

Title 9

PUBLIC PEACE, MORALS AND SAFETY

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I. OFFENSES BY OR AGAINST PUBLIC
OFFICERS AND GOVERNMENT

Chapter 9.02

INTERFERING WITH POLICE DOGS

Sections:

9.02.010 Teasing, harming or interfering with police dogs.

9.02.010 Teasing, harming or interfering with police dogs. It is unlawful for any person to torture, tease, torment, beat, kick, strike, mutilate, injure, disable, kill or otherwise interfere with any dog used by the police department of the city in the performance of the functions or duties of such department or any officer or member thereof. (Ord. 433 §1, 1979).

Chapter 9.07

EMERGENCY ALARMS

Sections:

- 9.07.010 Purpose.
- 9.07.020 Definitions.
- 9.07.030 Exemptions.
- 9.07.040 Standards and regulations.
- 9.07.050 Permits--Applications.
- 9.07.060 Permits--Investigations, issuance, denial.
- 9.07.070 Permits--Suspension, revocation.
- 9.07.080 Service fees.
- 9.07.090 Enforcement.
- 9.07.100 Appeals.
- 9.07.110 Liability.

9.07.010 Purpose. The city council finds and declares that:

A. Emergency responses to false alarms detract from the ability of the Jackson police department to respond to bona fide emergencies and other calls for assistance.

B. Repeated activation of false emergency alarms creates a public nuisance by unnecessarily disturbing the peace of surrounding citizens.

C. Responses to false emergency alarms creates a safety hazard for police officers, and for the public in general.

D. Provisions of this chapter are needed to regulate the installation, maintenance and operation of alarm systems and to reduce the number of false emergency alarms received by the city. (Ord. 581 (part), 1996).

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

"Alarm business" means any person, firm, partnership, corporation, or other association conducting or engaged in the business of selling, leasing, installing, repairing, maintaining, servicing or monitoring any alarm system within the city. Any representative or employee of any such business.

"Alarm system" means any mechanical or electrical device, or combination of devices, which when activated transmits, relays or emits any signal intended to summon, or that could reasonably be expected to summon, a response from the Jackson police department.

"Automatic dialing device" means any alarm system or component which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation which the alarm system is designed to detect.

"Designated authority" means the chief of police, or any employee of the Jackson police department designated by the chief of police to oversee the alarm permit process.

"False alarm" means any alarm signal, either silent or audible, originating from any alarm system and causing a response from the Jackson police department, where the emergency situation the alarm system was designed to detect does not exist.

False alarm includes any alarm signal caused by the negligence of the subscriber or by any malfunction of the alarm system.

False alarms do not include any alarm signal resulting from violent acts of nature or abnormal natural conditions, such as high winds, earthquakes, floods, fires, or similar disasters.

"Subscriber" means any person, firm, partnership or corporation owning or operating the property or premises where an alarm system is installed, or who causes the installation of such alarm system. Includes any employee, representative, agent, or other person authorized to operate such alarm. (Ord. 581 (part), 1996).

9.07.030 Exemptions. The provisions of this chapter shall not apply to any of the following:

A. Any person or business who engages solely in the manufacture or sale of alarm system components from a fixed

location and who is involved in neither the design nor the installation of such system;

B. Any alarm installed on a vehicle, unless the vehicle is permanently located at a site;

C. Any alarm which, by design, only alerts the occupants of residence or business premises;

D. Any alarm system installed on a temporary basis by the Jackson police department. (Ord. 581 (part), 1996).

9.07.040 Standards and regulations. A. All alarm systems shall meet or exceed minimum standards as may be established by the city council by resolution. Any alarm system in existence on the effective date of such resolution shall be made to comply with minimum standards within one year of the effective date of the resolution.

B. The chief of police may require inspection and approval of all alarm systems prior to installation.

C. All alarm systems shall be supplied with an uninterrupted power supply in such a manner that failure or interruption of the normal electrical utility service will not activate the alarm system. The power supply shall be capable of operating the alarm system for a minimum four-hour period.

D. Every alarm system permit, or a copy thereof, shall be kept on the premises where the alarm is installed.

E. All audible alarm systems shall be equipped with a device which deactivates the alarm within fifteen minutes of the initial activation. Employees of the Jackson police department shall have the authority to take such steps as may be reasonable and necessary to disconnect any alarm not in compliance with this section.

F. No alarm system shall be installed or used which emits a sound that is similar to that of an emergency vehicle siren or civil defense warning system.

G. No alarm system shall be equipped with an automatic dialing device programmed to dial 9-1-1 or any emergency or nonemergency telephone number of the Jackson police department or the city.

H. No subscriber shall cause any alarm system to be activated for any purpose other than reporting of the emergency situation which the alarm system was designed to detect or to report the existence of an immediate life-threatening situation. Violation of this section shall be a misdemeanor pursuant to Penal Code Section 148.3.

I. A subscriber or alarm business may activate an alarm system for purposes of testing, service or maintenance, providing that the Jackson police department is notified prior to such activation. Such activation shall not constitute a false alarm when prior notice has been given.

J. When any false alarm is caused by a malfunction of the alarm system, the subscriber shall cause the alarm

system to be repaired, to eliminate the malfunction, before the alarm is again put into service.

K. The subscriber shall at all times be responsible for the proper maintenance and repair of the alarm system. The subscriber shall be responsible to instruct all persons having access to the premises in the proper use and operation of the alarm system, and the prevention of false alarms. (Ord. 581 (part), 1996).

9.07.050 Permits--Applications. A. Except as otherwise provided herein, it is unlawful for any person or subscriber to connect or operate, or cause to be connected or operated, any alarm system, unless the subscriber has first obtained an alarm permit from the Jackson police department. Permits shall be on a form as determined by the chief of police and shall contain the following information:

1. The location of the premises, type of premises, and business name (if applicable);
2. The type of alarm: silent or audible; business or residential; burglary, robbery, or panic;
3. Name, address, and telephone number of the subscriber (and work telephone, if applicable);
4. Name, address, and telephone number of at least two persons who can respond at any time to open or secure the premises or to operate the alarm system;
5. Name, address, and telephone number of the alarm business responsible for maintaining and/or repairing the alarm system;
6. Other information as may be reasonably required by the chief of police.

B. Every application for an alarm system permit shall be accompanied by a nonrefundable fee in an amount set by resolution of the city council. This fee shall be in addition to any other fee imposed by the city and is imposed for the purpose of defraying the costs of processing and overseeing the permit process.

C. The information contained in an alarm system permit application shall be confidential and shall not be disclosed to other than city employees or other public officials who require such information in the performance of their duties.

D. Whenever any change occurs in the information contained on the permit application, the subscriber shall give written notice thereof to the Jackson police department within ten days after such change.

E. Each alarm permit issued shall be valid until suspended, revoked, or until there is a significant change in subscriber information.

F. Each subscriber shall place the alarm permit sticker in a conspicuous and clearly visible location on a front door or window of the alarm premises so that respond-

ing officers may identify the alarm permit and/or the permit holder. (Ord. 581 (part), 1996).

9.07.060 Permits--Investigations, issuance, denial.

A. The chief of police, or his designee, may conduct an investigation concerning each permit application prior to the issuance of a permit. The designated authority shall issue the permit within thirty days of the date of application, unless one of the conditions in subsection B of this section applies.

B. An alarm permit may be denied for any of the following reasons:

1. If the alarm system does not comply with regulations as set forth in this chapter;
2. If the applicant has failed to pay the required fees;
3. If the application contains any misrepresentation of fact;
4. If the designated authority determines that the alarm system, due to the nature of its construction or installation, constitutes an unreasonable hazard to responding public safety officers;
5. If a previously issued permit for the same alarm system and/or subscriber has been suspended or permanently revoked.

C. In the event an alarm permit is denied, the applicant shall be given written notification as to the specific reason for the denial. The applicant may reapply, without additional fee, after the deficiencies have been corrected.

D. In the event an alarm permit is denied, the applicant shall have the right to appeal the decision pursuant to Section 9.07.100. (Ord. 581 (part), 1996).

9.07.070 Permits--Suspension, revocation.

A. When grounds as hereafter provided exist, the designated authority may determine to suspend a permit. Suspensions of permit shall be for a maximum of three hundred sixty-five calendar days. Use of an alarm system during the term of a suspension shall be a violation of this chapter. The following shall constitute grounds for suspension of an alarm permit:

1. The violation of any provision of this chapter;
2. A false statement on the permit application;
3. Assessment of three or more false alarm service fees within any consecutive twelve-month period;
4. Failure to pay any false alarm service fee;
5. Failure to pay any fine assessed by a court of competent jurisdiction for any violation of this chapter;
6. Failure of a subscriber to repair, or cause to be repaired, any malfunctioning alarm system.

B. An alarm permit may be permanently revoked by the designated authority for any of the following reasons:

1. If the permit has been previously suspended on three or more occasions;

2. If, upon notification of suspension and order of disconnection of the alarm system, the subscriber fails or refuses to disconnect the alarm system and continues to operate the alarm system in violation of subsection A of this section.

C. Prior to any suspension or revocation taking effect, the subscriber shall be notified in writing, delivered by certified/registered mail to the most recent address contained on the permit, of the intent to suspend or revoke the permit, the specific reasons for the proposed action, the effective date of the action, and the subscriber's right to appeal the decision pursuant to Section 9.07.100.

D. Upon the suspension of any alarm permit, such permit shall not be reinstated until all outstanding fees have been paid and the subscriber has supplied written documentation that mechanical repairs and/or personnel training have been completed to insure against future false alarms. (Ord. 581 (part), 1996).

9.07.080 Service fees. A. In the event an alarm system produces a false alarm, the subscriber shall be assessed a service fee set by resolution. All service fees are payable within thirty days of the date of assessment to the city.

B. Upon assessment of a service fee, the subscriber shall be notified in writing, delivered by certified/registered mail, of the assessment of the fee, the dates and times of the involved false alarms, and the subscriber's right to appeal the fee pursuant to Section 9.07.100. The date of the assessment shall be considered to be the date on which the written notice is mailed. (Ord. 581 (part), 1996).

9.07.090 Enforcement. A. Except where punishment is otherwise provided in this chapter, any person, subscriber, or alarm business violating any provision of this chapter shall be deemed guilty of an infraction punishable by:

1. A fine not exceeding one hundred dollars for the first violation;

2. A fine not exceeding two hundred dollars for a second violation occurring within one year;

3. A fine not exceeding five hundred dollars for a third and subsequent violation occurring within one year.

B. The chief of police is empowered, pursuant to Sections 36900 and 36901 of the Government Code, to seek recovery of all fines and/or false alarm service fees through civil action in small claims court.

C. Disconnection of Alarms. The chief of police is empowered to order and take such steps as are reasonable

and necessary to cause the disconnection of any alarm system under the following conditions:

1. When a subscriber fails to pay any fine or service fee as imposed under this chapter;
2. When a subscriber fails to cause the repair of a malfunctioning alarm;
3. When a subscriber continues to use any alarm system while the permit for that system is suspended or revoked.

D. The chief of police may discontinue a response by police officers to any alarm system or location when the permit for that alarm system has been suspended or when any of the conditions in subsection C of this section apply.

E. Enforcement of the provisions of this chapter (except Section 9.07.080, Service fees) shall be suspended for a period of one year from the effective date of the ordinance codified in this chapter. During that period, all persons owning or operating alarm systems within the city shall be notified of any violations of this chapter and shall be given the opportunity to correct such violation. (Ord. 581 (part), 1996).

9.07.100 Appeals. A. Prior to the suspension, revocation, denial, assessment of any service fee, or discontinuance of response, or any other action against an alarm permit, the designated authority shall notify the subscriber in writing of the proposed action, the effective date of the proposed action, the subscriber's circumstances causing the proposed action to be taken, the subscriber's right to appeal the action, and the date by which any appeal must be filed.

B. Notification shall be sent via certified/registered mail to the most recent address listed by the subscriber on the alarm permit. Service shall be considered complete when written notice has been mailed.

C. The subscriber may appeal any proposed action by filing with the police department a written request for an appeal hearing. Such written request must be filed within fifteen days of the date of service of a proposed action. If the subscriber fails to file a request for hearing in the time and manner prescribed above, the right to an appeal hearing shall be deemed to have been waived, and the designated authority may proceed with the proposed action.

D. Upon receipt of a request for appeal hearing, the designated authority shall take no further action until a hearing has been held pursuant to this section. Upon receiving a request for hearing, the designated authority shall schedule a hearing. The subscriber shall be served written notice, via first class mail, of the time and place of the hearing. Service shall be made at least ten calendar days prior to the date of the hearing.

E. An official designated by the city manager, shall act as the hearing officer. The hearing shall be held informally. The subscriber may appear, present evidence and/or witnesses, and examine or cross-examine witnesses. The designated authority shall carry the burden of proof that grounds exist for the proposed action.

F. For good cause, the hearing may be continued upon the request of the subscriber or the designated authority. In the event the subscriber fails to appear at the hearing, the hearing shall be conducted in the absence of the subscriber, and the hearing officer shall make a decision based on the evidence presented at the hearing.

G. The hearing officer shall issue a written decision of his findings within fifteen calendar days of the hearing date. The decision of the hearing officer shall be final. (Ord. 581 (part), 1996).

9.07.110 Liability. The provisions of this chapter are not intended nor shall they be construed to create a special relationship between the city and any subscriber so as to create a duty on the part of the Jackson police department to respond to any alarm. Neither shall the provisions of this chapter be construed as a waiver of any immunity provided government agencies for tort liability contained in the California Government Code. (Ord. 581 (part), 1996).

II. OFFENSES AGAINST THE PERSON

(Reserved)

III. OFFENSES AGAINST HEALTH AND SAFETY

Chapter 9.20

EXPLOSIVES*

Sections:

9.20.010 Discharge--Permit required.

9.20.020 Storage restrictions.

9.20.010 Discharge--Permit required. Any person who explodes or causes to be exploded any fireworks or dynamite upon the public streets, alleys, highways, or sidewalks of the city, or explodes or causes to be exploded any giant powder or other high explosive within the city limits, without a written permit authorized by the city council or police chief, is guilty of a misdemeanor. (Ord. 342 §2, 1973: Ord. 9 §14, 1906).

9.20.020 Storage restrictions. Every person who stores, keeps, owns or has control of any powder, except fifty pounds of hunting powder, nitro-glycerine, dynamite or other highly explosive substances within a quarter of a mile of Main Street is guilty of a misdemeanor. (Ord. 9 §17, 1906).

Chapter 9.24

FIREWORKS**

Sections:

9.24.010 Use prohibited generally--Exceptions.

- * For statutory provisions regarding high explosives generally, see Health & Saf. Code §12,000 et seq.
- ** For statutory provisions regarding state regulation of the use and sale of fireworks, see Health & Saf. Code §12500 et seq.; for the provisions regarding the issuance of permits by local agencies, see Health & Saf. Code §12600 et seq.

Sections: (Continued)

- 9.24.020 Permits for use on special occasions.
- 9.24.030 Sale--Use in the city.
- 9.24.040 Sale--Permit--Required.
- 9.24.050 Sale--Permit--Prerequisite for issuance.
- 9.24.060 Sale--Permit--Application.
- 9.24.070 Stand--Operation.
- 9.24.080 Stand--Temporary.
- 9.24.090 General requirements for permittee.

9.24.010 Permits prohibited generally--Exceptions.

No person, other than as permitted in this chapter, shall explode any rocket, firecracker, Roman candle, torpedo, torpedo cane, black cartridge or other combustible device or explosive substance, or any kind of fireworks, by whatsoever name known, within the city; provided, that public displays of fireworks may be given with permission of the city council under a competent director who understands explosives. (Ord. 572 §1(part), 1995: Ord. 272 §1, 1966).

9.24.020 Permits for use on special occasions.

Permission may be given by the city council for the use of fireworks on special occasions, such as the Chinese New Year. This permission may be given upon the recommendation of the chief of police, and given upon terms and conditions in such recommendation. (Ord. 572 §1(part), 1995: Ord. 272 §2, 1966).

9.24.030 Sale--Use in the city.

No person shall sell or offer for sale or expose for sale at retail for use within the city, any squib, rocket, firecracker, Roman candle or fire balloon or other explosive type fireworks, or any article for the making of a pyrotechnical display within the city, except that such fireworks as are defined and classified as "safe and sane fireworks" in Section 12.500 of the Health and Safety Code may be sold and displayed. (Ord. 572 §1(part), 1995: Ord. 272 §3, 1966).

9.24.040 Sale--Permit--Required.

It is unlawful for any person, firm or corporation to sell fireworks, except those defined herein, with the city without having first applied and received a city permit therefor. (Ord. 572 §1(part), 1995: Ord. 272 §4, 1966).

9.24.050 Sale--Permit--Prerequisite for issuance.

A. The city may issue one sole permit for the sale of sane and safe fireworks per year. No permit shall be issued to any person, firm or corporation, except nonprofit organizations or corporations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes.

B. The organization must have its principal and permanent meeting place within the city limits and must have been organized and established in an area which is presently within the city limits for a minimum of one year continuously preceding the filing of the application for the license and must have a bona fide membership of at least twenty members. (Ord. 572 §1(part), 1995: Ord. 272 §5, 1966).

9.24.060 Sale--Permit--Application. A. All applications for permit shall be in writing to the assessor-collector, license division, on forms supplied by the city.

Applications shall set forth the proposed location of the fireworks stand(s) being applied for.

Applications shall be accompanied by an assurance that if the license is issued to applicant, applicant shall, at the time of receipt of such license, deliver to the city manager a five million dollar combined single limit insurance policy, with riders attached to the policies designating the city as an additional insured thereunder, and further providing that such policy shall not be canceled unless a minimum of thirty days' written notice is provided to the city manager of any such cancellation. No policy will be acceptable which contains a provision allowing a deductible amount.

Applicants shall furnish such other data or information as may be required relating to the issuance of such fireworks permit.

B. Applicants for such permit shall be notified on March 15th of each calendar year, except for the first year after the effectiveness hereof, by the license division of the approval or disapproval of permit. The organization whose permit has been approved shall have up to and including May 15th of the year to pick up the permit and pay the license fee of twenty-five dollars.

C. The applicant must agree to and conduct a public display of fireworks consistent with Section 9.24.020 of this chapter on July 4th for the benefit of the city. (Ord. 587 §1, 1996: Ord. 572 §1(part), 1995: Ord. 272 §6, 1966).

9.24.070 Stand--Operation. A. No person other than the licensee organization shall operate the stand(s) for which the license is issued or share or otherwise participate in the benefits of the operation of such stand.

B. No person other than the individuals who are members of the licensee organization, or the wives or husbands or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stand.

C. No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at such stand. (Ord. 572 §1(part), 1995: Ord. 272 §7, 1966).

9.24.080 Stand--Temporary. All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

A. No fireworks stand shall be located within twenty-five feet of any other building nor within fifty feet of any gasoline station.

B. Fireworks stands need not comply with the provisions of the city building code; provided, however, that all the stands shall be erected under the supervision of the inspector who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.

C. No stand shall have a floor area in excess of seven hundred and fifty square feet.

D. Each stand must have at least two exits; and each stand in excess of forty feet in length must have at least three exits spaced approximately equidistant apart, provided, however, that in no case shall the distance between exits exceed twenty feet. Exit doors shall be no less than twenty-four inches wide and six feet in height and shall swing in direction of exit travel.

E. Each stand shall be provided with two and one-half gallon pressurized type "A" fire extinguishers, in good working order and easily accessible for use in case of fire. (Ord. 572 §1(part), 1995: Ord. 272 §8, 1966).

9.24.090 General requirements for permittee. A. Stands in excess of two shall not be located closer than six hundred feet apart.

B. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty feet surrounding the stand.

C. No smoking signs shall be prominently displayed on the fireworks stand.

D. Each stand must have an adult watchman in attendance and in charge thereof which the stand is being used for the sale, dispensing, or storage of fireworks.

E. The sale of fireworks shall not begin before twelve noon on June 28th and shall not continue after twelve midnight on July 5th.

F. All unsold stock of fireworks in the hands of the retailer after twelve midnight on the fifth day of July, shall be returned to the distributor or wholesaler and removed from the city, within one week. On closing of stands all litter shall be removed from premises.

G. Wholesale storage of fireworks shall be in a building meeting of the requirements of a group E-1 occupancy as defined in the Uniform Building Code of the city of Jackson and can only be stored in the city from June 1st to July 12th. (Ord. 572 §1(part), 1995: Ord. 272 §9, 1966).

Chapter 9.28MISCELLANEOUS PROVISIONS*Sections:

- 9.28.010 Bicycle riding.
 9.28.015 Skateboards, coasters--Prohibited.
 9.28.020 Expectorating.

9.28.010 Bicycle riding. A. Any person who rides bicycles upon any public sidewalk situated within the city business district is guilty of a misdemeanor.

B. It is unlawful and a misdemeanor for any persons to ride more than two abreast upon any public street situated within the city.

C. No person operating a bicycle upon any city street shall permit any person to ride as a passenger, other than upon or astride a separate attached seat. If the passenger is a minor weighing forty pounds or less, the seat shall have adequate provision for retaining the minor in place and for protecting the minor from the moving parts of the bicycle.

D. No person shall operate a bicycle on any city street in a manner which constitutes trick riding or exhibitionist functions preventing the operator from safely controlling and stopping the bicycle and supporting it in an upright position.

E. The penalty for violations of this section shall be as prescribed in Section 1.20.010, Misdemeanor. (Ord. 456 §1, 1981; Ord. 342 §3, 1973; Ord. 9 §21, 1906).

9.28.015 Skateboards, coasters--Prohibited. A. It is unlawful for any person or party to operate, ride or use, skateboards, roller skates, coasters, toy vehicles or similar device, on or within any public roadway, sidewalk, pathway or other public service or activity area not clearly designated or otherwise authorized for such use.

B. The penalty for violations of this section shall be prescribed in Section 1.20.010, Misdemeanor. (Ord. 518 §1, 1987).

9.28.020 Expectorating. It is unlawful and a misdemeanor to expectorate on the floor of any public building, or on any sidewalk in the city. The penalty for violations of this section shall be as prescribed in Section 1.20.010. (Ord. 334 §2(part), 1973; Ord. 24 §4, 1906; Ord. 9 §47, 1906).

* For statutory provisions indicating that it shall be a misdemeanor to spit in public places, see Penal Code §327a.

IV. OFFENSES AGAINST PUBLIC DECENCYChapter 9.47OFFENSES AGAINST PUBLIC DECENCYSections:

- 9.47.010 Purpose of provision.
- 9.47.020 Exemptions.
- 9.47.030 Violation--Penalty.

9.47.010 Purpose of provision. A. Depositing human urine or feces on public or private property in a manner not acceptable by law is deemed to be a serious detriment to public health, safety and quality of life.

B. It is unlawful for any person or persons to deposit human urine or feces on any publicly-owned or maintained property, or on any private property open to the public or exposed to public view. (Ord. 642 §1(part), 2004).

9.47.020 Exemptions. A. Urinating or defecating in any restroom toilet or other lawfully maintained facility designed for the sanitary disposal of human waste.

B. Any person or persons who violates this section due to a verified medical condition. (Ord. 642 §1(part), 2004).

9.47.030 Violation--Penalty. Any person or persons violating any of the provisions of this section other than allowed in exemptions, is guilty of a misdemeanor; and, upon conviction thereof shall be punished by a fine, by imprisonment in the county jail, or by both such fine and imprisonment. (Ord. 642 §1(part), 2004).

V. OFFENSES AGAINST PUBLIC PEACEChapter 9.48DISTURBING THE PEACE* **Sections:

- 9.48.010 Purpose of provision.
- 9.48.020 Definitions.
- 9.48.030 Types of prohibited activity.
- 9.48.040 Rude behavior.
- 9.48.050 Drinking of alcoholic beverages on public streets in commercial areas prohibited.
- 9.48.051 Drinking of alcoholic beverage, or possession or deposit of open container thereof on public streets or public school facilities during authorized school activity prohibited.
- 9.48.060 Loud noises prohibited.
- 9.48.070 Prohibited noises enumerated.
- 9.48.075 Use of engine speed governors--Compression brake systems prohibited--Pursuant to California Vehicle Code Section 21101(c).
- 9.48.080 Exemptions.
- 9.48.090 Penalty--Misdemeanor or infraction.

* Prior Ord. History: Ords. 9, 289, 334, 437 and 519.

** For statutory provisions regarding disturbing the peace, see Penal Code § 415.

9.48.010 Purpose of provision. It is hereby found and declared that:

A. The creation or maintenance of excessive noise or vibration which is prolonged or unreasonable in its time, place and use is deemed to be a serious detriment to the public health, safety and quality of life of the residents of the city; and

B. Therefore, it is the intent of the city to control and, in some instances, prohibit noise and vibration which may impact the health, safety or welfare of the citizens of Jackson. (Ord. 625 § 1, 2002).

9.48.020 Definitions. "Loud noise" means excessive or unreasonable noise, sound or vibration which endangers the comfort, repose, health, peace or safety of others

V. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.48

DISTURBING THE PEACE* **

Sections:

- 9.48.010 Purpose of provision.
- 9.48.020 Definitions.
- 9.48.030 Types of prohibited activity.
- 9.48.040 Rude behavior.
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9.48.020 Definitions. "Loud noise" means excessive or unreasonable noise, sound or vibration which endangers the comfort, repose, health, peace or safety of others

within the limits of the city. The determination of whether a noise is unreasonable shall be based on, among other things, consideration of the hour, place, nature, and circumstances of the emission or transmission of any loud noise. (Ord. 625 §2, 2002).

9.48.030 Types of prohibited activity. Every person who maliciously and wilfully disturbs another person by loud and unreasonable noise, or who unlawfully fights in a public place or challenges another person in a public place to fight, or any person who uses vulgar, profane or offensive words in a public place which are inherently likely to provoke a violent reaction is guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail for not more than six months, or by both fine and imprisonment. (Ord. 437 §2, 1979; Ord. 334 §2(part), 1973; Ord. 289 §1, 1969; Ord. 9 §1, 1906).

9.48.040 Rude behavior. Any person who accosts in a rude or impertinent or boisterous or insulting manner, any person passing along the streets or on the sidewalks of the city, is guilty of a misdemeanor. (Ord. 9 §16, 1906).

9.48.050 Drinking of alcoholic beverages on public streets in commercial areas prohibited. A. Any person who has in his possession or is drinking upon a public sidewalk or public street in any commercially zoned area of the city, an open container, glass or cup which contains any alcoholic beverage, or any person who leaves upon a public sidewalk or public street in any commercially zoned area of the city an open container, glass or cup which contains any alcoholic beverage, shall be guilty of a misdemeanor.

B. Any person violating any of the provisions of this section and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment. (Ord. 437 §1, 1979).

9.48.051 Drinking of alcoholic beverage, or possession or deposit of open container thereof on public

streets or public school facilities during authorized school activity prohibited. A. Any person who drinks an alcoholic beverage or has in his possession or leaves or places an open container containing an alcoholic beverage, within or upon a public street, sidewalk, or public school facility or within two hundred feet of a public school facility during such time an authorized school activity is being conducted shall be guilty of a misdemeanor.

B. Any person convicted of violating any of the provisions of this section shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term not to exceed six months, or by both fine and imprisonment. (Ord. 519 §1, 1987).

9.48.060 Loud noises prohibited. No person shall make, continue or cause to be made or continued, any loud, excessive or unreasonable noise or sound within the limits of the city. (Ord. 625 §3, 2002).

9.48.070 Prohibited noises enumerated. As used in this article, loud, excessive or unreasonable noise shall include, but not be limited to, the following:

A. Radios, Amplifiers, Etc. The use, operation or maintenance of sound, from any radio, musical instrument, amplifier, "boom box" or other device designed for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of individuals on a public street, or in or near a residence, business or other such occupied structure. The creation or maintenance of such noise in such a manner so as to be plainly audible at a distance of one hundred feet from the source of such noise between the hours of ten p.m. and seven a.m. shall be prima facie evidence of a violation of this section.

B. Maintenance Equipment. The use and operation of any noise-creating commercial or residential landscaping or home maintenance equipment or tools including, but not limited to, sweepers, hammers, blowers, trimmers, mowers, chainsaws, power fans or any engine, the operation of which causes noise due to the explosion of operating gases or fluids, other than between the hours of seven a.m. and sunset on weekdays which are not holidays, between eight a.m. and sunset on Saturdays, Sundays and holidays in residential areas and seven a.m. and ten-thirty p.m. in commercial areas.

C. Motor Vehicles. The using or operating of any motor vehicle in a manner which creates piercing or loud noises which may be heard beyond the property lines of the property from which the subject noise is produced or caused. Noise limits prescribed in the California Vehicle Code shall be applicable within Jackson city limits.

D. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling or singing on a public street at any time or place with the intent to annoy or disturb the quiet, comfort or repose of a person or persons in any dwelling, office, building or structure, or of any person or persons in the vicinity.

E. Animals. The keeping of any animal or bird, as pet or livestock, which, by causing frequent or continuous noise disturbs the comfort or repose of any persons in the vicinity. The creation or maintenance of noise by animals in such a manner as to be plainly audible at a distance of one hundred feet from the source of such noise shall be prima facie evidence of a violation of this section.

F. Construction or Repair of Buildings. The erection, construction, demolition, alteration or repair of any building, structure or residence that requires a permit, or the excavation of any earth, fill, streets or highways that requires a grading permit, other than between the hours of seven a.m. and eight p.m. on weekdays which are not holidays, between eight a.m. and seven p.m. on Saturdays, between nine a.m. and five p.m. on Sundays, or those precise hours of operation enumerated in individual building and grading permits.

If the building official determines that the public health, safety and welfare will not be impaired by the erection, construction, demolition, alteration or repair of any building, structure or residence during hours other than permitted in the preceding paragraph, and if he/she further determines that loss or inconvenience would result to any person in interest, he/she may grant permission for such work to be done, the specific hours and days of operation to be enumerated in the permit, subject to approval of the city manager.

This section shall not be construed to require a permit for a public utility engaged in any of the aforementioned activities provided reasonable effort is made to minimize noise disturbance while such work is in progress. (Ord. 628 §1, 2002; Ord. 625 §4, 2002).

9.48.075 Use of engine speed governors--Compression brake systems prohibited--Pursuant to California Vehicle Code Section 21101(c). It is unlawful to use or operate any engine speed governor system equipped on any motor vehicle within the incorporated city limits, to include all streets, roadways, and state highways, which fall under the law enforcement jurisdiction of the Jackson police department and concurrent law enforcement jurisdiction of the California Highway Patrol. (Ord. 652 § 1(part), 2007).

9.48.080 Exemptions. A. The provisions of this article shall not apply to any bona fide emergency wherein emergency braking is necessary to avoid a collision.

B. Schools within the city's limits using maintenance equipment may commence at six a.m. on weekdays which are not holidays but are otherwise subject to the limitations set forth in this chapter. (Ord. 652 § 1(part), 2007; Ord. 625 § 5, 2002).

9.48.090 Penalty--Misdemeanor or infraction.

A. Any person violating any provision of this chapter is guilty of a misdemeanor and may be punished by a fine of up to one thousand dollars or six months imprisonment or both. Provided, however, that in the discretion of the district attorney or city attorney any such violation may be charged as an infraction. Any such infraction shall be punishable by a fine of one hundred dollars for the first offense, two hundred and fifty dollars for the second offense, and five hundred dollars for the third and any subsequent offense.

B. This chapter may also be enforced by any and all other means authorized by law. Additionally, and without limitation, the city manager or his/her designee may also convene an administrative hearing with regard to any alleged violation and assess administrative penalties or require corrective action as is determined to be appropriate. (Ord. 625 § 6, 2002).

Chapter 9.52OBSTRUCTING PUBLIC WAYSSections:

- 9.52.010 Deemed misdemeanor.
- 9.52.020 Prohibited obstruction.
- 9.52.030 Clearance of obstructions.

9.52.010 Deemed misdemeanor. It is unlawful and a misdemeanor for any of the persons composing a company or crowd of three or more persons to obstruct, impede, or impair the free and peaceful passage of others on or along any street, sidewalk, bridge, public way, any parking lot to which public has access, entrance to any theater or any other place open to the public. (Ord. 524 §1, 1989: Ord. 24 §3, 1906: Ord. 9 §46, 1906).

9.52.020 Prohibited obstruction. Every person who obstructs the free movement of any person (or vehicle) on any street, sidewalk or other public place or on or in any place open to the public or who exhibits offensive personal conduct (as defined and proscribed in California Penal Code Section 647) in any of the said public places with the intent to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk thereof is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, by imprisonment in the county jail for not more than six months, or by both fine and imprisonment at the discretion of the court. (Ord. 525 §2, 1989: Ord. 437 §3, 1979).

9.52.030 Clearance of obstructions. Every person who wilfully refuses to obey a lawful order by a police officer to disperse so as to clear the obstruction of public ways and places as provided in this Chapter 9.52, is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, by imprisonment in the county jail not more than six months, or by both fine and imprisonment at the discretion of the court. (Ord. 524 §3, 1989).

Chapter 9.54UNLAWFUL PRESENCE IN BUSINESS AREA PARKING LOTSSections:

- 9.54.010 Definitions.
- 9.54.020 Unlawful acts.
- 9.54.030 Exceptions.
- 9.54.040 Violation--Penalty.
- 9.54.050 Scope of law.

9.54.010 Definitions. For purposes of this chapter: "Duly authorized agent" means and includes, but shall not be limited to any police officer of the city who has been given specific or general authority on behalf of the owner of a parking lot to request that persons thereon leave the lot.

"Shopping center" means any store or stores, business or businesses, office of offices or theater or theaters, or any combined array or configuration thereof, with off-street parking facilities. (Ord. 523 §2, 1988).

9.54.020 Unlawful acts. A. When a sign is in place giving notice of the provisions hereof, it shall be unlawful for the driver of any vehicle to park it or allow it to remain parked upon any parking lot in, or adjacent to a shopping center in the city except while the driver or the occupants of the vehicle are patronizing a store or service of said shopping center.

B. When a sign is in place giving notice of the provision hereof, it is unlawful for any person to be or remain upon any parking lot in, or adjacent to a shopping center in the city except:

1. While crossing said lot in the course of entering or exiting a store or service at said shopping center;
2. While exiting, entering or being in a vehicle whose driver or occupant is patronizing a store or service of said shopping center or while said vehicle is exiting or entering the parking lot;
3. While working as an employee of said shopping center or a store or service therein.

C. It is unlawful for any person to be on, or remain upon any parking lot in, on or adjacent to a shopping center when asked to leave by a police officer or the owner thereof, or his duly authorized agent; or after complying with such lawful order, such person returns within twenty-four hours and resumes the unlawful acts described above. (Ord. 523 §3, 1988).

9.54.030 Exceptions. The provisions of this chapter shall not apply:

A. To any person or persons who have written permission of the owner of said parking lot to be on, or remain upon said lot or to park a vehicle upon said lot;

B. Where its application would result in an interference with or inhibition of any exercise of a constitutionally protected right of freedom of speech, such as (but not limited to) peaceful expression of political or religious opinions not involving offensive personal conduct;

C. When its application results or is coupled with any act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

D. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities. (Ord. 523 §4, 1988).

9.54.040 Violation--Penalty. Any person violating any of the provisions of this section is guilty of a misdemeanor; and, upon conviction thereof shall be punished by a fine, by imprisonment in the County Jail, or by both such fine and imprisonment. (Ord. 523 §5, 1988).

9.54.050 Scope of law. Nothing herein contained is intended or shall be construed to be in conflict with or as a limitation upon any of the provisions of the Penal Code or the Vehicle Code of the state of California. (Ord. 523 §6, 1988).

Chapter 9.60

REGULATIONS OF PRIVATE PATROL SYSTEMS AND PERSONNEL

Sections:

- 9.60.010 Definitions.
- 9.60.020 Uniforms.
- 9.60.030 Badges--Unlawful wearing or display.
- 9.60.040 Badges--Unlawful sale.
- 9.60.050 Complaints to be filed with Department of Professional and Vocational Standards.
- 9.60.060 Payment of license fees.

* For statutory provisions regarding loitering, see Penal Code §647.

Sections: (Continued)

- 9.60.070 Method of giving notice.
- 9.60.080 Appeals.
- 9.60.100 Permit required.
- 9.60.110 Application generally--Application fee.
- 9.60.120 Contents of application.

Sections: (Continued)

- 9.60.130 Disposition and filing of applications.
- 9.60.140 Investigation of applicant.
- 9.60.150 Hearing on application--Notice of hearing.
- 9.60.160 Issuance or denial of permit.
- 9.60.170 Surety bond requirements.
- 9.60.180 Conditions of permit.
- 9.60.190 Revocation.
- 9.60.200 Transfer--Consent required.
- 9.60.300 Permit required--Private patrol watchman.
- 9.60.310 Application generally--Application fee.
- 9.60.320 Written statement to accompany application.
- 9.60.330 Disposition and filing of application and statement.
- 9.60.340 Fingerprinting and photographing of applicant.
- 9.60.350 Investigation of applicant--Issuance or denial of permit.
- 9.60.360 Revocation.
- 9.60.370 Expiration of permit.

9.60.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Private patrol system" means any business which purports to furnish or does furnish any private policeman, watchman, or guard to patrol any territory or to guard or watch property of another person in the city.

B. "Private patrol watchman" means any individual who patrols any territory or guards or watches property of another person within the city, and who is employed by a person holding a private patrol system permit or who himself holds a permit to operate a private patrol system, and who holds a permit as required by this chapter. (Ord. 366 §1(part), 1975).

9.60.020 Uniforms. It is unlawful for any person to wear, or cause or permit to be worn, any uniform in the operation of a private patrol system that is similar to the uniform used by the police or fire departments, and no uniform shall be worn unless the same has been first approved by the chief of police. (Ord. 366 §1(part), 1975).

9.60.030 Badges--Unlawful wearing or display. It is unlawful for any person to wear or display, or cause to be worn or displayed, any badge or insignia similar in design to that used by the city police or fire departments, and no badge or insignia shall be worn, displayed, or used in any manner, unless the same has been first approved by the chief of police. (Ord. 366 §1(part), 1975).

9.60.040 Badges--Unlawful sale. It is unlawful for any person to sell, for use in the city, any badge of a like or similar design to that used by the city police department or fire department, or to sell any badge to be used by a private patrol system or private patrol watchman in the city, except upon the written order of the chief of police. (Ord. 366 §1(part), 1975).

9.60.050 Complaints to be filed with Department of Professional and Vocational Standards. The chief of police is directed to file, or cause to be filed, with the Department of Professional and Vocational Standards of the state, a complaint against any person holding a permit to carry on the business of private detective issued by such department of professional and vocational standards, whenever he believes good cause exists therefor. (Ord. 366 §1(part), 1975).

9.60.060 Payment of license fees. Nothing contained in this chapter shall be construed to permit any person to operate a private patrol system unless such person has first paid any license that may be required by this code or other ordinance of the city, and nothing herein shall be construed as a waiver of any such license. (Ord. 366 §1(part), 1975).

9.60.070 Method of giving notice. Any notice required by this chapter must be in writing and may be given by personal service or by mail. In case of service by mail, the notice must be deposited in the United States Post Office, in a sealed envelope, with postage prepaid, addressed to the person on whom it is to be served, at his last known address as the same appears from the files of the director of finance. The service is completed at the time of the deposit in the post office. (Ord. 366 §1(part), 1975).

9.60.080 Appeals. Any holder of a private patrol system permit, or a private patrol watchman permit, excepting to any denial, suspension, or revocation of a permit applied for or held by him, or to any action taken by any official of the city concerning such permit, may appeal in writing to the city council by filing with the city clerk a written notice of such appeal setting forth the specific grounds thereof. Such notice must be filed within fourteen days after notice of such action appealed from, but in no event later than thirty days after the date of such action. The city clerk shall forthwith set the matter for hearing before the council and cause notice thereof to be given to the appellant not less than five days prior to such hearing. At such hearing, the appellant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved. Such hearings may, by the council, be continued over from time to time, and its findings on the appeal shall be final and conclusive in the matter. (Ord. 366 §1(part), 1975).

9.60.100 Permit required. It is unlawful for any person, either as principal, or agent, or otherwise, to engage in the business of operating a private patrol system without first having obtained a permit therefor as provided by this chapter. (Ord. 366 §1(part), 1975).

9.60.110 Application generally--Application fee. Any person desiring a permit to engage in the business of operating a private patrol system shall file with the director of finance a written application in triplicate, addressed to the city tax collector, setting forth the information required by this chapter, and shall pay to the tax collector a filing fee of fifteen dollars. If such applicant is an individual, he shall sign the application personally. If the applicant is an association, firm, or copartnership, such application shall be signed personally by each person composing or intending to comprise such association, firm, or copartnership. If the applicant is a corporation, such application shall be signed by each member of its board of directors. Such application shall be sworn to by all persons signing the same before some person authorized to administer oaths. (Ord. 366 §1(part), 1975).

9.60.120 Contents of application. An application for a permit to operate a private patrol system shall be accompanied by the applicant's fingerprints and a photograph not over six months old, and shall be on a form to be supplied by the director of finance, and shall set forth the following information:

- A. The full name and home address of each person signing the application;
- B. The name under which it is proposed to operate the intended private patrol system;
- C. The business or occupation for the five years last past of each person signing the application, giving the name and address of each employer, the date of commencement and termination of employment, and the nature of the services performed by each such person;
- D. The territory of the city in which it is desired to operate the proposed private patrol system;
- E. The hours during which it is proposed to patrol such territory or render guard or watchman service;
- F. The address of the principal place of business of the applicant, or the proposed principal place of business, and all existing or proposed branch offices;
- G. The date of the issuance of the license held by the applicant, issued by the Department of Professional and Vocational Standards of the state pursuant to the laws of the state, as a private detective, and the name and address of his surety or sureties;

H. A statement whether any person signing the application has ever been arrested on a charge of the commission of a felony or a charge involving moral turpitude at any time, or arrested for any reason, within the five years last past, giving full details;

I. The name and address of the person or persons who will have the active operation and management of the business;

J. If the applicant is a corporation, the application shall be accompanied by a certified copy of the resolution or minutes authorizing the application; and

K. Such other information as the chief of police or the city tax collector may require. (Ord. 366 §1(part), 1975).

9.60.130 Disposition and filing of applications.

Immediately upon the receipt of an application for a private patrol system permit, the director of finance shall forward one copy thereof to the chief of police, one copy to the city tax collector, and file with the permanent records of his office the original application. The tax collector shall maintain a permanent file to be known as "Applications and Permits for Private Patrol Systems," wherein he shall maintain separately all records and documents of his office pertaining to each private patrol permit application and private patrol watchman permit. (Ord. 366 §1(part), 1975).

9.60.140 Investigation of applicant. Upon receipt from the tax collector of a copy of an application for a permit to operate a private patrol system, the chief of police shall forthwith make an investigation and written report to the city tax collector as to the truthfulness of the facts therein set forth, and the reputation and character, competency and integrity of each person signing the application, and whether the management, conduct, and operation of such proposed private patrol system will or will not comport with the public welfare, and for this purpose, shall consider any facts or evidence bearing on the moral fitness and reputation of those who will be in charge of such private patrol system, and any other evidence or fact tending to assist in enlightening the city clerk in this respect. (Ord. 366 §1(part), 1975).

9.60.150 Hearing on application--Notice of hearing. Upon receipt of the written report of the chief of police, the tax collector shall forthwith set the application for public hearing before the city clerk at a date not less than five days after its receipt. The tax collector shall give written notice to the applicant and to such other persons as may in writing request notice, of the day, time, and place of such hearing not less than two days prior to such hearing. (Ord. 366 §1(part), 1975).

9.60.160 Issuance or denial of permit. The city clerk shall grant or deny a permit under this chapter to the applicant within ten days after the completion of such hearing; provided, however, that the city clerk shall deny an application if it appears:

A. That any person signing the application has ever been convicted of a felony or a misdemeanor involving moral turpitude; or

B. That any person signing the application does not have a good reputation for honesty, or character, or integrity, or sobriety, or is not a responsible person; or

C. For any reason, within his sound discretion, that a private patrol system is not needed within the territory set forth in the application, or for any other reason which would not comport with the public welfare. (Ord. 366 §1(part), 1975).

9.60.170 Surety bond requirements. Any person who has made application for a private patrol system permit under this chapter and who does not hold a valid permit issued by the department of professional and vocational standards of the state to carry on the business of a private detective shall, before any permit is issued to him, deliver to and file with the director of finance a surety bond, executed by a surety company authorized to do business in the state, in the sum of five thousand dollars, conditioned for the faithful and honest conduct of such business by such applicant, which bond shall be upon a form provided by the tax collector and approved as to its form and execution by the city attorney. Such bond shall be taken in the name of the people of the city, and every person injured by the wilful or malicious or negligent or wrongful act of the principal, his agents or employees, may bring an action on such bond in his own name to recover damages suffered by reason of the wilful or malicious or negligent or wrongful act. A surety bond filed as herein required may be canceled only by service of a written notice upon the tax collector not less than five days prior to the effective date of such cancellation, and the holder of a private patrol system permit and his private patrol watchmen, thereby secured, shall be ipso facto, suspended upon the cancellation of the bond until such time as another bond is filed as is required in the first instance. (Ord. 366 §1(part), 1975).

9.60.180 Conditions of permit. Any permit for a private patrol system shall be issued upon the following terms and conditions:

A. That such private patrol system shall be operated and conducted subject to the general supervision of the chief of police; and

B. That the holder of such permit will require each private patrol watchman employed by him to:

1. Report by telephone to such places and at such intervals as the chief of police may require, and
2. Aid, assist, and cooperate with the city police department in the detention or apprehension of persons suspected of violating the law. (Ord. 366 §1(part), 1975).

9.60.190 Revocation. Any permit granted pursuant to this chapter for the operation of a private patrol system may be revoked by the city clerk for any reason for which the granting of such permit might be lawfully denied, or for the violation of any provision of this chapter, or for any other good cause. Such revocation shall be made only after a hearing granted to the holder of such permit before the city clerk, after five days' notice to the permit holder, setting forth the grounds of complaint against him and stating the time and place where such hearing will be held. Such hearing may be continued over from time to time as the circumstances may require. Upon revocation of any permit, such permit shall be forthwith surrendered to the city clerk. The revocation of any permit shall be in addition to any other penalties otherwise provided in this code. (Ord. 366 §1(part), 1975).

9.60.200 Transfer--Consent required. No private patrol system permit may be transferred without the written consent of the city clerk obtained upon application in the same manner as provided by this chapter for the original application for such permit. (Ord. 366 §1(part), 1975).

9.60.300 Permit required--Private patrol watchman. It is unlawful for any person to act as a private patrol watchman, or for any person holding a private patrol system permit to employ or permit to act as a private patrol watchman, any person, unless such person holds an unrevoked permit to so act as provided in this chapter. (Ord. 366 §1(part), 1975).

9.60.310 Application generally--Application fee. The holder of a permit for a private patrol system may file with the tax collector an application, in triplicate, requesting that a permit to act as a private patrol watchman be issued to the person therein named. The application shall be accompanied by a filing fee of five dollars, and shall be upon a form supplied by the tax collector, and shall be sworn to before a person authorized to administer oaths, and must state the length of time that the affiant has known such person, that he has investigated such person and believes him to be a man of good character, honesty, and reputation, competency and integrity, and physically and mentally capable

of performing the duties of private patrol watchman, and that he will require such person, if a permit is granted to him, to conform to and abide by all requirements of this chapter. If the applicant is the holder of a private patrol system permit, he need only file the written statement required by Section 9.60.320. (Ord. 366 §1(part), 1975).

9.60.320 Written statement to accompany application.

An application for a private patrol watchman permit shall be accompanied by a written statement, in triplicate, upon a form supplied by the tax collector, sworn to by the person to whom it is desired that a permit be issued, before a person authorized to administer oaths, setting forth the following information:

- A. The full name and home address of such person;
- B. The business or occupation, for the five years last past, of such person, giving the name and address of each employer, the date of commencement and termination of employment and the nature of the services performed;
- C. If he has ever been arrested on a charge of the commission of a felony or charge involving moral turpitude at any time, or arrested for any reason within five years last past, give full details;
- D. That he is able to read, write, and speak the English language;
- E. Such other information as the city clerk or chief of police may require. (Ord. 366 §1(part), 1975).

9.60.330 Disposition and filing of application and statement. Immediately upon the receipt of an application for a private patrol watchman permit, and the written statement, the tax collector shall forward one copy thereof to the chief of police, and file the original with the records of his office pertaining to the permit issued to the applicant. (Ord. 366 §1(part), 1975).

9.60.340 Fingerprinting and photographing of applicant. The person named in an application for a private patrol watchman's permit shall, within three days after the filing of such application with the tax collector, present himself to the police department to be photographed and fingerprinted. The police department shall forthwith cause the person to be photographed and fingerprinted, and such photograph and fingerprints shall be filed in the permanent records of the police department. (Ord. 366 §1(part), 1975).

9.60.350 Investigation of applicant--Issuance or denial of permit. Upon receipt by the chief of police of a copy of an application and written statement as provided by this

chapter, he shall forthwith investigate the truthfulness of the facts therein set forth, the moral fitness, and reputation, character, integrity, and competency of the person who made such statement, and if, upon the completion of such investigation, he concludes that such statements are true and that he is a qualified and fit person to act as a private patrol watchman, he shall issue a permit to such person granting him the right to act as a private patrol watchman for the person making the application; provided, however, that such application must be denied if it appears:

A. That such person has been convicted of a felony or a misdemeanor involving moral turpitude, or a violation of any liquor or narcotic law; or

B. That he does not have a good reputation for honesty, or character, or integrity, or is not a responsible person, or does not have the necessary mental or moral or physical qualifications to perform the duties of a private patrol watchman; or

C. That he cannot read, write, or speak the English language. (Ord. 366 §1(part), 1975).

9.60.360 Revocation. Any permit granted pursuant to this chapter for a private patrol watchman may be revoked by the chief of police, after an opportunity to be heard has been granted to the person holding the permit after five days' notice of the time and place of such hearing, for the violation of any provision of this chapter, or whenever it appears to the chief of police that the person does not have the intelligence, or courage, or judgment necessary for the performance of the duties of a private patrol watchman, or has been under the influence of intoxicating liquors while performing his duties, or for any other good cause. (Ord. 366 §1(part), 1975).

9.60.370 Expiration of permit. A permit to act as a private patrol watchman, unless previously revoked as provided by Section 9.60.360, shall expire and terminate upon the termination or revocation of the permit granted to the person who made application for his private patrol watchman permit, or upon his discharge, removal, or resignation as an employee of the person who made application for his permit. (Ord. 366 §1(part), 1975).

VI. OFFENSES AGAINST PROPERTY

(Reserved)

VII. CONSUMER PROTECTION

(Reserved)

VIII. OFFENSES BY OR AGAINST MINORS

Chapter 9.76CURFEWSections:

- 9.76.010 Definitions.
- 9.76.020 Offenses.
- 9.76.030 Defenses.
- 9.76.040 Enforcement.
- 9.76.050 Penalties.

9.76.010 Definitions. The following definitions are applicable to this ordinance:

- A. "Curfew hours" mean the period from ten-thirty p.m. any night until six a.m. the following morning.
- B. "Emergency" means unforeseen circumstances or a situation that calls for immediate action. The term includes, but is not limited to, an automobile accident, fire or explosion, natural disaster or any condition requiring immediate action to prevent bodily injury or loss of life.
- C. "Establishment" means any privately owned place of business operated for profit to which the public is invited, including, but not limited to any place of amusement or entertainment.
- D. "Guardian" means (1) a person who, under court order, is the guardian of the minor; or (2) a public or private agency with whom a minor has been placed by a court.
- E. "Minor" means any person under eighteen years of age.
- F. "Operator" means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment.
- G. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor.
- H. "Public place" means any place the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- I. "Remain" means to (1) linger, stay or be present; or (2) fail to leave the premises when requested to do so by a peace officer, the owner, operator or other person in control of the premises.
- J. "Responsible adult" means a person at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor. (Ord. 597 §1(part), 1997).

9.76.020 Offenses. It is unlawful for:

- A. Any minor to remain in any public place or on the premises of any establishment within the city during curfew hours; or
- B. Any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours; or
- C. Any owner, operator or employee of an establishment to knowingly permit a minor to remain in or upon the premises of an establishment during curfew hours. (Ord. 597 §1(part), 1997).

9.76.030 Defenses. A. It is a defense to prosecution of the above offenses that the minor was:

1. Accompanied by the minor's parent or guardian or by a responsible adult;
2. On an errand at the direction of the minor's parent or guardian or responsible adult, without detour or delay;
3. In a motor vehicle involved in intrastate or interstate travel;
4. Engaged in employment, or going to or returning home from employment, without detour or delay;
5. Involved in an emergency;
6. On the sidewalk adjacent to the minor's residence, providing the minor is not otherwise violating the law;
7. Attending an official school, religious or other adult-supervised recreational activity sponsored by the city, a civic organization or other similar entity that takes a responsibility for the safety of the minor, or going to or returning home from such an activity, without detour or delay;
8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;
9. Emancipated pursuant to law.

B. It is a defense to prosecution under offense 9.76.030(A)(3), that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 597 §1(part), 1997).

9.76.040 Enforcement. Before taking any enforcement action under this chapter, a peace officer shall ask the apparent offender's age and reason for being in a public place or on the premises of an establishment during curfew hours. The officer shall not issue a citation or detain a minor under this chapter unless the officer reasonably

believes an offense has occurred and based upon the minor's response(s) and other circumstances, no defense under this chapter appears present or applicable. (Ord. 597 §1(part), 1997).

9.76.050 Penalties. Any person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Any person who violates the offenses described in this chapter shall be guilty of a misdemeanor; provided, however, that any such offense may be charged as an infraction in the discretion of the district attorney. (Ord. 597 §1(part), 1997).

IX. WEAPONS

Chapter 9.88DISCHARGE*Sections:

9.88.010 Restrictions.

9.88.010 Restrictions. Every person who, on the public streets of the city or on private property, fires any gun, rifle or pistol within the city limits, except in defense of person or property, is guilty of a misdemeanor punishable as prescribed in Section 1.20.010, except:

Persons performing or participating in:

- A. Theatrical exhibitions;
- B. Parades;
- C. Civic events; or
- D. Military events;

who have obtained a permit from the chief of police upon such terms and regulations as the city council may, from time to time, prescribe. (Ord. 334 §2(part), 1973; Ord. 289 §2, 1969: Ord. 9 §1(A), 1906).

* For the statutory provisions regarding licenses and permits for carrying concealed weapons, see Penal Code §12050 et seq.; for provisions prohibiting the sale of firearms to minors, see Penal Code §12551 et seq.