public parks, public bike trails, public riverbeds, public alleyways, public parking lots and structures, public passageways, public rights-of-way, publicly owned or maintained landscaped areas, greenbelts, sidewalks, public benches, tables, eating areas, curbs, public educational institutions or other government owned properties located within the city.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place and leave in a location. (05-08)

##### **9.30.030 Unlawful camping, lodging and storage of personal property.**

It is unlawful for any person to camp, lodge, occupy camp facilities, or use camp paraphernalia or to store personal property, including camp facilities and camp paraphernalia, on any public property within the city, except as provided by resolution of the City Council. (05-08)

##### **9.30.040 Exemptions from provisions.**

This section shall not apply to anyone sleeping or camping or placing, erecting, or maintaining any tents or other camping facilities in a specified camping area designated by the city. The City Council may, by resolution, establish one or more specified camping areas. Such camping areas, if any, may be located on public property. (05-08)

## Chapter 9.32

### RADIO INTERFERENCE

#### Sections:

- 9.32.010 Interference prohibited--Exceptions.**
- 9.32.020 Sale of equipment apt to cause interference prohibited.**
- 9.32.030 Equipment violating provisions--Inspection--Notice.**
- 9.32.040 Equipment violating provisions--Modification required.**
- 9.32.050 Exemptions from provisions.**

#### **9.32.010 Interference prohibited--Exceptions.**

It is unlawful for any person to operate in the city any device, appliance, equipment or apparatus generating or causing high frequency oscillations or radiations which interfere with radio broadcast receiving, or wireless apparatus, except that a person duly licensed to practice medicine receiving, osteopathy, chiropractic or dentistry by the state in the course of practice of his profession may operate, or cause to be operated under his direct supervision, any machine necessary to give treatment; provided, however, that all reasonable methods of preventing interference with radio broadcast receiving apparatus or wireless receiving apparatus shall be applied. (Prior code § 18.1)

#### **9.32.020 Sale of equipment apt to cause interference prohibited.**

It is unlawful for any person to sell, or offer for sale in the city any electrical device, equipment, apparatus or appliance which will, or which is apt to when in operation or use, cause high frequency oscillations or radiations which will interfere with radio broadcast receiving apparatus or wireless receiving apparatus, unless the same is protected by or equipped with a suitable device which will reasonably prevent such interference. Any person selling any such merchandise shall also either have displayed in a conspicuous place easily visible to prospective purchasers thereof in the store, establishment or place of business of such person a sign to the effect that all equipment there sold or offered for sale is protected or equipped as provided by this section, or a tag attached to each of such respective articles of merchandise plainly so indicating. (Prior code § 18.5)

#### **9.32.030 Equipment violating provisions--Inspection--Notice.**

When an inspection and test is made and it is found that any device, equipment, apparatus or appliance coming within the terms of this chapter is being operated in violation of this chapter, the owner or operator of such device, equipment, apparatus or appliance shall be notified in writing and a copy of such notice shall be placed on file in the office of the building inspector. Such notice shall be personally served. (Prior code § 18.3)

#### **9.32.040 Equipment violating provisions--Modification required.**

The owner or operator of a device, equipment, apparatus or appliance operated as provided by Section 9.32.030 shall make additions, repairs or modifications thereof in order that the same may be operated in a manner which complies with the provisions of this chapter or discontinue the use of such device, equipment, apparatus or appliance within forty-eight hours or other reasonable period specified. (Prior code § 18.4)

#### **9.32.050 Exemptions from provisions.**

This chapter shall not apply to radio stations, either broadcast, commercial or amateur, licensed by the federal government, or which are engaged in interstate communication, or to public utilities under the supervision of the state railway commission. (Prior code § 18.2)

## V. OFFENSES AGAINST PROPERTY

### Chapter 9.35

#### ALARM SYSTEMS

##### Sections:

- 9.35.010 Definitions.
- 9.35.011 Permit for alarm system required.
- 9.35.012 Application for permit.
- 9.35.013 Applicant for alarm permit--Investigation.
- 9.35.014 Suspension and revocation of permits.
- 9.35.015 Appeal to appeals board.
- 9.35.016 False alarm--Prevention payment.
- 9.35.017 Alarm standards and regulations.
- 9.35.018 Alarm requirements.
- 9.35.019 Automatic shutoff requirements--Audible alarms.
- 9.35.020 Delay device requirements.
- 9.35.021 Power supply.
- 9.35.022 Testing alarm.
- 9.35.023 Prohibitions.
- 9.35.024 Prohibition of telephonic alarm systems.
- 9.35.025 Fees.
- 9.35.026 Limitation on liability.
- 9.35.028 Application of chapter.

##### **9.35.010 Definitions.**

For the purpose of this chapter certain words and phrases shall be construed as set forth in this section unless it is apparent from the context that a different meaning is intended:

- A. "Alarm agent" means any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to (excluding public safety officers), or causing others to respond to an alarm system, in or on any building, structure or facility.
- B. "Alarm business" means the business carried on by any individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- C. "Alarm system" means any mechanical or electrical device which is designed or used for the detection of intrusion into a building, structure or facility or for alerting others of an event within a facility, or both, which event causes a local audible alarm or transmission of a signal or message. Alarm systems include, but are not limited to, audible alarms and proprietary alarms. Devices which are not designed or used to evoke a police response, or used to register alarms that are intended to be audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system.
- D. "Appellant" means a person who presents an appeal pursuant to this chapter.
- E. "Applicant" means a person, firm or corporation, who files an application for a permit as provided in this chapter.
- F. "Audible alarm" means a device designed for the detection of an intrusion on premises, which generates an audible sound which can be heard off the premises when it is actuated.
- G. "City" means the city of Claremont.
- H. "Day" means a calendar day.
- I. "False alarm" means the activation of an alarm system through mechanical failure, accidental tripping, misoperation, malfunction, misuse or the neglect of the owner or lessee of an alarm system, or his employees or agents. Upon failure of the police department to find any evidence of intrusion, fire or

other need or cause for activating an alarm system, a conclusive presumption of false alarm will be made. False alarm shall not include alarms caused by earthquakes, violent winds, malfunction of telephone line circuits, or external causes beyond the control of the owner or lessee of the alarm system.

J. "Person" means a person, firm, corporation, association, partnership, individual, organization or company.

K. "Proprietary alarm" means an alarm which is not regularly serviced by an alarm business. (78-43)

**9.35.011 Permit for alarm system required.**

No person shall possess, install or use an alarm system without first applying for and receiving an alarm permit in accordance with the provisions of this chapter. (Ord. 78-43)

**9.35.012 Application for permit.**

Applications for an alarm permit shall be filed with the chief of police on forms provided by the city and the applicant shall at that time pay the appropriate fee which may be established by resolution of the city council. The application shall be signed and verified by the applicant and shall contain such information as may be deemed necessary by the chief of police. Permits provided for in this chapter shall be issued by the chief of police, and shall be nontransferable. Any permit issued under this chapter shall be valid for five years. (78-43)

**9.35.013 Applicant for alarm permit--Investigation.**

Upon receiving an application from any person for an alarm permit, the chief of police shall cause an investigation to be made of the system to be installed to determine if the system complies with the requirements of this chapter. If the proposed system complies with this chapter, the chief of police shall cause a permit to be issued. An alarm permittee may be allowed a direct connection to the alarm board in the Claremont police department, provided facilities are available for direct connection. The city council may, by resolution, establish a direct connection fee which shall be paid on or before July 1st of each year by each alarm permit holder whose system directly connects to the Claremont police department. This section shall not be construed to permit telephonic alarm systems. (78-43)

**9.35.014 Suspension and revocation of permits.**

If at any time it shall come to the attention of the chief of police that the holder of a permit issued under this chapter has violated any provisions of this chapter, rules or regulations made pursuant to this chapter, including, but not limited to, false alarms which exceed the number established by resolution of the city council, or by refusing to pay the false alarm prevention payment as provided pursuant to Section 9.35.016, the chief of police may suspend the permit.

If an alarm permit is suspended, the notice of suspension shall be deemed served when personally served upon the permittee or deposited in the United States Postal Service by registered mail. Upon failure of the permittee within ten days after service of the notice of suspension to cause the alarm system to be repaired, to be properly used and operated, and to pay any delinquent false alarm prevention payment, or to present an appeal to the appeals board, the permit shall be revoked. The effective date of the revocation of an alarm permit shall be ten days after service of the notice of suspension or the date of the appeals board action affirming revocation, whichever is later. If the alarm permit is revoked, the alarm system may not thereafter be used until a new permit is issued. (78-43)

**9.35.015 Appeal to appeals board.**

There is created an appeals board within the police department of the city. The members of the board shall be appointed by the chief of police, and there shall be three members.

In the event a permit is suspended as provided in Section 9.35.014 of this chapter, the permittee may present an appeal to the appeals board by filing a notice of appeal with the clerk of the board setting forth the facts and circumstances regarding the appeal. Said notice of appeal shall be filed not later than ten days after service of a notice of suspension as provided in Section 9.35.014 of this chapter.

The appeals board shall consider the appeal not later than fifteen days from the date on which such appeal is filed with the clerk of the board. The board shall hear all relevant evidence and shall determine the merits of the appeal. The board may affirm, overrule or modify the decision of the chief of police. (78-43)

**9.35.016 False alarm--Prevention payment.**

When emergency messages, signals or notices are received by the police department that evidence a failure to obtain a permit or comply with any other requirement under this chapter, the chief of police is authorized to demand that the owner or lessee of the alarm system initiating such message, signal or notice, or his representative, disconnect the alarm system until it is made to comply with said requirements.

Any person who maintains or has an alarm which has caused any signal, message or alarm to be transmitted to the police department, either by direct telephone or other direct communication, or by communication from an alarm agent, or an alarm business, or by a person responding to an audible alarm, and which is proven to be a false alarm, shall pay a false alarm prevention payment to the city as established by resolution of the city council.

An alarm permit may be suspended or revoked as provided in Section 9.35.014, in addition to the payment of the prevention payment as provided in this section. (78-43)

**9.35.017 Alarm standards and regulations.**

All alarm systems and appurtenant equipment installed within the city shall meet or exceed the workmanlike standards of the industry and those standards which may hereafter be established by the city. The city reserves the right to inspect all systems installed within the city. (78-43)

**9.35.018 Alarm requirements.**

In addition to the information required in Section 9.35.012, the alarm permittee shall supply on his application for permit the names, addresses and phone numbers of the selling or installing alarm company, or if the permittee is not under a service contract with an alarm business, at least two persons to call in event of emergency. In the event the names, addresses and phone numbers change, the permittee shall apply the changes within ten days of the change. (78-43)

**9.35.019 Automatic shutoff requirements--Audible alarms.**

All audible alarm systems, excluding fire alarms which indicate the functioning of an automatic fire alarm or sprinkler system, shall include a device which will limit the generation of the audible sound of the system to not longer than fifteen minutes after activation when the alarm system is protecting a residential structure and fifteen minutes when the alarm system is protecting a commercial structure. (78-43)

**9.35.020 Delay device requirements.**

All burglary detection alarm systems installed after the effective date of the ordinance codified in this chapter that directly transmit a signal to the police facility shall include a device which will provide a minimum of a thirty-second delay of the original transmission and activate a signal immediately in such a manner as to be perceptible to a person lawfully entering, leaving or occupying the premises. Such a device is intended to provide an opportunity for the person having lawful control of the alarm system to terminate its operation after activation but prior to the transmission of a false alarm. (78-43)

**9.35.021 Power supply.**

An alarm system shall be supplied with an un-interruptible power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The backup power supply must be capable of at least four hours of operation. (78-43)

**9.35.022 Testing alarm.**

Permittees shall notify the Claremont police department prior to any service, test, repair, maintenance, adjustment, alterations or installations of systems which would normally result in a police response, which might activate a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm. (78-43)

**9.35.023 Prohibitions.**

It is unlawful to install or use an alarm system which upon activation emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. (78-43)

**9.35.024 Prohibition of telephonic alarm systems.**

No person shall operate or maintain a telephonic alarm system which automatically transmits a signal, message, or warning to the city police department by means of any public telephone line. (78-43)

**9.35.025 Fees.**

Fees prescribed heretofore in this chapter shall be in addition to any other lawful fees imposed by the city for doing or conducting business within the city. (Ord. 78-43)

**9.35.026 Limitation on liability.**

The city is under no obligation or duty to any permittee or any other person by reason of any provision of this chapter, or the exercise, of any privilege by any permittee hereunder, including, but not limited to, any defects in the alarm board at the police department, any delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any city officer, employee or agent. (78-43)

**9.35.028 Application of chapter.**

Any person who, on the effective date of the ordinance codified in this chapter possesses, has established, or uses an alarm system which requires a permit under this chapter, shall apply for an alarm permit, as provided in this chapter, within six weeks after the effective date of the ordinance codified in this chapter. (78-43)

## Chapter 9.48

### TRESPASSING

#### Sections:

- 9.48.010 Posting authorized--Description of signs.**
- 9.48.020 Posted boundary defined.**
- 9.48.030 Where posting is permitted.**
- 9.48.040 Trespass within posted boundary unlawful.**
- 9.48.050 Loitering with tools unlawful.**
- 9.48.060 Damaging signs.**
- 9.48.070 Exemptions from provisions.**

#### **9.48.010 Posting authorized--Description of signs.**

Any person, governmental agency, department or instrumentality having possession or control of any of the facilities, plants or utility properties enumerated in this chapter, may post, at each entrance to any structure devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted to any such use, and at intervals of not more than three hundred feet around any area devoted to such use, substantial signs not less than one square foot in area, displaying prominently in addition to such other information as may be deemed desirable, the words "TRESPASSING-LOITERING- FORBIDDEN BY LAW" in legible letters not less than two inches in height; provided, however, that any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof, or where materials are delivered to or received by the public, shall not be so posted. (Prior code § 14.23)

#### **9.48.020 Posted boundary defined.**

The "posted boundary" of any area shall be a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land. (Prior code § 14.23)

#### **9.48.030 Where posting is permitted.**

The places which may be so posted are the following:

- A. Every airport, and every plant, field and structure used for the manufacture, assembling or testing of aircraft;
- B. Every tank farm, refinery, compressor plant or absorption plant, marine terminal, pipeline pumping station and reservoir, used for the bulk treatment, bulk handling or bulk storage of petroleum or petroleum products;
- C. Every reservoir, dam, pumping station, aqueduct, main canal or pipeline of a public water system;
- D. Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;
- E. Every gas generating plant, compressor plant, gas holder, gas tank and gas main used for the production, storage and distribution of gas;
- F. Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;
- G. Every radio broadcasting central plant or station;
- H. Every railroad bridge or tunnel;
- I. Every plant for the bulk storage of dynamite, giant powder, gunpowder or other explosive. (Prior code § 14.23)

#### **9.48.040 Trespass within posted boundary unlawful.**

When any such premises is posted as provided in this chapter, it is unlawful for any person to go upon or to remain upon any place within the posted boundary of any such premises, or to enter or to remain

in any such posted structure without having upon his person the express written consent of the person, department or agency lawfully in possession or control thereof. (Prior code § 14.23)

**9.48.050 Loitering with tools unlawful.**

It is unlawful for any person to loiter in the immediate vicinity of any premises posted as provided in this chapter while having in his possession any explosive, tool or device of whatever character capable of doing harm or damage to any structure, machinery, equipment or other property of a similar or dissimilar character, installed or located upon such posted premises or area. (Prior code § 14.23)

**9.48.060 Damaging signs.**

No person shall tear down, deface or destroy, or cause to be torn down, defaced or destroyed, any sign placed or posted under the provisions of this chapter without the consent of the person, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected. (89-16; prior code § 14.23)

**9.48.070 Exemptions from provisions.**

This chapter does not apply to any entry in the course of duty of any peace officer, nor to any person traversing an established and existing public sidewalk, street or highway. (Prior code § 14.23)

## Chapter 9.52

### INTERFERING WITH FLOOD CONTROL

#### Sections:

- 9.52.010 Tampering with protection works prohibited.**
- 9.52.020 Placing rubbish in channels prohibited.**

#### **9.52.010 Tampering with protection works prohibited.**

It is unlawful for any person, municipality or district to interfere with, destroy or use in any manner whatsoever any levee, embankment, channel, dam, reservoir, rain or steam gauges, telephone line, piling, fence or other stream protection works constructed by or on behalf of any public agency without a written permit therefor from city council, which permit shall be revocable whenever in the opinion of the city council the public interest and welfare require the revocation thereof. No permit to use any flood control protection work or rights-of-way owned or constructed by the county flood control district shall be effective unless a written permit to do so has also been obtained from the board of supervisors of the district. (Prior code § 14.6)

#### **9.52.020 Placing rubbish in channels prohibited.**

It is unlawful for any person, municipality or district to place or cause to be placed in the channel or bed of any river, stream, wash or arroyo or upon any property over which the county flood control district has an easement for flood control purposes duly recorded in the office of the county recorder, any wires, fence, building or other structure, or any refuse, rubbish, tin cans or other matter that may impede, retard or change the direction of the flow of water in such river, stream, wash or arroyo, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the storm and flood waters would carry the same downstream to the damage and detriment of either private or public property adjacent to the river, stream, wash, arroyo or channel. (Prior code § 14.7)

## Chapter 9.56

### TAMPERING WITH FIRE HYDRANTS

#### Sections:

#### **9.56.010 Injuring or tampering prohibited.**

#### **9.56.010 Injuring or tampering prohibited.**

It is unlawful for any person, without authority of the owner or managing agent, to wilfully injure or tamper with any fire hydrant, or to wilfully turn or attempt to turn on any water therefrom. (Prior code § 14.5)

## Chapter 9.57

### OBSTRUCTION OF PUBLIC THOROUGHFARES

#### Sections:

**9.57.010 Obstruction of public thoroughfares prohibited.**

**9.57.020 Penalty.**

#### **9.57.010 Obstruction of public thoroughfares prohibited.**

A person shall not willfully and maliciously loiter or stand in or upon any alley, highway, sidewalk, crosswalk, off-street parking area, private or public, or other private or public ways open for pedestrian or automobile traffic or otherwise occupy any portion thereof in such a manner as to obstruct or unreasonably interfere with the free passage of pedestrians or motorists. (90-28)

#### **9.57.020 Penalty.**

Every person who violates any provision of Section 9.57.010 shall be guilty of a misdemeanor. (90-28)

## VI. CONSUMER PROTECTION

### Chapter 9.68

#### SOLICITING PERSONAL INJURY VICTIMS

##### Sections:

##### **9.68.010 Soliciting victims unlawful.**

##### **9.68.010 Soliciting victims unlawful.**

It is unlawful for any person, or for the officers, agents, servants or employees of any such person, directly or indirectly, individually or by agent, servant or employee, to solicit any person injured as result of an accident, his administrator, executor, heirs or assigns for the purpose of representing such person in making claims for damages or prosecuting any action or cause of action arising out of any personal injury claim against any other person. (Prior code §9.72)

## Chapter 9.72

### PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES

#### Sections:

#### **9.72.010 Prohibition on medical marijuana dispensaries.**

#### **9.72.010 Prohibition on medical marijuana dispensaries.**

Notwithstanding any other provision of this Code, the sale or distribution of a substance controlled under Federal or State law shall not be a permitted use on any property or in any building or structure in any zone throughout the City, with the exception of residential zones, unless the person or entity selling or distributing the controlled substance has all applicable state and federal pharmaceutical licenses. This prohibition is not intended to interfere with the individual rights of persons to participate in collectives in order to possess or use marijuana for medical purposes as provided for by the voters of the State of California under Proposition 215 of the California Legislature under Senate Bill 420.

(08-09)

**VII. OFFENSES BY OR AGAINST MINORS**  
**Chapter 9.80**

**CURFEW**

**Sections:**

- 9.80.00E** Editor's note for chapter 9.80.
- 9.80.010** Curfew restrictions for minors.
- 9.80.020** Penalty.
- 9.80.030** Daytime loitering.

**9.80.00E Editor's note for chapter 9.80.**

\* Prior ordinance history: Prior code §§ 14.2, 14.2-1.

**9.80.010 Curfew restrictions for minors.**

It is unlawful for any minor under the age of eighteen years to loiter, idle, wander, stroll, or aimlessly drive or ride about in or upon any public street, avenue, highway, road, curb area, alley, park, playground, or other public ground, public place, or public building, place of amusement or eating place, vacant lot or unsupervised place between the hours of ten p.m. on any day and sunrise of the immediately following day; provided, however, that the provisions of this section shall not apply:

- A. When the minor is accompanied by his or her parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older; or
- B. When the minor is upon an errand directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older; or
- C. When the minor is returning directly home from a public meeting, or a place of public entertainment, such as a movie, play, sporting event, dance or school activity; or
- D. When the presence of such minor in said place or places is connected with or required with respect to a business, trade, profession or occupation in which said minor is lawfully engaged.
- E. When the minor is involved in an emergency; or
- F. When the minor is on the sidewalk abutting the minor's residence; or
- G. When the minor is exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech or the right of assembly where the minor is not intentionally exercising such rights solely for the purpose of creating a defense to the enforcement of this Section 9.80.010. (99-02)

**9.80.020 Penalty.**

Every person who violates any provision of Section 9.80.010 is guilty of a misdemeanor. Every parent, guardian or other person having the legal care, custody, or control of any person under the age of eighteen years who allows or permits such person to violate any provision of Section 9.80.010 is guilty of a misdemeanor. (90-28)

**9.80.030 Daytime loitering.**

It is unlawful for any minor under the age of eighteen years who is subject to compulsory education to loiter, idle, wander, stroll, or aimlessly drive or ride about in or upon any public street, avenue, highway, road, curb area, alley, park, playground, or other public ground, public place or public building, place of amusement or eating place, vacant lot or unsupervised place when the student's school site is in session, provided, however, that the provisions of this section shall not apply when:

- A. The minor is accompanied by his or her parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older;
- B. The minor is on an errand directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen years of age or older;

- C. The minor is returning directly home from a school sponsored public meeting, such as a school sponsored movie, play, sporting event, dance or other school activity;
  - D. The minor is present in a place connected with or required with respect to a business, trade, profession or occupation in which said minor is lawfully engaged.
  - E. The minor has permission to leave his or her school campus for lunch or a school-related activity and has in his or her possession a valid, school-issued, off-campus permit.
  - F. When the minor is authorized to be absent from his or her school pursuant to the provisions of California Education Code Section 48205, or any other applicable State or Federal law.
- Each violation of the provisions of this section shall constitute a separate offense and shall be an infraction, cited into juvenile traffic court in accordance with Sections 256 and 602 of the State of California Welfare and Institutions Code. (99-02)

## Chapter 9.82

### SEX OFFENDER RESIDENCY RESTRICTIONS

#### Sections:

<b>9.82.010</b>	<b>Definitions</b>
<b>9.82.020</b>	<b>Unlawful loitering</b>
<b>9.82.030-9.82.035</b>	<b>Sex Offender violations</b>
<b>9.82.040-9.82.045</b>	<b>Responsible party violations</b>
<b>9.82.050</b>	<b>Eviction requirements</b>
<b>9.82.060</b>	<b>Exceptions</b>
<b>9.82.070</b>	<b>Offenses constituting nuisances</b>
<b>9.82.080</b>	<b>Enforcement and penalties</b>

#### **9.82.010 Definitions**

For the purposes of this Chapter 9.82, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- A. "Child" or "Children" means any person(s) younger than eighteen (18) years of age.
- B. "Child Care Center" means any State of California, Department of Social Services licensed facility that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of children on less than a twenty-four (24) hour basis, including, but not limited to, a family day care home, infant center, preschool, extended-day care facility, or school-age child care center, as such are clearly identified by signage at the entrance to each facility.
- C. "Child safety zone" means any area located within three hundred (300) feet from the nearest property line of a child care center, public or private school (grades K through 12), park, public library, location that holds classes or group activities for children, and/or any school bus stop.
- D. "Hotel" means any commercial establishment that rents guest rooms or suite to the public on a nightly, weekly, or monthly basis, and shall include a motel and an inn that operates in such capacity.
- E. "Loiter" means to delay, linger or idle without any apparent purpose or cause or after having been told to leave by the owner or any authorized official of such place of facility.
- F. "Multi-family dwelling" means a residential structure designed for the permanent residency of two (2) or more individuals, groups of individuals, or families living independently. This definition shall include a duplex, apartment house, and a condominium complex, but shall not include a hotel.
- G. "Owner's authorized agent" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, office or employee authorized to act for the property owner.
- H. "Park" means any are owned, leased, controlled, maintained, or managed by a public entity which is open to the public where children regularly gather and which provide recreational, cultural, and/or community service activities including, but not limited to, playgrounds, playfields, and athletic courts.
- I. "Permanent resident" means any person who, as of a given date, obtained the right to occupy a dwelling, including, but not limited to, a single-family dwelling, multi-family dwelling, duplex, hotel or motel for more than thirty (30) consecutive days.
- J. "Property owner" means the owner of record of real property, as recorded in the office of the county registrar recorder/county clerk, as well as any partial owner, joint owner, tenant, tenant-in-common, or joint tenant, of such real property.
- K. "Registered sex offender" means any person who is required to register under Section 290 of the California Penal Code, regardless of whether or not that person is on parole or probation. For purposes of this ordinance, "Registered Sex Offender" includes those who have failed to register pursuant to Section 290 of the California Penal Code.
- L. "Residential exclusion zone" means any area located within two thousand (2,000) feet from the nearest property line of the subject property to the nearest property line of a child care center, public or private school (grades K through 12) and/or park.
- M. "Responsible party" means a property owner and/or a property owner's authorized agent.

N. "Single-family dwelling" means any lot designed for permanent residency and containing one (1) and only one (1) dwelling unit.

O. "Temporary Resident" means any person who, for a period of thirty (30) days or less, obtained the legal right to occupy or reside in a single-family dwelling or multi-family dwelling, including, but not limited to, a hotel or motel. (10-01)

**9.82.020 Unlawful loitering.**

A registered sex offender shall be prohibited from loitering in a child safety zone. (10-01)

**9.82.030 Sex Offender Violation/single and multi-family dwellings.**

A. A registered sex offender shall be prohibited from renting or otherwise occupying any dwelling within a residential exclusion zone.

B. A registered sex offender shall be prohibited from renting or otherwise occupying a single-family dwelling or a unit in a multi-family dwelling with another registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

C. A registered sex offender shall be prohibited from renting or otherwise occupying a unit in a multi-family dwelling as a permanent resident if there is another unit in that multi-family dwelling that is already rented or otherwise occupied by a registered sex offender unless those persons are legally related by blood, marriage, or adoption. (10-01)

**9.82.035 Sex Offender Violation/hotels.**

A. A registered sex offender shall be prohibited from renting or otherwise occupying the same guest room in a hotel with another registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. A registered sex offender shall be prohibited from renting or otherwise occupying a guest room in a hotel as a permanent resident if there is another guest room in that hotel that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption. (10-01)

**9.82.040 Responsible party violation/single family and multi-family dwellings.**

A. Same dwelling: A responsible party shall be prohibited from knowingly renting a single-family dwelling or a unit in a multi-family dwelling to be rented or otherwise occupied by more than one (1) registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Multiple dwellings: A responsible party shall be prohibited from knowingly allowing more than one (1) unit in a multi-family dwelling to be rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption. (10-01)

**9.82.045 Responsible party violation/hotels.**

A. Same hotel room: A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by more than one registered sex offender, regardless of the permanent or temporary residential status of either registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

B. Separate hotel rooms: A responsible party shall be prohibited from knowingly allowing a guest room in a hotel to be rented or otherwise occupied by a registered sex offender as a permanent resident if there is already a registered sex offender renting or otherwise occupying another guest room in that hotel as a permanent resident, unless those persons are legally related by blood, marriage, or adoption. (10-01)

**9.82.050 Eviction requirements.**

A. If, in order to comply with this ordinance, a responsible party is required to terminate a registered sex offender's tenancy or other occupancy, the responsible party shall comply with all applicable state law procedures and requirements governing the eviction of tenants of real property. If, in accordance with these procedures and requirements, a court determines that such termination is

improper, the responsible party shall not be in violation of this Chapter by allowing the sex offender to remain as a tenant or other occupant. (10-01)

**9.82.060 Exceptions.**

The provisions of this chapter shall not apply in the following instances:

- A. Tenancies or other occupancies commenced prior to the effective date of this ordinance, or to the renewals of any such tenancy or occupancies.
- B. The first sex offender to establish a lawful residency shall not be in violation of this ordinance if another sex offender attempts to establish residency within the prohibited location.
- C. The sex offender is confined within the city jail.
- D. Where the sex offender is a minor, and he/she is in the immediate presence of a parent or legal guardian.
- E. Where the sex offender is in a prohibited location only because he/she is traveling to or from a medical facility, such as a hospital or doctor's office, for a legitimate and verifiable medical appointment.
- F. Where a sex offender enters a school or childcare facility for purposes limited to the care of a child with regard to the sex offender's responsibilities as a parent or legal guardian.
- G. Where a sex offender enters into a polling place in a child safety zone to vote if he leaves immediately after voting. (10-01)

**9.82.070 Offenses constituting nuisances**

- A. Any single-family dwelling, multi-family dwelling, or hotel or motel operated or maintained in a manner inconsistent with the occupancy requirements of this Chapter or the restrictions of California Penal Code Section 3003.5 is declared to be unlawful and is defined as and declared to be public nuisances *per se* that are injurious to the public health, safety, and welfare.
- B. In any civil action or proceeding, administrative proceeding, or special proceeding, including, but not limited to those brought to abate a public nuisance, the prevailing party will be entitled to recovery of all costs, attorney's fees and expenses, provided that attorneys' fees will only be available in those actions or proceedings in which the City has provided notice at the commencement of such action or proceeding that it intends to seek and recover its own attorneys' fees. In no action or proceeding will an award of attorneys' fees exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.
- C. Monies due to the City pursuant to this Chapter may be recovered in an appropriate civil action. Alternatively, such liability may be enforced by special assessment proceedings against the parcel of land upon which the nuisance existed, which proceedings must be conducted in a manner substantively similar to proceedings prescribed in this Code relating to assessment for abatement of property nuisances. (10-01)

**9.81.080 Enforcement and penalties.**

- A. Notwithstanding any other penalty provided by this Code or otherwise by law, any person who violates this Chapter shall be guilty of a misdemeanor and, in addition, the City may enforce the violation by means of a civil enforcement process through a restraining order, a preliminary or permanent injunction, or by any other means available by law.
- B. Each day that a violation of this Chapter exists shall be deemed a new and separate offense. (10-01)

**VIII. WEAPONS**  
**Chapter 9.92**

**DISCHARGING OF WEAPONS**

**Sections:**

- 9.92.00E** Editor's note for chapter 9.92.
- 9.92.010** Discharge of weapons.
- 9.92.015** Possession of weapons with intent to shoot or hunt.
- 9.92.020** Exemptions from provisions.

**9.92.00E Editor's note for chapter 9.92.**

\* Prior ordinance history: Prior code §§ 24.3, 24.4.

**9.92.010 Discharge of weapons.**

Except as otherwise provided in Section 9.92.020, no person shall fire or discharge, or cause to be fired or discharged anywhere within the city, nor shall any parent, guardian, or person having the care, custody, or control of any minor permit such minor to fire or discharge, or cause to be fired or discharged anywhere within the city:

- A. Any gun, rifle, pistol, or other firearm;
- B. Any BB gun, pellet gun, or any air gun, blow gun, spring gun or pistol or slingshot;
- C. Any crossbow of any type, or any compound bow, or a bow of any length, or pointed or metal-tipped arrows;
- D. Any instrument of any kind, character, or description which throws or projects bullets or missiles of any kind to any distance by means of elastic force or air;
- E. Any explosive substance, or firecrackers, rockets or other fireworks, or dynamite, nitroglycerin, gun powder, or any such manufactured article within the city.

For purposes of this chapter, all of the above are considered weapons. (90-14)

**9.92.015 Possession of weapons with intent to shoot or hunt.**

No person shall possess or carry in public any weapon identified in Section 9.92.010 with the intent to shoot or hunt within the city. (90-14)

**9.92.020 Exemptions from provisions.**

The prohibitions of this chapter shall not apply to any of the following:

- A. To police, peace officers, or persons in military service using reasonable care in the discharge of their duties;
- B. To persons using firearms in necessary self-defense;
- C. To the use of bows and arrows in the teaching of the sport of archery by educational institutions or by the city's recreational department as part of its regular program;
- D. To the discharging of firearms at a shooting range sponsored by the city police department or other law enforcement agency;
- E. To the discharging of air powered or spring operated guns, or the use of simple bows, not exceeding three feet in length, with blunt or practice arrows, when the shooter and the projectile remain within a completely fenced residential yard, provided that the shooting is by an adult or under adult supervision. (90-14)