

ARTICLE III - PUBLIC WELFARE, MORALS, AND CONDUCT

CHAPTER 1 -DISORDERLY CONDUCT AND NUISANCES

Sec. 3100. Registration Under False Name. It is unlawful for any person to register at any rooming house, lodging house, hotel, inn, or other place in the City under the name of any other person or of a fictitious name, or any name other than the true and correct name of the person so registering, or so giving or signing or causing his or her name to be signed. (Ord. 1)

Sec. 3101. Excessive Noise; General. (Repealed by Ord. 04-07)

Sec. 3101.1. Noise; Construction of Buildings and Projects. (Repealed by Ord. 04-07)

Sec. 3101.2. Noise; Schools, Hospitals, Churches, and Rest homes. (Repealed by Ord. 04-07)

Sec. 3101.3. Noise Emanating From Vehicles. (Repealed by Ord. 04-07)

Sec. 3101.4. Second Police Response to Parties, Gatherings or Events. (Repealed by Ord. 04-07)

Sec. 3102. Sound Amplifying Equipment. (Repealed by Ord. 04-07)

Sec. 3102.1. Same. (Repealed by Ord. 04-07)

Sec. 3102.2. Same. Registration Statement. A registration statement shall be filed in duplicate and shall state the following:

- (A) Name and home address of the applicant;
- (B) Address of place of business of applicant;
- (C) License number and motor number of each sound truck to be used by applicant;
- (D) Name and address of person who owns each sound truck to be used by applicant;
- (E) Name and address of person having direct charge of each sound truck to be used by applicant;
- (F) Names and addresses of all persons who will use or operate any sound truck;
- (G) The purpose for which the sound truck or trucks will be used;
- (H) A general statement as to the section or sections of the City in which each sound truck will be used;
- (I) The proposed hours of operation of each sound truck;
- (J) The number of days of proposed operation of each sound truck;
- (K) A general description of the sound amplifying equipment which is to be used;
- (L) The maximum sound producing power of the sound amplifying equipment which is to be used in or on each sound truck should state the following:

- (1) The wattage to be used;
- (2) The approximate maximum distance for which sound will be thrown from each sound truck. (Ord. 1; Am. Ord. 73-1)

Sec. 3102.3. Same. Registration Statement Amendment. All persons using or causing to be used any sound truck for noncommercial purposes shall amend any registration statement duly certified by the City Clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating any sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be displayed and shown to any police officer of the City upon request. (Ord. 1; Am. Ord. 73-1)

Sec. 3102.4. Same. Regulations for Use. Noncommercial use of sound trucks in the City with the sound amplifying equipment in operation shall be subject to the following regulations:

- (A) The only sounds permitted are music or human speech;
- (B) Operations are permitted for three hours per day, except Saturdays, Sundays, and legal holidays when no operations are authorized. The permitted 3-hour operation shall be between the hours of 11:00 a.m. and 5:00 p.m.;
- (C) Sound amplifying equipment shall not be operated unless the sound truck on which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when said truck is stopped or impeded by traffic. Where stopped by traffic, the sound amplifying equipment shall not be operated for longer than one minute at each such stop;
- (D) Sound shall not be emitted within one hundred (100) yards of any hospital, school, church, courthouse, county building, or city building;
- (E) Use of sound amplifying equipment shall not be permitted if the intent thereof is to bring about personal contact with residents or occupants within the area in which the same is used. (Ord. 1; Am. Ord. 73-1, Ord. 76-16)

Sec. 3102.5. Painting, Etc. of Motor Vehicles in Residential Zones. (A) The City Council finds that the painting and preparation for painting of motor vehicles, including the use of sanding and spraying equipment, compressors, and similar mechanical devices, is an activity which creates an inherent nuisance condition when performed within residential areas due to unpleasant and intrusive noise, odors, fumes, and deposit of spray residue which are incompatible with adjoining residential uses.

(B) It is unlawful, within any area of the City which is zoned R-1, R-2, or R-3, for any person to paint or prime any motor vehicle, or prepare any motor vehicle for painting or priming by the use of any power sander, air compressor, motorized or automatic paint sprayer, or other similar mechanical equipment. (Ord. 79-11)

Sec. 3103. Unsightliness of Property. Any person who owns, rents, leases, or otherwise has the legal responsibility for care or management of any real property within the City who willfully permits any part of said property to become or remain so unsightly due to dilapidation and/or

accumulation of rubbish thereon so as to detract from the appearance of the immediate neighborhood, and who fails to remedy the condition within thirty (30) days after receiving notice from the City to do so, is guilty of a misdemeanor. (Ord. 1; Am. Ord. 26)

Sec. 3104. Dangerous and Deadly Weapons; Definition. The term "dangerous and deadly weapon" as used in this chapter includes, but is not limited to, any revolver, pistol, shotgun, rifle, or firearm which may be used for the explosion of cartridges, and any air gun, "B-B" gun, gas-operated gun, spring gun, sling-shot, hunting bow and arrow, blow gun, and any weapon or device capable of catapulting, discharging, or discharging any projectile, missile or object of any type. (Ord. 41)

Sec. 3104.1. Discharge of Deadly Weapon. It shall be unlawful for any person to fire, discharge, or cause to be emitted any projectile, missile, or object from any dangerous or deadly weapon in the City, unless said person has first obtained permission in writing from the Chief of Police, and then only in compliance with all of the conditions contained in said permit. This section does not apply to any peace officer or member of the Armed Forces of the United States in discharge of his duty, or to the discharge of a dangerous or deadly weapon at any rifle, pistol, sports or testing range approved by the Chief of Police of the City. (Ord. 41)

Sec. 3104.2 Deadly Weapons; Nuisance. Any dangerous or deadly weapon used in violation of Section 3104.1 is hereby declared to be a nuisance and the same shall be taken from the person violating said Section 3104.1 of this section, and surrendered to the Chief of Police, and shall be

destroyed or otherwise disposed of, as provided by the provisions of Section 12028 of the Penal Code of the State of California. (Ord. 41)

Sec. 3105. Curfew. No minor shall be about the public streets, parks, or other public places within the City between the hours of 10:00 p.m. and 6:00 a.m. when not accompanied by a parent, legal guardian, or other responsible adult.

No parent, guardian, or other person having the legal care, custody or control of any minor shall allow or permit such minor to violate the provisions of this section. (Ord. 1)

Sec. 3106. Billiard and Pool Halls. All places where billiard tables or pool tables are maintained for public use shall be and remain closed every day between the hours of 2:00 a.m. and 6:00 a.m. of any day.

No person under the age of eighteen (18) years shall be permitted to play at any game or lounge about or in any public billiard hall, pool hall or other gaming place within the City, unless accompanied by his parent or guardian or upon the written consent of his parent or guardian.

No owner, proprietor or operator of any such establishment shall permit a violation of the foregoing section within his establishment. (Ord. 1)

Sec. 3107. Handbills. No person shall distribute, scatter, hand out or circulate any commercial or noncommercial handbill, circular, tract, or leaflet in any place or under any circumstances which does not have printed on the cover, front or back thereof the name and address of:

- (A) The person who caused the same to be printed, written, compiled or manufactured;
- (B) The person who caused the same to be distributed;
- (C) In the event the person who caused the same to be printed, written, compiled or manufactured, or distributed, is a fictitious person or club, there shall appear on said handbill, circular, tract or leaflet, in addition to such fictitious name, the true name of the owner, manager or agent of the person sponsoring said handbill. (Ord.1)

Sec. 3108, 3109, 3110, 3111. (Ord. 1; Repealed, Ord. 81-5)

Sec. 3112. Self-service Gasoline Pumps. Except during the hours between 10:00 p.m. and 8:00 a.m., it is unlawful for any person to engage in the business of retail sale of gasoline by the use of a self-service gasoline pump unless there is present at all times during which the self-service pumps are in operation at least one (1) trained attendant for each island where self-service pumps are located and in operation who is available to assist customers in the operation thereof. Signs indicating such self-service pump operation shall be conspicuously posted at each service station entrance.

(A) For purpose of this Section, "self-serve gasoline pumps" shall be defined as gasoline pumps which are designated or advertised by the owner or operator as being self-service type pumps to be operated by the customer only, and shall include all pumps activated by insertion of coins, currency or credit card.

(B) An attendant shall be deemed to be "available" as provided in this Section if there are no more than two (2) non-self-service gasoline islands under his control in addition to the self-service facilities. (Ord. 73-2; Amd. Ord. 87-4)

Sec. 3112.1 Restroom Facilities in Service Station. (A) The City Council finds that the existence of gasoline service stations not having restroom facilities for the use of its patrons constitutes a severe inconvenience to residents of the city and to those traveling through the City by motor vehicle, and also is contrary to the public health.

(B) It is unlawful for any person to establish or operate any business which includes the retail sale of gasoline unless there is located on the premises where such business is carried on lavatory and toilet facilities which are made available to patrons of the business during business hours. No business license, occupancy permit, conditional use permit, or other City permit shall be issued to any business which includes retail sale of gasoline unless such facilities have been installed on the premises.

(C) The provisions of this section shall not apply to any business which includes retail sales of gasoline, which business is in existence as of the operative date of the ordinance codifying this section. (Ord. 79-12)

Sec. 3113. Motor Driven Cycles - Private Property. (A) Motor Driven Cycles Defined. A motor driven cycle is any motor vehicle, other than a tractor or other kind of agricultural, mowing, or gardening equipment, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels and weighing less than one thousand five hundred (1500) pounds. "Motor driven cycle" shall include a bicycle powered by a motor.

(B) No person shall drive, operate or propel any motor driven cycle upon the property of another within the City of Grover City within fifty (50) feet of any residence without the written permission of the landowner. The prohibition herein shall not apply upon improved driveways, roadways, or parking lots.

(C) Nothing in this ordinance shall be deemed to preclude the application to any incident of any other remedies for public nuisance set forth in the Grover City Municipal Code. (Ord. 75-3)

Sec. 3114. Use of Cycles, Skateboards, etc. on Public Recreation Areas and Downtown Sidewalks.

(A) Definitions. For purposes of this Section the following definitions shall apply:

(1) Cycle: Bicycle, motor scooter, motorcycle, and mini-bike.

(2) Downtown Area: That portion of Grand Avenue between Highway 1 and the easterly city limits in the City of Grover City.

(3) Public Recreation Area: Any tennis court, basketball court, park, or other facility used for recreational purposes.

(4) Wheeled Toy: All wheeled object (except cycles) used for human conveyance, including roller skates, skateboards, in-line skates, coasters and scooters.

(B) It is unlawful for any person to use or operate any cycle or wheeled toy upon any paved portion of a public recreational area within the City, except in areas designated by City Council resolution.

(C) It is unlawful for any person to use or operate any wheeled toy upon any sidewalk in the downtown area of the City. (Ord. 76-9; Amd. Ord. 87-3; Amd. Ord. 95-7)

Sec. 3115. Skateboards, Roller Skates and In-line Skates on Private Parking Lots. (A) Definitions: For the purpose of this section the following definitions shall apply:

(1) Skateboard: A skateboard is a boardlike object with two or more attached wheels that the user rides or stands upon.

(2) Roller Skates: Footwear with wheels attached. This includes in-line skates.

(3) Private Parking Lot: Any area of private land designated by the owner of such property for parking.

(B) It is unlawful for any person to use or operate any skateboard or roller skates on any private parking lot which is posted in accordance with subpart (C) of this section.

(C) To prohibit skating on a private parking lot, the owner of such property shall do the following:

(1) The owner shall post all driveways and walkways to the property with signs that read: "No Skateboarding or Roller Skating allowed. Violators will be cited per Section 3115 of the Grover Beach Municipal Code."

(2) The owner of the property shall have on file at the Police Station a letter authorizing the Police Department to issue citations for violation of Section 3115 on the owner's property. The address of the property shall be set forth in such letter.

(D) A violation of this ordinance is an infraction and the fine for a violation shall be set by Resolution of the City Council. (Ord. 96-5)

CHAPTER 1.01 - NOISE STANDARDS

Sec. 3120. Excessive Noise: General. (A) This chapter establishes standards for acceptable exterior and interior noise levels, and vibrations. It also establishes how noise is measured. These standards are intended to protect persons from excessive noise levels.

(B) It is unlawful for any person willfully to make or continue to make, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (1) The level of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The proximity of the noise to residential areas;
- (6) The density of the residential occupancy of the area within which the noise emanates;
- (7) The time of the day or night the noise occurs;
- (8) The duration of the noise;
- (9) Whether the noise is recurrent, intermittent, constant; or
- (10) Whether the noise is produced by commercial or noncommercial activity. (Ord. 04-07)

Sec. 3120.1 Noise: Construction of Buildings and Projects. It is unlawful within a residential zone, or within a radius of five hundred (500) feet therefrom, for any person to operate equipment or perform any outside construction or repair work on buildings, structures, or other projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device, other than between the hours of 7:00 a.m. and 7:00 p.m., Mondays through Fridays inclusive, or between the hours of 8:00 a.m. through 5:00 p.m., Saturdays and Sundays, unless a permit shall first be obtained from the Community Development Director or his or her designee. The permit shall be issued by the Community Development Director or his or her designee only if it is determined that the operation during hours not otherwise permitted hereunder is necessary and will not result in unreasonable disturbance to surrounding residents. The provisions of this section shall not apply to repairs or improvements performed by a person to property owned or leased by him as long as the provisions of Section 3120 of this chapter are complied with. (Ord. 73-1, Am. Ord. 04-07)

Sec. 3120.2 Noise: Schools, Hospitals, Churches, and Resthomes. It is unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, hospital, church, or resthome (as defined in Article IX of this Code) while the same is in use, which noise unreasonably interferes with the workings of the institution or disturbs or unduly annoys the occupants thereof, provided that conspicuous signs are displayed indicating the presence of a school, hospital, church, or a resthome. (Ord. 04-07)

Sec. 3120.3 Noise: Emanating From Vehicles. It is unlawful for any person to play, continue to play, or allow to be played, any of the following: (a) radio, (b) tape player, (c) disc or compact disc “cd” player, (d) record player, or (e) electronic sound amplifying device or machine of any kind or nature, from within or on any automobile, truck or other motorized vehicle so that the sound or music emanating therefrom can be heard at a distance of more than one hundred (100) feet, unless the vehicle is a sound truck and the registration statement required by Section 3120.6 has been properly filed. (Ord. 89-8, Am. Ord. 04-07)

Sec. 3120.4 Second Police Response to Parties, Gatherings or Events. (A) Purpose. The City Council finds and determines that parties, gatherings and/or events on private or public property can constitute a threat to the peace, health, safety or general welfare of the public. Officers have been required to make many return calls to parties, gatherings or events in order to abate the violations or, if necessary, disperse uncooperative and unruly participants. The return calls drain staffing and resources of the police department and can leave other areas of the City without minimal levels of police protection so as to create a significant hazard to the safety of citizens and police officers.

(B) Definitions. As used in this chapter, the following terms shall have the following meanings:

(1) “Party” means a party, gathering or other assembly of persons for a social occasion or activity.

(2) “Event” means a noise disturbance that constitutes a threat to the public peace, health, safety or general welfare of the public.

(3) “Person responsible for the party or event” means any of the following:

(a) The person or persons who own the property where the party or event takes place if the person or persons have been mailed or distributed a previous written notice from the police department within the previous twelve (12) months of the party or event taking place;

(b) The person or persons in charge of the premises where the party or event takes place;

(c) The person or persons authorizing the use of the premises for the party or event;

(d) The person or persons who organize the party or event. Each of the above shall be jointly and severally liable for the police services fee except where the person responsible for the event is a minor, in which case the parents or guardians of that minor shall be jointly and severally liable for the police services fee.

(4) “Police services fee” means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a party or event including, but not limited to, the salaries of the police personnel, the actual cost of any medical treatment to injured officers, the cost of repairing any damaged police or city equipment or property, administrative processing fees, costs associated with recovering the police services fees, costs incurred by a collection agency, and the overhead and administrative costs related to all of the foregoing.

(5) “Second police response” means either: (a) a police response to the location of a party or event made within forty-eight (48) hours after the distribution of a written warning to the person(s) responsible for the party or event (as such term is defined in Sections 3(b) through (d) herein) notifying the person(s) that the party or event is in violation of the law; or (b) a police response to the location of a party or event made within twelve (12) months after the mailing or

delivery of a written warning to the person(s) responsible for the party or event (as such term is defined in Section 3(a) herein) notifying the person(s) that the property has been the site of a party or event that was in violation of the law.

(C) Police response at parties, gatherings or events requiring more than one response.

(1) A police services fee may be imposed when: (a) a police officer at the scene of a party has given written notice to the person responsible for the party or event that such party or event violates the law; and (b) a second police response is required to control the threat to public peace, health, safety and welfare and to disperse the party or event.

(2) The provisions of this chapter are in addition to the authority of the police to regulate parties and events and shall supplement, and not supplant, the exercise of any other available law including, but not limited to, arrest or citation pursuant to the California Penal Code or any other applicable law, code or ordinance.

(D) Police services fees.

(1) The person responsible for the party or event for which a second and/or subsequent police response is dispatched shall be liable for a police services fee to defray the reasonable costs of providing the subsequent police response.

(2) The amount of such fee shall be a debt to the City of the person(s) responsible for the event receiving the police services and, if minors, their parents or guardians. Any person owing money shall be liable in an action brought by the City in its own name to recover such amount, including reasonable attorney's fees.

(E) Billing.

(1) The Chief of Police or his/her designee shall thereafter cause appropriate billings to be made.

(2) After an attempt to collect the debt by the City to no avail, the debt may be turned over to a collection agency. Collection fees charged by the collection agency will be added to the debt.

(F) Appeal.

(1) Any person receiving a bill for police services provided pursuant to this chapter, may, within fifteen (15) days after the bill was sent, file a written request with the police department appealing the police services imposed. Any appeal regarding the billing shall be heard by a supervisor of the police department as designated by the Chief of Police.

(2) After a request for appeal is filed, the City shall withhold collection of the bill until conclusion of the appeal.

(3) If, after a hearing before a supervisor, the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty (30) days. (Ord. 04-07)

Sec. 3120.5 Sound Amplifying Equipment. The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music, or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns, or other warning devices on other vehicles used only for traffic safety purposes. (Ord. 73-1, Am. Ord. 04-07)

Sec. 3120.6 Registration Statement Required - Noncommercial Sound Amplifying Operation. No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for any noncommercial purpose in the City without filing a registration statement with the City Clerk in writing. (Ord. 04-07)

Sec. 3120.7 General Noise Regulations. (A) It shall be unlawful for any person to willfully or negligently make any noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitivity in the area.

(B) For the purpose of evaluating conformance with the standards of this chapter, noise levels shall be measured as follows:

(1) Use of Meter. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the A-weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed, immediately prior to recording any noise data.

(2) Measuring Exterior Noise Levels. Except as otherwise provided in this chapter, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use listed in Section 3120.7. Where practical, the microphone shall be positioned three (3) to five (5) feet above the ground and away from reflective surfaces.

(3) Measuring Interior Noise Levels. Interior noise levels shall be measured within the affected residential use listed in Section 3120.9 at points at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

(4) Commercial Areas Bordering Residential Area. The measurement from the residential area towards the commercial shall be held to the residential standard. (Ord. 04-07)

Sec. 3120.8 Exterior Noise Limits. (A) Maximum Permissible Sound Levels at Receiving Land Use.

(1) No person shall permit any source of sound at any location within the City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by the person, which causes the noise level to exceed the noise standard for that land use as specified in Table 1 of this section.

(2) If the measurement location is on a boundary between two different zones, the noise level limit applicable to the lower noise zone plus five (5) dBA shall apply.

(3) If possible, the ambient noise should be measured at the same location along the property line utilized in this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise may be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dBA below the ambient in order that only the ambient level be measured. If the difference between the ambient plus the noise source and noise source is five (5) to ten (10) dBA, then the level of the source itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.

(B) Correction for Character of Sound. In the event the alleged offensive noise, as determined by the, noise control officer, contains a steady, audible tone such as whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech, the standard limits set forth in Table 1 of this section shall be reduced by five (5) dBA.

<i>Table 1: Exterior Noise Limits</i>		
<i>Zoning Category</i>	<i>Time Period</i>	<i>Allowable Exterior Noise Level (dBA)</i>
Residential	10:00 p.m. - 7:00 a.m.	55
	7:00 a.m. - 10:00 p.m.	60
Commercial	10:00 p.m. - 7:00 a.m.	60
	7:00 a.m. - 10:00 p.m.	65

(C) Correction for Character of Sound. In the event the alleged offensive noise, as determined by the noise control officer, contains a steady, audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying informational content, the standard limits set forth in Table 1 of this section shall be reduced by five (5) dBA. (Ord. 04-07)

Sec. 3120.9 Interior Noise Standards. (A) Maximum Permissible Dwelling Interior Sound Levels.

(1) The interior noise standards for residential dwellings as presented in Table 1 of this section shall apply.

<i>Table 1: Interior Noise Limits</i>		
<i>Zoning Category</i>	<i>Time Period</i>	<i>Allowable Exterior Noise Level (dBA)</i>
Residential	7:00 a.m. - 10:00 p.m.	45
	10:00 p.m. - 7:00 a.m.	40

(Ord. 04-07)

Sec. 3120.10 Prohibited Acts. (A) Noise Disturbances Prohibited. No person shall make, cause to be made, permit, or allow to be made any noise disturbance in such a manner as to be plainly audible at a distance of fifty (50) feet from the noisemaker.

(B) Specific Prohibitions. The acts, as set forth in subsections B 1 through B 8 of Section 3120.10, and the causing or permitting thereof, are declared to be in violation of this chapter.

(1) Radios, Television Sets, Musical Instruments, Loud Speakers and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument or similar device, which produces or reproduces sound in

excess of the sound levels described in this chapter. In such manner as to exceed the levels set forth in Table 1 of Section 3120.8, measured at a distance of at least fifty (50) feet or fifteen (15) meters from such device operating on a public right-of-way or public space.

(2) Street Sales. Offering for sale, selling anything or advertising by shouting or outcry within the City limits. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses or other similar licensed or permitted public entertainment events.

(3) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. daily in such a manner as to cause a noise disturbance in the City limits which violates the provisions of Section 3120.8 of this chapter.

(4) Construction/Demolition.

(a) Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 10:00 p.m. and 7:00 a.m. daily therefrom creates a noise disturbance in the City limits except for emergency work of public service utilities or by exception issued by the noise control officer.

(b) Noise Restrictions at Affected Properties. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule.

(c) Mobile Equipment. Maximum noise levels for non-scheduled, intermittent, short-term operation (less than ten days at a time) of mobile equipment:

<i>Daily</i>	<i>Residential</i>	<i>Commercial</i>
7:00 a.m. - 10:00 p.m.	75 dBA	85 dBA
10:00 p.m. - 7:00 a.m.	Exception Permit	Exception Permit

(5) Domestic Power Tools, Machinery.

(a) Operating or permitting the operation of any mechanically-powered saw, sander, drill, grinder, lawn or garden tool or similar tool between 10:00 p.m. and 7:00 a.m., so as to create a noise disturbance across a residential or commercial real property line.

(b) Any motor, machinery, pump, such as swimming pool equipment, etc., shall be sufficiently enclosed or muffled and maintained so as to not create a noise disturbance in accordance with Section 3120.8.

(6) Stationary Equipment. Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment.

<i>Daily</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential</i>	<i>Mixed Res./Comm.</i>
7:00 a.m. - 10:00 p.m.	60 dBA	65 dBA	70 dBA
10:00 p.m. - 7:00 a.m.	Exception Permit	Exception Permit	Exception Permit

All mobile or stationary internal combustion engine powered equipment or machinery shall be equipped with suitable exhaust and air-take silencers in proper working order.

(7) Vibration. Operating or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty (150) feet or forty-six (46) meters from the source if on a public space or public right-of-way.

(8) Powered Model Vehicles. Operating or permitting the operation of powered model vehicles:

(a) Between the hours of 10:00 p.m. and 7:00 a.m. so as to create a noise disturbance across a residential and visitor-serving commercial real property line or at any time to violate the provisions of Section 3120.8, Exterior Noises.

(b) In such a manner as to exceed the levels set forth in Table 1 of Section 3120.8 measured at a distance not less than one hundred (100) feet from any point on the path of a vehicle operating on public space or public right-of-way.

(9) Residential Air-Conditioning or Air-Handling Equipment. Operating or permitting the operation of any air-conditioning or air-handling equipment in such a manner as to exceed any of the following sound levels:

	<i>Units Installed Before 6/1/04</i>	<i>Units Installed on or After 6/1/04</i>
<i>Measurement Location</i>	<i>dBA</i>	<i>dBA</i>
Any point on neighboring property line, five (5) feet above grade level, no closer than three (3) feet from any wall	60	55
Outside the neighboring living area window nearest the equipment location, not more than three (3) feet from the window opening, but at least three (3) feet from any other surface	55	50

(Ord. 04-07)

Sec. 3120.11 Exceptions to Noise Standards. The standards of this chapter are not applicable to noise from the following sources:

(A) Public activities, conducted in public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletic and school entertainment events.

(B) The use of any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work to protect life or property.

(C) Safety signals, warning devices, and emergency pressure relief valves.

(D) Noise sources associated with work performed by the City or private or public utilities in the maintenance or modification of City or Public Utility facilities.

- (E) Noise sources associated with the collection of waste or garbage.
- (F) Any activity preempted by state or federal law.
- (G) City-sponsored events.
- (H) Agricultural activities.

(Ord. 04-07)

Sec. 3120.12 Exceptions. (A) Special Exceptions.

(1) The Public Works Division is authorized to grant exceptions from any provision of this chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the noise control officer(s) determines are appropriate, and will not affect the public health, safety, and welfare from the noise emanating therefrom. In emergency situations or on weekends, the Chief of Police or his or her designee may issue an emergency exception to be confirmed by the Building Division during normal working hours.

(2) Any person seeking an exception pursuant to this section for construction-related noise shall file an application with the Community Development Director or his or her designee. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, the community, or on other persons. The application shall be accompanied by a fee as set forth in the Master Fee Schedule and amended from time to time. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application. Any individual that claims to be adversely affected by allowance of the exception may file a statement with the Community Development Director or his/her designee containing any information to support said claim. (If at any time the Community Development Director or his/her designee finds that a sufficient controversy exists regarding an application, a public hearing will be scheduled before the City Council.)

(3) In determining whether to grant or deny the application, the Community Development Director or his or her designee shall consider denial of the application as a hardship on the applicant against: (a) the potential adverse impact on the health, safety, and welfare of other persons affected; (b) the adverse impact on property affected; and (c) any other adverse impacts of granting the exception. Applicants for exceptions and persons contesting exceptions shall be required to submit the information as the Community Development Director or his or her designee may reasonably require. In granting or denying an application, the Community Development Director or his or her designee shall keep on file a public copy of the decision and the reasons for denying or granting the exception.

(4) Exceptions shall be granted by notice to the applicant containing all necessary conditions, including a time frame on the permitted activity. The exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the exception shall terminate the exception.

(B) Appeals.

(1) Appeals of a decision under this section of the Community Development Director or his or her designee shall be made to the City Council

(2) Appeals. Appeals of a decision under this section of the Police Department's noise control officer(s) shall be made to the Police Lieutenant, then to the Chief of Police. Decisions of the Chief of Police may be appealed to the City Council. (Ord. 04-07)

CHAPTER 1.1 - SOLICITATION

PART 1 - CHARITABLE SOLICITATION

Sec. 3130. Statement of Purposes. It is the purpose of this Part to protect residents of the City of Grover City against:

- (A) Fraud and misrepresentation by persons purporting to solicit funds from the public for charitable purposes;
- (B) Unreasonable annoyance or disturbance to residents of the City. (Ord. 81-6)

Sec. 3131. Definitions. For the purpose of this Part the following words as used herein shall have the following meanings:

- (A) Charitable Organization shall mean any organization which is, or holds itself out to be, organized or operated for any charitable purpose, or any person who solicits or obtains contributions solicited from the public for charitable purposes.
- (B) Charitable Purpose shall mean and include the word charitable in its ordinary meaning, and also the words patriotic, philanthropic, social service, welfare, educational, religious, civic, or fraternal.
- (C) Solicitation shall mean and include the request or appeal, directly or indirectly, either in person or by telephonic communication, for any contribution on the representation that such contribution will be used for a charitable purpose, including without limitation the following methods of requesting such contributions:
 - (1) Any oral or written request for a contribution, in person or by telephone;
 - (2) The sale of, offer of, or attempt to sell, in person or by telephone, any advertisement, subscription, ticket, or any service or tangible item in connection with which any appeal is made for any charitable purpose or where the name of any charitable organization is used or referred to in any such appeal as an inducement or reason for making any such sale, or when in connection with any such sale any statement is made that the whole or any part of the proceeds from any such sale will be donated or applied to any charitable purpose. (Ord. 81-6)

Sec. 3132. Registration of Charitable Organizations. Every charitable organization which solicits or intends to solicit contributions at or upon any residence within the City, or to have funds solicited on its behalf within the City, shall, prior to any such solicitation, file a Registration Statement with the City Clerk. Each Registration Statement shall be refiled and updated every twelve (12) months so long as such charitable organization is engaged in solicitation activities within the City. Such Statement shall contain the following information:

- (A) The name of the organization and the purpose for which it was organized;
- (B) The address of the principal office of the person applying for the permit, including both local and non-local principal offices, where such exist;
- (C) If the applicant is not an individual, the names and addresses of the applicant's principal officers and executives;
- (D) The specific purpose for which such solicitation is to be made;
- (E) The name and address of the person who will be in direct charge of conducting the solicitation. (Ord. 81-6)

Sec. 3133. Notice Regulating Soliciting. Any resident desiring to secure protection from solicitation at his residence shall attach and exhibit at or near the main entrance to the residence a visible and legible sign stating words to the effect that uninvited solicitors are not allowed upon the premises. The letters shall be at least 1/3" in height. The words "No Solicitors" or similar words shall be deemed sufficient for this purpose. (Ord. 81-6)

Sec. 3134. Prohibited Practices. It shall be unlawful to do any of the following:

(A) To engage in solicitation within the City without there being in effect a Certificate of Registration for such solicitation;

(B) To directly or indirectly solicit contributions for any purpose by misrepresentation of the name, occupation, financial or social condition, residence, or principal place of business of the solicitor, or to make or cause to be made any misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose within the City, or in any application or report filed under this Part;

(C) In connection with any solicitation for a charitable purpose, to use a name, symbol, or statement so closely related or similar to that used by another charitable organization or any governmental agency that the use thereof would tend to confuse or mislead the public;

(D) To solicit funds by use of statements or materials that would indicate that such funds were being raised for an organization or agency, where such organization or agency has not given its explicit permission for the raising of such funds for it and the use of its name in connection with the solicitation of funds;

(E) To violate the terms or provisions of any permit issued under the provisions of this Part;

(F) To solicit upon any premises where there is posted a notice prohibiting solicitation in accordance with Section 3133 of this Part, or to refuse to leave the premises of any residence within the City after being asked by the owner or occupant to do so;

(G) To engage in solicitation upon, or by telephonic communication with, any residence prior to 9:00 a.m. or after 7:00 p.m. of any day, except that from May 1 through October 31 of each year solicitation is permitted until 8:00 p.m. of any day. (Ord. 81-6)

Sec. 3135. Term of Permit. Permits issued pursuant to this Part shall authorize the holder thereof to solicit for the number of days requested in the application, not to exceed thirty (30) days. Applications for renewal of permits may be made and shall be granted if the requirements of this Part are being met and no violations hereof have been found to exist. (Ord. 81-6)

PART 2 - COMMERCIAL SOLICITATION

Sec. 3140. Definitions. For the purpose of this Part, the following words shall be defined as follows:

(A) Soliciting shall include engaging in one or more of the following activities, either in person or by telephonic communication:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or description, for any kind of consideration;

(2) Seeking to obtain prospective customers for application or purchase of insurance, annuities, or similar commodities of any type, kind or character;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication.

(B) For purposes of this Part "Soliciting" shall not include:

(1) Solicitation made at the express request or invitation of the party to whom made; or

(2) Solicitation for a charitable purpose as defined in Section 3131 of this Code.

(C) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

(D) Registered Solicitor shall mean and include any person who has obtained a valid certificate of registration, as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting. (Ord. 81-5)

Sec. 3141. Certificate of Registration. No person shall engage in soliciting from persons in residences within the City without having a Certificate of Registration as herein provided. Such Certificate shall be carried by the solicitor and produced on demand of any person to whom solicitation is made, or to any legally authorized enforcement officer of the City of Grover City. Application for a Certificate of Registration shall be made upon a form provided by the City Clerk, which application shall be accompanied by a nonrefundable application and processing fee as set forth in the Master Fee Schedule and amended from time to time. The applicant shall state in full the following information:

(A) Name and address of present place of residence and length of residence at such address, and business address if other than residence address;

(B) Address of place of residence during the past three years if other than present address;

(C) Age of applicant;

(D) Physical description of applicant;

(E) Name and address of the person, firm or corporation whom the applicant is employed by or represents, and the length of time of such employment or representation;

(F) Name and address of employer during the past three years if other than the present employer;

(G) Identification of the subject matter of the soliciting in which the applicant will engage;

(H) The date or approximate date of the latest previous application for Certificate under this Chapter;

(I) Whether a Certificate of Registration issued under this Chapter to the applicant has ever been revoked;

(J) Whether the applicant has ever been convicted of a violation of a felony under the laws of California or any other state or federal law of the United States;

(K) Names of the three most recent communities where the applicant has solicited at residences.

All statements made by the applicant upon the application or in connection with it shall be under oath.

The City Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto, and all Certificates of Registration issued under the provisions of this Part and of the denial of applications.

Applications for Certificates shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of any state or the federal law of the United States within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Part: nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided. (Ord. 81-5; Am. Ord. 03-02)

Sec. 3142. Revocation of Certificate. Any Certificate of Registration issued hereunder shall be revoked by the City Clerk if the registered solicitor is convicted of a violation of any of the provisions of this Part, or is determined to have made a false material statement in the application, or who otherwise becomes disqualified for the issuance of a Certification of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the Certificate in person or by certified mail, addressed to their residence address as set forth in the application. Immediately upon the giving of such notice the Certification of Registration shall be deemed null and void. (Ord. 81-5)

Sec. 3143. Notice Regulating Solicitation. Any person desiring to secure the protection from solicitation provided by this Section shall attach and exhibit at or near the main entrance to the residence a visible and legible sign stating words to the effect that uninvited solicitors are not allowed on the premises. The words "No Solicitors" or similar words shall be deemed to be sufficient for this purpose. The letters in such notice shall be at least one-third of an inch in height. (Ord. 81-5)

Sec. 3144. Prohibited Practices. It shall be unlawful to do any of the following:

- (A) To engage in soliciting from persons in residences within the City without having in effect and on the person of the solicitor a Certificate of Registration as herein provided;
- (B) To go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner, calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engaging in soliciting as herein defined, in defiance of a notice exhibited at the residence in accordance with the provisions of Section 3143 of this Part, or to refuse to leave the premises of any residence within the city after being asked by the owner or occupant to do so;
- (C) Engaging in solicitation upon, or by telephonic communication with, any residence prior to 9:00 a.m. or after 7:00 p.m. of any day, except that from May 1 through October 31 of each year solicitation is permitted until 8:00 p.m. of any day;
- (D) For more than two individuals to engage in solicitation upon any single premises at the same time for the same goods or services;
- (E) For any person to make more than one solicitation call at the same premises for identical goods or services within any consecutive thirty-day period without receiving a prior invitation therefor from the occupant of such premises. This provision shall be construed to include solicitation upon the same premises by employees, agents or representatives of any person more than once during such period without a prior invitation therefor;

- (F) For any solicitor to fail to verbally identify himself and the purpose of the solicitation;
- (G) To misrepresent the purpose of any solicitation or to use any false, deceptive, or misleading representation to induce a sale, or to use any plan, scheme or ruse which misrepresents the true status or purpose of the person making the solicitation. (Ord. 81-5)

Sec. 3145. Street Vendors. Except for an ice cream vendor, it is unlawful for any person to solicit on any public street or sidewalk within the city. For the purpose of this section, the term "ice cream vendor" shall mean and be limited to a business, and the employees of the business when acting on behalf of the business, who sell from a truck only the following items: ice cream, candy or non-alcoholic beverages. (Ord. 81-5, Am. Ord. 01-03)

Sec. 3146. Public Buildings. No person shall solicit for any purpose, charitable or otherwise, in any City, County or federal building within the City. (Ord. 81-5)

CHAPTER 1.2 - MEDICAL MARIJUANA DISPENSARIES

Sec. 3150. Medical Marijuana Dispensaries. A medical marijuana dispensary as defined in Section 3151 shall not be a permitted use within the City, and no Conditional Use Permit shall be issued to permit a medical marijuana dispensary to operate within the City. (Ord. 06-06)

Sec. 3151. Definitions. As used herein the term "Medical Marijuana Dispensary" or "Dispensary" means any facility or location where medical marijuana is made available to and/or distributed by or to two or more persons in the following categories: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 *et seq.* A "Medical Marijuana Dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 *et seq.* and the City of Grover Beach Municipal Code, including but not limited to the City's Zoning Code. (Ord. 06-06)

Sec. 3152. Misdemeanor. A violation of Section 3150 is punishable as a misdemeanor. (Ord. 06-06)

CHAPTER 2 - ALCOHOLIC BEVERAGES

Sec. 3200. Drinking in Public Places. No person shall drink any beer, wine, or other intoxicating beverage containing more than one-half of one percent of alcohol by volume upon any public street, alleyway, sidewalk or parkway, or in any public park, public building, public lavatory, or public parking lot, or in a lobby or entrance way to any building within the City without first obtaining a permit issued by the City. Such a permit may be issued by the Parks and Recreation Department upon such terms as the Department finds are necessary to protect the public. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.. (Ord. 1; Am. Ord. 97-5)

Sec. 3200.1. Open Container in Public Places. No person shall have in his possession any open container of any beer, wine, or other intoxicating beverage containing more than one-half of one percent of alcohol by volume upon any public street, alleyway, sidewalk or parkway, or in any public park, public building, public lavatory, or public parking lot, or in a lobby or entrance way to any building within the City without first obtaining a permit issued by the City. Such a permit may be issued by the Parks and Recreation Department upon such terms as the Department finds are necessary to protect the public. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.. (Ord. 1, Am. Ord. 97-5)

Sec. 3201. Hours of Service of Alcoholic Beverages. No person shall serve "set-ups" between 2:00 a.m. and 6:00 a.m., if they are to be used with distilled spirits. (Ord. 1)

Sec. 3202. Alcoholic Beverages on School Grounds. No person shall consume any alcoholic beverage on the grounds of any public school or any stadium or athletic field while being used by a public school. (Ord. 1)

CHAPTER 2.1 - BINGO

Sec. 3215. Bingo Games. The conducting of bingo games within the City of Grover City shall be permitted pursuant to California Penal Code Section 326.5. Such bingo games shall be allowed only by and for the benefit of organizations exempted from payment of the Banking Corporation Tax under Revenue and Taxation Code 23701 (d). This provision shall incorporate all conditions and limitations set forth in California Penal Code Section 326.5, including any subsequent amendments thereto, and any violation of said provisions shall constitute a violation of this Section. (Ord. 76-15)

Section 3215.1. Bingo License Fee. No person or organization shall be entitled to conduct any bingo game unless such person or organization has secured from the City Clerk a bingo license, for which the annual fee shall be \$10.00. The granting of such license shall be subject to the furnishing of such data and information as is required by the City Clerk. (Ord. 76-15)

CHAPTER 2.2 - CONTROLLED SUBSTANCE PARAPHERNALIA

Sec. 3220. Sale or Display of Narcotic and Other Paraphernalia. (A) General: No owner, manager, proprietor or person in charge, of any room in any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for smoking, injecting, or consuming marijuana, hashish, PCP, or any controlled substance as defined in the California Health & Safety Code (other than prescribed drugs and devices to ingest or inject prescription drugs), or roach clips, shall allow or permit any person under the age of eighteen (18) to be, remain in, enter, or visit such room unless such minor person is accompanied by one of his or her parents or by his or her legal guardian.

(B) Minors Excluded: No person under the age of eighteen (18) shall be, remain in, enter, or visit any room in any place used for the sale, or displaying for sale, of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance (other than prescription drugs and devices to ingest or inject prescription drugs), or roach clips, unless such person is accompanied by one of his or her parents or his or her legal guardian.

(C) Sale and Display Rooms: No person shall maintain in any place of business to which the public is invited a displaying for sale or offering to sell of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance (other than prescription drugs and devices to ingest or inject prescription drugs), or roach clips, unless within a separate room or enclosure to which minors not accompanied by a parent or guardian are excluded. Each entrance to such a room shall be posted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room, and minors, unless accompanied by a parent or legal guardian, are excluded.

(D) Same; Nuisance: The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this section, and where devices, contrivances, instruments, or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance (other than prescription drugs or devices to ingest or inject prescription drugs), or roach clips, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of Code of Civil Procedure § 731. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this Code. (Ord. 80-3)

CHAPTER 2.21 - REGULATION OF THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

Sec. 3221.1. Self-Service Sales of Tobacco. It shall be unlawful for any person, business, or tobacco retailer within the City to sell, offer for sale, or display for sale any tobacco product by means of a self-service display. All tobacco products shall be offered for sale exclusively by means of vendor/employee assistance. This section shall not apply to any person, business, or tobacco retailer if the sale, offer to sell, or display for sale of any tobacco product is conducted within a building which is posted with a sign prohibiting entrance into such building of anyone under 18 years old unless accompanied by a person at least 21 years old. (Ord. 00-08)

Amended July 1, 2006

III-20

Sec. 3221.2. Out of Package Sales. No person, business, tobacco retailer, or other establishment shall sell or offer for sale cigarettes, or other tobacco or smoking products, not in the original packaging provided by the manufacturer and with all required health warnings. (Ord. 00-08)

Sec. 3221.3. Violation - Penalty. Any person, business owner, or proprietor, or employee of any business or establishment subject to the requirements of this Chapter who violates any mandatory provision of this Chapter shall be guilty of an infraction and subject to punishment as provided for in Article 1, Chapter 2, Section 1200 of this Code. (Ord. 00-08)

CHAPTER 2.3 - ALARM SYSTEMS

Sec. 3230. Designation. This Chapter shall be known as and referred to as the alarm systems ordinance. (Ord. 83-3)

Sec. 3231. Purpose. The City of Grover City hereby determines that it is in the best interest of all its citizens that all burglary, robbery and fire alarms within the City be subject to certain regulations designed to control false alarms and insure prompt response. (Ord. 83-3)

Sec. 3232. Police Station Alarm Terminus. Any silent burglary, holdup, or fire alarm terminating at the Grover City Police Department shall be connected to one central receiving device of the type specified by the Chief of Police. No other terminal device will be permitted except at the discretion of the Chief of Police who may permit such other device upon finding that the proposed device is at least equal and equivalent to the type or types theretofore approved. (Ord. 83-3)

Sec. 3233. Alarm Permits. It shall be unlawful for any person, corporation, business, commercial establishment or residence to install or possess any unauthorized type of alarm or any operating burglary, holdup or fire alarm system designed to annunciate audibly outside the confines of any structure or real property or to annunciate at any reception point remote from the annunciating alarm unless a City of Grover City Alarm Permit has been issued for each alarm.

(A) Alarm permits shall be issued by the Grove City Police Department.

(B) There shall be no fee or other monetary consideration connected to permit issuance. Permits shall remain valid until suspended, revoked, or until the alarm is deactivated.

(C) The alarm permit shall bear the following information:

(1) Permit number;

(2) Date of issuance;

(3) Name of alarm subscriber or user;

(4) Address of alarmed premises;

(5) Type of business serviced by alarm;

(6) Alarm type;

(7) Alarm company;

(8) If an alarm user is not serviced by an alarm company, he must provide two (2) emergency numbers of persons who have keys to the premises and have the ability to shut off the alarm;

(9) Issuing officer;

- (10) Emergency contact phone numbers;
- (11) Status of alarm permit.

(D) Failure of the alarm subscriber to keep the Police Department informed of current emergency contact and premises address information may result in fines and/or suspension or revocation of the permit.

(E) Installation or possession of an operational alarm system within the City of Grover City without a permit, or continuing activation of an operational alarm system for which the permit has been denied, revoked or suspended shall be a misdemeanor.

(F) Persons, corporations, businesses, commercial establishments, and residences equipped with operational alarms that have not been issued a permit shall be subject to the following sanctions:

- (1) First Offense -- Warning and requirement to obtain permit;
- (2) Second and Subsequent Offenses -- Issuance of citation for violation of Sec. (E).

(G) Suspension or revocation of alarm permits shall result from any of the conditions set forth below; provided, however, that the Chief of Police, upon a finding of mitigating circumstances, may allow the permittee to continue operating on condition of no further misuse or false alarms.

(1) Alarm misuse -- Intentional use of an alarm for a purpose for which it was not intended;

(a) First Offense -- Warning;

(b) Second Offense -- A second offense within a one year period of the first violation shall result in revocation of permit.

(2) False alarms resulting from operational error.

(a) First offense - Warning.

(b) Second offense in a three-month period - Issuance of a citation for \$25.00.

(c) Third offense in a three-month period - Issuance of a citation for \$50.00.

(d) Fourth offense in a three-month period - Issuance of a citation for \$100.00.

(e) Fifth offense in a three-month period - Revocation of permit.

(3) False alarms resulting from equipment malfunction.

(a) First and second offenses - Warning.

(b) Third offense in a three-month period - Issuance of a citation for \$25.00.

(c) Fourth offense in a three-month period - Issuance of a citation for \$50.00.

(d) Fifth offense in a three-month period - Issuance of a citation for \$100.00.

(e) Sixth offense in a three-month period - Revocation of permit.

(H) No penalty shall be incurred for legitimate alarm annunciation or from those situations in which a false alarm occurs but its cause was beyond operational or equipment control as determined by the Chief of Police.

(I) A permit may be reactivated when the Chief of Police finds, upon verified evidence, that the problems causing the revocation or suspension have been corrected. (Ord. 83-3; Am. Ord. 00-1)

Sec. 3234. Out of City Alarm Systems Terminating at the Police Department. No alarm systems originating outside the City shall terminate within the Police Department. (Ord. 83-3)

Sec. 3235. Alarm Installation. (A) No company or person selling, renting, leasing, installing or otherwise providing alarm systems shall install any such alarm system without providing twenty-four hour service for that system. For the purposes of this section, alarm system shall mean any security, robbery, or fire alarm device which is installed by a person or persons other than the alarm system user. Service, for the purposes of this section, includes the ability to promptly repair a malfunctioning alarm system, and to provide periodic maintenance necessary to the alarm system's normal function.

(B) In the event an audible security alarm sounds within the limits of the City of Grover City and no person can be contacted to shut the alarm off within a thirty minute period, then the vendor currently supplying terminal service at the Police Department shall be contacted to disable the alarm. All charges for such service shall accrue to that alarm user at a rate no greater than the vendor's standard service charge.

(C) Any company or person installing an alarm system other than the alarm system user shall provide the Police Department notification prior to installation of any alarm system, or any change in the status of the alarm system, including change in business owner, type of business, or modification of the alarm. (Ord. 83-3)

CHAPTER 3 - TRAFFIC REGULATIONS

Sec. 3300. Short Title. This chapter shall be known as the Traffic Ordinance of the City of Grover City. (Ord. 10)

Sec. 3301. Adoption of the Traffic Ordinance. The Traffic Ordinance, 1960 Edition, adopted by the League of California Cities, except as amended in Section 3302 hereof, and Section 11.1 thereof (which is deleted), are hereby adopted and made a part of the Grover City Municipal Code as though fully set forth herein. Three copies of this Traffic Ordinance are on file for use and examination by the public in the office of the City Clerk of this City. (Ord. 10)

Sec. 3302. Amendments to Traffic Ordinance. There are hereby adopted as amendments and additions to said Traffic Ordinance the following sections to be numbered and designated as follows, which sections are to constitute a part of the Traffic Ordinance adopted by reference in Section 3301 hereof. Said sections of said Traffic Ordinance so amended and added are to be numbered and designated and shall read as follows, to-wit:

Section 1.3 - Central Traffic District. All streets and portions of streets within the area described as follows: All that area on Grand Avenue from U.S. Highway No. 1 on the west to 18th Street on the east. (Ord. 10)

Section 1.5 - Council. The Council of the City of Grover City. (Ord. 10)

Section 1.20; - Divided Highway. "Divided Highway" is defined as a roadway divided along its centerline, either by a physical barrier or by signs or markings on said roadway and providing for specific directional traffic flow in each lane. (Ord. 10)

Section 2.7 - Advisory Traffic Committee. There is hereby established an Advisory Traffic Committee consisting of a member of the public to be appointed by the City Council, the Police Chief or the Police Chief's designee, the Director of Community Development or the Director of Community Development's designee, the Public Works Supervisor or the Public Works Supervisor's designee, and the Fire Chief or the Fire Chief's designee. The member of the public appointed by City Council shall serve at the will of the City Council or for a term of two years expiring on January 15 of each odd-numbered year. The expiration of the first two-year term shall be January 15, 2003. (Ord. 10; Am. Ord. 00-05)

Section 9.2 - Standing in Roadway. No person shall stand in any roadway other than any safety zone or in a crossing walk if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee, or employee of a public utility necessarily upon a street in the line of duty. (Ord. 10)

Section 10.14 - Taxicab Stands. (A) The City Traffic Engineer shall establish taxicab stands and determine the locations thereof.

(B) The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering and shall be designated by signs of a type and size approved by the City Traffic Engineer.

(C) No operator of any vehicle other than a taxicab or automobile for hire shall park said vehicle in such taxicab stand.

Section 11. Temporary Parking at Green Curbs. (A) A curb marked green shall mean no standing or parking adjacent to the curb for a period of time longer than sixty (60) minutes, or shorter periods as may be designated by the City Traffic Engineer, at any time between 8:00 a.m. and 9:00 p.m. on any day.

(B) If a shorter period of time than sixty (60) minutes is designated by the City Traffic Engineer, then the limited time for standing or parking shall be marked on the green curb in legible letters and numbers. In this case, there shall be no standing or parking adjacent to the curb for a period of time longer than the time marked on the green curb. (Ord. 79; Am. Ord. 01-01)

Section 11.3 - Two Hour Parking. When authorized signs, parking meters or curb markings have been determined by the City Traffic Engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any days except Sundays and holidays for a period of time longer than two hours. (Ord. 10, Amd. 98-6)

Section 12.7 - Parking or Standing of Commercial Vehicles. (A) In all areas (public or private) within the City of Grover City within the R-1, R-2, R-3, R-A, C-R-1, C-R-2, C-R-3, M-H, or C-P-R-1, or any curbside parking contiguous to any such zone, the parking or standing of commercial vehicles is hereby prohibited if said vehicle is one or more of the following: (Ord. 10)

(1) A vehicle with a manufacturer's gross weight rating of 10,000 pounds or more, except for house cars as defined in Vehicle Code Sec. 362 or a trailer coach as defined in Vehicle Code Sec. 635;

(2) A truck trailer as defined in Vehicle Code Sec. 655;

(3) A semitrailer as defined in Vehicle Code Sec. 550;

(4) A trailer as defined in Vehicle Code Sec. 630.

(B) This section shall not apply under the following conditions:

(1) When such vehicle is loading or unloading property;

(2) When such vehicle is engaged in the construction, installation, repair or maintenance of a publicly or privately owned improvement located on the property and such vehicle is left parking or standing for not more than five (5) hours during any 24-hour period;

(3) When the City Council has determined by resolution that the parking of such vehicles on certain streets or properties shall be permitted; or

(4) When the vehicle is being used in conjunction with a construction project, is parked or standing off of a public right of way and such vehicle parking or standing has been approved in writing by the Community Development Director. (Amd. Ord. 85-10)

Section 13.2 - Horses and Horse Drawn Vehicles. (A) No person shall drive or ride any animal or animal drawn vehicle in, to or upon and City Street at any time of the day or night.

(B) The City Traffic Engineer or the Chief of Police may authorize the driving or riding of any animal or animal-drawn vehicle for the purpose of holding a public parade or demonstration or function or for other reasons appearing to be necessary, provided that temporary signs or barricades shall designate the specific location in which such functions are to take place and along which such animals or animal drawn vehicles may be ridden or driven. (Ord. 10)

Section 16. Increasing State Speed Limits in Certain Zones. In accordance with Vehicle Code Section 22357, it is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign posting of said streets as through highways, or by reason of widely spaced intersections, and it is hereby declared that the prima facie speed limit shall be as hereinafter designated when signs are erected giving notice thereof:

<u>Name of Street or Portion Affected</u>	<u>Declared Prima Facie Speed Limit</u>
West Grand Avenue between Highway One to Oak Park Blvd.	35 miles per hour
South and North 4th Street between the southern City limits and the 900 block of North 4th Street	35 miles per hour

<u>Name of Street or Portion Affected</u>	<u>Declared Prima Facie Speed Limit</u>
North 4th Street between the 900 block of North 4th Street and the Pismo Beach City limits	45 miles per hour
Farroll Road between South 4th Street to the eastern City limits	35 miles per hour
Atlantic City Avenue between North 4th Street to Oak Park Blvd.	30 miles per hour
El Camino Real between Oak Park Blvd. and the 1400 block of El Camino Real	45 miles per hour
El Camino Real between the 1400 block of El Camino Real and the Pismo Beach City limits	40 miles per hour
Longbranch Avenue between South 4th Street to Oak Park Blvd.	25 miles per hour
Mentone Avenue between South 4th Street and Oak Park Blvd.	25 miles per hour
South Oak Park Boulevard between West Grand Avenue and the southern City limits	35 miles per hour
North Oak Park Boulevard between West Grand Avenue and Saratoga Avenue	30 miles per hour
North Oak Park Boulevard between Saratoga Avenue and El Camino Real	25 miles per hour
The Pike between South 13th Street and the eastern City limits	35 miles per hour
North and South 13th Street between The Pike and Atlantic City Avenue	30 miles per hour

(Amd. Ord. 07-02)

Sec. 3303. Truck Routes. (A) Whenever this City designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three (3) tons, the Community Development Director is authorized to designate such street

or streets by appropriate signs as "Truck Routes" for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons.

(B) When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three (3) tons coming from a "Truck Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bonafide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained.

(C) The provisions of this section shall not apply to (1) passenger buses under the jurisdiction of the Public Utilities Commission, (2) any vehicle owned by a public utility, or (3) any vehicle under contract to the City.

(D) The following streets and parts of streets are hereby declared to be truck routes for the movement of vehicles that exceed a maximum gross vehicle weight of three (3) tons:

- (1) Grand Avenue - within City Limits
- (2) North an South Oak Park Boulevard - from Longbranch Avenue to US 101
- (3) Farroll Road - from South 4th Street to 14th Street
- (4) Highland Way - From South 4th street to 13th Street
- (5) North and South 4th Street - within City Limits
- (6) El Camino Real - from North 4th Street to North Oak Park Boulevard
- (7) The Pike - from South 4th Street to 13th Street
- (8) State Route 1 Highway - within and through the City
- (9) Ramona Avenue - from North 4th Street to Front Street
- (10) 3rd Street - from Grand Avenue to Ramona Avenue
- (11) Front Street - from Ramona Avenue to Newport Avenue

(Ord. 78-4; Am. Ord. 88-4; Am. Ord. 07-03)

Sec. 3304 through 3305.25 reserved for future material.

Sec. 3305.26. Unauthorized parking of vehicles on private or public property. (A) It is the purpose of this section to prohibit parking of vehicles without permission on privately owned or publicly owned property, and to establish a means to enforce limited time zones on private or public property. Section 22519 of the California Vehicle Code is the authority for this section.

(B) No person shall park a vehicle on private property or publicly owned property without the permission, express or implied, of the owner or person in lawful possession of such property or in a manner different or for a period of time longer than the permission was given. No person, regardless of whether permission has been given by the owner or person in lawful possession, shall park a vehicle in a fire access road established, maintained or posted with signs pursuant to the provisions of the California Vehicle Code Section 22500.1.

(C) The property must be posted with visible "No Parking" type signs or signs that state limited time parking zone. Posting of signs is the responsibility of the property owner.

(D) Enforcement action is to be citation with the fine set by Resolution of the City Council.
(Ord. 96-6)

CHAPTER 4 - TAXICABS

Sec. 3400. Definitions. (A) **Taxicab.** A motor-propelled passenger vehicle of a distinctive color or colors and which is of such public appearance as is customary for taxicabs in common use, and which is operated at rates per mile, and which is used for transportation of passengers for hire over and along the public streets, not over a defined route, but as to route and destination in accordance with and under the direction of the person hiring such vehicle.

(B) **Certificate Holder.** Any person to whom a certificate of public convenience and necessity has been issued in accordance with the provisions of this chapter and which certificate has not been revoked.

(C) **Driver.** Every person in charge of, or operating any taxicab, either as owner or employee, or under the direction of owners or employees.

(D) **Owner.** Every person who in any manner has the proprietary use, ownership or control of any taxicab. (Ord. 14; Am. Ord. 61; Am. Ord. 74-4)

Sec. 3401. Certificate of Public Convenience and Necessity Required. (A) It shall be unlawful for any person to engage in the business of operating any taxicab in the City of Grover City without first having obtained from the City Council a Certificate of Public Convenience and Necessity. All person applying for such certificate shall file with the Council a verified application which shall set forth:

(1) The name and address of the person making application;

(2) If, at the time of making application, such person is actually operating a taxi service in the City, the number of taxicabs owned and operated therein by the applicant;

(3) The number of vehicles for which a Certificate of Public Convenience and Necessity is desired;

(4) The make, type, year of manufacture and passenger seating capacity of each taxicab for which the application for a certificate is made;

(5) A description of the proposed color scheme, insignia, or any other distinguishing characteristics of the taxicab. In this respect, no two cab companies shall have the same color scheme;

(6) Such other information as the City Council may require.

(B) Upon filing of the fully completed application for the Certificate of Public Necessity and Convenience, the City clerk shall fix the time for a public hearing thereon before the City Council for the purpose of determining whether the public convenience and necessity require the proposed taxicab service. No certificate shall be granted until the Council shall, after the hearing, declare by resolution that the public convenience and necessity require the proposed taxicab service.

(C) Notice of the time and place of the public hearing before the City Council shall be published once in a newspaper of general circulation in the City; the publication to be five (5) days before the hearing; and the cost of publication to be at the expense of the applicant.

(D) In determining whether public convenience and necessity require the taxicab service for which the application is made, the City Council shall investigate and consider:

(1) The demand of the public for additional taxicab service;

(2) The adequacy of the existing taxicab service;

(3) The financial responsibility and experience of the applicant;

(4) The number, make and type of the equipment and the color scheme to be used;

(5) The effect which additional taxicab service may have on traffic congestion and parking and whether it will result in a greater hazard to the public.

(E) If the City Council shall by resolution declare that public convenience and necessity require the additional taxicab service, a certificate to that effect shall be issued to the persons entitled thereto; provided the City Council may in its discretion determine the character and number of permits to be granted not exceeding ten (10); provided further that no certificate authorized hereunder shall be issued to any person who shall not have fully complied with all the necessary requirements of this chapter.

(F) The provisions of this section shall not affect the number of taxicabs operating with valid permits on the effective date hereof.

(G) If the service permitted hereunder is for any reason discontinued for a period of forty-five (45) days, the certificate granted shall be automatically canceled and shall be restored only in accordance with the provisions of this section.

(H) If an owner sells or transfers title to a taxicab for which a certificate has been issued, or in the event a taxicab for which a certificate has been issued has been destroyed, he is entitled, as a matter of right, upon written application to the Council made within fifteen (15) days after such sale, transfer or destruction, to have a new certificate issued, but for no greater number than sold, transferred or destroyed, and provided such owner has complied with all the provisions of this chapter.

(I) The City Council may at any time revoke or suspend the certificate granted on the following grounds or any of them:

(1) If the owner's record is unsatisfactory;

(2) If the owner fails to operate taxicabs in accordance with the provisions of this chapter;

(3) If the owner discontinues or suspends operation of taxicabs for a period of forty-five (45) days without permission first had and obtained;

(4) If taxicabs are operated at a rate of fare other than that filed with the City Clerk.

(J) All certificates which shall have been suspended or revoked by the City Council shall be surrendered to the City Clerk, and the operation of all taxicabs covered by such certificates shall cease and thereafter be unlawful. Any owner who shall retire and not replace any taxicab for a period of forty-five (45) days shall immediately surrender to the City Clerk the certificate granted to such taxicab.

(K) In the event that any driver of any taxicab is using any alcoholic beverages while on the job or during any waiting period, said driver shall thereupon have his driver's permit suspended for such period as in the opinion of the City Council seems desirable and such person shall not thereafter drive or operate any taxicab unless and until the driver's permit is restored. Should an owner use any intoxicating beverages while operating a taxicab in the City or during any waiting period or while he is otherwise on duty, the City Council may suspend or revoke his driver's permit and also may suspend or revoke the Certificate of Public Convenience and Necessity in which event the owner's right to operate any taxicabs or a taxicab business in the City shall be prohibited during the period of such suspension or revocation. (Ord. 14; Am. Ord. 61)

Sec. 3402. Schedule of Rates. At the time of granting of a Certificate of Public Convenience and Necessity under this chapter, the Council shall establish the schedule of operating rates of the certificate holder. No rates shall be set, established, charged, modified or amended without prior approval by the City Council, and no rates shall be charged for taxi service within the City of Grover City which are not in accordance with the schedule of rates which is then in effect for the certificate holder. Rate cards setting forth the authorized rates of the certificate holder shall be displayed in each taxi in such a place as to be in view of all passengers. (Ord. 14; Am. Ord. 61; Am. Ord. 74-4)

Sec. 3403. Maintenance. (A) All public passenger vehicles for hire shall be under the supervision and control of the Chief of Police, and he shall not permit any driver to operate any taxicab in the City, while same or any equipment used thereon, or therewith, shall be unsafe, defective or in an unsanitary condition, and every taxicab shall be at all times subject to the inspection of any police officer of the City.

(B) The Chief of Police is hereby authorized and directed to revoke and cancel, without previous notice, any permit granted hereunder, whenever any owner or driver violates any of the provisions of this chapter. The owner of the permit thus revoked may, within ten (10) days thereafter, appeal such order of revocation to the City Council, who shall, after due notice to the owner, hear and determine the matter and their decision therein shall thereupon become final. Any person whose permit is thus revoked shall not be eligible to apply for another for a period of one (1) year from the date of such revocation. (Ord. 14; Am. Ord. 61; Am. Ord. 74-4)

Sec. 3404. Operating Regulations. (A) Any driver employed to transport passengers to a definite point shall take the most direct route that will take passengers to their destination safely and expeditiously.

(B) If requested, every driver shall give a receipt upon payment of the correct fare. In case of a dispute the matter shall be determined by the officer in charge of the Police Station. Failure to comply with such determination shall subject the offending party to a charge of a misdemeanor.

(C) It shall be unlawful for any person, except where credit is extended, to refuse to pay the lawful fare, as fixed herein, for the use of any taxicab after hiring the same.

(D) It shall be unlawful for any driver, operating under a permit issued pursuant to the terms of this chapter, to refuse, when the vehicle is in service and not otherwise engaged, to transport any person who presents himself for carriage in a sober and orderly manner and for a lawful purpose. (Ord. 14; Am. Ord. 64)

Sec. 3405. Taxicab Drivers - Permits. (A) It shall be unlawful for any person to operate or drive a taxicab in the City of Grover City without having first obtained written permission to do so from the Chief of Police. To secure such permission, a written application must be filed with the Chief of Police and accompanied by a fee as set forth in the Master Fee Schedule and amended from time to time to cover the cost of an identification card to be issued and conspicuously posted in the taxicab driven by the permittee during all working hours. Such identification card shall not be transferable, and shall contain a picture of the permittee, furnished by the permittee.

(B) The Chief of Police shall have discretion whether or not to issue and permit, and may revoke a permit theretofore granted:

- (1) If the applicant is under twenty-one (21) years of age; or
- (2) If the applicant is not a citizen of the United States; or
- (3) If the applicant has not resided in the County of San Luis Obispo sixty (60) days immediately prior to filing his application; or
- (4) If the applicant does not possess a valid chauffeur's license issued by the State of California; or
- (5) If the applicant is a reckless driver or has been convicted of reckless driving or driving while under the influence of intoxicating liquors or narcotics; or
- (6) If the applicant is guilty or has been convicted of a felony or crime involving moral turpitude; or
- (7) If the applicant is not a fit and proper person to drive a taxicab; or
- (8) If the applicant violates any provisions of this chapter.

(C) Upon satisfying the foregoing requirements, the applicant shall be fingerprinted, and his record filed in the office of the Police Department, and thereupon a permit shall be issued, which permit shall be fixed in a conspicuous place in the taxicab so as to be seen from the passenger's compartment, and which said permit shall set forth the name, address, and telephone number of the owner of the taxicab.

(D) If the driver changes his employment to a different owner, he shall, within twenty-four (24) hours thereafter, notify the Chief of Police for the purpose of having his driver's certificate changed so as to properly designate the name of the new employer.

(E) When issued, the driver's permit shall be valid for one (1) year from the date of issuance, unless the same has been revoked for any of the causes herein set forth. The driver, in making application for a renewal of his permit, shall follow the same procedure as set forth in making his original application, except he shall not be required to pay the permit fee as set forth in the Master Fee Schedule and amended from time to time, be fingerprinted or furnish photographs. He shall pay the fee as set forth in the Master Fee Schedule and amended from time to time for the issuance of the renewal permit. (Ord. 15; Am. Ords. 61, 64, 90, and 03-02)

Sec. 3406. Public Liability Insurance. (A) Before a Certificate of Public Convenience and Necessity is issued under this chapter, there shall be filed with the City Clerk a certificate of a policy of insurance approved by the City Attorney, with a solvent and responsible company authorized to do business in the State of California, insuring the owner of such taxicab against loss by reason of injury or damage that may result to persons or property from the operation or defective construction of all taxicabs operated by the certificate holder, or for any other cause. Said policy shall cover such liability to the amount or limit of at least one hundred thousand dollars (\$100,000.00) for injury to or destruction of property, and a combined limit of one million dollars (\$1,000,000.00) for the injury to or death of one (1) or more persons in the same accident.

(B) Said policy of insurance shall guarantee the payment to any and all persons suffering injury or damage to persons or property, of any final judgment rendered against such owner or driver, within the limits above mentioned, irrespective of the financial condition or any acts or omissions of such owner or driver, and shall inure to the benefit of such persons.

(C) If at any time such policy of insurance is canceled by the company issuing the same, or the authority of the company to do business in the State of California shall be revoked, the owner shall immediately replace such policy with another policy satisfactory to the City Attorney and file with the City Clerk a certificate thereof, and in default thereof the owner's license to operate shall be deemed to be automatically revoked and the Chief of Police shall enforce such revocation. (Ord. 14; Am. Ord. 61; Am. Ord. 74-4; Am. Ord. 08-04)

Sec. 3407. Stand for Taxicabs. (Ord. 14; Repealed, Ords. 61 and 64)

Sec. 3408. Taximeter Required. All taxicabs operated under the authority of this chapter shall be equipped with meters fastened in front of the passengers, and visible to them at all times of the day or night. The accuracy of meters to be installed shall be tested, approved, and sealed by the San Luis Obispo County Department of Weights and Measures at all points and connections which, if manipulated, would affect their correct reading and recording. Each meter shall have a flag or approved device to denote when the vehicle is being employed and when it is not employed and it shall be the duty of the driver to throw the flag or device into a recording position when employed and into a nonrecording position at a termination of each trip. Said meter shall be subject to inspection from time to time and upon discovery of any inaccuracies therein said taxi shall be kept off the streets until the meter is repaired or replaced. Meters will be set to show rates adopted or amended by the Council. (Ord. 61; Am. Ord. 74-4)

Sec. 3409. Waiver of Requirements by Council. The City Council may from time to time alter or waive the requirements of this chapter as to a particular case by resolution. (Ord. 64)

CHAPTER 5 - ANIMAL REGULATIONS

PART 1 - GENERAL PROVISIONS

Sec. 3500. Establishment of a Public Pound. A public pound is authorized and established, and the same, and any branches thereof, shall be located and established at such place in the County as shall be fixed from time to time by the Board of Supervisors. The public pound, or any authorized branches thereof, shall provide suitable buildings and enclosures to adequately keep and safely hold all dogs, cats or household pets subject to being impounded by the provisions of this chapter. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3501. Animal Control Officer; Duties. There shall be in this City, a Chief Animal Control Officer responsible for the administration of the animal regulation control department. It shall be the duty of the Chief Animal Control Officer and his duly authorized deputies and employees to carry out the provisions of this Chapter, and all applicable statutes of the state and to be in charge of the public pound hereby authorized and established. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3502. Animal Control Officer; Citation Authority; Authority to Carry Weapons. (A) The Chief Animal Control Officer and his duly authorized deputies shall have the power to issue citations pursuant to this code.

(B) Animal control officers, when acting in the course and scope of their duties, shall be authorized to carry on their person or in county vehicles loaded firearms or weapons of the type approved by the Chief Animal Control Officer. Each officer shall qualify under California Penal Code Section 832 in the use of firearms. (Ord. 111; Am. Ord. 77-9; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3503. Badges. The Chief Animal Control Officer and his duly authorized and appointed deputies, while engaged in the execution of their duties, shall each wear in plain view a badge, having, in the case of the Chief Animal Control Officer, the word "Chief Animal Control Officer", in the case of the lead animal control officers, the words "Sergeant - Animal Control Officer", and in the case of the deputy animal control officer, the words "Deputy Animal Control Officer" engraved thereon. Any person who has not been appointed as provided hereinabove, or whose appointment has been revoked, who shall represent himself to be or shall attempt to act as an animal control officer shall be guilty of a misdemeanor. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3504. Record of Chief Animal Control Officer. The Chief Animal Control Officer shall keep a record of the number, description and disposition of all dogs, cats and household pets impounded, showing in detail in the case of each, the date of receipt, the date and manner of disposal, the name of the person reclaiming, redeeming or receiving such dogs, cats or household pets, the reason for destruction and such additional records as the City Council may from time to time feel necessary. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3505. Chief Animal Control Officer; Reports. The Chief Animal Control Officer shall make a monthly report to the City Administrator, or as often as may be required by the City, of the actions, transactions and operations of the public pound. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3506. Fees. (A) Whenever fees are to be charged by the Department of Animal Regulation these fees shall be set annually by ordinance of the City Council.

(B) Whenever a penalty fee is to be assessed, it shall be double the regular established fee. (Ord. 91-1)

Sec. 3507. Unnecessary Noise. It is unlawful for any person to keep, maintain, or permit on any lot or parcel of land, any dogs, cats poultry, fowl or household pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3508. Abatement of Noise or Nuisance. Whenever it shall be affirmed in writing by three or more persons living in separate dwelling units in the neighborhood that any dog, cat, animal, poultry or household pet is a habitual nuisance by reason of howling, barking, or other noise, or is in any other manner causing undue annoyance, that shall constitute a public nuisance, the Department, if it finds such public nuisance to exist, shall serve notice upon the owner or custodian that the public nuisance shall be abated or the animal shall be impounded in a legal manner. If the nuisance and annoyance is not successfully abated, the Department determines it necessary to impound such dog, cat, animal,

poultry or household pet, he shall not permit the reclaiming or redemption of the animal to the owner or custodian unless adequate arrangements have been made by the owner or custodian to insure abatement of the annoyance or public nuisance. Department shall present the results of the investigation of such nuisance to the officer responsible for prosecution within the jurisdiction wherein such nuisance is being maintained. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3509. Owner's Responsibility to Dispose of Dead Dogs, Cats, and Household Pets. It is unlawful for any owner or person who, having had the possession or control of any dog, cat, or household pet that has died to place the body of any dog, cat, or household pet, after its death, or cause to permit it to be placed or to knowingly allow or permit it to remain, in or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises, or property of another. (Ord. 111; Am. Ord. 81-10; Am. Ord. 82-5, Am. Ord. 91-1)

Sec. 3510. Disposition of Dead Dogs, Cats, and Household Pets Upon Request. It shall be the duty of the Chief Animal Control Officer, upon the request of any owner of any dead dog, cat or household pet which was kept or maintained in the city immediately prior to its death, or upon the request of any person or persons discovering a dead dog, cat or household pet upon his premises or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot or premises, to forthwith bury or dispose of the animal in such manner as may be prescribed by law. The Department shall charge and collect fees for the transportation and disposal of the dog, cat or household pet from the owner or person having had the possession or control of the animal if same can be ascertained. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3511. Definitions. (A) Whenever the word "Chief Animal Control Officer" is used in this title it means the Department of Animal Regulation, the Chief Animal Control Officer and/or his duly authorized representative(s).

(B) Whenever "household pets" is referred to in this chapter, it includes cats, dogs, canaries, parrots, fish, hamsters, rabbits, turtles, lizards, and other reptiles including but not limited to snakes, and other kindred animals usually and ordinarily kept as household pets.

(C) Whenever "livestock" is referred to in this chapter, it means and includes horses, ponies, mules, donkeys, cattle, sheep, goats, swine and all other domestic and domesticated animals other than household pets.

(D) Whenever "poultry" is referred to in this chapter, it means and includes pigeons, ducks, geese, turkeys, chickens and all other domestic or domesticated fowl.

(E) A "commercial animal operation" means any lot, building, structure, enclosure or premises whereon or wherein, animals are kept or maintained for any commercial purpose, such as breeding, selling, advertising for sale, boarding, or rental of animals, provided that if more than one species of animal is kept for sale, barter or trade, the classification shall be that of a pet shop; and provided further, this definition of commercial animal operation shall not be construed as applying to a duly licensed veterinary hospital or any public pound. The operation must be consistent with current zoning.

(F) A "noncommercial animal operation" means any lot, building, structure, enclosure, or premises whereon or wherein four (4) or more dogs are kept for noncommercial use, including, but not limited to hunting and herding livestock.

(G) A "pet shop" means any lot, building, structure, enclosure or premises whereon or wherein is carried on the business of buying and selling or bartering household pets. This definition shall not be construed as applying to the business or activities of a duly licensed veterinary hospital, nor to the business or activities of any public pound. The operation must be consistent with current zoning.

(H) A "hobby breeder's" permit shall be obtained by any person offering for sale, barter or trade household pets in a manner that is accessory to residential use. A permit will be required in the following cases:

(1) When offspring from any female is being offered for sale in an amount in excess of \$50.00 per animal, and

(2) The owner is offering more than one litter for sale, barter or trade in a calendar year, and/or #1, and

(3) The owner is offering for sale, barter or trade more than one household pet of a species that bear single offspring for sale in one calendar year.

In the case of dogs, each dog shall be individually licensed as provided in Sec. 3527. (Ord. 111; Am. Ord. 81-10; Am. Ord. 82-5, Am. Ord. 91-1)

Sec. 3512. Animal Use Operation, Pet Shop, Regulation. It is unlawful for any person, firm, corporation or association to erect, establish or maintain any animal use operation, commercial, noncommercial, hobby breeder or pet shop, as defined in this chapter, without first obtaining the appropriate permit from the Chief Animal Control Officer. The granting of such permit shall be in the discretion of the Department who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which the animals, birds or livestock are to be housed, as well as such zoning regulations or regulations concerning the operations of commercial, noncommercial, hobby breeder or pet shops as may be adopted by the City Council from time to time. The permit will be for a calendar year, with a permit fee due and payable on January 1st of each year. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3513. Requirement of Business License. It is unlawful for any person, firm, corporation or association to erect, establish or maintain any commercial animal use facility, or pet shop, without first obtaining a license from the City. After approval by the Department of the permit that is required by this chapter, the City, upon the payment of the required annual license fee for the privilege of maintaining such facilities, commercial animal use facilities or pet shops, shall issue to the applicant a license in such form as he may prescribe. Such annual license shall be for the calendar year or any part thereof during which the commercial animal use operation or pet shop shall be maintained, and shall be due and payable in advance on January 1st of each year, and shall expire on December 31st of such year, provided the above mentioned permit has not been revoked. Every person, firm, or corporation maintaining a commercial animal use operation or pet shop shall post a notice in a conspicuous place where it may be seen outside the locked premises, listing names, addresses and telephone numbers of persons who may be contacted in the event of an emergency. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3514. Animal Use Operation and Pet Shop Permits--Refusal, Suspension or Revocation Thereof.

(A) The permit for the maintenance and operation of an animal use facility, commercial, noncommercial, hobby breeder, or pet shop shall be refused by the Department upon a determination that a violation exists of the provisions of any health law of the State of California, or any of the applicable provisions of this Chapter.

(B) A permit may be immediately suspended by the Department Officer for violation of any provision of this chapter when, in its opinion, the danger to public health or safety, or when necessary to assure humane care and treatment of the animals under permit, is so imminent, immediate and threatening as not to admit of delay. In the event of such suspension, the holder shall be given an opportunity for an office hearing before an impartial hearing officer from outside the Department, within forty-eight hours of the time of suspension. Upon conclusion of the office hearing, the hearing officer may decide to:

- (1) Dismiss the charges and reinstate the permit; or
- (2) Reinstatement of the permit conditioned upon correction of the violation; or
- (3) Revoke the permit.

(C) If, in the opinion of the Department, the danger to public health is not so imminent, immediate and threatening as to admit of delay, the Department shall send a notice of violation to the permittee and seek to achieve compliance informally by means of a correction schedule and reasonable inspections. If, as a result of subsequent inspection, it is determined that the permittee has failed to comply with the schedule and correct the noticed deficiencies, the Department shall send a notice to the permittee advising the permittee of the remaining deficiencies and the convening of an office hearing to determine whether or not the permit should be revoked. Upon conclusion of the office hearing from outside the Department, to determine whether or not the permit should be revoked. Upon conclusion of the office hearing, the hearing officer may decide to:

- (1) Dismiss the charges; or
- (2) Establish a correction schedule; or
- (3) Revoke the permit.

(D) All office hearings referred to herein shall be conducted in accordance with procedures adopted by the Department. The applicant or permittee may call and examine witnesses, introduce exhibits, question county officials and opposing witnesses on any matter relevant to the issues, and may rebut evidence against him. The hearing shall not be conducted according to technical rules relating to procedure, evidence or witnesses. The Department shall insure that an informal record of the proceedings is maintained.

(E) Whenever the issuance of a permit is refused, or a permit is revoked and the required office hearing has been held, the applicant or permittee may appeal the action to the City Council within ten days. The clerk shall set the matter for hearing at the earliest possible date and shall give reasonable notice of the time and place thereof to the applicant or permittee and to the Department. The City Council shall hear the evidence offered by the applicant or permittee and the Department, and shall forthwith decide the issue. The decision of the City Council shall be final. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3515. Interference with Performance of Duties. It is unlawful for any person to resist, hinder, or obstruct the Chief Animal Control Officer or any of his deputies or employees in the exercise of their duties. Any person who violates this section is guilty of a misdemeanor. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3516. Violation of Order. Any person who after notice, violates, or who upon the demand of any animal control officer or deputy, refuses or neglects to conform to any rule, order, or regulation prescribed by the Animal Regulation Department, is guilty of an infraction. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3517. Limitations. (A) It is unlawful for any person, or persons, to own, harbor or maintain, at any single-family dwelling, more than three dogs or cats four months of age or older without obtaining the appropriate permit.

(B) Poultry and Rabbits. No person shall keep upon any premises in the City any poultry or rabbits:

(1) Within fifteen (15) feet of any dwelling; or

(2) If more than ten (10) in all of any such rabbits or poultry are kept within thirty-five (35) feet of any dwelling.

No person shall keep upon any premises in the City more than ten (10) such rabbits or poultry, except by special permit of the City Council first had and obtained, or keep any rooster of crowing age within one hundred (100) feet of any dwelling. This provision limiting the maximum number of rabbits or poultry shall not be retroactive or effective as to rabbit or poultry ranches or processing plants actually in operation on the effective date of this Chapter.

The owners or persons in charge of such rabbits or poultry kept in the City shall provide suitable houses or cotes with board or cement floors in each and every house and cote and said houses, cotes or pens shall at all times be kept clean.

(C) Swine, Hogs, Pigs. No person shall keep upon any premises in the City any swine, hog, or pig, whatsoever, excepting Assessor's Parcel Numbers 060-562-012 and 060-562-015 (Ord 91-2).

(D) Other Animals. No person shall keep upon any premises in the City any other animals as defined in this Chapter:

(1) On any lot containing less than 43,560 square feet; or

(2) In any corral, barn or other enclosure within one hundred (100) feet of any dwelling.

No person shall tie, stake, or pasture, or permit the tying, staking, or pasturing, of any animal upon any private property in the City without consent of the owner or occupant of such property or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property. No person shall permit any such animal to be or remain during the night time secured by a stake or secured in any manner other than by enclosing such animal in a pen, corral, or barn sufficient and adequate to restrain such animal. All such animals shall be provided with adequate food, water and shelter or protection from the weather.

All fences or enclosures used for the above purposes must be of such material and maintained in such manner as is humane for the safety and protection of such animals. (Ord. 81-10; Am. Ord. 82-5, Am. Ord. 91-1)

Sec. 3518. Violation. Except as otherwise provided, violation of the provisions of this Chapter is an infraction. (Ord. 81-10)

PART 2 - DOGS

Sec. 3520. Stray Dogs Defined. A "stray dog" is any dog licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, or having charge, care, control, custody or possession of such dog. Any stray dog shall be immediately seized and impounded by the Chief Animal Control Officer. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3521. Leash Law. It is unlawful for any person to suffer or permit any dog owned, harbored, or controlled by him to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the incorporated area of the county unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog, or unless the dog is securely confined in a vehicle, or unless the dog is at "heel" beside a competent person and obedient to that person's command.

Dogs used on farms and ranches for the primary purpose of herding livestock are not required to be leashed or at "heel" beside their owner or person controlling the use of these dogs while on a public street, alley, lane, or place of whatever nature open to and used by the public in the incorporated area of the county while herding such livestock and as long as these dogs are obedient to the commands of the person controlling their use for this purpose. Dogs used for the primary purpose of hunting are not required to be leashed or at "heel" while used in hunting as long as these dogs are obedient to the commands of the person controlling their use for this purpose. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3522. Duty of Chief Animal Control Officer to Patrol and Enforce Regulations. It shall be the duty of the Chief Animal Control Officer to patrol the City from time to time and without notice to the public for the purpose of enforcing the provisions of this Chapter. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3523. Duty of Chief Animal Control Officer to Seize and Impound Stray Dogs. It shall be the duty of the Chief Animal Control Officer to seize and impound, in a lawful manner, and subject to the provisions of this Chapter, all stray or unlicensed dogs found within the City in which the Department provides animal control services. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3524. Dogs Running at Large. Any dog found trespassing on any private property in the City may be taken up by the owner or possessor of the property and delivered to the Chief Animal Control Officer or detained on the property until picked up by the Chief Animal Control Officer. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3525. Delivery to Chief Animal Control Officer by Private Persons. Every person taking up any dog under the provisions of this Chapter and every person finding any lost, strayed or stolen dog shall, within twenty-four hours thereafter, give notice thereof to the Chief Animal Control Officer and every such person in whose custody such dog may, in the meantime, be placed shall surrender such animal to the Chief Animal Control Officer without fee or charge and the Chief Animal Control Officer shall

thereupon hold and dispose of such dog in the same manner as though such dog has been found running at large and impounded by the Chief Animal Control Officer. (Ord. 111: Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3526. Notice of Impounding Dog. As soon as possible, but not later than twenty-four hours after impounding any dog currently licensed under the provisions of this chapter, the Chief Animal Control Officer shall notify the registered owner or person having control of the dog by written or oral communication that such dog is impounded and that it must be redeemed within three days from the date of such communication, and unless redeemed the dog will be disposed of in any manner as provided by this chapter. (Ord. 111: Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3527. Redemption of Impounded Dogs. The Chief Animal Control Officer shall securely keep any dog impounded for a period of three days unless the dog be sooner reclaimed or redeemed by the owner or person having control thereof. Except as may be provided in Section 3507, the owner or person entitled to the custody of the dog so impounded may, at any time before the sale or other disposition thereof, during the office hours of the pound, reclaim or redeem the dog by exhibiting to the Chief Animal Control Officer the license certificate or license tag showing that the license for the dog for the then current year has been paid and by paying the Chief Animal Control Officer any charges.

No fees whatsoever shall be charged or collected for or on account of any dog which has been unlawfully taken up or impounded. If the owner or person entitled to the custody of the dog believes that the dog has been unlawfully taken up or impounded, that owner or person may, within the seventy-two hour redemption period, request that an impartial hearing by a hearing officer form an outside Department be conducted to determine the sole issue of whether the dog was lawfully seized and impounded. If a dog has been unlawfully taken up or impounded, it shall be returned to its owner or the person entitled to the custody thereof. (Ord. 111; Am. Ord. 77-9; Am. 81-10, Am. Ord. 91-1)

Sec. 3528. Redemption Fees. The owner or person entitled to the custody of the dog impounded shall pay impound fees to the Chief Animal Control Officer before such dog is released.

- (A) Registration or license fee for the then current year unless such fee has been previously paid and evidence of paid fee is adequately exhibited;
- (B) Impound fee for first, second, third and subsequent impounds in a one-year period from the date of the first impound.

Sec. 3529. Sale, Gift, or Destruction of Dogs. At any time after the expiration of the period of three days, the Chief Animal Control Officer may, without further notice, and without advertising in any manner, sell, give away or dispose of in a humane way, any dog not reclaimed or redeemed as aforesaid. Provide, however, the Chief Animal Control Officer may not sell, give away or transfer title to any dog or any other animal to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinary, dental, medical, or biologic sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs. The Chief Animal Control Officer may not sell or give away any female dog that has not been spayed, or any male dog that has not been neutered, unless a

deposit toward the cost of spaying or neutering such dog, as determined and promulgated by the Chief Animal Control Officer, has been deposited. Deposit is refundable, through normal County Refund Procedures, upon proof of sterility. (Ord. 111: Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3530. Injured and Diseased Dogs. Every dog taken into custody by the Chief Animal Control Officer which by reason of injury, disease or other good cause as determined by a licensed veterinarian as dangerous or inhumane to keep impounded, shall be forthwith destroyed by the Chief Animal Control Officer in a humane manner unless the owner or person entitled to the custody of the dog can be notified by the Chief Animal Control Officer within a reasonable period of time to arrange and provide for medical care. The Chief Animal Control Officer shall release such dog to its owner or person having control thereof upon payment of the redemption fees and other charges as provided in this title. However, if the licensed veterinarian determines that the dog is diseased and by reason of such disease is dangerous to persons or to other animals, or to the general health and welfare of the county, the Chief Animal Control Officer shall destroy the dog. Injured or diseased animals may be humanely destroyed without regard to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease. (Ord. 111: Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3531. Care of Dog While Impounded. The Chief Animal Control Officer shall provide all dogs in his custody with proper food and water, and shall give them all necessary care and attention. The Chief Animal Control Officer shall charge a fee at the time an impounded dog is redeemed by its owner or person having custody or may charge these fees at such time an unclaimed dog is sold. (Ord. 111: Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3532. Biting Dogs. It is a misdemeanor for any person to suffer or permit any dog or other animal owned, harbored, or controlled by him, to inflict upon any human being a bite that penetrates the skin while the person bitten is on any public place, or legally upon any private property. The person bitten may request the Chief Animal Control Officer to initiate criminal proceedings against such other person by submitting a signed, written complaint. (Ord. 111; Am. Ord. 80-4; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3533. Impounding of Biting Dogs. Upon written notice by the Chief Animal Control Officer, the owner or person having the control of any dog which has, within the preceding ten days, bitten any person or animal shall, upon demand, and in the discretion of the Chief Animal Control Officer, shall do one of the following:

- (A) Confine the dog to his own premises; or
- (B) Surrender the dog to the Chief Animal Control Officer who shall impound and keep the dog at the public pound in a separate enclosure for a period of not less than ten days; or
- (C) Surrender the dog to a licensed veterinarian as designated by the Chief Animal Control Officer; or
- (D) Surrender the dog to the Chief Animal Control Officer for quarantine at any other location or facility designated and approved by the Chief Animal Control Officer.

If the dog is quarantined on the premises of the owner, the Chief Animal Control Officer may post a quarantine sign on such premises, and it is unlawful for any person to remove the sign during

the term of such quarantine without the consent of the Chief Animal Control Officer. Any quarantine provided in this section shall be for a term of not less than ten days unless otherwise specified by the Chief Animal Control Officer. During the period, it shall be the duty of the Department to determine whether or not such animal is suffering from any disease. If a duly licensed veterinarian designated by the Chief Animal Control Officer shall determine that the animal is diseased and, by reason of such disease, is dangerous to persons or to other animals, he shall so notify the Chief Animal Control Officer in writing, to destroy the animal. A copy of the notice may also be served upon the owner or person having control of the animal. If the veterinarian shall determine that the dog is not so diseased, the Chief Animal Control Officer shall notify the person owning or having control of the animal at the address from which the animal was surrendered to the Chief Animal Control Officer and shall,

upon demand, release the animal to the owner or person lawfully entitled thereto, upon payment of any charges provided therefor, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such animal shall within three days after the date of giving the last mentioned notice, appear at the public pound and request the release of the animal, and pay the charges, the animal may be sold or destroyed by the Chief Animal Control Officer in the same manner hereinbefore provided.

Whenever a dog is ordered to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3534. Violation of Quarantine. It is unlawful for any person to suffer or permit any dog, cat, animal or household pet owned, harbored, or controlled by him to violate any written quarantine notice. Any person who violates such written notice shall be guilty of a misdemeanor. (Ord. 111; A. Ord. 77-9; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3535. Symptoms of Rabies. Whenever the owner or person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, the owner or person having the custody or possession of such animal shall immediately notify the Chief Animal Control Officer. The Chief Animal Control Officer shall make or cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or nonexistence of rabies in such animal is established by the veterinarian. Such animal shall be kept isolated in a pound, veterinary hospital, or other adequate facility in a manner approved by the Chief Animal Control Officer and shall not be killed or released for at least ten days after the onset of symptoms suggestive of rabies, after which time the animal may be released by the Chief Animal Control Officer, provided the Chief Animal Control Officer has first determined that the animal does not have rabies. If the Chief Animal Control Officer determines that the dog or other animal does have rabies, the Chief Animal Control Officer shall destroy the animal.

The Chief Animal Control Officer, or his duly authorized representative, is authorized and empowered to enter in a manner authorized by law, upon private property where any dog or other animal is kept, or believed by him to be kept, for the purpose of ascertaining whether the dog or other animal is afflicted or infected with rabies or other contagious disease. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3536. Dog Registration and Licenses. Except as provided in Section 3547, it is unlawful to own, keep or control any dog unless and except a license has been procured therefor as herein provided. This section shall have no application to dogs under the age of four months. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3537. Dogs--Vaccination Required. It is unlawful for any person owning, harboring, or having the care of, custody, or possession of any dog to keep or maintain such dog in any place in the City, or except as prohibited in Section 3547, unless such dog has been vaccinated as provided herein. This section shall have no application to dogs under the age of four months. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3538. No Licensing Without Vaccination. The Chief Animal Control Officer shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the Chief Animal Control Officer during the time prescribed by state law or the rules and regulations of the State Department of Public Health, unless the owner or person in possession of the same submits a certificate from a licensed veterinarian issued within the preceding sixty days, stating that, in his opinion, the rabies vaccination would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the same except when held upon a rope, chain, or leash. Any violation thereof by the owner or person in possession of such dog is unlawful. (Ord. 111; Am. Ord. 75-1; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3539. Vaccination Performance. The vaccination shall be performed by a duly qualified and licensed veterinarian. The veterinarian vaccinating the dog shall issue to the owner or person in possession of the dog a rabies vaccination tag and a certificate of vaccination, which certificate shall include:

- (A) The type of vaccine used;
- (B) The date of vaccination;
- (C) The duration of vaccination;
- (D) Description of dog, including age, breed and color;
- (E) Name and address of owner of dog; and
- (F) A copy of this certificate shall be sent to the Chief Animal Control Officer within 30 days of said vaccination. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3540. Rabies Deposit Fee Required. Any person procuring a dog license without a valid rabies vaccination for reason of redeeming an impounded animal or clearing a citation will pay a rabies deposit fee. Deposit is refundable upon proof of current vaccination certificate, through normal County refund procedures. Proof of rabies vaccination shall be made to the Chief Animal Control Officer within thirty days or the license will be void. (Ord. 91-1)

Sec. 3541. Registration Record. The Chief Animal Control Officer shall maintain a record in which it shall, upon the application of any person owning or having the custody of any dog in the City, and the payment to it of the license fee hereby prescribed, register the dog by entering in the record its name (if any), its sex and general description, whether it has been spayed or neutered, the name of its owner or custodian, the number of the tag issued therefor, the date of expiration of the rabies vaccine, the date of issuance and the amount received for the license fee. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3542. Dog License Tags. Upon exhibition of the proper evidence of vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag with the number and one, two or three years stamped or cut thereon, and the words "DOG LICENSE TAG - County of San Luis Obispo," stamped thereon, which dog tag shall be securely fastened to a collar or harness which must be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, Sec. 3537, the dog tag shall have a distinguishing mark as evidence of such fact. (Ord. 111; Am. Ord. 75-1; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3543. Licensing of Dogs. Each license shall be effective for a period of one year, two years, or three years at the option of the owner, but contingent upon payment of all required fees, charges, and penalties required for the issuance of a license.

(A) A license will be valid from the date of issue and shall expire one year, two years, or three years from the date of issue, except when the performance of the rabies vaccination expires on the same date as the rabies vaccination.

(B) License renewals shall be required prior to the expiration date of the license. (Ord. 111; Am. Ord. 75-1; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3544. License Fees. The Department shall collect a fee for dog licensing.

(A) The owner or custodian of an unaltered dog may place a deposit for spaying or neutering with the Chief Animal Control Officer for a one-year license. This deposit shall be forfeited if said operation is not performed by the expiration date of the license.

(B) A late penalty of twice the pre-penalty one-year license fee shall be charged if:

(1) A license is not renewed prior to the expiration date;

(2) Puppies are not licensed within thirty days after reaching four months of age;

(3) Any dog brought into this county is not licensed within thirty days;

(4) A person acquiring possession of a dog over four months of age does not license it within thirty days of taking possession.

(C) Persons obtaining possession of any dog currently licensed by San Luis Obispo County shall upon payment of a transfer fee have ownership of said dog changed. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3545. Lost or Damaged Tag. If the tag issued for any duly registered dog be lost or accidentally destroyed during the period it is issued for, the owner or custodian of such dog, upon making proof to the Chief Animal Control Officer of its loss or destruction, shall, upon payment of established fee, receive for such dog another tag. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3546. License Exceptions. The provisions of this chapter requiring the licensing of dogs shall not apply to:

(A) Dogs under four months of age;

(B) Dogs owned by or in custody or control of person who are nonresidents of San Luis Obispo County traveling through the county or temporarily staying therein for a period not exceeding thirty days;

(C) Dogs brought into the county exclusively for the purpose of entering the dogs in any dog show or exhibition, and which are actually entered in and kept at such show or exhibition;

(D) Dogs on sale in duly licensed pet shops, or commercial animal operations;

(E) Dogs under the ownership, custody and control of the owner of a commercial animal operation duly licensed under the provisions of this chapter, or his duly authorized employee or agent when such dogs are removed from such operation in the bona fide operation thereof for the purpose of exercise or training, provided that any such dog bear an identification tag attached to its collar, which tag shall set forth the name of the licensed operation. A dog bearing such identification tag shall be treated in all respects as any other dog in the event of its escape and subsequent impoundment. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3547. License Fee Exemptions. (A) Seeing Eye dogs and all dogs which have served with the armed forces of the United States of America during any period of actual hostilities must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued;

(B) Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued;

(C) All dogs being raised and trained specifically to perform as a Seeing Eye dog must be licensed and vaccinated under the provisions of this chapter, but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3548. Failure to Pay License Fee or Provide Information. It is unlawful for any person owning or having the care, custody or control of any dog in the county, to refuse, fail or neglect to pay the license fee at the time and in the manner herein provided, or to refuse, fail or neglect to furnish to the Chief Animal Control Officer, the Health Officer, or any of their duly qualified and authorized deputies or employees, the information necessary to properly license the dog. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3549. Counterfeiting. No person shall imitate or counterfeit such registration tags. It is unlawful for any person to remove any tag from any dog not owned by him or not lawfully in his possession or under his control or to place on any dog any such license tag not issued as provided for above for that particular dog for the then current year or to make or to have in his possession or to place on a dog any counterfeit or imitation of any license tag. (Ord. 81-10, Am. Ord. 91-1)

Sec. 3550. Dogs in Public Parks. It is unlawful for any person to permit any dog owned, harbored or controlled by him to be in any public park unless such dog is securely leashed on a leash not exceeding six (6) feet in length and the leash is held continuously in the hand of a responsible person, capable of controlling such dog. For purposes of this Section, the term "public park" shall mean any City park in the City of Grover City. (Ord. 79-3, Am. Ord. 91-1)

Sec. 3551. Duty of Dog Owner to Control Litter. Any person harboring or controlling a dog shall immediately remove any excrement deposited by such dog upon a sidewalk, street, park, or private property of any person other than that of the owner or person in control of such dog. Any person violating this Section shall be subject to a fine of Twenty-five Dollars (\$25.00) for each occurrence. (Ord. 79-3, Am. Ord. 91-1)

PART 3 - CATS

Sec. 3560. Duty of Chief Animal Control Officer to Accept Abandoned Cats. It shall be the duty of the Chief Animal Control Officer to receive and impound all cats believed to have been abandoned by their owners. (Ord. 111: Am. Ord. 77-9; Am. Ord. 80-4; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3561. Redemption of Impounded Cats. The Chief Animal Control Officer shall keep such cats for a period of three days unless the cats are sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption may be made by paying the Chief Animal Control Officer any charges as a fee per day for the care of the cats as imposed thereon.

No fees whatsoever shall be charged or collected for or on account of any cat which has been unlawfully taken up or impounded. The owner of a cat who believes the cat has been unlawfully seized may request a hearing before an impartial hearing officer from outside the Department. (Ord. 111; Am. Ord. 77-9; Am. Ord. 80-4; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3562. Sale, Gift or Destruction of Cats. At any time after the expiration of the period of three days, the Chief Animal Control Officer may, without notice and without advertising in any manner, sell, give away, or dispose of the cats; provided the Chief Animal Control Officer may not sell, give away or transfer title to any cats to any institution engaged in the diagnosis or treatment of human or animal disease, or in research for the advancement of veterinarian, dental, medical, or biologic sciences, or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals, or drugs. The Chief Animal Control Officer may not sell or give away any female cat that has not been spayed, or any male cat that has not be neutered, unless a deposit towards the cost of spaying and neutering such cat, as determined and promulgated by the Department of Animal Regulation, has been deposited with the pound. Deposit is refundable through normal County refund procedures, upon proof of sterility. (Ord. 111; Am. Ord. 77-9; Am. Ord. 80-4; Am. Ord. 81-10, Am. Ord. 91-1)

PART 4 - ANIMALS, POULTRY AND HOUSEHOLD PETS

Sec. 3570. Animals and Poultry at Large. No person shall allow or permit animals or poultry, other than household pets, to run at large upon any public street or place, or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets who are restricted by the provisions of this chapter, or by any law applicable thereto. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

Sec. 3571. Unsanitary Conditions. No person shall keep upon any premises, any animals, poultry or household pets in a foul, offensive, obnoxious, filthy or unsanitary condition. (Ord. 111; Am. Ord. 81-10, Am. Ord. 91-1)

PART 5 - APIARIES

Sec. 3580. Definitions. The following definitions are applicable to this part:

(A) Apiary includes bees, combs, hives, appliances, or colonies, wherever they are kept, located or found.

(B) Bees mean honey producing insects on the genus apis and includes all live stages of such insects. (Ord. 81-21, Am. Ord. 91-1)

Sec. 3581. Apiary Requirements. Every apiary situated within the City shall: (A) Be identified by having a sign permanently displayed on the entrance side of the apiary stating in black letters, not

less than one inch in height on a background of contrasting color, the name, address, and phone number of the apiary owner and the current active registered brand of the apiary;

(B) Be located upon any land owned by a person other than the apiary owner only with the written permission of the landowner where the apiary is located;

(C) Be located at least 400 feet away from all habitations unless the owner of each such habitation gives written permission for an apiary to be located closer to his habitation than 400 feet;

(D) Be located at least 300 feet away from every highway, roadway or freeway; provided, however, if an apiary owner is given written permission by the Council, an apiary may be located closer than 300 feet to a highway, roadway, or freeway, but no closer than the distance specified in such written permit; and

(E) Be provided with adequate water devices by the apiary owner at the time the set is made. Such water shall be maintained by the apiary owner so long as the apiary stays on the property. (Ord. 81-21, Am. Ord. 91-1)

Sec. 3582. Enforcement. The Chief Animal Control Officer of the City shall be responsible for the administration of this part. (Ord. 81-21, Am. Ord. 91-1)

Sec 3583. Violation. In addition to any other penalties provided in this Code, violation of this part is hereby declared to be a nuisance. (Ord. 81-21, Am. Ord. 91-1)

Sec. 3584. Abatement of Nonconforming Apiaries. Any apiary which is in existence on the effective date of this ordinance shall either be removed or brought into compliance with the requirements of this part within three (3) months of the effective date of this ordinance. Any new apiary established within the City shall comply with the provisions of this part. (Ord. 81-21, Am. Ord. 91-1)

CHAPTER 6 - FORTUNE TELLING, AND RELATED PRACTICES

Sec. 3600. Fortune Telling, Practices Included. Every person advertising by sign, circular, handbill, newspaper, periodical, magazine, or other publication, or by any other means whatsoever, or engaging in the business of fortune telling, psychology, seership, prophecy, astrology, palmistry, phrenology, life reading, cartomancy, crystal gazing, clairvoyance, clairaudience, hypnotism, magic, necromancy, psychism, psychometry, mind reading, mental telepathy, automatic writing, spirit writing, spirits, slate writing, trance mediumship, sand gazing, materialization, ballot reading, conducting trumpet seances, augury, divination, the making, giving or selling of charms, potions, talismen, or magic articles, shall pay the license fee required by the licensing provisions of this code and shall procure a license in the manner hereinafter prescribed. (Ord. 86)

Sec. 3601. Same, Exception. The provisions of this chapter shall not apply to any person solely by reason of the fact that he is engaged in the business of entertaining the public by demonstrations of mind reading, mental telepathy, thought conveyance, or the giving of horoscopic readings at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers, when not conducted in connection with the business of telling

fortunes. Nothing in this section, however, shall be construed as exempting any person from the payment of the applicable license fee, if any, required to be paid by the licensing provisions of this code. (Ord. 86)

Sec. 3602. Same, Application for License Requirements. Each and every person desiring to practice any of the aforesaid professions, arts, or business included in Section 3600 shall make a written application to the City Clerk for a license to conduct said business or practice said art or profession. The application shall be signed and sworn to by said applicant, his age, street address in the City, names under which said applicant proposes to conduct said business or practice said art or arts, the business address thereof, together with the street, city, county and state address where said applicant practiced or conducted any one of the aforesaid arts or businesses, or any business or art kindred thereto, within the twelve (12) months previous to the date of said application, if any, and the name under which the same was conducted at said place. No person may make an application hereunder unless such person has been a bona fide resident of the City for a period of at least twelve (12) months next preceding the date of such application. (Ord. 86)

Sec. 3603. Same, Affidavit as to Residence. Each and every person desiring to practice any of the aforesaid arts, professions, or businesses included in this chapter, shall at the time of the making of the aforesaid application, make and file with the City Clerk and affidavit showing the residence of said applicant, by street number, in the City, during said twelve (12) months immediately prior to the making of said application and upon request of said City Clerk, said applicant shall furnish to said City Clerk affidavits or such other proof as he may require to establish the fact of such residence. (Ord. 86)

Sec. 3604. Same, Photograph and Fingerprints of Applicant, Deposit of License Fee, Investigation by Police Department, Bond. Each and every person desiring to practice a profession, art or business specified in Section 3600 shall, at the time of making the application herein referred to, file with the Police Department his photograph and his fingerprints and shall leave said photograph and fingerprint impressions with said Police Department as a part of the records of said department for the purpose of enabling said department to make an investigation of any complaints which may have been made, if any, against such applicant at any time or place, and the City Clerk shall withhold issuance of said license for a period of thirty (30) days from and after the making of such application and filing such photograph and fingerprints. At the end of thirty days, if no adverse report has been made by the Police Department, as to the record of such applicant, said application shall be deemed completed and a license shall be issued upon payment of the prescribed license fee, and the filing of a surety bond in the principal sum of two thousand dollars (\$2,000.00) executed as surety by a good and sufficient corporate surety authorized to do a surety business in this state and as principal by the applicant which shall be approved by the City Clerk as to sufficiency, and by the City Attorney as to form, which bond shall have been given to insure good faith and fair dealing on the part of said applicant and as a guarantee of indemnity for any and all loss, damage, injury, theft, or other unfair dealing suffered by any patron of said applicant within the City during the term of the license. (Ord. 86)

Sec. 3605. Same, Liability on Bond, How Terminated. The liability on any bond deposited with the City as required by Section 3604 may be terminated upon the filing with the City Clerk by the surety on said bond of a written notice to the City wherein shall be stated that the surety intends to terminate

the liability upon said bond, said termination to become effective thirty (30) days from and after the day upon which such notice of intention to terminate liability is filed with the City Clerk; provided, however, that in no case shall the termination of liability by the surety on any bond affect any liability incurred prior to the date of termination thereof. Upon the termination of liability by the surety upon any bond as provided herein, the license of the principal of said bond shall be automatically revoked. (Ord. 86)

Sec. 3606. Same, Separate License and Bond for Individuals. Every natural person actively carrying on, conducting or engaging in any of the professions, art, businesses or callings for which a license is required, and enumerated in Section 3600 hereof, shall file a separate application, separate photograph and fingerprints and pay a separate license fee as required by the licensing provisions of this code and post a separate bond as provided in Section 3604 regardless of whether or not such natural person is practicing such profession, art, or pursuit on behalf of or for any firm, corporation, copartnership, association, society, or any other such organization. (Ord. 86)

Sec. 3607. Same, Issuance of License. If said application is in compliance with this part and if said bond has been duly approved by the City Attorney and City Clerk, then, in that event, if any permit to conduct said business be required by law, upon the granting of the same, the City Clerk shall issue a license, numbered and in due form, for a period of one (1) year, to practice the profession, art or arts specified in said application. In the event any permit or license hereunder shall be denied said applicant, the application therefor shall be retained by said City Clerk on file in his office for future reference. (Ord. 86)

Sec. 3608. Same, Cancellation of License, Notice. Upon the discovery of any false or misleading statement in said application or misrepresentation by said applicant in procuring said license, or upon the failure, neglect, or refusal of said applicant to promptly, voluntarily and without notice, furnish and file a new bond when the surety on any bond shall have terminated its liability, and cause the same to be approved by the City Clerk as to sufficiency of sureties and by the City Attorney as to form, then and in that event, the Council may, upon five (5) days' notice to said applicant, cancel and annul said license; whereupon said applicant shall be amenable to the penalties herein prescribed, from, and after the date of said cancellation, as though said license had never been granted. (Ord. 86)

Sec. 3609. Same, Compliance with Ordinances. No person shall commence, engage in, carry on, or advertise that he will engage in or carry on any trade, calling, profession, or occupation specified in Section 3600 without first having procured a license as required by the licensing provisions of this code or without complying with any and all regulations of such trade, calling, profession or occupation contained in this or any other ordinance of the City; and the carrying on of any trade, calling, profession or occupation mentioned in this chapter, without first having procured such a license when required so to do, or without complying with any and all regulations of such trade, calling, profession, or occupation contained in this chapter, shall constitute a separate violation of this chapter for each and every day that such trade, calling profession, or occupation is so advertised, engaged in or carried on. (Ord. 86)

Sec. 3610. Same, Religious Ceremonies, Etc., Excepted, Certificate of Ordination to be Filed. No person shall be required to pay any fee or take out any license for conducting or participating in any

religious ceremony or service when such person holds a certificate of ordination, as a minister, missionary, medium, healer, or clairvoyant from any bona fide church or religious association maintaining a church and holding regular services, and having a creed or set of religious principals that is recognized by all churches of like faith; provided, further, that the fees, gratuities, emoluments, and profits thereof shall be regularly accounted for and paid solely to or for the benefit of said church or religious association; provided, further that such person holding a certificate of ordination from such bona fide church or religious association, as hereinabove set forth in this section, shall, before practicing such profession specified in this chapter, file with the City Clerk a certified copy of his certificate of ordination, with his name, age and street address in this City where he intends to carry on such business. Such bona fide church or religious association as herein defined may, however, pay to its ministers, missionaries, mediums, or workers a salary or compensation based upon a percentage basis, provided that the agreement between the church and the minister, missionary, medium or worker, is embodied in a resolution and transcribed in the minutes of such church or religious association. (Ord. 86)

Sec. 3611. Same, Reading of Tea Leaves, Exception. No person shall be required to pay any fee or take out any license for carrying on the art of reading tea leaves in any bona fide, regularly established restaurant, for the purpose of amusement to the patrons of said restaurant, where no charge for such readings is made. (Ord. 86)

CHAPTER 7 - ABANDONED VEHICLES

Sec. 3701. General Provisions. In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council hereby makes the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this ordinance. As used in this ordinance:

(A) Vehicle means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(B) Highway means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

(C) Public property does not include "highway."

(D) Owner of the land means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

(E) Owner of the vehicle means the last registered owner and legal owner of record. (Ord. 9; Am. Ord. 123)

Sec. 3702. Exclusions. This ordinance shall not apply to:

(A) A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(B) A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorized the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650 of Division 11 of the Vehicle Code) and this ordinance. (Ord. 92; Am. Ord. 123)

Sec. 3703. Chapter Not Exclusive Regulation. This ordinance is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Grover City. It shall supplement and be in addition to the other regulatory codes, statutes, ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction. (Ord. 92; Am. Ord. 123)

Sec. 3704. Enforcement. Except as otherwise provided herein, the provisions of this ordinance shall be administered and enforced by Grover City Chief of Police. In the enforcement of this ordinance such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle (and to remove or cause the removal of a vehicle or parts thereof) declared to be a nuisance pursuant to this ordinance. (Ord. 92; Am. Ord. 123)

Sec. 3705. Entry on Premises. When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this ordinance. (Ord. 92; Am. Ord. 123)

Sec. 3706. Cost of Administration. The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this ordinance. (Ord. 92; Am. Ord. 123)

Sec. 3707. Notice of Hearing. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the City, the City Chief of Police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. 92; Am. Ord. 123)

Sec. 3708. Notice of Intention. A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not

available to determine ownership. The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____ which constitutes a public nuisance pursuant to the provisions of (ordinance or municipal code chapter number).

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Grover City Planning Commission within such 10 day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10 day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle, or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice mailed _____ s/ _____
(date) CHIEF OF POLICE

"NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or
legal owner of record or vehicle--notice
should be given to both if different.)

As last registered (and/or legal) owner of record of (description of vehicle--make, model, license, etc.) you are hereby notified that the undersigned pursuant to Grover City Municipal Code Section 3707 has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked,

dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Grover City Municipal Code Section 3701.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Grover City Planning Commission within such 10 day period, the Chief of Police shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____ s/ _____
(date) CHIEF OF POLICE
(Ord. 92: Am. Ord. 123)

Sec. 3709. Public Hearing. Upon request by the owner of the vehicle or owner of the land received by the Chief of Police within ten (10) days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the Grover City Planning Commission on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten (10) day period, the statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten (10) days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicles or parts thereof as a public nuisance without holding a public hearing. (Ord. 91; Am. Ord. 123)

Sec. 3710. Conduct of Hearing. All hearings under this ordinance shall be held before the Grover City Planning Commission which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The Grover City Planning Commission shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny any responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The Grover City Planning Commission may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this ordinance. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Grover City Planning Commission may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of

as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the Grover City Planning Commission shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the Grover City Planning Commission but does not appear, he shall be notified in writing of the decision. (Ord. 91; Am. Ord. 123)

Sec. 3711. Appeal. Any interested party may appeal the decision of the Grover City Planning Commission by filing a written notice of appeal with the said Grover City Planning Commission within five (5) days after its decision.

Such appeal shall be heard by the City Council which may affirm, amend or reverse the order or take other action deemed appropriate.

The Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 8.

In conducting the hearing the City Council shall not be limited by the technical rules of evidence. (Ord. 92; Am. Ord. 123)

Sec. 3712. Removal of Vehicle. Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five (5) days from the date of mailing of notice of the decision if such notice is required by Section 3710, or fifteen (15) days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable. (Ord. 92; Am. Ord. 123)

Sec. 3713. Notice to Department of Motor Vehicles. Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. 92; Am. Ord. 123)

Sec. 3714. Assessment of Costs. If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Section 3710 are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the Tax Collector for collection. Said assessment shall have the same priority as other city taxes. (Ord. 92; Am. Ord. 123)

Sec. 3715. Abandonment; Misdemeanor. It shall be unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the City for a period in excess of fifteen (15) days unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard. (Ord. 123)

Sec. 3716. Failure to Remove; Misdemeanor. It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this ordinance or State law where such State law is applicable. (Ord. 123)

Sec. 3717. Liability. Nothing contained herein shall be deemed to impose any liability upon the City of Grover City, its officers or employees, nor to relieve the owner of any private property or vehicle from any duty of his. (Ord. 123)

CHAPTER 7.5 - VEHICLE IMPOUND RELEASE FEE

Sec. 3751. Purpose. It is the intent of this chapter to recover the costs involved in the lawful impounding of private vehicles pursuant to the specific California Vehicle Code sections which result from some unlawful act or omission by the owner or driver. This would be accomplished by establishing a fee to obtain a vehicle impound release from the police department. The vehicle impound release is evidence that the police department has removed its hold on the vehicle. The form will be required to obtain the release of the vehicle from the towing company. Through the enactment of a vehicle impound release fee, it is hoped that the persons having their vehicle impounded by the police department as a result of their disobedience of the law, will correct the unlawful conditions causing the impound and eliminate the need for further enforcement. By doing so, existing police resources can be more effectively and efficiently deployed toward higher priority safety situations. (Ord. 94-8)

Sec. 3752. Definitions. Any term defined in this chapter shall have the meaning contained therein for the purpose of this chapter unless otherwise expressly stated or the content clearly indicates a different intention. (Ord. 94-8)

Sec. 3753. Vehicle Impound Release Fee. There is imposed a fee upon any vehicle's current registered owner, the legal owner, or his or her designate, seeking to obtain a vehicle impound release from the police department where such vehicle has been impounded pursuant to the provisions of the California Vehicle Code. Such a vehicle impound release indicates to the towing company in possession of the impounded vehicle that the police department no longer has a hold on the vehicle

and that it is cleared to be released. The vehicle impound release fee shall be set forth by resolution. (Ord. 94-8)

Sec. 3754. Criteria for Vehicle Impound Release Fee Imposition. Vehicles deemed as impounded by the police department shall be subject to the imposition of the vehicle impound release fee at the time such release is sought by the owner. (Ord. 94-8)

Sec. 3755. Exceptions to Fee Imposition. The vehicle impound release fee shall not be applied to impounded vehicles which meet any of the following criteria:

(A) When the vehicle is a recovered stolen vehicle and the vehicle is being released to the registered owner or his/her designate [Vehicle Code Section 22651(c)];

(B) When the vehicle was taken as evidence, or as the container of evidence or as a part of a criminal investigation and the owner of the vehicle was a witness to or a victim of a crime and not the suspect in such investigation;

(C) When the vehicle was impounded in error;

(D) When the chief of police or designate determines after a post-storage hearing where one has been requested that the facts disclosed at such hearing warrant a waiver of the fee;

(E) When the vehicle was stored pursuant to injured or ill driver of an accident [Vehicle Code Section 22651(g)]. (Ord. 94-8)

CHAPTER 7.6 - COST RECOVERY FOR BOOKING PERSONS AT THE GROVER BEACH POLICE DEPARTMENT

Sec. 3761. Purpose. (A) It is the purpose of this chapter to recover the administrative costs incurred when an individual is arrested and booked at the Grover Beach Police Station. These individuals have violated the law or committed a negligent act, and it is not the responsibility of the community as a whole to bare the administrative costs of booking such individuals. Such costs should be the responsibility of the person who committed the criminal offense that led to their booking. (Ord. 96-4)

Sec. 3762. Booking Fee. (A) Upon the conviction of any criminal offense related to the arrest, the Police Department shall make every reasonable effort to recover administrative fees incurred in the booking process at their booking facility for the following:

- (1) transportation
- (2) searching
- (3) clothing
- (4) fingerprinting
- (5) photographing
- (6) inventorying and storage of arrestee's property
- (7) documentation preparation
- (8) retrieval
- (9) updating files

- (10) court scheduling
- (11) warrant service and processing

(B) The booking fee shall be set by Resolution of the City Council and may be adjusted periodically to remain consistent with County Jail booking fees.

(C) If the individual is a subscriber on a City of Grover Beach water bill, or lives at a location in Grover Beach with his/her parents or spouse, the booking fee may be added to that person's water bill. Costs incurred by the Finance Department may also be added to the amount owed. Finance Department costs will be set by Resolution.

(D) If the delinquent account is taken to Small Claims Court, preparation and court time shall be charged at the employee's hourly rate plus benefits. (Ord. 96-4)

CHAPTER 8 - MOTOR VEHICLES ON PUBLIC BEACHES

Sec. 3800. Definitions. As used in this chapter the following terms shall have the following meanings unless it is clearly apparent from the context that a different meaning is intended.

(A) Motor Vehicle means any vehicle which is self-propelled by which any person or property may be conveyed as defined by the Vehicle Code of the State of California and amendments thereto, and the same includes, but is not necessarily limited to, automobiles, beach buggies, motorcycles, motor-driven cycles, motor trucks, motor scooters, trail bikes and mini-bikes.

(B) Public Beach Area shall include any public beach adjacent to the Pacific Ocean within the City limits of the City of Grover City. (Ord. 109)

Sec. 3801. Speeding. The speed limit on the public beach area is fifteen (15) miles per hour. (Ord. 109)

Sec. 3802. Reckless Driving. It shall be unlawful for any person to drive a motor vehicle upon the public beach area in willful or wanton disregard for the safety of persons or property. (Ord. 109)

Sec. 3803. Drunk Driving. It shall be unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor or any drug, to drive a motor vehicle upon any public beach area. (Ord. 109)

Sec. 3804. Driving Under the Influence of Poison. It shall be unlawful for any person while knowingly under the influence of toluene or any other substance defined as poison in Schedule D of Section 4160 of the Business and Professions Code, to drive a motor vehicle upon a public beach area. (Ord. 109)

Sec. 3805. Drivers Licenses. It shall be unlawful for any person to drive a motor vehicle upon the public beach area without having in his immediate possession at all times a valid driver's license issued pursuant to law. (Ord. 109)

Sec. 3806. Driving When Privilege Revoked or Suspended. No person shall drive a motor vehicle on a public beach area when his driving privilege is suspended or revoked when the person so driving

has knowledge of such fact. Knowledge shall be presumed if notice has been given by the Department of Motor Vehicles to such person. The presumption established by this section is a presumption affecting the burden of proof. (Ord. 109)

Sec. 3807. Unsafe Motor Vehicles. It shall be unlawful for any person to operate and motor vehicle or combination of motor vehicles which is in an unsafe condition upon a public beach area. (Ord. 109)

Sec. 3808. Lighting Equipment - Motor Vehicles. It shall be unlawful for any person to operate any motor vehicle on a public beach area during darkness unless such motor vehicle is equipped with adequate white front and red rear lights. (Ord. 109)

Sec. 3809. Motor Vehicles - Towing. It shall be unlawful to tow or draw any object in a manner which endangers the safety of persons or property behind a motor vehicle on the public beach area; provided, however, it shall not be unlawful for a person to draw or tow not more than one motor vehicle or trailer in combination. (Ord. 109)

Sec. 3810. Misdemeanors. Violation of Sections 3801, 3802, 3803, or 3804, of this chapter shall constitute a misdemeanor. (Ord. 75-11)

CHAPTER 9 - MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS

Sec. 3900. Definitions. For the purpose of the provisions hereinafter set forth, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:

(A) Massage means the therapeutic use of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(B) Massage establishment means an establishment having a fixed place of business where any person, association, firm or corporation engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, any business of giving massages as defined in this section.

(C) Massage technician means any person, male or female, who administers massage as defined in this section.

(D) Certified massage practitioner means a massage therapist or massage practitioner, who holds a valid certificate issued by the Massage Therapy Organization.

(E) Massage Therapy Organization means the nonprofit organization established by Chapter 10.5 of Division 2 of the California Business and Professions Code.

(F) Off-site massage means massage conducted by a permitted massage technician at a location other than a permitted massage establishment.

(G) Recognized school of massage means any school or institute of learning which teaches the theory, ethics, practice, profession and work of massage, which requires a residence course of study given within a consecutive twelve month period and has been approved pursuant to section 94718 of the California Education Code and the other requirements of California Education Code Title 3, Division 10, Part 59, Chapter 7, or its equivalent in other states. Schools offering correspondence courses not requiring actual attendance of class shall not be deemed a recognized school of massage.

(H) Seated massage means massage given while a client is seated, fully clothed and done without the use of oils, liniments or other similar preparations commonly used in massage. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3901. Permits Required. (A) Massage Establishment:

(1) It is unlawful for any person, association, firm or corporation to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises within the City, the business of a massage establishment, or to render, or permit to be rendered, massage services at a location removed from a massage establishment within the City in the absence of a permit issued by the City or a certificate issued by the Massage Therapy Organization pursuant to the provisions set forth in this chapter.

(2) Unless revoked, a permit to operate a massage establishment shall remain valid as long as the permit holder maintains a continual business operation as evidenced by the possession of a valid business tax certificate. Failure to renew the business tax certificate when due and payable shall cause the massage establishment permit to lapse. If a permitted establishment relocates or opens an additional business location, an application for such purpose shall be required and accompanied by an administrative fee as set by resolution of the City Council.

(B) Massage Technician:

(1) It is unlawful for any person to act as a massage technician unless such person has a valid permit issued by the City pursuant to the provisions set forth in this chapter or is the holder of a valid certificate issued by the Massage Therapy Organization.

(2) Unless revoked or suspended, a massage technician permit shall remain valid as long as the permit holder maintains a valid business tax certificate or remains employed with a valid massage establishment. Failure to renew the business tax certificate when due and payable shall cause the massage technician permit to lapse .

(C) Off-site Massage Permit: Off-site massage may be performed only under the following criteria:

(1) Businesses: At businesses other than hotels or motels, the massage treatment shall consist only of seated massage as defined in section 3900.

(2) Residences: Massage may be given at private residences owned or rented by the client.

(3) Hotel or motel: At a hotel, motel, or other residential structure operated primarily for transient occupancy, a massage may only be administered with prior authorization in writing by a licensed physician, chiropractor, or osteopath unless the hotel or motel or residential structure operated primarily for transient occupancy already has a massage establishment permit.

An off-site massage permit can be obtained by a massage technician or massage establishment already holding a valid permit under this Ordinance or pursuant to subsection (D) below. The technician's photographic identification permit must be displayed in plain sight when entering the location and at all time during the massage.

(D) Off-site Massage Permits for special events:

(1) Any person conducting a massage at a special event approved by the City shall first obtain an off-site massage permit for each event. An off-site Massage Permit can also be issued to cover a series of events that occur on a regular seasonal basis such as once or twice weekly or monthly for a set period such as a farmers market or summer concert series. Any person conducting a massage at a special event shall have a valid massage technician photographic identification permit issued by the City and operate with a valid business tax certificate.

(2) Off-site massage permits may be issued only under the following circumstances:

(a) To a massage technician or massage establishment already licensed and practicing in the City of Grover Beach pursuant to this Ordinance.

(b) To a massage practitioner who holds a valid certification issued by the Massage Therapy Organization as defined in section 3900(E) whether or not that person operates a massage business in the City of Grover Beach.

(3) The person or persons possessing a special event permit and performing massage services at a special event shall have all the supplies and comply with all the requirements of section 3905 subsections (A), (D), (H), (K), (L), (M), (N), (O) and section 3912 of this Ordinance. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3902. Exceptions. The requirements of this chapter shall not apply to the following individuals while engaged in the performance of the duties of their professions:

(A) Physicians, surgeons, chiropractors, osteopaths and physical therapists licensed to practice under the laws of the State of California.

(B) Nurses registered under the laws of the State of California.

(C) Barbers and beauticians licensed under the laws of the State of California.

(D) Trainers of any amateur, semiprofessional or professional athlete or athletic team.

(E) A certified massage practitioner as defined in section 3900(D) except for the following sections 3901, 3905, 3909, 3910, 3911, 3912, 3913 and 3917 which specifically apply to certified massage practitioners. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3903. Application - Fee. Any person desiring to obtain a permit to operate a massage establishment or to perform massage services shall make application to the City Manager who shall refer all such applications to the Chief of Police for an investigation and recommendation. A nonrefundable fee as set forth in the Master Fee Schedule and amended from time to time shall accompany the submission of each application to defray, in part, the costs of investigation and report. A massage technician permit does not authorize the operation of a massage establishment. Any person otherwise licensed to perform massage services who desires to operate a massage establishment must separately apply for a permit therefor. In addition to the fees provided hereby, the applicant shall also pay a fee to the County Health Officer according to rate schedules of the County of San Luis Obispo then in effect. (Ord. 98-3; Am. Ord. 03-02; Am. Ord. 10-03)

Sec. 3904. Application - Contents. Any applicant for a permit shall submit the following information:

(A) The full name and present address of applicant.

(B) The two previous addresses immediately prior to the present address of applicant, and the dates of residence at each.

- (C) Written proof that the applicant is over the age of 18 years.
- (D) Applicant's height, weight, color of eyes and hair.
- (E) Two portrait photographs at least two inches by two inches taken within the last six months.
- (F) Business, occupation, or employment history of the applicant for three years immediately preceding the date of the application.
- (G) The business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.
- (H) All criminal convictions and the reason therefor.
- (I) Applicant must furnish a diploma or certificate of graduation from a recognized school of massage or show current membership in good standing in the American Massage Therapy Association. The City shall have a right to confirm the fact that the applicant has actually attended classes in and graduated from a recognized school of massage.
- (J) Such other identification and information as the Police Department may require in order to discover the truth of the matters hereinbefore specified as required to be set forth in the application and to assure that the applicant is of good moral character.
- (K) Nothing contained herein shall be construed to deny to the Police Department the right to take the fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of the Department to confirm the height and weight of the applicant. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3905 Facilities Necessary. No permit to conduct a massage establishment shall be issued unless an inspection by the City reveals that the establishment complies with each of the following minimum requirements:

- (A) A recognizable and legible sign shall be posted at the main entrance identifying the establishment as a massage establishment.
- (B) Minimum lighting shall be provided in accordance with the Uniform Building Code, and, in addition, at least one artificial light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
- (C) Minimum ventilation shall be provided in accordance with the Uniform Building Code.
- (D) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use. Any massage establishment shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering, or linen has once been used it shall be deposited in a closed receptacle and not used until properly laundered and sanitized. Towels, coverings and linens shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 140 degrees Fahrenheit for not less than 15 minutes during the washing or rinsing operation.
- (E) Hot and cold running water shall be provided at all times.
- (F) Closed cabinets shall be provided which cabinets shall be utilized for the storage of clean linen.

(G) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

(H) All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

(I) A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin, sanitary towels placed in permanently installed dispensers.

(J) The walls in all rooms where water or steam baths are given shall have a washable, mold-resistant surface.

(K) Pads used on massage tables shall be covered with durable, washable plastic or other acceptable waterproof material.

(L) All bathrobes, bathing suits, and/or other garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use pursuant to subsection (D) of this section.

(M) A listing of each service offered, the price thereof, and the minimum length of time such service shall be performed shall be made available upon request. No service shall be performed and no sum shall be charged for any service other than those listed. Arrangements shall be made for any service prior to the performance of any such service.

(N) No alcoholic beverage shall be sold, served, or furnished on the premises of any massage establishment.

(O) No massage establishment shall be open between the hours of ten thirty p.m. and seven a.m. of the following day.

(P) Proof of compliance with all applicable provisions of the Municipal Code shall be provided. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3906. Permit Procedures. Any applicant for a permit pursuant to these provisions shall personally appear at the Police Department and produce proof to the Police Department that the application fee has been paid to the City Clerk, and thereupon the applicant shall present to the Police Department the completed application. The Chief of Police shall have a reasonable time in which to investigate the application and background of the applicant. Based on such investigation, the Chief of Police, or his representative, shall render a recommendation as to the approval or denial of the permit to the City Manager.

The Building Inspector, the Fire Department, and the County Health Department shall inspect the proposed massage establishment and shall make separate recommendations to the City Manager concerning compliance with the foregoing provisions.

The City Manager shall grant a permit to the establishment if all requirements for a massage establishment described herein are met, and shall issue a permit to all persons who have applied to perform massage services unless it appears that any such person has deliberately falsified the application or unless it appears that the record of such person reveals a conviction of a felony or a crime involving moral turpitude.

All permits issued hereunder are nontransferable; provided, however, a change of location of a massage establishment may be permitted pursuant to the provisions herein. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3907. Display of Permit. Every person, association, firm or corporation to whom or for which a permit has been granted by the City or certificate issued by the Massage Therapy Organization shall display the permit, or certificate in a conspicuous place so that it may be readily seen by persons entering the premises. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3908. Change of Location. A change of location of any licensed premises may be approved by the Chief of Police and City Manager, provided all City ordinances and regulations are complied with and a change of location fee as set forth in the Master Fee Schedule and amended from time to time is deposited with the City. (Ord. 98-3; Am. Ord. 03-02; Am. Ord. 10-03)

Sec. 3909. Unlawful Activities. It is unlawful for any person to massage any other person, or to give or administer any bath or baths, or to give or administer any of the other things mentioned in this chapter for immoral purposes or in a manner intended to arouse, appeal to or gratify the lust, passions or sexual desires. Any violation of this provision shall be deemed grounds for the revocation of the permit granted hereunder. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3910. Employees. It shall be the responsibility of the holder of the permit for the massage establishment or the employer of any persons purporting to act as massage technicians to first obtain a valid permit pursuant to this chapter, or to verify that the massage technician or massage practitioner holds a valid certificate issued by the Massage Therapy Organization. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3911. Inspection. The building and safety, fire and health departments may, from time to time, make an inspection of each massage establishment in the City for the purpose of determining that the provisions of this code are met. (Ord. 98-3)

Sec. 3912. Attire and physical hygiene requirements. The following attire and physical hygiene requirements shall be applicable to all licensees, and to all massage therapists and massage practitioners who are employed or retained by a nonexempt massage business or establishment, or by a massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code:

(A) All persons shall be clean and wear clean and sanitary outer garments at all times. All outer garments shall be a fully opaque, nontransparent material and provide complete covering from at least the mid-thigh to two inches below the collarbone. The midriff may not be exposed. All persons shall

thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

(B) No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to: (1) cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever; (2) streptococcal pharyngitis (“strep throat”), until 24 hours after treatment has been initiated and 24 hours after resolution of fever; (3) purulent conjunctivitis (“pink eye”), until examined by a physician and approved for return to work; (4) pertussis (“whooping cough”), until five days of antibiotic therapy has been completed; (5) varicella (“chicken pox”), until the sixth day after onset of rash or sooner if all lesions have dried and crusted; (6) mumps, until nine days after onset of parotid gland swelling; (7) tuberculosis, until a physician or local health department authority states that the person is noninfectious; (8) impetigo (bacterial skin infection), until 24 hours after treatment has begun; (9) pediculosis (“head lice”), until the morning after first treatment; and (10) scabies (“crabs”), until after treatment has been completed. Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for purposes of this subsection.

(Ord. 10-03)

Sec. 3913. Records of Treatments. Every massage establishment shall keep a record of the date and hour of each treatment, the name and address of the patron, and the name of the technician administering such treatment. The record shall be open to inspection by officials charged with the enforcement of these provisions for the purposes of law enforcement and for no other purpose. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosure or use of such information by any City officer or employee shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this chapter, in addition to any other penalties provided by law. Identical records shall be kept of treatments rendered off the business site, and in addition, shall describe the address where the treatment was rendered. These records shall be maintained for a period of two years. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3914. Name of Business. No person licensed to do business as herein provided shall operate under any name or conduct business under any designation not specified in the permit. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3915. Revocation and Suspension of Permit. No permit shall be revoked until after a hearing has been held before the City Manager to determine just cause for such revocation; provided, however, the City Manager may order any permits suspended pending such hearing, and it is unlawful for any person to carry on the business of a massage technician or to operate as a massage establishment depending upon the particular type of permit which has been suspended until the suspended permit has been reinstated by the City Manager. Notice of such hearing shall be given in writing and served at least five days prior to the date of the hearing thereon. The notice shall state the grounds of the complaint against the holder of such permit, or against the business carried on by the permittee at the massage establishment, and shall state the time and place where such hearing will be conducted.

The notice shall be served upon the permit holder by delivering it to such person or by leaving such notice at the place of business or residence of the permit holder in the custody of a person of suitable age and discretion. In the event the permit holder cannot be found and the service of the notice cannot be made in the manner herein provided, a copy of the notice shall be mailed, postage fully prepaid, addressed to the permit holder at his place of business or residence at least five days prior to the date of the hearing. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3916. Sale or Transfer. Upon the sale or transfer of any interest in a massage establishment, the permit and license shall be null and void. A new application shall be made by any person, firm or entity desiring to own or operate the massage establishment. A fee as set forth in the Master Fee Schedule and amended from time to time shall be payable for each such application involving sale or other transfer of any interest in an existing massage establishment. All the provisions of this chapter shall apply to any person, firm or entity applying for a massage establishment permit for premises previously used as such establishment. (Ord. 98-3; Am. Ord. 03-02; Am. Ord. 10-03)

Sec. 3917. Applicability of Regulations to Existing Businesses. The provisions of this chapter shall be applicable to all persons and businesses described herein whether the herein-described activities were established before or after the operative date of the ordinance by which this chapter was enacted. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3918. Violation and Penalty. (A) Every person, except those persons who are specifically exempted, in part or in whole, by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage establishment or room, or who does or practices any of the other things or acts mentioned in this chapter, without first obtaining a permit through the City or holds a valid certificate issued by the Massage Therapy Organization, and paying for a license to do so from the City, or who violates any provision of this chapter, is guilty of an infraction.

(B) Any owner, operator, manager or permittee in charge or in control of a massage establishment who knowingly employs a person performing as a massage technician as defined in this chapter who is not in possession of a valid permit from the City, or certificate issued by the Massage Therapy Organization, or who allows such an employee to perform, operate or practice within such a place of business is guilty of an infraction.

(C) Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3919. Other Licenses and Fees. The fees and permits required and authorized by this chapter shall be in addition to any license fee or permit required under any other chapter of this Code. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3920. Appeal and Review. Any person aggrieved by any administrative decision made under this chapter may, upon the payment of a fee to be established by resolution of the City Council, appeal the decision to the City Council. (Ord. 98-3; Am. Ord. 10-03)

Sec. 3921. Severability clause. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The legislative body hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. (Ord. 98-3 replaced Ord. 78-8; Am. Ord. 10-03)

CHAPTER 10 - PARADES AND ACTIVITIES IN PUBLIC STREETS

Sec. 3950. Parade Defined. Parade means any parade, march, procession, motorcade, ceremony, show, exhibition, pageant, or other organized activity consisting of people, animals or vehicles, or any combination thereof (except funeral processions) upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls. (Ord. 79-5)

Sec. 3951. Parade Permits Required. No person shall organize or conduct a parade in or upon any public street, sidewalk or alley in the City, or knowingly participate in any such parade or motorcade, unless and until a permit to conduct such parade or motorcade has been obtained from the Chief of Police or, as hereinafter provided, from the City Council. (Ord. 79-5)

Sec. 3952. Parade for Commercial Purpose Prohibited. No permit shall be issued authorizing the conduct of a parade which is proposed to be held for the primary purpose of advertising any product, goods, wares, services, merchandise or event, and is designed primarily to be held for private profit. (Ord. 79-5)

Sec. 3953. Application for Permit. Any person desiring to conduct a parade shall apply to the Chief of Police for a permit at least sixty (60) days in advance of the date of the proposed parade. The Chief of Police may in his discretion consider any application for a permit to conduct a parade which is filed thirty (30) days prior to the date such parade is to be conducted. The application for such permit shall be made in writing on a form approved by the Chief of Police and shall be accompanied by a filing fee of \$10. In order that adequate arrangements may be made for the proper policing of the parade, the application shall contain the following information, under penalty of perjury:

(A) The name of the applicant, the sponsoring organization, the parade chairman, and the addresses and telephone numbers of each;

(B) The purpose of the parade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, the route to be traveled, and the approximate time when the parade will assemble, start and terminate;

(C) A description of the individual floats, marching units, vehicles and bands proposed, including a description of any sound amplification equipment to be used;

(D) Such other information as the Chief of Police may deem necessary. (Ord. 79-5)

Sec. 3954. Issuance or Denial of Permit. (A) Standards for Issuance. The Chief of Police shall issue a parade permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the Chief of Police finds that:

(1) The time, route and size of the parade will disrupt to an unreasonable extent the movement of other traffic or will cause an actual danger to the public health, safety or welfare which cannot be alleviated by conditions to be attached to the permit;

(2) The parade is of a size or nature that requires the diversion of so great a number of City Police Officers to properly police the line of movement and the areas contiguous thereto that allowing the parade would deny reasonable police protection to the City;

(3) Such parade will interfere with another parade for which a permit has been issued.

(B) Standards for Denial. The Chief of Police shall deny an application for a parade permit and notify the applicant of such denial where:

(1) The Chief of Police makes any finding contrary to the findings required to be made for the issuance of a permit;

(2) The information contained in the application is found to be false or nonexistent in any material detail;

(3) The applicant refuses to agree to abide by or comply with all conditions of the permit. (Ord. 79-5)

Sec. 3955. Contents of Permit. In each permit the Chief of Police may, in his discretion, specify any of the following conditions as needed:

(A) The assembly area and time therefor;

(B) The starting time;

(C) The minimum and maximum speeds;

(D) The route or location of the parade;

(E) What portions of streets to be traversed may be occupied by such parade;

(F) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade;

(G) The maximum length of such parade in miles or fractions thereof;

(H) The disbanding area and disbanding time;

(I) The number of persons required to monitor the parade;

(J) The number and type of vehicles, if any;

(K) The material and maximum size of any sign, banner, placard or carrying device therefor;

(L) The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Fire Chief;

(M) That the permittee advise all participants in the parade, either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade;

(N) That amplification of sound permitted to be emitted from sound trucks or bullhorns be fixed and not variable;

(O) That the parade continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade, except when reasonable and required for the safe and orderly conduct of the parade, shall constitute a violation of the permit; and

(P) Such other requirements as are found by the Chief of Police to be reasonable necessary for the protection of persons and property, including but not limited to the following:

(1) That the applicant post a cash deposit or surety bond in such an amount as the Chief of Police determines to be reasonably adequate to guarantee that any litter or debris created thereby will be removed;

(2) That the applicant post a cash deposit or surety bond in such amount as the Chief of Police determines to be reasonably necessary to cover the cost of supervisory law enforcement personnel as are needed to supervise such activity;

(3) That the applicant furnish such sanitary, litter disposal, medical and other facilities as are necessary to protect the public health, safety and welfare. (Ord. 79-5)

Sec. 3956. Appeal and Review. Any person aggrieved by any administrative decision made under this Chapter may, upon the payment of any fee to be established by resolution or minute order, appeal the decision to the City Council. The City Council may also review such decision on its own motion. (Ord. 79-5)

Sec. 3957. Officials to be Notified. Immediately upon the granting of a permit for a parade, the Chief of Police shall send a copy thereof to the following:

- (A) The Mayor;
- (B) The City Administrator;
- (C) The Fire Chief;
- (D) The Director of Public Works. (Ord. 79-5)

Sec. 3958. Revocation of Permit. Any permit for a parade issued pursuant to this Chapter may be summarily revoked by the Chief of Police at any time when, by reason of disaster, public calamity, riot or other emergency, the Chief of Police determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail immediately upon such determination by the Chief of Police. (Ord. 79-5)

Sec. 3959. Cost of City Personnel. It shall be the duty of all persons or entities organizing or conducting a parade to reimburse the City for the cost of furnishing city law enforcement and other supervisory personnel necessary or appropriate to supervise and assist with such parade. Parades which are sponsored by the City shall be exempt from such requirements. (Ord. 79-5)

Sec. 3960. Violations. (A) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly, or with any person participating therein;

(B) Driving in Parade Areas. No person shall drive or park a motor vehicle into or within any parade area which has been posted or barricaded in such manner as to give notice of restricted entry. (Ord. 79-5)

CHAPTER 11 - SPECIAL EVENTS/OUTDOOR ASSEMBLIES

Sec. 3975. Definitions. (A) Outdoor Assembly means any assembly or event attended, or anticipated or planned to be attended, by more than 500 people, which event or assembly is to take place within the City outside of a building or facility designed for the purpose of such assemblies, including but not limited to entertainment events, rock festivals, religious revivals, and political rallies. Outdoor Assembly shall not include sports events sponsored by an entity qualifying for tax exempt status under the laws of the State of California, nor any event which is conducted or sponsored by any governmental entity on any publicly-owned land.

(B) Special events means any assembly or gathering, anticipated or planned to be attended, by more than 500 people which is intended to allow for the short-term placement of activities in fixed or temporary facilities or in the out-of-doors. Activities that impact city streets, places, facilities, personnel or residents beyond the norm require approval in advance from the city to protect the public safety and welfare or any activity on any parcel of land or with any public right-of-way including sidewalks and parking lots.

(C) Sponsor means any person or organization who organizes, promotes, conducts, or causes to be conducted an outdoor assembly or special event.

(D) Attendant means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

(E) Licensee means any person to whom a license has been issued pursuant to this Chapter. (Ord. 80-6, Amd. Ord. 95-9)

Sec. 3976. Licenses. No person shall sponsor, operate, maintain, conduct, or promote an outdoor assembly or special event to be held within the City, unless he/she shall have first made application for, and obtained, a license for each such assembly, pursuant to the terms and conditions set forth in this Chapter. An application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the City Manager, and shall be made at least thirty (30) days prior to the date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as set forth in the Master Fee Schedule and amended from time to time and shall include the following information:

(A) The owner, location, legal description, and area of the premises on which it is planned to conduct the activity;

(B) The owner, location, legal description, and area of all lands to be used for parking or other uses incidental to the activity;

(C) The date(s) and the hours during which the event is to be conducted;

(D) An estimate of the minimum and maximum number of customers, spectators, participants, and other persons expected to attend the event for each day it is conducted, together with information supporting such estimate;

(E) A detailed explanation of the applicant's plans to supply potable water and facilities, food and cooking facilities, sanitation facilities (including sewage, garbage and rubbish), medical and first aid facilities and services, vehicle parking facilities, vehicle access, on-site traffic control, evacuation plans for sick or injured persons, and other information as to plans for compliance with conditions and regulations set forth in this Chapter;

(F) A description of all sound equipment to be used and the intensity of the sound, in decibels, at the boundaries of the premises upon which such event is to take place;

(G) Provisions for cleanup of the premises and removal of rubbish after the event has concluded;

(H) Such other information pertinent to the event as either the City Council or any officer of the City finds is reasonably necessary and required in order to determine whether or not the permit should be granted;

(I) The name, age, residence, mailing address, telephone number, and legal status of the applicant. If the application is made by a partnership, the names and addresses of all partners shall be included. If the applicant is a corporation, the application shall be signed by the president or vice president, and secretary or assistant secretary, and shall contain the names and addresses of all corporate officers and a certified copy of the Articles of Incorporation shall be attached to the application;

(J) A financial statement sufficient to give assurance of the ability of the applicant to meet the conditions of the permit;

(K) A detailed explanation of the applicant's plan for policing the activity with particular emphasis on the control and prevention of illegal alcoholic and illegal drug consumption;

(L) An explanation of the applicant's plans in the event that more persons attempt to attend the event than is permitted by the particular permit involved;

(M) A consent to the entry at any time in the course of the event by any police officer, health official, Fire Official, and/or other City officer, County health officer, and other City Official in the performance of their duties, including but not limited to inspection;

(N) Nighttime lighting plan.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly. (Ord. 80-6, Am. Ords. 95-9 and 03-02)

Sec. 3977. Processing of Application. On receipt by the City Manager, copies of the application shall be forwarded to the Chief of Police and Fire Chief for the City, and to such other appropriate public officials as the City Manager deems necessary. Such officers and officials shall review and investigate matters relating to the application, and within ten (10) days of receipt thereof shall report their findings and recommendations to the City Manager. (Ord. 80-6, Amd. Ord. 95-9)

Sec. 3978. Action on Application. Upon receipt of a completed application, the City Manager shall place said application on the earliest possible City council agenda, allowing time for the preparation of recommendations by other City Officials and officers in connection with such application. The

City Clerk shall set such matter for a public hearing and shall give written notice of said hearing to the applicant by mail at the address set forth in the application. At said hearing the applicant shall have the right to testify and to present other evidence in connection with the application. At the conclusion of the hearing the City Council shall (1) issue said license as applied for; (2) issue such license subject to such additional conditions as may reasonably be imposed by the City Council or (3) deny the application. Provided, however, that the City Council may deny the application only if: (A) The applicant has failed to comply with any requirements of this Chapter; (B) the applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting documents; or (C) the City Council finds that the granting of the application would be contrary to the public health, safety, or welfare and that the same cannot be avoided by the imposition of conditions on such application. (Ord. 80-6, Amd. Ord. 95-9)

Sec. 3979. Specific Regulations for Outdoor Assemblies. The following regulations must be complied with in connection with any License application granted under this Chapter, unless specifically waived by the City Council:

(A) **Drinking Water:** The applicant shall provide a potable water supply from a source approved by the Community Development Director or health officer. All food concessions that handle other than packaged or bottled goods must be supplied with hot and cold running water under pressure and a means of disposing of waste water. If trucks are used to haul water onto the site, they shall first be cleaned and sterilized as required by the Community Development Director or health officer. Water shall be provided for employees and spectators at the following rate per person per day: Employees - 35 gallons; spectators - 10 gallons.

(B) **Sanitary Facilities:** Adequate sanitary facilities for both sexes shall be distributed throughout the area at the rate of one toilet facility for each 250 persons. Toilet facilities and accessories shall be maintained in a sanitary condition and shall be inspected at least twice per day and cleaned at least once each day. Waste water and sewage originating on the grounds must be disposed of by a system approved by the Community Development Director.

(C) **Parking:** The applicant shall have on the premises or contiguous thereto automobile storage spaces equal to one space for each four persons attending the outdoor assembly, unless the City Council finds that a smaller number is sufficient. At all times between one hour prior to the beginning of the assembly and one hour after its termination, the applicant shall provide a sufficient number of parking attendants at all entrances, exits, and within the parking lot as shall be found to be reasonably necessary by the City Council.

(D) **Garbage and Refuse Removal:** The applicant shall demonstrate to the satisfaction of the Community Development Director that the applicant has an adequate plan for the proper storage, collection, and disposal of garbage, trash and refuse. All solid waste material shall be disposed of by removal and export, and the event area and parking area shall be returned to a litter-free condition within 24 hours after the event is concluded. There shall be at least one trash can (minimum 32 gallons) for every 25 persons expected to be in attendance. Approval by the Community Development Director or health officer of the applicant's solid waste disposal plan shall be a prerequisite to the issuance of a permit.

(E) Hours of Operation: No outdoor assembly activity shall take place between the hours of 12:00 p.m. and 9:00 a.m., except as to activities occurring within a building, which activities shall not take place between 2:00 a.m. and 9:00 a.m.

(F) Food and Beverage Service: The applicant shall be required to provide food and drink service facilities to adequately feed the number of persons allowed by a license. In selling, preparing, delivering or serving food or beverage, all persons shall comply with the California Restaurant Act, Chapter 11, and also with all applicable laws and regulations of the City of Grover Beach, all to the satisfaction of the City and County Health Officers. Approval by the County Health Department health officer of the applicant's food and beverage plan shall be a prerequisite to the issuance of a license.

(G) Medical Treatment Facilities: The applicant shall be responsible for making adequate plans for medical coverage of performers, employees, participants, customers, and spectators. There shall be at least two licensed medical attendants as approved by the Fire Chief per 1,000 persons available on site at all times during preparation and performance of the outdoor assembly. Adequate medical supplies, including personnel and material for first aid and requesting emergency treatment, shall be available on site. An adequately protected area shall be set aside for the purpose of medical care.

(H) Lighting: Every applicant planning an assembly or special event to take place all or in part within non-daylight hours, or planning to allow persons who attend the event to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. A licensee shall be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity: Open areas reserved for spectators - 10 ft. candles; stage areas - 100 ft. candles; parking and overnight areas - 5 ft. candles; restrooms and concession areas - 50 ft. candles.

(I) Compliance With Zoning Regulations: No license shall be issued for any outdoor assembly/special event which does not comply with all applicable zoning regulations of the City of Grover Beach.

(J) Security Personnel: The applicant shall employ at its own expense such licensed and bonded security personnel as are necessary to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. Approval by the Chief of Police of the program for the furnishing of security personnel shall be a prerequisite to the issuance of any license under this Chapter.

(K) Insurance: Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000, and property damage insurance with a limit of not less than \$1,000,000, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly, and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement with the City of Grover Beach named second on the policy to the effect that the insurance company shall notify the City Clerk of the City of Grover Beach in writing at least ten (10) days before the expiration or cancellation of said insurance.

Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in the State of California, a corporate surety bond (or shall post with the

City a cash deposit), in the amount of \$1,000,000, guaranteeing the licensee's faithful compliance with all of the terms and conditions of this Chapter, and which shall indemnify the City of Grover Beach and its officers, agents, and employees against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property on or adjoining the assembly site from any costs attributable to cleaning up or removing of debris, trash, or other waste resulting from the assembly.

(L) Fire Protection: The licensee shall take adequate steps as determined by the Fire Chief to insure appropriate fire protection.

(M) Communications: The licensee shall provide public telephone equipment for general use on the basis of at least one (1) unit for each 1,000 persons or portion thereof in attendance.

(N) Miscellaneous Conditions: The City Council may impose such other conditions as are reasonably calculated to promote and protect the health, safety, welfare, and property of persons attending the outdoor assembly and/or the general public. (Ord. 80-6, Amd. Ord. 95-9)

Sec. 3980. Revocation of Licenses. The City Council may revoke a license issued under this Chapter if the licensee, or any of the licensee's agents or employees, fails, neglects, or refuses to fully comply with any provision or requirement set forth in this Chapter. (Ord. 80-6, Amd. Ord. 95-9)

Sec. 3981. Violations. It is unlawful for any person knowingly to do any of the following:

(A) Advertise, promote, or sell tickets to, conduct, or operate an outdoor assembly or special event, without first obtaining a license as herein provided;

(B) Conduct or operate an outdoor assembly/special event in such a manner as to create a public or private nuisance;

(C) Conduct or permit, within the assembly, any obscene display exhibition, show, play, entertainment, or amusement;

(D) Permit any person on the premises to cause or create a disturbance, in, around, or near the outdoor assembly by obscene or disorderly conduct;

(E) Permit any person to unlawfully consume, sell, or possess intoxicating beverages on the premises; or

(F) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, or other unlawful substances. (Ord. 80-6, Amd. Ord. 95-9)

CHAPTER 12 - FIREWORKS

Section 3990. Permit Required for Sale; Fee. It is unlawful for any person to sell any "safe and sane" fireworks, as defined in Section 12529 and Section 12562 of the Health and Safety Code without first having applied for and received a permit therefor. The fee for a permit to sell such fireworks will be as set forth in the Master Fee Schedule and amended from time to time. No part of the fee shall be refunded upon revocation of the permit. (Ord. 97-4; Am. Ord. 03-02; Am. Ord. 05-04)

Section 3991. Application for Permit. Applications for a permit under this chapter shall be made to the City Clerk or City Clerk's designee and shall:

(A) Be made in writing on a form supplied by the City and accompanied by a tender of the permit fee;

(B) Be made after the second Tuesday in April of each year and before the last business day of May;

(C) Describe by street address the proposed location of the fireworks stand for which the permit is requested;

(D) Be accompanied by a general liability insurance policy of at least \$ 1,000,000, with the premium pre-paid, for a term not less than the term of the permit, naming the City, its officers, agents, and employees as additional named insured, and covering liability for monetary damages resulting from bodily injury, property damage or personal injury, including false arrest, libel, wrongful entry, discrimination, and assault;

(E) Be accompanied by the organization's certified statement of non-profit status;

(F) Be accompanied by an assurance in writing that the applicant, if permitted, will neither sell nor purvey, nor suffer or permit any person to sell or purvey at the permittee's fireworks stand any "dangerous fireworks" as defined in section 12505 of the Health and Safety Code;

(G) Be accompanied by a signed written approval of property owner that the fireworks stand shall be allowed on the property owner's property and include a business telephone number at which the property owner may be reached;

(H) Include a designation of all non-profit associations or corporations to which the applicant intends to distribute the net proceeds of its fireworks sales and the communities (i.e., Grover Beach, Arroyo Grande, Nipomo, Santa Maria, etc.) and residents of those communities (i.e., youth, seniors, residents at large, visitors, businesses, etc.) that will benefit from the non-profit association or corporation through the net proceeds of its fireworks sales; and

(I) State the person and such person's daytime telephone number which the City Clerk or City Clerk's designee shall notify regarding the granting or denial of the permit. (Ord. 97-4; Am. Ord. 05-04)

Section 3992. Operation of Stand. (A) No person other than the permittee shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand unless otherwise approved by permit.

(B) No person other than the individuals who are members or volunteers on behalf of a permittee's organization shall participate in the operation of the fireworks stand.

(C) No person shall be paid or given any consideration for participating in the operation of a fireworks stand, except as a night watchman.

(D) Fireworks may only be sold at the stand location set forth in the permit.

(E) It is unlawful for any person to sell or otherwise distribute fireworks without complying with each of the following provisions:

(1) Fireworks stands need not comply with the provisions of the California Building Code provided that all stands are erected under the supervision of the Fire Chief (or his designee) who shall require that stands be constructed in a manner which will reasonably assure the safety of attendants and patrons.

(2) If in the judgment of the Fire Chief (or designee), the construction or the location of a stand, or the conduct of operations therein do not conform with the provisions of this Chapter, the Fire Chief (or designee) may order the stand immediately closed until such time as the stand does conform with the provisions of this Chapter.

(3) If the permittee has materially falsified any statement in the application or has failed to perform any agreement, assurance, or representation made in connection with the application, the Fire Chief (or designee) shall revoke the permit and order the stand immediately closed and neither the permittee nor any successor to the permittee shall be permitted under this Chapter during the next following year. Such decision shall be immediately appealable in writing to the City Manager who shall conduct an informal hearing at the earliest opportunity.

(4) The front of all stands shall be completely enclosed from the counter to the roof with hardware wire cloth, the openings of which do not exceed one-fourth inch in size except for openings to permit delivery of merchandise to customers, which openings for delivery are not larger than twelve inches by eighteen inches in size and the location of which are approved by the Fire Chief (or designee).

(5) No person shall be allowed in the interior of the stand except those directly participating in its operation.

(6) No person under the age of eighteen years shall be allowed to sell fireworks, work in any way, unload fireworks supplies, or otherwise be in the stand or involved in its operation.

(7) All merchandise shall be stored or displayed at a safe distance from the front and side walls of the stand in accordance with the direction of the Fire Chief (or designee).

(8) No stand shall be constructed which has a depth of more than twelve feet.

(9) Each stand in excess of twenty feet in length must have at least two exits; and each stand in excess of thirty feet in length must have at least three exits spaced approximately equally along the length of the stand; provided, that in no case shall the distance between exits exceed twenty feet.

(10) Exit doors must swing in the direction of egress.

(11) Exits shall be arranged so that there will be egress available in at least two directions from any place within the stand, which exits shall be approximately diametrically opposed.

(12) The stand must be equipped with at least one fire extinguisher and one five gallon pail of water at each exit. The fire extinguisher must be approved as to efficiency, adequacy, and safety by the Fire Chief (or designee).

(13) No stand shall be located closer than 100 feet from any other stand.

(14) No stand shall be located closer than ten feet from a property line, nor closer than thirty feet from any building, nor closer than ten feet from any structure other than a building.

(15) All weeds and combustible materials shall be cleared for a distance of 50 feet surrounding the stand.

(16) No food, beverage, or merchandise other than fireworks may be sold in or within a distance of thirty feet surrounding the stand.

(17) The sale of fireworks shall not begin before noon on the twenty-eighth of June and shall cease at noon on the fifth day of July. Sales during this time period shall be limited to 9:00 a.m. to 11:00 p.m. each day. Any permittee failing to observe these hours designated for sale may have their permit revoked or be ineligible for a permit in subsequent years.

(18) All unsold fireworks stock and associated litter from the stand shall be removed from the stand location by noon on the seventh of July.

(19) The stand shall be removed from its temporary location by noon on the seventh day of July.

(20) The permittee shall also comply with all applicable State laws pertaining to the sale of fireworks and operation of the stand. (Ord. 97-4; Am. Ord. 05-04; Am. Ord. 11-02)

Section 3993. Number of Permits. No association may receive more than one permit for fireworks sales during any one calendar year. No association shall operate more than one fireworks stand under permit during any one calendar year. No more than one permit for every 3,000 people of population in Grover Beach shall be issued by the City in any calendar year. The Grover Beach Chamber of Commerce shall have the right of first refusal for one (1) permit. The Grover Beach Police and Fire Associations shall have the right of first refusal to share one (1) permit. Remaining permits shall be issued per Section 3994 of this Chapter. (Am. Ord. 05-04)

Section 3994. Prerequisites to Issuance of Permit; Selection of Permittee's; and Approval of Locations.

(A) No permit shall be issued except to an applicant who is a non-profit association or corporation organized primarily for veteran, patriotic, welfare, city betterment, religious or charitable purposes, having on file with the City proof of non-profit status from either the IRS, California Secretary of State, or the State Attorney General; and having its principal and permanent meeting place in the City of Grover Beach; and having been organized and established in the City for a minimum of three years continuously preceding the filing of the application for the permit; and having three years continuously preceding the filing of the application for the permit, a track record of providing programs and/or services to residents of the City.

(B) If on the closing date for filing applications for permits there are more applications than the number of permits allowed, the permittees shall be selected by a drawing conducted by the City Clerk or City Clerk's designee.

(C) Prior to the installation of any stand for which a permit has been obtained, the City Clerk or City Clerk's designee shall first submit the proposed location of each stand to the Chief of Police who has the authority to disapprove the location if in the Chief's opinion, a traffic hazard will be created thereby; and to the Fire Chief who has the authority to disapprove the location if in the Chief's opinion the location would pose a fire hazard. (Ord. 97-4; Am. Ord. 05-04)

Section 3995. Financial Statement. (A) Each association granted a permit shall by the 1st of May of the Calendar year after which the permit was issued submit a verified financial statement to the City Clerk or City Clerk's designee showing the total gross receipts, all expenses incurred and paid in connection with the purchase of fireworks and the sale thereof, and to whom and for what purpose the net proceeds were distributed.

(B) Such financial statements shall be made on forms furnished by the City Clerk or City Clerk's designee or photocopied directly from the association's financial report.

(C) The filing of such verified financial statement shall be a condition precedent to the granting of any subsequent permit to any such association. (Ord. 97-4; Am. Ord. 05-04)

Section 3996. Public Discharge Period. Discharge of "safe and sane fireworks" shall only occur from noon on the third of July through midnight on the fifth of July and noon on the thirtieth of December through midnight on the first of January. No person under eighteen (18) years of age may possess or discharge "safe and sane fireworks" except when under the direct supervision of a person twenty-one (21) years of age or older. (Ord. 11-02)

CHAPTER 13 - MOBILE HOME RENT STABILIZATION

Sec. 3996.10 Purpose. The City Council finds and declares it necessary to protect the owners and occupants of mobile homes from unreasonable rent increases while at the same time recognizing the need of the park owners to receive a just and reasonable return on their property and rental increases sufficient to cover the increased costs of repairs, maintenance, insurance, upkeep and additional amenities. (Ord. 87-8)

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Sec. 3996.20 Definitions. For the purpose of this Ordinance, certain words and phrases used herein are defined as follows:

(A) Rent or Rental: The consideration, including any bonus, benefit, gratuity, or security deposit, demanded or received in connection with the use and occupancy of a mobile home space and its accompanying services, amenities, utilities, etc., in a mobile home park within the purview of this Ordinance, or for the transfer of a lease for mobile home park space and its accompanying services, amenities, etc., in a mobile home park within the purview of this Ordinance, but exclusive of any amounts paid for the use of the mobile home dwelling unit itself.

(B) Mobile Home Park Owner or Owner: The owner, lessor, operator, landlord or manager of a mobile home park within the purview of this Ordinance.

(C) Mobile Home Park: An area of land where two or more mobile home sites are rented, or held out for rent, or held out for use, to accommodate mobile homes used for human habitation.

(D) Mobile Home Tenant or Tenant: Any person entitled to occupy a mobile home dwelling unit pursuant to ownership thereof, in a mobile home park within the purview of this Ordinance.

(E) Rent Increase:

(1) Any increase in rent as defined above; or

(2) Any reduction in services, amenities, etc., in a mobile home park within the purview of this Ordinance.

(F) Consumer Price Index: The Consumer Price Index for all urban consumers (CPI-U) published for the Los Angeles-Long Beach area.

(G) Tenant Majority: Fifty percent (50%) plus one vote or more of the number of votes tenants of a mobile home park are entitled to cast at the time of voting. A tenant is entitled to cast one vote for each mobile home site which he or she is renting in the mobile home park and that is occupied by a mobile home; provided, however, that no tenant who is a party to a lease which exempts that mobile home from rent control pursuant to Civil Code Section 798.17 is entitled to cast a vote for the site that is subject to the lease. Mobile homes under such a lease shall not be counted in determining the aggregate number of mobile homes from which the tenant majority is to be calculated.

(H) Vacancy: A change in ownership of a mobile home within a mobile home park. As used in this Chapter, a "vacancy" shall not include an interspousal transfer or a transfer to court appointed trustee, guardian or conservator.

(I) Hearing Officer: A duly appointed hearing officer selected from a panel (or list) of qualified hearing officers. A hearing officer shall have no financial interest in either a mobile home park or a mobile home nor have been a resident of nor reside in a mobile home park. A hearing officer shall be experienced in financial and accounting methods with knowledge of administrative procedures and rules of evidence. (Ord. 87-8, Am. Ord. 92-5)

Sec. 3996.30. Applicability. The provisions of this Chapter shall apply to all mobile home parks within the City of Grover City. (Ord. 87-8)

Sec. 3996.40. Limitations on Rent Increases. (A) One Rental Increase Per Year: An owner shall not impose a rent increase more often than once in every twelve (12) month period (July 1 through June 30); no such increase shall be retroactive. Owner shall notify all tenants at least sixty (60) days prior to the effective date of any rent increase.

(B) Maximum Annual Rental Increase: Except as provided in subsection (C) below, the maximum monthly rental increase for each space in each twelve (12) month period shall be a percentage increase over the previous year's monthly rental equal to one hundred percent (100%) of the first five percent (5%) increase in the Consumer Price Index over the preceding twelve (12) month period and seventy-five percent (75%) of the CPI increase over the preceding twelve (12) month period for that portion of the increase greater than five percent (5%). Any rent increase under this subsection (B) is limited to an increase in the money paid for rent and shall not include a decrease in services, amenities, utilities, etc. For purposes of calculating maximum allowable rent pursuant to this subsection for the 1987-1988 twelve (12) month period (7/1/87 through 6/30/88), the "previous year's monthly rental" shall be considered the monthly rental in effect on July 1, 1987. On the effective date of this Ordinance, there shall be a roll back of the monthly rental rate to that in effect on July 1, 1987, plus the maximum annual rental increase as provided in this subsection. Should any tenant have been charged in excess of this rollback monthly rental rate between July 1, 1987, and the effective date of this Ordinance, the landlord shall either refund the excess amounts paid or provide a credit to the tenant to be applied against future monthly rental.

(C) Owner Hardship Exceptions and Tenant Rent Adjustments: An owner who contends that he will be unable to make a just and reasonable return on the property involved may apply to the City for a rental increase in addition to the maximum increase permitted by Section 3996.40(B) above or those increases allowed by Section 3996.50. Likewise, tenant(s) who contend that a rent increase has occurred due to a reduction in services, amenities, etc., may apply to the City for a rent adjustment.

Such applications must be filed by the owner or tenants with the City in accordance with Section 3996.41 et. seq. (Ord. 87-8, Am. Ord. 92-5)

Sec. 3996.41. Application for Rent Adjustment/Fee/Contents/Notice of Request/Hearing. (A) Except for automatic increases in base rent allowed under Section 3996.40(B) and those resulting from vacancies under Section 3996.50, an owner or tenant(s) may file with the City Clerk an application for a rent adjustment ("application"). The application shall state the amount of the adjustment for each space affected and the reasons for the adjustment.

(1) An application shall be accompanied by the payment of a fee as may be established from time to time by the Council.

(2) An application filed by an owner shall be accompanied by a statement that the tenant for each space affected has been served either personally or by mail with a notice describing the application and the change in rent or services.

(3) An application filed by a tenant shall be accompanied with a statement stating that the owner has been either personally or by mail served with the application and with a statement designating not more than three persons to act as representatives for the spaces affected and containing the names and addresses of tenants representing no less than fifty-one percent of the spaces affected by the application and supporting the application and established by a secret election.

(4) A statement shall accompany the application and shall notify the receiving party that he/she has thirty days to file an objection and if one is not filed within the time allowed, then the application will be automatically granted.

(B) An objection to the application may be filed with the City Clerk within thirty days after the notice of application has been served. The objection shall identify the portions of the application objected to and shall state the grounds of the objection.

(1) A copy of an objection filed by an owner shall be mailed to each of the designated tenant representatives.

(2) A copy of an objection filed by a tenant shall be mailed to the owner. The tenant's objection shall designate not more than three persons to act as representatives for the objecting tenants. The objection must be accompanied by a statement containing the names and addresses of tenants representing no less than fifty-one percent of the spaces affected by the owner's application and verifying that they object to the application, established by secret ballot election.

(C) If no objection is filed to an application within the time allowed, or if less than fifty-one percent of the tenants support an objection to an application, then the application will be automatically granted.

(D) If an objection is filed within the time provided, then the owner and the tenant representatives shall meet and confer to negotiate in good faith an agreement regarding the application. Either party may request a mediator of their choice to assist in the negotiations, but this is not required. If an agreement is reached within sixty days, then the tenant representatives shall notify all tenants affected by the agreement. The tenants shall have ten days to approve or disapprove of the agreement. If tenants representing a majority of the spaces affected fail to disapprove of the agreement, then the agreement shall be binding on the owner and all tenants affected. The City Clerk shall be notified that an agreement has been reached. The statements made in negotiations and any agreements reached but not approved shall not be admissible in any subsequent hearings regarding the application.

(E) If the owner and the tenant representatives fail to reach an agreement within the time provided or if a majority of the tenants disapprove of an agreement reached, then the applicant shall within ten days notify the City Administrator that an agreement has not been reached. The City Administrator shall obtain a list of no less than five qualified hearing officers. Owners and tenants may each delete one person from the list of qualified hearing officers within seven days and one of the remaining persons shall be selected by the City Administrator as the hearing officer. Appointment of the hearing officer shall be completed no later than twenty-one days after filing of the notice that an agreement has not been reached.

(F) The hearing officer shall set a hearing on the application complying with the requirements of this section no less than ten days and no more than thirty days after the appointment. The hearing officer shall notify the owner and tenants, in writing, of the time, place and date set for the hearing. No hearing or any part thereof may be continued beyond thirty days after the initial hearing date, without the applicant's consent. If the hearing officer approves an application as requested or as modified, the same shall take effect as noticed by the owner or as the hearing officer may otherwise direct. (Ord. 92-5)

Sec. 3996.42. Application for Rent Adjustment/Conduct of Hearing. (A) All review hearings conducted by the hearing officer shall be conducted in accordance with the Ralph M. Brown Act, at Section 54950 et seq. of the California Government Code and according to the rules of the American Arbitration Association.

(B) All interested parties to a hearing may have assistance from an attorney or such other person as may be designated by the parties in presenting evidence or in setting forth by argument their position. All witnesses shall be sworn in and all testimony shall be under penalty of perjury.

(C) In the event that either the owner or the tenant(s) should fail to appear at the hearing at the specified time and place, the hearing officer may hear and review the evidence as may be presented and make such decisions as if all parties had been present.

(D) Owner and affected tenants may offer any testimony, documents, written declarations or other relevant evidence.

(E) Formal rules of evidence shall not apply.

(F) Minutes shall be taken at all review hearings. (Ord. 92-5)

Sec. 3996.43. Application for Rent Adjustment/Evaluation/Relevant Factors. In evaluating the application, the hearing officer may consider, along with all other factors it considers relevant, changes in costs to the owner attributable to increases or decreases in master land and/or facilities lease rent, utility rates, property taxes, insurance, advertising, variable mortgage interest rates, employee costs, normal repair and maintenance, and other considerations, including, but not limited to, rehabilitation work, capital improvements, upgrading and addition of amenities or services, net operating income, and the level of rent necessary to permit a just and reasonable return on the owner's property.

(A) In applying the foregoing factors, the hearing officer shall utilize the maintenance of net operating income (MNOI) formula. Under the MNOI allowable gross rents are calculated as follows: all operating expenses for the twelve-month period ending June 30, 1987, are subtracted from all operating expenses for the twelve-month period immediately preceding the date of the application for which expense data is available. In the event operating expenses are not available for the period ending June 30, 1987, then expenses for a twelve-month period reasonably close to June 30, 1987, may be substituted. The difference shall be added to gross annual rent based on rental rates in effect on July 1, 1987. The sum shall be the allowable gross annual space rent. The allowable gross space rent shall be fairly apportioned between all spaces in the park. The space rent determined under the MNOI formula shall be adjusted as follows:

(1) There shall be an adjustment to allow for inflation calculated as follows: the net operating income (NOI) for the base period shall be calculated by subtracting the park's operating expenses for the twelve-month period ending June 30, 1987, from the park's annual gross space rent based on the space rent in effect on July 1, 1987. The CPI index for the month most recently available prior to filing the application shall be divided by the CPI index for July 1987. The resulting quotient shall be multiplied by the base period NOI. This shall be the adjusted NOI. The operating expenses for the twelve-month period immediately preceding the date of the application for which information is available shall be added to the adjusted NOI. The sum shall be the inflation-adjusted gross space rent. The allowable space rent shall be the greater of the space rent calculated using the MNOI formula and the space rent adjusted for inflation.

(2) In calculating the MNOI, there shall be an adjustment to the gross space rent in effect on July 1, 1987, if the hearing officer determines that the gross space rent in effect on that date did not allow the owner to receive a just and reasonable return on his property.

(3) If the hearing officer concludes that the MNOI formula, and the adjustments thereto, does not provide a just and reasonable return to the owner, then the hearing officer may apply any reasonable formula, including a return on investment, a return on fair market value, or return on equity, to determine a space rent which will allow the owner to receive a fair and reasonable return on his property. (Ord. 92-5)

Sec. 3996.44. Application for Rent Adjustment, Hearing, and/or Determination. (A) The hearing officer shall make a final decision no later than twenty days after the conclusion of the hearing. The hearing officer's decision shall be based on the preponderance of the evidence submitted at the hearing. The decision shall be based on findings. All parties to the hearing shall be advised by mail of the hearing officer's decision and findings.

(B) Pursuant to his/her findings, the hearing officer may:

(1) Permit the requested adjustment to become effective, in whole or in part; or

(2) Deny the requested adjustment; or

(3) Permit or deny, in whole or in part, requested reductions of, or charges for, facilities or services.

(C) Any decision of the hearing officer shall be final unless, within fifteen days after mailing of the decision and findings, the owner or any affected tenant appeals the decision.

(D) The hearing officer's fees and charges shall be paid by the applicant. (Ord. 92-5)

Sec. 3996.45. Application for Rent Adjustment/Hearing/Appeal. (A) Any appeal from a decision of the hearing officer shall be filed with the City Clerk. The appellant shall also mail a copy of the appeal to the responding party. The appeal shall state the grounds on which it is based. An appeal filed by a tenant shall be accompanied by a statement containing the names and addresses of the tenants supporting the appeal. The appeal must be supported by at least fifty-one percent of the tenants affected by the appeal.

(B) Upon filing of a valid appeal, the City Administrator shall obtain a list of no less than seven qualified hearing officers. The hearing officer who previously acted shall not qualify. Owners and tenant representatives may each delete one person from the list of qualified hearing officers within seven days, and three of the remaining persons shall be selected by the City Administrator as the appellate panel. Appointment of the appellate panel shall be completed no later than twenty-one days after filing the appeal.

(C) At the time set for consideration of the appeal, the appellate panel shall review and consider the record of the hearing officer's hearing as well as the decision and finding of the hearing officer. After review and consideration, the appellate panel may either (1) determine that a further hearing shall be held, or (2) ratify and adopt the decision and findings of the hearing officer. If a further hearing is conducted, the appellate panel may, upon conclusion of that hearing and in no event more than thirty days thereafter, modify or reverse the decision of the hearing officer, only if the appellate panel finds that there has been an abuse of discretion or that there is no substantial evidence to support the hearing officer's decision. The appellate panel's decision shall be final and no appeal may be taken to the Council.

(D) If the party filing the appeal is unsuccessful, then that party shall pay the appellate panel's fees, charges and costs. (Ord. 92-5)

Sec. 3996.50. Allowable Rent Increase Upon Vacancy. In addition to the rental increases allowable pursuant to Section 3996.40, upon a vacancy an owner may increase the monthly rental a maximum additional amount of five (5%) percent of the rent in effect on the date of vacancy. (Ord. 87-8, Amd. Ord. 90-2, Ord. 92-5)

Sec. 3996.60. Prohibitions, Duties and Rights. (A) No owner shall demand, accept, or retain more than the maximum rent permitted by this Ordinance, and no owner shall impose a prohibited rent increase through the reduction of services, amenities, etc.

(B) Owners shall keep detailed records concerning the monthly rents and rent increase dates for all spaces in the mobile home park. Such records shall be available for inspection by the City during business hours.

(C) No owner shall bring any action to recover possession of a space subject to the provisions of this Ordinance unless:

(1) The tenant has violated an obligation or covenant of her or his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord.

(2) The tenant is committing, or permitting to exist, a nuisance on, or is causing substantial damage to, the space, or is creating a substantial interference with the comfort, safety or enjoyment of the owner or other occupants of the mobile home park.

(3) The tenant is convicted of using or permitting the space to be used for any illegal purpose.

(4) The tenant has refused the owner reasonable access to the space for the purpose of making necessary repairs or improvements required by the laws of the United States, the State of California or any subdivision thereof, or for the purpose of inspection as permitted or required by law.

(D) A tenant may refuse to pay any increase in rent which is in violation of this Ordinance and such violation shall be a defense in any action brought to recover possession of a space or to collect the illegal rent increase.

(E) It shall be unlawful for any owner to demand, accept, receive or retain any payment of rent in excess of the maximum lawful rent set forth in this Ordinance, or to otherwise violate the provisions of this Ordinance. In addition to any other remedies available, a violation of this Ordinance shall be a defense in any action brought by an owner to recover possession of a space. (Ord. 87-8)

CHAPTER 14 - SLEEPING OR CAMPING IN CERTAIN AREAS PROHIBITED

Sec. 3997. Camping in Certain Areas Prohibited. No person shall camp, whether inside or outside of a vehicle, in or on any:

(A) Public street; or

(B) Public property, except public property designated by the agency owning such property for overnight camping; or

(C) Private property, including but not limited to vacant lots, parking areas, or commercial properties, unless the person camping in or on such private property:

(1) Is the owner of such property or the lessee of such property or the guest of such owner or lessee, or has the permission of the owner of such property, the owner's agent, or the person in lawful possession of such property; and

(2) Sanitary facilities approved by the health officer are available on such property to the person sleeping or camping in or on such property; and

(3) The camping does not violate Section 5217(A) of this Code relating to prohibitions against use of trailers, recreational vehicles, or boats for human habitation. (Ord. 97-6)

Sec. 3997.1. Sleeping on Public Streets or Public Property. No person shall sleep between one half hour after sunset of one day and 10:00 A.M. of the next day, whether inside or outside of a vehicle, in or on any:

(A) Public street; or

(B) On any public property, except with the written permission of the agency owning such property. (Ord. 97-6)

Sec. 3997.2. Punishment. It shall be unlawful for any person to violate any provision, or fail to comply with any requirement of this Chapter. A violation of any of the provisions or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor and the fine for a violation shall be set by Resolution of the City Council. Each person shall be guilty of a separate offense for each and every day in which such person is in violation of any provisions or fails to comply with any requirement of this Chapter. (Ord. 97-6)

CHAPTER 15 - GRAFFITI

Section 3998.01. Purpose. The purpose of this chapter is to provide a program to prevent and control the further spread of graffiti within the City, to establish a process for the removal of graffiti from real and personal property, and to assess and recover costs related to such removal. (Ord. 09-02)

Section 3998.02. Definitions. For the purposes of this chapter, unless the context clearly indicates otherwise, the following words and phrases are defined as follows:

(A) "Graffiti" includes any unauthorized inscription, writing, lettering, word, figure, marking, drawing or design that is marked, written, etched, scratched, drawn, or painted or otherwise placed on any part of building, structure, facility or surface, regardless of the nature of the material of that part.

(B) "Unauthorized" means either without the prior consent of the property owner or in violation of any law or regulation.

(C) "Graffiti abatement costs and expenses" means and includes, but are not limited to, the following costs and expenses incurred by the city:

(1) The costs and expenses of having graffiti removed from defaced property;

(2) The costs and expenses of having defaced property repaired or replaced when the city determines that the removal of the graffiti would not be cost effective;

(3) The costs of administering and monitoring the participation of a defendant and his or her parents or guardians in a graffiti abatement program;

(4) The related administrative, overhead, and incidental costs incurred in performing or causing the performance of the enforcement, abatement or collection procedures described in this chapter; and

(5) Related court costs and attorneys' fees in accordance with Government Code Section 38773.5.

(D) "Graffiti eradication costs and expenses" include , but are not limited, to the following costs and expenses incurred by the City:

(1) All costs enumerated above in the definition of "graffiti abatement costs and expenses"; and

(2) The law enforcement costs and expenses incurred in identifying and apprehending a responsible party.

(E) "Graffiti implements" include, but are not limited to, the following items possessed with the intent to deface any property:

(1) "Aerosol paint container" means any aerosol container, regardless of the materials from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property. "Aerosol paint container" does not include a container of less than six (6) ounces capacity provided to a minor for the minor's use or possession under the supervision of the minor's parent, guardian, instructor or employer.

(2) "Felt tip marker" means any broad tip marker pen with a tip exceeding three-eighths of one inch in width, or any similar implement containing an ink that is not water soluble.

(3) "Paint stick or graffiti stick" means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least one-sixteenth of one inch in width, which cannot be removed with water after it dries.

(F) "Graffiti implements" do not include the above items if they are furnished for use in school-related activities that are part of an approved instructional program, when such items are used under controlled and supervised situations within the classroom or on the site of a supervised project.

(G) "Police Chief" means the Chief of Police of the City of Grover Beach or his or her designee.

(H) "Real or personal property" includes, but is not limited to: buildings or other structures, such as walls; fences; signs; retaining walls; driveways; walkways; sidewalks; curbs; street lampposts; hydrants; trees; electric, light, power, telephone or telegraph poles; drinking fountains; display stands; utility boxes; and garbage receptacles.

(I) "A person in control of real property" means:

(1) A renter or lessee of real property where a term of the rental agreement or lease provides that the renter or lessee is responsible for the upkeep and maintenance of the real property including painting of the property.

(2) A manager who is designated by the person in control of the real property.

(J) "Responsible party" means:

(1) Any person, including a minor, who has been determined to have placed graffiti on real or personal property of another person.

(2) A minor who has: confessed to, admitted to, or pled guilty or no contest to, a violation of Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7; or who has been convicted by final judgment of a violation of Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7; or who has been declared a ward of the juvenile court pursuant to Welfare and Institutions Code Section 602 by reason of the commission of an act prohibited by Penal Code Section 594, 594.3, 640.5, 640.6, or 640.7.

(3) The parents or guardians having custody and control of a minor who is a responsible party also are responsible parties for the purpose of this chapter. (Ord. 09-02)

Section 3998.03. Nuisance Declared. The City Council declares that graffiti is a public and private nuisance, and may be abated pursuant to this chapter, or as otherwise provided by law. (Ord. 09-02)

Section 3998.04. Graffiti Prohibited. (A) It is unlawful for any person, regardless of age, to place graffiti as defined in Section 3998.02 (A) upon any real or personal property when the graffiti is visible from any public right of way or from any other public or private property.

(B) It is unlawful for any person who owns or is in control of any real or personal property within the city to knowingly allow graffiti to remain upon, real or personal property, for a period of time longer than seventy-two (72) hours after having been given notice as provided for in Section 3998.12, when the graffiti is visible from any public right of way or from any other public or private property.

(C) Aiding or abetting graffiti prohibited. It shall be unlawful for any person, regardless of age, to aid, abet or encourage another to paint, etch or in any other manner apply graffiti upon public or private, real or personal property of any kind within the City of Grover Beach. (Ord. 09-02)

Section 3998.05. Graffiti Eradication Program. The Police Chief is authorized to establish a comprehensive graffiti eradication program within the city which may, but is not required to, include the following: proactive enforcement to identify, apprehend and prosecute persons who have placed graffiti on the real or personal property of another; establishment of procedures to pursue restitution of graffiti eradication costs from responsible parties; establishment of a preventive education program within local schools to prevent graffiti; establishment of an offender education program with the intent of diverting those apprehended for graffiti related offenses; establishment of a "graffiti hotline" to be used by the community to report real or personal property which has been defaced with graffiti; coordination of an adopt an area or neighborhood for reporting and clean up of graffiti; and the coordination and maintenance of a graffiti wipe-out program which utilizes available resources and enlists citizen volunteers and those who are responsible for community service as an imposition of sentence or condition of probation with the goal of cleaning graffiti from real or personal property within the city within seventy-two (72) hours of its appearance. (Ord. 09-02)

Section 3998.06. Identification of Responsible Party. To assist the Police Chief in identifying the responsible party in incidents of graffiti, the Police Chief is authorized to request and receive any report or materials containing the names and addresses of responsible parties to the fullest extent allowed by law.

(A) This authority includes, without limitation, the authority to receive a report from the county probation officer containing the names and addresses of parent or guardians having custody and control of minors who are responsible parties pursuant to California Government Code Section 38772(c).

(B) The Police Chief may apply to the juvenile court for the release of the names and addresses of responsible parties who are minors. (Ord. 09-02)

Section 3998.07. Recovery of Graffiti Eradication Costs and Expenses. (A) Any responsible party as defined in this chapter shall be liable to the City for all graffiti eradication costs and expenses.

(B) All responsible parties for graffiti on a particular property shall be jointly and severally liable for the graffiti eradication costs and expenses. (Ord. 09-02)

Section 3998.08. Invoice for Graffiti Eradication Costs and Expenses. The Police Chief, or his or her designee, shall cause to be sent an invoice for graffiti eradication costs and expenses to a responsible party. In addition to information on the standard invoice for City service fees, the invoice for graffiti abatement costs and expenses shall contain:

(A) The address or location of the defaced real or personal property and the location and a description of the defaced personal property, sufficient to identify the defaced property;

(B) A summary of the graffiti abatement actions performed;

(C) A listing of the graffiti abatement costs and expenses incurred;

(D) The identity of the responsible party and the basis of that determination;

(E) A description of the payment process, including the time within which and the place to which the graffiti eradication costs and expenses shall be paid;

(F) A statement advising that the graffiti abatement costs and expenses shall be a personal obligation of the party;

(G) A statement advising that the City may pursue a special collection process for the graffiti abatement costs and expenses against real property owned by the responsible party; and

(H) A description of the process by which a responsible party may protest the determination that he or she is a responsible party or the amount of the graffiti abatement costs and expenses. (Ord. 09-02)

Section 3998.09. Graffiti Removal. Graffiti which is visible from any public right-of-way or public or private property shall be removed in accordance with the following provisions:

(A) Removal by Property Owner. The property owner or other person in control of such property shall be encouraged to perform the removal with his/her own resources;

(B) Removal by the City with Consent of Property Owner. The City or its agents may remove graffiti upon satisfaction of the following conditions:

(1) The consent of the owner of the property is obtained; or

(2) The property owner has requested the City to remove the graffiti and has shown that they are unable to, due to financial or physical reasons;

(3) The property owner executes a release and right of entry form permitting such graffiti removal;

(4) The City shall not paint or repair a more extensive area than is necessary to remove the graffiti, unless the Police Chief determines that a more extensive area needs repainting or repairing in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner agrees to pay for the cost of repainting or repairing the more extensive areas; and

(5) The owner provides paint of a specific color or match if they so desire or are able to.

(C) Removal by City without Consent of Property Owner. If the above solution fails to result in the successful removal of graffiti, the Police Chief may order abatement of graffiti from real or personal property when the owner does not remove the graffiti with his or her own resources, or satisfy the conditions of subsection (a) or (b) of this section. (Ord. 09-02)

Section 3998.10. Property Owner's Obligation to Remove. All persons who own real or personal property upon which graffiti has been placed shall cause the removal of such graffiti, in the manner set forth in Section 3998.11, within seventy two (72) hours after it is placed on the property. If the owner fails to do so, the Police Chief may abate and remove graffiti on public or private property in accordance with the procedure set forth in Section 3998.11 and 3998.12. (Ord. 09-02)

Section 3998.11. Standards for Graffiti Removal. Graffiti shall be removed or completely covered in a manner that renders it inconspicuous. When graffiti is painted out, the color used to paint it out shall match the original color of the surface, or the surface shall be completely repainted with a new color that is aesthetically compatible with existing colors and architecture. The removal shall not leave shadows and shall not follow the pattern of the graffiti such that the letters or similar shapes remain apparent on the surface after graffiti markings have been removed. If the area is heavily covered with graffiti, the entire surface shall be repainted. (Ord. 09-02)

Section 3998.12. Graffiti Abatement and Cost Recovery Proceedings. Abatement of graffiti and assessment of graffiti abatement and/or eradication costs shall be in accordance with the following procedure:

(A) Following a report of graffiti from any source, the Police Chief shall issue a notice of intent to abate the graffiti as a public nuisance, and shall serve such notice by any of the following methods:

(1) By personal service on the owner, occupant or person in charge or control of the property;

(2) By posting at a conspicuous place on the property or abutting public right-of-way; or

(3) By sending a copy of such notice by registered or certified mail addressed to the owner at the address shown on the last available assessment roll, or as otherwise known.

(B) The notice of intent shall be in substantially in the following form:

NOTICE OF INTENT TO ABATE NUISANCE-GRAFFITI

(Name and address of person notified)

(Date)

NOTICE IS HEREBY GIVEN that you are required by Grover Beach Municipal Code Chapter 15 of Article III to, at your sole expense, remove or paint over the graffiti in existence on the property located at (address), which is visible to public view, by (date). If you fail to do so, the City or its agents will enter

your property and remove or paint over the graffiti. The cost of such removal and/or painting will be assessed against you and your property, and such costs will constitute a lien upon such property until paid.

You may request a hearing to contest this notice. To request a hearing, you must submit a written request to the Police Chief by (date). If a request is not received by this date by the Police Chief, the Police Chief shall have the authority to proceed with the abatement of the graffiti inscribed on your property without further notice or hearing, and at your expense.

Your presence is not required at the hearing. In lieu of attendance, you may submit a sworn written statement executed under penalty of perjury, as to why you are not responsible for the removal of the graffiti, and/or assessment of costs of removal and/or painting. If you do not appear in person at the hearing, your sworn written statement as described will be considered as your sole testimony.

(C) Upon receipt of a request for hearing, the Police Chief shall set a date and time for the hearing and notify the person requesting the hearing of the date, time, and location of the hearing. All hearings under this chapter shall be held before the Police Chief who shall hear all facts and testimony he or she deems pertinent. Said facts and testimony may include testimony on the location of the graffiti and the circumstances concerning its placement on the real or personal property. The Police Chief shall not be limited by the technical rules of evidence. After the hearing, the Police Chief shall serve notice of his or her written decision to the person requesting the hearing, or other affected parties, within ten working days.

(D) Any owner of the real or personal property on which graffiti is to be abated that is not satisfied with the decision of the Police Chief to abate said graffiti, may appeal to the City Manager or his or her designee. The written appeal must be filed with the City Manager within ten (10) working days of service of the Police Chief's decision. The City Manager, or his or her designee, may uphold the order of the Police Chief to abate the graffiti granted under this chapter if the City Manager, or his or her designee, determines that the graffiti is detrimental to the public safety or welfare. (Ord. 09-02)

Section 3998.13. Assessment and Payment of Costs. (A) Following abatement, the Police Chief shall send an invoice to the owner of the real or personal property upon which graffiti has been abated. The notice shall specify all graffiti abatement costs.

(B) The total cost of graffiti abatement, including all administrative costs, shall be paid by the owner or other person in control of the real property or the owner of personal property upon which graffiti has been abated, within thirty (30) calendar days after service of the invoice.

(C) Pursuant to Government Code Section 38773.5, the total cost of abatement, including all administrative costs, shall constitute a special assessment against the property subject to the graffiti abatement, if not paid in full within thirty (30) days after service of the invoice. After the assessment is made, it shall constitute a lien on the property subject to the graffiti abatement. Such special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary municipal taxes. (Ord. 09-02)

Section 3998.14. Cost of Abatement a Personal Obligation. Instead of making the cost of abating a nuisance a special assessment against the property subject to the graffiti abatement, the City may make the cost the personal obligation of the property owner or other person creating, causing, committing or maintaining the nuisance. In such a case, all of the procedures of this chapter apply, except those specially

related to assessment of the property. Property owner or person in control will remain responsible for all abatement costs until reimbursement is collected by the City from the person creating, causing, or committing the nuisance. (Ord. 09-02)

Section 3998.15. Alternative Means of Enforcement. Nothing in this chapter shall be deemed to prevent the City Council from authorizing the City Attorney to commence any other available civil or criminal proceedings to abate a public nuisance in addition to or alternative to proceedings set forth in this chapter. (Ord. 09-02)

Section 3998.16. Possession of Graffiti Implements.

(A) By Minors at or Near School Facilities. It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement as defined in Section 3998.02 (e) while on any school property, grounds, facilities, buildings, structures, or in areas immediately adjacent to those specific locations, upon public property, or upon private property without the prior written consent of the owner or occupant of such private property.

(B) In Designated Public Places. It shall be unlawful for any person to possess any graffiti implement, as defined in Section 3998.02 (e) while in any public place. (Ord. 09-02)

Section 3998.17. Reward for Information.

(A) Pursuant to Section 53069.5 of the Government Code, the City may offer a reward of up to five hundred dollars (\$500) for any person or persons who furnish information, in whatever method that provides for adequate identification of the violator(s) which may include photo or video evidence, to the City's Police Department leading to the arrest and conviction, adjudication as a juvenile offender, or confession of any person for violation of Section 3998.04 of this code or California Penal Code Section 594. In the event of multiple contributors of information, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purposes of this section, diversion of the offending violator to a community service program, or a plea bargain to a lesser offense, may constitute a conviction.

(B) Moneys collected from penalties shall be deposited into the City's fund, and those moneys may be utilized to pay for the monetary reward and graffiti control program.

(C) Claims for rewards under this section shall be filed with the City Clerk as are other claims against the City. Each claim shall:

(1) Specifically identify the date, location and kind of property damaged or destroyed;

(2) Identify the person who was convicted of or who confessed to violating Grover Beach Municipal Code Section 3998.04 or California Penal Code Section 594;

(3) Identify the court and the date upon which the conviction occurred or the place and the date of the confession;

(4) No claim for a reward shall be allowed unless an authorized representative of the City investigates and verifies the accuracy of the claim and recommends that it be allowed. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(D) The person committing the graffiti violation, and, if that person is not an emancipated minor, then the custodial parent or guardian of the minor shall be liable for any rewards paid pursuant to this section. (Ord. 09-02)

CHAPTER 16. RESIDENCY REQUIREMENTS FOR PENAL CODE 290 REGISTRANTS

Section 3999. Definitions and Prohibitions. (A) Definitions.

- (1) "Children" means those persons who are under the age of eighteen (18).
- (2) "Sex offender" means a person who has been required to register with a governmental entity as a sex offender under California Penal Code Section 290.
- (3) "Day care center" means any child care facility including infant centers, preschools, extended day care facilities, and school-age child care centers, as defined in Section 1596.76 of the California Health and Safety Code and licensed pursuant to the provisions of the California Child Day Care Facilities Act (Health and Safety Code Sections 1596.70 et. seq.
- (4) "Permanent residence" means a place where a person abides, lodges, or resided for fourteen (14) or more consecutive days.
- (5) "Temporary residence" means a place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.
- (6) "Park" means any city, county, school district, state or federal public park or playground where children are likely to be.
- (7) "School" means any public or private school which is established to educate children under eighteen years of age.

(B) Prohibitions.

- (1) It is unlawful for any sex offender as defined in this chapter, where their victim was less than eighteen (18) years of age, to establish or reside at a permanent residence or temporary residence within two thousand (2,000) feet of any school, park, or day care center, as defined in this chapter, and requires written permission for them to enter a school. This prohibition does not apply to those who established such residence before being convicted of the offenses requiring registration.
- (2) The City Council shall, by Resolution, adopt a list of the facilities described in this subsection as well as a map showing the protected locations and those properties within two thousand (2,000) feet of the protected locations. The list and map shall be updated on an as needed basis.
- (3) Distance from protected locations shall be measured from the outer boundaries of the properties on which the facilities described in this subsection are situated. Any parcels that are partially included within a protected area, as shown on the map, shall be considered to be wholly included within the protected area.
- (4) The distance of two thousand (2,000) feet shall be measured in a straight line from the closest property line of the residence of a sex offender, to the closest property line of any protected location.

(Ord. 07-01; Am. Ord. 14-01)

Section 3999.01. Violations. A violation of this section is a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000.00) or by imprisonment for up to one (1) year, or both. A person is guilty of a new and separate offense if he/she has not relocated his/her residence to an area which is not within two thousand (2,000) feet of a protected area within thirty (30) days of being cited for a violation of this

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for the first time. In addition a person is guilty of a new and separate offense for each day thereafter that he/she does not relocate his/her residence to an area that is not within two thousand (2,000) feet of a protected area. (Ord. 07-01; Am. Ord. 14-01)

CHAPTER 17 - SMOKING PROHIBITION IN PUBLIC PARKS

Section 3999.10. Purpose. The purposes of this Chapter are to:

- (A) Protect the public health, safety and general welfare by prohibiting smoking in public places under circumstances where other persons will be exposed to secondhand smoke.
- (B) Assure a cleaner and more hygienic environment for the City, its residents, and its natural resources, including its beaches, creeks, and streams.
- (C) Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children, to breathe in smoke free air, recognizing the threat to the public health and the environment which smoking of tobacco causes.
- (D) Recognize the right of residents and visitors to the City to be free from unwelcome second-hand smoke in places of public recreation. (Ord. 12-04)

Section 3999.11. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (A) “Public parks” means all dedicated City parks, beaches, sporting facilities, City parks on leased property including all of their amenities, off-street parking areas, trails, walkways and contiguous sidewalks.
- (B) “Smoke or smoking” means the carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant or any other combustible substance. Smoking includes inhaling and emitting or exhaling the fumes of any pipe, cigar, cigarette, or any other lighted smoking product or equipment used for burning any tobacco products, weed, plant or any other combustible substance. (Ord. 12-04)

Section 3999.12. Prohibitions. (A) Except for ceremonial, religious or educational purposes, it is unlawful:

- (1) To smoke in any public park.
 - (2) To smoke on any sidewalk surrounding or adjacent to any public park.
 - (3) To dispose of any pipe waste, cigar or cigarette butts, or any tobacco-related waste in any public park except in any specifically designated smoking waste receptacle.
- (B) This section shall not apply to smoke generated by portable or fixed barbeques. (Ord. 12-04)

Section 3999.13. Violations. (A) A violation of this chapter is an infraction and is subject to punishment as provided for in Article 1, Chapter 2 of the Grover Beach Municipal Code.

- (B) Punishment under this section shall not preclude punishment pursuant to Health & Safety Code Section 13002, Penal Code Section 374.4, or any other law proscribing the act of littering. Nothing in this section shall preclude any person from seeking any other remedies, penalties or procedures provided by law. (Ord. 12-04)

Section 3999.14. Signs. Signs which designate the area as a non-smoking area will be posted in conspicuous areas in public parks such as entrances and gates, picnic areas, buildings, trailheads or any other conspicuous areas deemed appropriate by staff and such signs will be worded as to communicate the intent of this chapter. Notwithstanding this provision, the presence or absence of sign shall not be a defense to the violation of the provisions of this chapter. (Ord. 12-04)

