

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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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 (Repealed by Ord. 04-07)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, dispelling, 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
(Repealed by Ord. 17-06)

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, as defined in Article X, Chapter 4.20, Section 10421 GBMC, by means of a self-service display. All tobacco products and paraphernalia 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 or paraphernalia is conducted within a building which is posted with a sign prohibiting entrance into such building of anyone under 21 years old unless the person is (1) active duty military personnel who is 18 years of age or older and (2) the person possesses a United States Armed Forces Identification Card indicating the proof of age and military status. (Ord. 00-08; Am. Ord. 16-03; Am. Ord. 19-01)

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. Purpose. The purpose of this Chapter is to reduce the dangers and inefficiencies associated with False Alarms and to encourage alarm companies and property owners to maintain the operational reliability, properly use alarm systems, and to reduce or eliminate False Alarm Dispatch Requests. The City of Grover Beach hereby determines 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. 19-07)

Sec. 3231. Definitions. For purposes of this Chapter, the following terms shall have the following meanings:

(A) "Alarm Administrator" means the Person or Persons designated by the Police Department to administer the provisions of this Chapter.

(B) "Alarm Agreement" means the legal contract or agreement by and between the Alarm Installation Company and/or Monitoring Company and the Alarm User.

(C) "Alarm Agreement Holding Company" means the Alarm Installation Company or Monitoring Company that holds the Alarm Agreement with the Alarm User.

(D) "Alarm Installation Company" means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System at an Alarm Site for compensation, and includes individuals or firms that install and service Alarm Systems used in a private business or proprietary facility.

(E) "Alarm Dispatch Request" means a notification to the Police Department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

(F) "Alarm Registration" means a registration and unique Number issued by the Alarm Administrator to an Alarm User, which authorizes the operation of an Alarm System.

(G) "Alarm Response Manager (ARM)" means a Person designated by an Alarm Installation Company and Monitoring Company to handle alarm issues for the company and act as the primary point of contact for the City's Alarm Administrator.

(H) "Alarm Site" means a location served by one or more Alarm Systems. In a multi-unit building or complex, each unit shall be considered a separate Alarm Site if served by a separate Alarm System. In a single unit building that houses two or more separate businesses with separate Alarm Systems, each business will be considered a separate Alarm Site.

(I) "Alarm System" means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon a Police response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes Local Alarm Systems, but does not include an alarm installed in a motor vehicle or a system which will not emit a signal either audible or visible from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

(J) "Alarm User" means any Person who has contracted for Monitoring, repair, installation or maintenance service for an Alarm System from an Alarm Installation Company or Monitoring Company, or who owns or operates an Alarm System which is not monitored, maintained or repaired under agreement.

(K) "Alarm User Awareness Class" means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

(L) "Alarm User List" means a list provided by the Alarm User's Alarm Installation Company or if no Alarm Agreement exists between the Alarm User and an Alarm Installation Company, the Alarm User's Monitoring Company.

(M) "Arming Station" means a device that controls an Alarm System.

(N) "Automatic Voice Dialer" means any electronic, mechanical, or other device which, when activated, is capable of being programmed to send a prerecorded voice message to the Police Department Communications Center or City requesting an officer be dispatched to an Alarm Site.

(O) "Burglar Alarm" means an alarm intended to identify the presence of an intruder in either a business or residence.

(P) "Business Tax Certificate" means a business certificate issued by the City of Grover Beach to an Alarm Installation Company or Monitoring Company to conduct business in the City.

(Q) "Cancellation" means the termination of a Police response to an Alarm Site after an Alarm Dispatch Request is made but before an officer's arrival at the Alarm Site.

(R) "Conversion of Alarm User" means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing or monitoring of a previously unmonitored Alarm System or an Alarm System that was previously serviced or monitored by another alarm company.

(S) "City" means City of Grover Beach.

(T) "Duress Alarm" means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires an officer response.

(U) "Enhanced Call Confirmation" (ECC) means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User and/or the Alarm User's designated representatives by telephone and/or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting a police response, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this Chapter, telephone confirmation shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting an officer dispatch. Names and numbers or those contacted or attempted to contact, shall be provided when requested.

(V) "False Alarm" means an Alarm Dispatch Request to the Police Department, which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing a timely investigation of the Alarm Site. For purposes of this definition, "timely" shall be defined as when an officer arrives at the scene within thirty (30) minutes from when the Police Communications Center receives notification of the alarm.

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

(X) "Local Alarm System" means an unmonitored Alarm System that annunciates an alarm only at the Alarm Site or is a self-monitored Alarm Site.

(Y) "Monitoring" means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Police Department.

(Z) "Monitoring Company" means a Person in the business of providing Monitoring services.

(AA) "One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

(BB) "Panic Alarm" means an Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring an officer response.

(CC) "Person" means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

(DD) "Police Department" means the Grover Beach Police Department.

(EE) "Protective or Reactive Alarm System" means an Alarm System that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a Person's vision.

(FF) "Registration Number" means a unique individual number assigned to an Alarm User as part of Alarm Registration issued by the Police Department.

(GG) "Responsible Party" means a Person capable of appearing at the Alarm Site upon request who has access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

(HH) "Robbery Alarm" means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery is in progress and that a Person is in need of immediate Police assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "Holdup Alarm or Duress Alarm."

(II) "Takeover" means the transaction or process by which an Alarm User takes over control of an existing Alarm System that was previously controlled by another Alarm User.

(JJ) "Zones" mean a division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted. (Ord. 19-07)

Sec. 3232. Administration; Funding; Increases in Fees and Fines; Annual Evaluation. (A) Responsibility for administration of this Chapter is vested with the Police Department.

(B) The Police Department shall designate an Alarm Administrator to carry out the duties and functions described in this section.

(C) Monies generated by fees and fines assessed pursuant to this section shall be deposited into the City's General Fund.

(D) The amount of the fees and fines set forth in this section shall be specified in the Master Fee Schedule, which may only be revised by a duly adopted resolution of the City Council. For purposes of this subsection, "fees" include any type or class of fee and includes late charges.

(E) The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this Chapter and identify and implement system improvements as warranted. (Ord. 19-07)

Sec. 3233. Alarm Registrations Required; Terms; Fees and Fee Collection. (A) An Alarm User shall not operate, or cause to be operated, any Alarm System without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site having a distinct address or business name. A registration fee including a completed Alarm Registration application shall be received and approved by the Alarm Administrator prior to any Alarm System activation. A thirty (30) day grace period shall be granted from the date of all new alarm installations or takeovers between two alarm users, to accommodate the registration application process.

(B) Owners of Local Alarm Systems are required to adhere to all sections of this Chapter and are subject to all fees, fines, suspensions, penalties or other requirements that are applicable.

(C) The fee for a new initial Alarm Registration and the Alarm Registration renewal fee shall be collected by the Alarm Administrator.

(D) Existing Alarm Systems:

(1) Any Alarm System that has been installed before the effective date of this Ordinance shall be registered and a registration fee collected by the Alarm Administrator.

(a) The Alarm Agreement Holding Company shall provide within sixty (60) days of the effective date of this Ordinance, an Alarm User List of existing Alarm Users in the City, in a format approved by the Alarm Administrator, including name, address, billing address and telephone number to the Alarm Administrator.

(2) The Alarm Agreement Holding Company may, through a mutual written agreement, have another Alarm Company provide the Alarm User's list.

(E) New Alarm Systems:

(1) Any Alarm Installation Company that installs an Alarm System on premises located within the City of Grover Beach shall notify the Alarm Administrator within twenty (20) days that an Alarm System has been installed and send the Alarm Administrator the required information.

(2) In the case of self-installed alarm systems that are to be monitored by a Monitoring Company, the Monitoring Company shall act as the Alarm Installation Company regarding the duties to notify the Alarm Administrator.

(3) Failure of an Alarm Installation Company to notify the Alarm Administrator of a new Alarm System installation within twenty (20) days of installation shall result in a fine as established by the Master Fee Schedule of the city and to be imposed on the Alarm Installation Company.

(4) The initial Alarm Registration fee shall be collected by the Alarm Administrator. Failure of the Alarm User to submit an application and registration fee within the thirty (30) days after notice shall result in the Alarm System being classified as non-registered and late charges being assessed.

(F) Alarm Registration and Renewal Fees

(1) An Alarm Registration shall expire one year from the date of issuance and must be renewed annually by the Alarm User. The Alarm Administrator shall notify the Alarm User of the need to renew their registration thirty (30) days prior to the expiration of the registration. It is the responsibility of

the Alarm User to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as use of a non-registered Alarm System and subject the Alarm Site to a suspension and late charge.

(2) Registration fees shall be collected annually based on a one-year registration period. The amount of the registration and renewal fees required are established by the Master Fee Schedule of the city.

(G) Late charge. Alarm Users who fail to make payment for an Alarm Registration prior to the registration's expiration date will be assessed a late charge as established by the Master Fee Schedule of the city.

(H) Refunds. No refund of a registration fee or registration renewal fee will be made.

(I) Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall issue a Registration Number or Alarm Registration renewal to the applicant unless:

(1) The applicant has failed to pay any fee or fine assessed under this chapter; or

(2) An Alarm Registration for the Alarm Site has been suspended, and the condition causing the suspension has not been corrected; or

(3) The Alarm Installation Company and/or the Monitoring Company listed on the registration application are not in possession of a current valid State of California Department of Consumer Affairs Alarm Company Operators License.

(4) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue an Alarm Registration.

(J) Exceptions.

(1) Government entities, including but not necessarily limited to the City, County, State, Federal and School Districts, should obtain Alarm Registrations for all Alarm Systems on property under their control within the boundaries of Grover Beach and are exempt from payment of Alarm Registration and renewal fees.

(2) All registration-fee-exempted alarm sites are required to obtain and maintain a valid Alarm Registration for a Police response and are subjected to all other fees, fines and suspension enforcements, except when this action is prohibited by statute or through a court ruling. (Ord. 19-07)

Sec. 3234. Registration Application; Contents. An application for an Alarm Registration must be in a format provided by the Police Department. The information required on such forms shall be determined by the Alarm Administrator. Registration applicants acknowledge that the Police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, prior alarm history, administrative actions and staffing levels. (Ord. 19-07)

Sec. 3235. Transfer of Registration Prohibited. (A) An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator and their Alarm Company of any change to the information listed on the Alarm Registration application within ten (10) business days after such change.

(B) Exceptions may be made at the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original registration holder or successors in interest to the property for which the Alarm Registration has been issued. (Ord. 19-07)

Sec. 3236. Duties of Alarm Users. (A) An Alarm User shall:

(1) Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;

(2) Make every reasonable effort to arrive at the Alarm System's location within 30 minutes after being requested by the Monitoring Company or Police Department in order to:

- (a) Deactivate an Alarm System;
- (b) Provide access to the Alarm Site; and/or
- (c) Provide alternative security for the Alarm Site.

(3) Provide his, her, or its Monitoring Company with the updated names and telephone numbers of at least two individuals who are able and have agreed to:

- (a) Receive notification of an Alarm System activation at any time;
- (b) Respond to the Alarm Site at any time; and
- (c) Provide access to the Alarm Site and deactivate the Alarm System, if necessary.

(4) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

(5) Notify his, her, or its Monitoring Company of any suspension of police response (as provided for under this Chapter) and request that the Monitoring Company not make a Burglar Alarm Dispatch Request.

(B) No Person shall operate or cause to be operated any Automatic Voice Dialer which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department Communications Center or the City and then transmit any pre-recorded message or signal.

(C) An Alarm User shall keep a set of written operating instructions for each Alarm System at each Alarm Site. (Ord. 19-07)

Sec. 3237. Audible Alarms; Restrictions, Abatement of Malfunctioning Alarm. (A) No Alarm System shall emit a sound resembling an emergency vehicle siren or civil defense warning. The chief of police or their designee shall make the final determination regarding any question of an audible alarm within this section.

(B) After the effective date of this ordinance no one shall install, modify or repair an Alarm System in the City of Grover Beach that has a siren, bell or other signal that is audible from any property adjacent to the Alarm Site that sounds for longer than fifteen (15) consecutive minutes after the alarm is activated, or that repeats the fifteen (15) minute audible cycle more than two consecutive times during a single armed period.

(C) In the event that an audible alarm is activated and fails to reset itself or continues to activate for more than (60) sixty minutes and the responsible person listed on the Alarm Registration or other responsible person cannot or will not respond and silence the alarm, and the continued activation of the alarm is creating a disturbance, the Police Department may cause the alarm to be silenced in a manner determined appropriate for the circumstances. The Alarm User shall be held responsible for the actual costs involved to abate the malfunctioning alarm up to a maximum of three hundred dollars (\$300). The City, its employees or agents shall not be responsible or liable for reasonable damage resulting from such disconnection. (Ord. 19-07)

Sec. 3238. Registration and Duties of Alarm Installation Companies and Monitoring Companies. (A) Registration.

(1) No alarm company operator or alarm agent, as defined by the Business and Professions Code, shall install, maintain, or repair any Alarm System within the City unless the Alarm Company operator or alarm agent has, prior to performing such work, obtained a City Business Tax Certificate.

(2) Each Alarm Installation Company and Alarm Monitoring Company must designate one individual as the Alarm Response Manager (ARM) for the company. The individual designated as the ARM must be knowledgeable of the provisions of this Chapter, as well as have the knowledge and authority to deal with False Alarm issues and respond to requests from the Alarm Administrator. The name, contact number, and email address of the ARM shall be provided to the Alarm Administrator. Failure to comply within thirty (30) days after being notified in writing from the Alarm Administrator may result in the suspension of Police Department response to Alarm Dispatch Requests from the non-complying Alarm Installation Company or Monitoring Company.

(3) Each Alarm Installation Company shall provide the name, address and phone number of any Monitoring Company it is using to monitor its Alarm Sites within the City, and Monitoring Companies shall do the same for Alarm Installation Companies that use their monitoring services within the City.

(B) Alarm Installation Companies shall:

(1) Upon the installation or activation of an Alarm System, the Alarm Installation Company shall distribute to the Alarm User information summarizing:

(a) The applicable law relating to False Alarms, including the Registration Fee and the potential for fines and suspension of an Alarm Registration;

(b) How to prevent False Alarms; and

(c) How to operate the Alarm System.

(2) After the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms installed prior to the effective date of this Ordinance.

(3) After the effective date of this Ordinance, Alarm Installation Companies shall not install, modify or repair "single action" devices for the activation of Hold-up, Robbery or Panic Alarms. New devices shall require two actions or an activation time delay to provide more positive assurance that the user intends to activate the device.

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

(5) An Alarm Installation Company shall not use an Automatic Voice Dialer for any Alarm System which, when activated, uses a telephone device or attachment to automatically dial a telephone line leading into the Police Department Communications Center or the City and then transmit any pre-recorded message or signal.

(6) Ensure that Alarm Users of Alarm Systems equipped with a Duress, Robbery, Holdup or Panic Alarm has been provided adequate training as to the proper use of the Alarm System's operation and function.

(7) All Alarm Systems shall be supplied with an uninterrupted power supply in such a manner that the failure or interruption of the normal electric utility service for a period of up to six (6) hours will not activate the Alarm System.

(C) A Monitoring Company shall:

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

(2) Employ Enhanced Call Confirmation procedures on all Burglar Alarm Dispatch Requests. The Grover Beach Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to comply with the procedures required by Enhanced Call Confirmation. This subsection becomes effective Ninety (90) days after the effective date of this Ordinance.

(3) Communicate Alarm Dispatch Requests to the Police Department in a manner and form determined by the Alarm Administrator.

(4) Communicate Cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

(5) Communicate all available Zone activations information (north, south, front, back, door, window etc.) about the location of an alarm signal(s) as part of an Alarm Dispatch Request.

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

(7) Notify the Police Department Communications Center (Dispatch) of any Alarm Site that it knows, or reasonably should know has guard dog(s), pets or is fitted with a Protective-Reactive Alarm System. During any alarm at such a site, a Responsible Party must be contacted and confirm that he or she will respond to the Alarm Site to disarm the device or take control of the guard dog(s).

(8) After an Alarm Dispatch Request, promptly advise the Police Department Communications Center if the Monitoring Company knows that the Alarm User or a Responsible Party is on the way to the Alarm Site.

(9) Each Monitoring Company must maintain, for a period of at least one year after the date of an Alarm Dispatch Request, all records relating to the Alarm Dispatch Request. Records must include the name, address and telephone number of the Alarm User, each Alarm System zone activated, the time of Alarm Dispatch Request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual Alarm User. If the request is made within 60 days after an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days after receiving the request. If the records are requested between sixty (60) days and (one) 1 year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days after receiving the request.

(10) Each Monitoring Company shall, upon request, immediately provide the Police Department with the names and phone numbers of the Alarm User's emergency contacts at the time of each Alarm Dispatch Request.

(D) Conversion of Alarm Users. An Alarm Installation Company or Monitoring Company that converts the servicing of any Alarm System account from another company shall notify the Alarm Administrator of such conversion and shall make a reasonable effort to provide to the Alarm Administrator, within 60 days from the date of conversion, an Alarm User List of the converted accounts, in a format acceptable to the Alarm Administrator. (Ord. 19-07)

Sec. 3239. Duties and authority of the Alarm Administrator. (A) The Alarm Administrator shall:

(1) Designate the manner and form of Alarm Dispatch Requests and the telephone numbers and/or communication process that are to be used for such requests; and

(2) Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to acquire and record information on Alarm Dispatch Requests.

(C) The Alarm Administrator shall establish and implement a procedure to notify the Alarm User of a False Alarm. The notice shall include the following:

(1) The date and time of an officer's response to the False Alarm; and

(2) Any False Alarm fine incurred.

(D) The Alarm Administrator may require that a conference be held with an Alarm User and the Alarm Installation Company or Monitoring Company responsible for repairing or monitoring of the Alarm System to review the circumstances of each False Alarm. The conference may be held in person or through a conference telephone call, at the Alarm Administrator's discretion. Failure to participate may result in suspension of the Alarm Registration, as indicated by the facts of the case.

(E) The Alarm Administrator may establish an Alarm User Awareness Class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the Alarm Ordinance; problems created by False Alarms and teach Alarm Users how to avoid creating False Alarms.

(F) If a false Robbery, Holdup or Panic Alarm has occurred and the alarm was triggered using a single action, non-recessed device, the Alarm Administrator may consider a waiver or partial waiver of the False Alarm fine, if action is taken by the Alarm User to remove or replace the single action, non-recessed device.

(G) The Alarm Administrator shall make a copy of this Ordinance and/or an ordinance summary sheet available to each Alarm User.

(H) The Alarm Administrator may use electronic means to communicate with Alarm Users, Alarm Installation Companies and Monitoring Companies when applicable or when requested by the recipient and at the Alarm Administrators discretion. (Ord. 19-07)

Sec. 3240. False Alarm Fines; Fees; Late Charges. (A) The Alarm Administrator may assess the Alarm User a fine for a False Alarm occurring at that Alarm User's Alarm Site consistent with the procedures in Section 3243. The amount of said fines for the listed categories shall be established by the Master Fee Schedule of the city.

(1) Burglar False Alarm Fines

(2) Robbery False Alarm Fines

(3) Panic False Alarm Fines

(B) If a False Alarm fine is not paid within thirty (30) days after the invoice is mailed, a late charge as established by the Master Fee Schedule of the city shall be imposed.

(C) Fines for False Alarms from Non-Registered Alarm Systems. For person(s) operating a Non-Registered Alarm System incurring a False Alarm, fines shall be imposed as established by the Master Fee Schedule of the city.

(D) Any Monitoring Company after five (5) business days of receiving notice from the Alarm Administrator that an Alarm User's registration status is that of Non-registered shall not make a Burglar Alarm Dispatch Request from that Alarm User.

(E) If Cancellation of a Police response occurs prior to the officer's arrival at the Alarm Site, the response is not considered a False Alarm and no False Alarm fine will be assessed.

(F) The Alarm Installation Company shall be assessed a fine in an amount established by the Master Fee Schedule of the city if the officer responding to a False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. Such False Alarms are not included in the total number of False Alarms for the Alarm User, nor is the Alarm User to be held liable for any False Alarm fine resulting from such alarm activation.

(G) A fine in an amount established by the Master Fee Schedule of the city shall be imposed against any Monitoring Company that fails to verify Alarm System signals as required in subsection 3238(C)(2) of this Chapter.

(H) Notice of the right of appeal under this ordinance will be included with notice of any fine.

(I) All registration fees, renewal registration fees or fines assessed under this section are due within thirty (30) days of written notice unless otherwise noted. A late charge in an amount established by the Master Fee Schedule of the city shall be imposed for each individual fee or fine due that is not paid within thirty (30) days.

(J) The Alarm Administrator may waive the False Alarm fine for the first chargeable False Alarm during the Alarm User's one-year registration period, pending the successful completion of the Online Alarm User Awareness Class available through the Alarm Administrator. In order to have the fine waived, the Alarm User shall have successfully completed the class within thirty (30) days of the fine notice. Alarm Users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the Alarm User Awareness Class shall be allowed for mail delivery. (Ord. 19-07)

Sec. 3241. Notice to Alarm Users of False Alarms and Suspension of a Police Response. (A) The Alarm Administrator shall notify the Alarm User in writing or by other electronic means after each False Alarm. The notice shall include the amount of the fine for the False Alarm, the fact that Police response to further alarms may be suspended after the fourth False Alarm during the Alarm User's one-year Alarm Registration period, (excluding Duress, Robbery, Holdup and Panic Alarms), and that the Alarm User has the right to a pre-deprivation appeal prior to paying the fine or prior to the suspension of Police response as is consistent with Section 3239.

(B) The Alarm Administrator shall notify the Alarm User in writing thirty (30) days beforehand that a Police Department response to further alarms is to be suspended. The right of appeal under this Ordinance shall be included with the notice. The notice of suspension shall also include the amount of any fees and/or fines due and a description of the reinstatement process.

(C) The Alarm User may appeal the Alarm Administrator's decision to assess a fine, suspension of a permit, or suspension of police response to the Chief of Police (or their designee) consistent with Section 3243. (Ord. 19-07)

Sec. 3242. Alarm Registration Suspension, Fees, Fines, Violation to Make Alarm Dispatch Request for Suspended Alarm Site. (A) The Alarm Administrator shall notify the Police Department of each Alarm User whose Alarm Registration qualifies for suspension under this section. The Alarm Administrator may suspend an Alarm Registration if it is determined that:

(1) There is a false statement of a material fact in the registration application; or

(2) The Alarm User has had four or more false Burglar Alarms within the one-year registration period, except that the Alarm Administrator may waive a suspension of a registration upon receipt of documented work orders showing reasonable attempts to repair the Alarm System prior to the notice of suspension.

(3) The Alarm User fails or refuses to pay an Alarm Registration or Alarm Registration Renewal fee, False Alarm fine, late charge, or any other fee, fine, or charge assessed under this Chapter.

(B) It is a violation of this section for a Person to operate a Burglar Alarm System during the period in which the Alarm Registration is suspended. It is a violation of this Chapter for a Monitoring Company to make an Alarm Dispatch Request to a Burglar Alarm Site after the Monitoring Company's Alarm Response Manager (ARM) has been notified by electronic mail by the Alarm Administrator that the registration for that Alarm Site has been suspended. A grace period of five (5) business days after the ARM'S notification shall be granted for the Monitoring Company to comply. The Alarm Monitoring Company shall be assessed a fine in an amount established by the Master Fee Schedule of the city for requesting a Burglar Alarm Dispatch Request on a suspended Alarm Site.

(C) False Alarm Fines under Suspension status. In addition to the fines set forth in subsection 3240(A), a supplemental fine is hereby imposed upon any Person operating a suspended Burglar Alarm System. The amount of said fines shall be established by the Master Fee Schedule of the city.

(D) It shall be the responsibility of the Alarm User to notify their respective Alarm Monitoring Company of their suspension status. An Alarm User shall be held financially accountable for all false alarm fines incurred.

(E) Unless there is a separate indication that there is a crime in progress, the Police Department may or may not dispatch an officer to an Alarm Site for which an Alarm Registration is suspended. (Ord. 19-07)

Sec. 3243. Appeals of Determinations Regarding Alarm Registrations, Fees and Fines. (A) If the Alarm Administrator assesses a fee or fine, suspends an Alarm Registration or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send notice of the action and a statement of the right to appeal to the affected applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company.

(B) The applicant, Alarm User, Alarm Installation Company or Alarm Monitoring Company may appeal any action described in subsection (A) above to the Police Chief (or their designee) by setting forth in writing the reasons for the appeal and delivering the appeal to the Police Chief (or their designee) within twenty (20) days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

(C) The procedure for an appeal to the Police Chief (or their designee) is as follows:

(1) The applicant, Alarm User, Alarm Installation Company or Monitoring Company may file a written request for appeal by paying an appeal fee and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." The appeal fee shall be in an amount established by the Master Fee Schedule of the city and will be returned to the appealing party if the appeal is successful.

(2) The Police Chief (or their designee) shall conduct a hearing on the appeal within thirty (30) days after the Police Department's receipt of the request for appeal and appeal fee and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The Police Chief (or their designee) must base the decision on the preponderance of evidence presented at the hearing and must

render a decision within fifteen (15) days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

(3) Filing of an appeal stays any action by the Alarm Administrator to suspend an Alarm Registration or require the payment of a fee or fine until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. This provision does not operate as a bar to enforcement action on violations of this section that occur thereafter.

(D) The Alarm Administrator or the Police Chief, or their respective designees, may adjust the count of False Alarms or assessed fees based on:

(1) Evidence that a False Alarm was caused by action of a communications services provider (i.e., telephone, cellular, cable company);

(2) Evidence that a False Alarm was caused by a power outage of more than six (6) hours or severe weather such as a tornado, earthquake, or excessive winds (35 m.p.h. or above as measured by the National Weather Service for the Grover Beach area);

(3) Evidence that an Alarm Dispatch Request was not a False Alarm; or

(4) The occurrence of multiple alarms within a 24-hour period, which may be considered as one False Alarm if the Alarm User has taken corrective action, unless the False Alarms are directly caused by the Alarm User.

(E) The Alarm Administrator may waive all or part of a False Alarm fine due to extenuating circumstances or to encourage corrective action with supervisor approval. (Ord. 19-07)

Sec. 3244. Reinstatement of Suspended Alarm Registrations. (A) On the suspension of an Alarm Registration, a Person who's Alarm Registration has been suspended may obtain reinstatement of the registration by the Alarm Administrator if the Person:

(1) Pays a reinstatement fee as established by the Master Fee Schedule of the city;

(2) Pays, or otherwise resolves, all outstanding fees, fines, and other charges;

(3) Submits a written notice from an Alarm Installation Company stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(4) The Alarm User successfully completes an Alarm User Awareness Class and test.

(B) The Police Department shall reinstate its response to an Alarm Site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator. The Alarm User and Monitoring Company shall take notice that the Alarm Site has been officially reinstated only after receiving notice from the Alarm Administrator of that fact. It shall be the responsibility of the Alarm User to verify that his, her, or its registration status and future police response has been properly restored. (Ord. 19-07)

Sec. 3245. Suspension of Police Response to Dispatch Requests from Certain Alarm Installation Companies and Monitoring Companies. (A) The Police Chief or their designee may suspend Police response to an Alarm Dispatch Request from an Alarm Installation Company or Monitoring Company if it is determined that:

(1) There is a violation of this chapter by the Alarm Installation Company or Monitoring Company and the condition causing the violation has not been corrected and/or;

(2) The Alarm Installation Company or Monitoring Company has failed to pay any fee, fine, or other charge assessed under this section, more than sixty (60) days after the fee, fine, or other charge is due.

(B) The Police Department may not respond to any Alarm Dispatch Request where the Alarm Installation Company or Monitoring Company who installed or monitors that alarm has failed to comply with California licensing requirements or failed to maintain a valid copy of the State of California Department of Consumer Affairs Alarm Company Operators License.

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

(D) The Alarm Administrator shall notify all known Alarm Users subscribing to an Alarm Installation Company or an Alarm Monitoring Company that the Police Department has suspended response to the company's Alarm Dispatch Requests.

(E) The City shall assess the Alarm Installation Company or Monitoring Company a reinstatement fee in an amount established by the Master Fee Schedule of the city. In addition, if the Alarm Administrator has incurred costs in notifying Alarm Users by mail of the suspension of their Alarm Installation Company or Monitoring Company, reimbursement to the City of those costs shall be a condition of reinstatement. (Ord. 19-07)

Sec. 3246. Police Department Response. (A) Subject to the suspension provisions in section 3242 above and the discretion discussed in section 3248 below, the Police Department, at its discretion, will respond to all "in progress" Robbery, Panic or Burglar Alarms as promptly as possible, taking into account pending calls for service and any policy establishing priority of dispatched calls following notification of the receipt of the alarm from the Monitoring Company. Police supervisors may, in their discretion, cancel a Police response to any or all alarms based on weather or other factors affecting Police service needs.

(B) The Police Chief or their designee may re-prioritize assignment of Burglar Alarms and response time at any time during a 24-hour period as may be necessary due to the service needs of the community. (Ord. 19-07)

Sec. 3247. Confidentiality of Alarm Information. All information contained in documents gathered through Alarm Registrations, the submission of customer lists, the alarm appeal process and records relating to Alarm Dispatch Requests must be held in confidence by all employees of the Alarm Administrator, City of Grover Beach and any third-party alarm administrator. Such information is proprietary and is hereby declared confidential and not a public record. Absent special circumstances, such information must not be released to the public or any Person other than a law enforcement agency, third party administrator or the applicable Alarm User, Alarm Installation Company or Alarm Monitoring Company except pursuant to court order. Per California Government Code 6254(f). (Ord. 19-07)

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Sec. 3248. Scope of Police duty; Immunities Preserved. The issuance of Alarm Registrations does not create a contract between the Police Department and/or the City of Grover Beach and any Alarm User, Alarm Installation Company or Monitoring Company, nor does it create a duty or obligation, either expressed or implied, on the Police Department to respond to any alarm. Any and all liability and consequential damage resulting from the failure of the Police Department to respond to an Alarm Dispatch Request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that the Police Department response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions, staffing levels, prior response history and administrative actions. (Ord. 19-07)

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 AND TRANSPORTATION NETWORK COMPANIES

Sec. 3400. Intent and Purpose. This chapter is adopted pursuant to the City's authority for the purpose of regulating taxicabs companies and transportation network companies for hire with the objective of modernizing the regulations for such transportation services. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that taxicabs and transportation network companies that are for hire charge reasonable rates, are adequately insured, provide a safe vehicle for transport of the general public, and employ persons that do not pose a threat to passengers, pedestrians, or other drivers. (Ord. 19-09)

Sec. 3401. Definitions. Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, the California Government Code or the California Public Utilities Code.

(A) "Business License" shall mean a Business Tax Certificate issued by the City of Grover Beach.

(B) "Certificate of Inspection" shall mean a City-provided form signed by an authorized agent of an automotive repair establishment that is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair, dated no more than thirty (30) days before the date the application is submitted to the Chief of Police and which shall indicate whether a certain vehicle has met the criteria set forth on the form. Items to be inspected may include condition of exterior, interior and mechanical functions.

(C) "Chief of Police" shall mean the Chief of Police of the City of Grover Beach or his/her designee.

(D) "City" shall mean the City of Grover Beach.

(E) "City Manager" shall mean the City Manager of the City of Grover Beach or his/her designee.

(F) "Controlled Substance and Alcohol Certificate" shall mean a city-provided form signed by the employing Taxicab Company that shall attest that each Taxicab Driver has tested negative for each of the controlled substances specified in Part 40 of Title 49 of the Code of Federal Regulations, before employment and as a condition of permit renewal; in the case of self-employed independent drivers, it shall mean test results directly reported to the Chief of Police.

(G) "County" shall mean County of San Luis Obispo.

(H) "Driver" shall mean any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers.

(I) "Drive a Taxicab" shall mean to drive a taxicab that picks up passengers within the City, but does not include driving a taxicab that only discharges passengers picked up outside the City or that travels through the City without picking up or discharging passengers, provided the Taxicab Company's principal place of business is not within the City.

(J) "Administrative Services Director" shall mean the Administrative Services Director of the City of Grover Beach or his/her designee.

(K) "Local Jurisdiction" shall mean a city, county or city and county, including charter cities.

(L) "Personally Identifiable Information" shall mean individually identifiable information about an individual driver collected by the local jurisdiction from that individual, including, but not limited to, all of the following:

- (1) A first and last name.
- (2) A physical description or photograph of a person.
- (3) Residential address, including a street and city name.
- (4) An e-mail address.
- (5) A telephone number(s).
- (6) A social security number.
- (7) Driver income tax information.

(M) "Personal Vehicle" means a vehicle that is used by a driver to provide prearranged transportation services for compensation that meets all of the following requirements:

- (1) Has a passenger capacity of eight persons or less, including the driver.
- (2) Is owned, leased, or a rental vehicle for a term that does not exceed 30 days, or otherwise authorized for use by the driver.
- (3) Meets all inspection and safety requirements imposed by the Public Utilities Commission.
- (4) Is not a Taxicab or Limousine.

(N) "Prearranged Trip" shall mean a trip using an online enabled application, dispatch, or Internet Website.

(O) "Risk Manager" shall mean the Risk Manager of the City of Grover Beach or his/her designee.

(P) "Substantially Located" shall mean a Taxicab Company meets either of the following:

(1) Has its primary business address within the City. A new Taxicab Company or Taxicab Driver shall use this method of determination only for its first year of operation and may use either test for subsequent years; or

(2) The total number of Prearranged and non-Prearranged Trips that originate in the City account for the largest share of the Taxicab Company's total number of trips within the County over the past calendar year as determined annually.

(Q) "Taxicab" shall mean a motor-propelled passenger vehicle with a distinctive color, colors or graphics and which is of public appearance as is customary for taxicabs in common use, and which is used for the transportation of passengers or hire over and along the public streets.

(R) "Taxicab Business" shall mean the business of providing taxicab transportation services.

(S) "Taxicab Driver" shall mean a person who drives a taxicab, whether as an employee, an independent contractor, or a self-employed person.

(T) "Taxicab Company" shall mean a person or entity that employs a Taxicab Driver to drive a Taxicab, whether as an independent contractor or as an employee. A Taxicab Company shall include a Taxicab Driver if a Taxicab Company consists of only one driver.

(U) "Trip Data Documentation" shall mean documentation as determined by the Chief of Police that substantiates that the total number of Prearranged and non-Prearranged trips that originate within the City account for the largest share of the Taxicab Company's total number of trips in the County over the previous calendar year. (Ord. 19-09)

Sec. 3402. Taxicab Permits Required; Fees. (A) A Taxicab Company that is Substantially Located in the City shall obtain a valid Taxicab Company Permit issued by the City pursuant to this chapter.

(B) A Taxicab Driver that is Substantially Located in the City shall obtain a valid Taxicab Driver Permit issued by the City pursuant to this chapter.

(C) A Taxicab Company is required to obtain a permit pursuant to division (a) of this section who is also a Taxicab Driver Substantially Located in the City, shall obtain both a valid Taxicab Company Permit and Taxicab Driver Permit pursuant to this chapter.

(D) A Taxicab Company that is not Substantially Located in the City shall possess a permit from the County or at least one city within the County.

(E) A Taxicab Driver that is not Substantially Located in the City shall possess a permit from the County or at least one city within the County.

(F) A Taxicab Company who is also a Taxicab Driver that is not Substantially Located in the City shall possess applicable permits from the County or at least one city within the County.

(G) Fees for such permits shall be established on the Master Fee Schedule by Resolution of the City Council.

(H) It shall be unlawful to drive a Taxicab that is determined as Substantially Located in the City without a valid, City-issued permit. The City may impose a penalty for violation pursuant to _____.

(I) A Taxicab Company shall notify the City no less than six (6) months prior to changing its Substantial Location from another jurisdiction to the City. (Ord. 19-09)

Sec. 3403. Application for Taxicab Driver Permit. (A) The applicant for a Taxicab Driver Permit shall submit to the Chief of Police a completed application for together with fees for the permit and such licenses, certificates, documents, and such other material as the Chief of Police deems necessary. If required, the fees for a business tax certificate shall be paid to the Administrative Services Director upon approval of permit issuance and prior to the issuance of such permit.

(B) The application form for a Taxicab Driver Permit shall require the following:

(1) A letter from a prospective employer offering employment to the applicant as a Taxicab Driver Substantially Located in the City, whether as an independent contractor or as an employee; a letter from an employer stating that the applicant is employed as a Taxicab Driver Substantially Located in the City, whether as an independent contractor or as an employee; or a written statement from the applicant that he/she seeks to be a self-employed Taxicab Driver Substantially Located in the City, not employed by another person, whether as an independent contractor or as an employee;

(2) Proof of compliance with the requirements of the City's mandatory Controlled Substance and Alcohol Certification program;

(3) Proof that the applicant is at least 18 years of age;

(4) The full true name and any other names used by the applicant;

(5) The present address and telephone number(s) of the applicant;

(6) Driver's license number and social security number;

(7) Each residence and business/employment address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;

(8) Applicant's height, weight, and color of eyes and hair;

(9) A photograph of the applicant shall be taken by the City during the application submission;

(10) The business tax certificate or permit history of the applicant, including whether such applicant has ever had any tax certificate, license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation(s);

- (11) All criminal arrests, detentions, citations and a statement of the dates, places, and disposition of any convictions from said arrests, detentions or citations;
- (12) A completed City provided live scan request. (Ord. 19-09)

Sec. 3404. Application for Taxicab Company Permit. (A) The applicant for a Taxicab Company Permit shall submit to the Chief of Police a completed application form together with fees for the permit and such licenses, certificates, documents and other such material as the Chief of Police deems necessary. The fees for a business tax certificate shall be paid to the Administrative Services Director upon approval of a permit for issuance and prior to the issuance of such permit.

- (B) The application form for a Taxicab Company Permit shall require the following:
- (1) The full true name and any other names used by the applicant;
 - (2) The present address and telephone number of the application;
 - (3) Driver's license number and social security number;
 - (4) Each residence and business address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;
 - (5) A photograph of the applicant shall be taken by the City during the application submission;
 - (6) The business license, business tax certificate or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason (s) for the revocation (s);
 - (7) All criminal arrests, detentions, citations and a statement of the dates, places, and disposition of any convictions from said arrests;
 - (8) A completed City-provided live scan request;
 - (9) The name and address of the Taxicab Business;
 - (10) The name of each owner of the Taxicab Business, including the owners, partners or officers of a firm, partnership, corporation or other entity;
 - (11) Trip Date Documentation. For a new Taxicab Company, a primary business address in the City shall satisfy the Trip Data Documentation requirement. A Taxicab Company shall begin collection of trip data during its first year of operation;
 - (12) The color, make, type, vehicle identification number and license number of each taxicab owned or leased by the Taxicab Business;
 - (13) A Certificate of Inspection for each taxicab owned or leased by the Taxicab Business;
 - (14) A valid Department of Motor Vehicles registration for each vehicle showing that each vehicle is registered as a commercial vehicle;
 - (15) The distinctive color scheme, name, monogram or insignia by which each taxicab will be marked;
 - (16) Registration of rates of fare to be charged;
 - (17) The name of each Taxicab Driver employed by the Taxicab Company, whether as an independent contractor or as an employee;
 - (18) A Controlled Substance and Alcohol Certificate for each Taxicab Driver. In the case of a self-employed, independent driver, the test results shall be reported directly to the Chief of Police;
 - (19) The address from which the taxicabs will be operated;
 - (20) Proof of insurance as required by Section 3408(H) of this Code;
 - (21) Such other information the Chief of Police may deem necessary. (Ord. 19-09)

Sec. 3405. Controlled Substance and Alcohol Testing Program. (A) Every applicant for a Taxicab Driver Permit shall first take, and pass with negative results, a controlled substance and alcohol test in accordance with Government Code Section 53075.5(b)(3) (as it may be amended from time to time). The results from a controlled substance and alcohol test for an applicant who is a self-employed independent driver shall be reported directly to the Chief of Police and shall be made part of the application. The Chief of Police shall notify the Taxicab Company of record of any positive results. In all other cases, the results shall be reported directly to the employing Taxicab Company, who shall be required to immediately notify the Chief of Police of positive results. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(B) Testing procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the Driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in Government Code Section 53075.5(b)(3).

(C) The controlled substance and alcohol test shall be taken no more than thirty (30) days before the date the application is filed for a new permit. As long as any Taxicab Driver Permit is used or in effect, such tests shall be retaken on a periodic basis of at least once a year.

(D) A test in one jurisdiction shall be accepted as meeting the same requirement in any other jurisdiction in accordance with Government Code Section 53075.5(b)(3).

(E) Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Employing Taxicab Companies shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that a Taxicab Company may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(F) Upon the request of a Taxicab Driver applying for a permit, the City shall give the Taxicab Driver a list of proximate consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(G) Confidential. The test results are confidential and shall not be released without the consent of the tested Driver, except as authorized by law.

(H) Limited Use of Results. No evidence derived from a positive test result pursuant to this section shall be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances. (Ord. 19-09)

Sec. 3406. Grant or Denial of Taxicab Application. (A) After receipt of a report from the Department of Justice and Federal Bureau of Investigation, the Chief of Police shall grant or deny the application for a Taxicab Driver Permit or Taxicab Company Permit. The Chief of Police shall deny the application on any of the following grounds:

- (1) The applicant is under the age of eighteen (18) years;
- (2) The applicant does not hold a valid, current California driver's license;
- (3) The applicant did not submit one or more of the items required by the application form;
- (4) The applicant for a Taxicab Driver Permit tested positive for controlled substances and/or alcohol, in violation of the City's Controlled Substance and Alcohol Testing Certification program;
- (5) Within seven (7) years prior to the date the application was filed, the applicant for a Taxicab Driver Permit was convicted of driving under the influence of alcohol or drugs or of reckless driving; and/or

(6) The applicant for a Taxicab Driver Permit or Taxicab Company Permit was convicted of any of the following crimes, or of an attempt or conspiracy to commit any of the following crimes, as defined in the California Penal Code, and such conviction indicates that the applicant may pose a danger to the public if granted, a permit: murder, mayhem, kidnaping, robbery, assault with intent to commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or any crime for which the applicant is required to register as a sex offender pursuant to California Penal Code, Section 290. (Ord. 19-09)

Sec. 3407. Notice to Applicant. (A) The Chief of Police shall give written notice to the applicant for a Taxicab Driver Permit or a Taxicab Company Permit that the application is granted or denied.

(B) A Taxicab Driver Permit shall include the name of the permittee, a photograph of the permittee, the name of the employer, a statement that the permit is subject to the conditions imposed by Section 4-8.10 and the requirement that the permittee return the permit to the Chief of Police upon termination of the permittee's employment.

(C) A Taxicab Company Permit shall include the name of the permittee and a statement that the permit is subject to the conditions imposed by Section 3409.

(D) If the application is denied the Chief of Police shall include in such notice a statement of -the grounds on which the application is denied. (Ord. 19-09)

Sec. 3408. Conditions of Taxicab Company Permit. Every person or entity issued a Taxicab Company permit shall:

(A) Display on the exterior of each taxicab the name or trademark of the person under whose authority the taxicab is being operated or the name of the lessor or lessee thereof;

(B) Display on the left hand, bottom corner of the rear window, the City-issued decal for the current calendar year;

(C) Display on both exterior sides, exterior front, and exterior rear of each vehicle the company assigned taxicab number;

(D) Display on both exterior sides and exterior rear of each taxicab the dispatch phone number of the Taxicab Company;

(E) Permanently affix to each vehicle a top light to easily identify the vehicle as a taxicab;

(F) Display in the interior of each taxicab the sign required by California Vehicle Code, Section 27908;

(G) Display in the interior of each taxicab a sign made of heavy material, not smaller than 6 inches by 4 inches, the current City approved rates for services;

(H) Adhere to the conditions set forth below in regard to registration of taxicab service fares, fees and rates:

(1) The Taxicab Company may set fares or charge a flat rate. The Taxicab Company may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code. If fares are calculated by meter, the meter must be sealed, visible to passengers at all times, and currently registered and inspected by a County of San Luis Obispo Weights and Measures official;

(2) The Taxicab Company shall disclose fares, fees, or rates to the customer in accordance with Section 3408(g) or the rate may be provided by decal on the exterior of the vehicle. The Taxicab Company shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walk up rides and street hails. A Taxicab Company may also display the fares, fees, or rates on its Internet Web site, mobile telephone application or telephone orders upon request by the customer;

(3) A Taxicab Company shall not prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code;

(4) Collect from taxicab passengers only the amounts disclosed the customer, plus any tip that the passenger offers;

(5) A maximum rate may be established by Resolution of the City Council; and

(6) Notify the Chief of Police of any changes in rates or fares thirty (30) days prior to such change taking effect.

(I) Obtain for each taxicab and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, cancelled or reduced in coverage or limits without fifteen (15) days' prior written notice to the Chief of Police. The insurance policy shall insure the Taxicab Company and shall name the City as an additional insured of such taxicab against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such taxicab or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum of not less than one million and no/100th (\$1,000,000) dollars combined single limit for personal injury, death and/or property damage for each taxicab in any one accident. The Risk Manager may authorize the Chief of Police to accept insurance that does not meet the foregoing criteria or require insurance that exceeds the foregoing criteria if the Risk Manager determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the Risk Manager; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to the qualified applicant.

(J) Obtain and keep in force during the term of the permit, worker's compensation insurance, covering all employees of the permittee;

(K) Maintain each taxicab in safe operating condition, good repair, clean and sanitary condition, and in compliance with the Vehicle Code;

(L) The Taxicab Company shall participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all Taxicab Drivers;

(M) The Taxicab Company shall maintain a safety education and training program in effect for all Taxicab Drivers, whether employees or independent contractors;

(N) The Taxicab Company shall maintain a disabled access education and training program to instruct its Taxicab Drivers on compliance with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal;

(O) The Taxicab Company shall obtain a report no less than every twelve (12) month from the Department of Motor Vehicles for each employed Taxicab Driver. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of California Vehicle Code Section 23152 or 23153;

(P) A prospective employer of a Taxicab Driver shall obtain a report showing the Taxicab Driver's current public record as recorded by the Department of Motor Vehicles. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the Taxicab Driver;

(Q) Notify the Chief of Police immediately when any vehicle not described in the application for the permit is placed in service as a taxicab and submit the information about the vehicle and the Certificate of Inspection required by the application form;

(R) Notify the Chief of Police immediately on termination of a Taxicab Driver's employment. The Driver's permit shall become void upon termination of employment;

(S) Maintain reasonable financial responsibility to conduct taxicab transportation services;

(T) Require that each Taxicab Driver have a valid California driver's license and a valid City Taxicab Driver Permit; and

(U) Comply with any other reasonable conditions imposed by the Chief of Police or the Administrative Services Director. (Ord. 19-09)

Sec. 3409. Conditions of Taxicab Driver Permit. Every person to whom a Taxicab Driver Permit is issued shall:

(A) Display the driver's photo permit in the taxicab in a place conspicuous from the passenger area;

(B) Take the most direct route possible which will carry the passenger safely and expeditiously to his/her destination;

(C) Grant the person engaging the taxicab exclusive right to the full and complete use of the passenger compartment;

(D) Not allow any person to use or duplicate their permit. If a permit is found to be used by another individual, it shall be considered a violation of this Code, unless previously reported as lost or stolen as indicated in Section 3409(E);

(E) Immediately report a lost or stolen permit to the Chief of Police;

(F) If the Taxicab Driver is self-employed, comply with all the conditions of a Taxicab Company Permit set forth in Section 3408;

(G) Return the permit to the Chief of Police immediately on termination of employment or self-employment. A Taxicab Driver Permit shall become void upon termination or employment or self-employment; and

(H) Comply with any other reasonable condition imposed by the Chief of Police or the Administrative Services Director. (Ord. 19-09)

Sec. 3410. Annual Permit Renewal. (A) Taxicab Driver and Taxicab Company Permits shall continue in effect for the remainder of the calendar year in which they are issued, unless revoked or modified as provided in Section 3411, provided, however, that Taxicab Driver Permits shall automatically become void on termination of employment or self-employment as a Taxicab Driver. A Taxicab Driver or Taxicab

Company Permit issued in the last quarter of a calendar year shall continue in effect for the remainder of the calendar year in which it is issued, and for the next calendar year, subject to the foregoing provisions regarding revocation, modification and automatically becoming void.

(B) Permittees shall submit to the Chief of Police applications to renew Taxicab Driver and Taxicab Company Permits for following calendar years, together with fees for the renewal and any changes in the information provided in the initial application or a previous renewal application. In addition, an applicant for renewal of a Taxicab Company Permit shall take a new photograph, provide evidence that required insurance will be in effect for the new calendar year, a new Certificate of Inspection for each taxicab, and new Trip Date Documentation. In addition, an applicant for renewal of a Taxicab Driver Permit shall submit proof of a negative test for controlled substances and alcohol as required by the City's Controlled Substance and Alcohol Certification program, a new photograph, and provide a document issued by the Department of Motor Vehicles, dated no more than (10) days before the application is submitted, showing that the applicant holds a valid, current California driver's license.

(C) Upon review of completed applications for renewal of Taxicab Driver and Taxicab Company Permits, the Chief of Police shall process and grant or deny the applications for renewal as provided in Section 3406. Conditions on renewed permits shall be provided in Sections 3408 and 3409.

(D) Applications for renewal of Taxicab Driver and Taxicab Company Permits shall be submitted by December 1 of each year to allow sufficient time for processing before the current permit expires on December 31. (Ord. 19-09)

Sec. 3411. Revocation, Suspension or Modification of a Taxicab Permit. (A) A Taxicab Company or Taxicab Driver Permit may be revoked or suspended or additional conditions imposed thereon for failure of the permittee to comply with applicable laws, regulations and conditions, based on matters occurring after the permit is issued or on matters not considered at the time of issuance of the permit that would have authorized denial of the permit or the imposition of conditions on the permit.

(B) The Chief of Police may file a written request for revocation, suspension or modification of a Taxicab Company or Taxicab Driver Permit, stating facts showing that the permittee had not complied with applicable laws, regulations or permit conditions, has had a subsequent arrest, or poses a danger to public safety, and recommending that the permit be revoked or suspended or in what respect the permit should be conditioned.

(C) On filing the request, the Chief of Police shall mail to the permittee a notice that the permit is recommended for revocation, suspension or conditioning in a specific manner and stating the reasons for that recommendation. The notice shall inform the permittee that the recommendation will be adopted, and the permittee will be deemed to concur with the recommendation if the permittee does not make a written request for a hearing in the manner provided in Section 3412.

(D) The procedures for appealing, rendering a decision and seeking judicial review of the decision shall be as provided in Section 3412 of this Code. (Ord. 19-09)

Sec. 3412. Appeals. (A) Any person denied approval or renewal of a Taxicab Driver or Taxicab Company Permit under this chapter or a Taxicab Driver or Taxicab Company whose permit has been suspended, revoked or conditioned may appeal. Such appeal must be in writing and must be filed with the City Manager or designee not more than fourteen (14) days following the mailing of the notice of denial,

suspension, revocation, or conditioning sent to the applicant to the address listed by the applicant pursuant to this chapter. The written appeal must contain all reasons and documentary support why the denial, revocation suspension or conditioning should be overturned. Any successful appeal will result in approval or reinstatement of an approval and refund of any finds collected by the City. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to this section.

(B) City Manager Action.

(1) Upon receipt of a timely filed appeal, the City Manager or designee shall set the matter for hearing which shall be held not fewer than ten (10) calendar days nor more than thirty (30) days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties.

(2) The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least seven (7) calendar days prior to the hearing.

(3) At the time of such hearing, the City Manager shall review the records and files relating to the decision.

(4) In conducting the hearing, technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

(5) In the case of denial of an initial permit application the appellant shall have the burden of proving that he or she meets the requirements for issuing the permit in the first instance; in the case of the conditioning, revocation or denial of a permit renewal, the City shall have the burden in proving that grounds exist for revoking or failing to renew a permit.

(6) Based upon the evidence presented at the hearing, the City Manager or designee shall determine whether the decision should be affirmed, modified or reversed.

(7) The City Manager's (or designee's) decision shall be communicate in writing to the appellant within ten (10) calendar days after the close of the hearing and submission of the matter to the City Manager for decision. The City Manager's decision shall state whether the decision is affirmed, modified or reversed and shall state the reasons therefor.

(8) The decision of the City Manager shall include notice that the decision is final and conclusive, that judicial review may be sought therefrom pursuant to California Civil Procedure Code Section 1094.5, and that any action filed in the Superior Court shall be filed, if at all, within ninety (90) days following the City Manger's notice pursuant to California Civil Procedure Code Section 1094.6. (Ord. 19-09)

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) Reinstate 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)

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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

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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 from 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)

Sec. 3552. Menacing and Aggressive Animals. (A) It is unlawful for any person to keep, harbor, or maintain any aggressive or menacing animal which threatens, harasses, or intimidates a person who is peaceably and lawfully upon public or private property, unless it is contained in an enclosure of a construction adequate to keep it securely confined and prevent its escape.

(B) It is unlawful for any person to permit any animal owned, harbored, or controlled by him or her to attack and cause severe bodily injury or death to another domestic or captive animal while off the property of its owner or keeper.

(C) Upon notification of a violation of subsection (A), the animal owner(s) must immediately confine the animal to an enclosure or location which mitigates the aggressive and menacing behavior.

(D) For the purposes of this section, the following definitions apply:

(1) "Aggressive animal" any animal whose observable behavior causes a person observing that behavior reasonably to believe that the animal may attack a person or another animal.

(2) "Menacing animal" means any animal which, through its behavior, causes a person observing or subject to that behavior to be in reasonable fear for his or her safety or the safety of others, or the safety of animals kept by him or her. Police or military service canines being utilized in an official capacity are excluded from this definition.

(3) "Severe bodily injury" means any physical injury which results in deep lacerations with separation of subcutaneous tissues, muscle tears or lacerations, fractures or joint dislocations, or permanent impairment of locomotion or special senses.

(E) Penalties for violation:

(1) 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.

(2) For the purposes of this section, a first violation of subsection (A) will be deemed to have occurred if the menacing or aggressive animal is not confined as required by subsection C within 24 hours of notification; a separate violation of subsection A shall be deemed to exist for each 24 hour period following notification in which an animal's menacing or aggressive behavior continues unmitigated.

(F) Liability of property owners:

(1) Owners of properties upon which a tenant keeps, harbors, or maintains any aggressive or menacing animal may, along with the animal owner(s), be jointly and severally liable for penalties related to violations of subsection (A), provided that they have received at least fourteen (14) days prior written notice of the existence of such violation and the violation has not been abated. No penalty shall be imposed upon the property owner if the property owner can demonstrate, within fourteen (14) days following notification that a violation has occurred, that the property owner has initiated action to abate the illegal activity on the property. (Ord. 14-07)

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)

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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 THERAPY REGULATIONS

Sec. 3900. Purpose and intent. (A) In enacting this chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this chapter to protect the public health, safety, and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

(B) Furthermore, it is the Council's purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature in 2008 as Business and Professions Code sections 4600 *et seq.* by Senate Bill 731, amended in 2011 by Assembly Bill 619, amended in 2014 by Assembly Bill 1147, and amended in 2016 by Assembly Bill 2194 which also amended Government Code section 51034, to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council, and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law. (Ord. 17-02)

Sec. 3901. Definitions. For the purposes of this chapter, unless the particular provision or the context otherwise clearly requires, the definitions in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

(A) "Business" includes, but not by way of limitation, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women by varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this chapter shall include, without limitation, the advertising and soliciting of massages. The term "business" includes, but is not limited to, a massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship, as well as a massage establishment which employs massage practitioners and therapists.

(B) "California Massage Therapy Council" or "CAMTC" means the Massage Therapy Organization formed pursuant to Business and Professions Code section 4600.5.

(C) "Certified Massage Practitioner" means any individual certified by the California Massage Therapy Council as a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to California Business and Professions Code sections 4600 *et seq.*

(D) "Client" means the customer or patron who pays for or receives massage services.

(E) "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

(F) "Employee" means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.

(G) "Health Officer" means the person appointed by the County of San Luis Obispo Health Department pursuant to the California Health and Safety Code or his or her authorized representatives or designees.

(H) "Massage" or "massage therapy," means and refers to any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

(I) "Massage Establishment" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities – including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs – shall be deemed a massage business under this chapter.

(J) "Massage Establishment Permit" means the certification issued by the Police Chief, or the Police Chief's authorized representative(s) or designee(s), and required by this Chapter in order to operate a massage establishment in Grover Beach.

(K) "Operator" or "massage business operator" means any and all owners of a massage business.

(L) "Outcall massage" means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth on the massage establishment permit.

(M) "Owner" or "Massage business owner" means any of the following persons:

(1) Any person who is a general partner of a general or limited partnership that owns a massage business.

(2) Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a massage business.

(3) Any person who is a member of a limited liability company that owns a massage business.

(4) Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a massage business.

(N) "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.

(O) "Police Chief" means the Police Chief of the City of Grover Beach and his or her authorized representative(s) or designee(s).

(P) "Practitioner" or "Massage Practitioner" shall be used interchangeably and mean any person who is certified by the California Massage Therapy Council and administers massage to another person, for any form of consideration (whether for the massage, as part of other services or a product, or otherwise).

(Q) "Reception and waiting area" means an area immediately inside the front door of the massage establishment dedicated to the reception and waiting of patrons of the massage establishment and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.

(R) "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended and is recognized and in good standing with the California Massage Therapy Council.

(S) "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.

(T) "Solicit" means to request, ask, demand or otherwise arrange for the provision of services. (Ord. 17-02)

Sec. 3902. CAMTC Certification and City Permit Required. (A) Individuals. On and after the effective date of this ordinance, it shall be unlawful for any individual to practice Massage Therapy for compensation as a sole proprietorship or employee of a massage establishment or in any other capacity within the City of Grover Beach unless that individual is a certified Massage Practitioner by the California Massage Therapy Council. Certified massage practitioners who are providing massage services as an independent contractor must obtain a valid City of Grover Beach Business Tax Certificate.

(B) Businesses. On and after the effective date of this ordinance, it shall be unlawful for any business to provide massage for compensation within the City of Grover Beach unless all individuals employed by the massage establishment to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified Massage Practitioners and said business has obtained a valid massage establishment permit issued by the Police Chief of the City of Grover Beach as provided in this Chapter and a valid City of Grover Beach Business Tax Certificate. (Ord. 17-02)

Sec. 3903. Massage Establishment Permit. (A) Application. The application for a massage establishment permit shall include all of the following:

(1) Legal name of the massage business.

(2) Address and telephone number of the proposed massage business location.

- (3) Legal names of all owners of the massage business.
 - (4) A list of all of the massage business's employees and independent contractors who will be performing massage and a current copy of their CAMTC certification.
 - (5) Residential address and telephone number of all owners of the massage business.
 - (6) Business address and telephone number of all owners of the massage business.
 - (7) The form of business under which the massage business will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form).
 - (8) Each owner or operator of the massage business who is not a CAMTC-Certified Massage Practitioner shall submit an application for a background check, including the following: Live Scan fingerprints, all arrest, felony or misdemeanor convictions, pleas of guilty, nolo contendere or expungements, the individual's business, occupation, and employment history for the five (5) years preceding the date of the application; the inclusive dates of such employment history; the name and address of any massage business or similar business owned or operated by the individual whether inside or outside the City of Grover Beach.
 - (9) For all owners, a valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.
 - (10) For all owners, a signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code sections 4600 *et seq.*, any local, state, or federal law, or the provisions of this Chapter may result in revocation of the business's massage establishment permit.
- (B) Issuance. Upon provision by the massage business of the foregoing documentation, the Police Chief may issue the massage business a massage establishment permit, which shall be valid for two (2) years from the date of issuance. No reapplication will be accepted within one (1) year after an application or renewal is denied or a permit is revoked. Massage establishment permits may not be issued to a massage business seeking to operate at a particular location if:
- (1) another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation pursuant to Section 3910, during the pendency of the suspension or one year following revocation;
 - (2) another massage business is or was operating at that particular location and that massage business has received a Notice of Suspension, Revocation or fine issued pursuant to Sections 3909 and 3910, during the ten day period following receipt of the Notice or while any appeal of a suspension, revocation or fine is pending;
 - (3) another massage business is or was operating at that particular location and that massage business has outstanding fines issued pursuant to Section 3909 that have not been paid.
- (C) Amendment. A massage business shall notify the Police Chief within thirty (30) days after any change in the massage establishment permit information, including, but not limited to, the hiring or termination of certified massage practitioners or any changes in the owner(s) addresses and/or telephone numbers.
- (D) Renewal. A massage establishment shall apply to the Police Chief to renew its massage establishment permit at least thirty (30) days prior to the expiration of said permit. If an application for

renewal of a massage establishment permit and all required information is not timely received and the certificate expires, no right or privilege to provide massage shall exist.

(E) Fees. A nonrefundable fee as set forth in the Master Fee Schedule and amended from time to time shall accompany the submission of each massage establishment permit application and renewal application to defray, in part, the costs of the application review and permit preparation. There shall be no fee for any amendment of a massage establishment permit unless there is a change of address for the business location, at which time a new massage establishment permit application will be required along with a new facility inspection by both the police and fire departments. The provisions of this section shall not prevent the City from establishing fees for safety inspections as may be conducted from time to time and for the background checks, fingerprinting, and subsequent arrest notification for owners of a massage business who are not CAMTC-certified and who are subject to such background checks pursuant to this Chapter. There are certain fees for appeals as described in Article 1, Chapter 4 of the Grover Beach Municipal Code.

(F) Transfer. A massage establishment permit shall not be transferred to a new owner or ownership group. All intentions to transfer a massage establishment permit shall require a new application for a massage establishment permit by the new owner(s). A massage establishment permit may not be transferred to a new owner during any period of suspension or one (1) year following revocation pursuant to Section 3910, during the ten (10) day period following a massage businesses' receipt of a Notice of Suspension, Revocation or fine issued pursuant to Sections 3909 and 3910 or while any appeal of a suspension, revocation or fine is pending. Further, a massage establishment permit application shall not be approved until all outstanding fines issued pursuant to Section 3909 have been paid.

(G) Denial. In the event of a denial for a massage establishment permit, notification of the denial and reasons therefor shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. (Ord. 17-02; Am. Ord. 18-02)

Sec. 3904. Operating Requirements. On or after the effective date of this ordinance, no person shall engage in, conduct, carry on, or permit any Massage within the City of Grover Beach unless all of the following requirements are met:

(A) All massage practitioners must register, in person, with the Grover Beach Police Department and must present a valid California Massage Therapy Council Certificate.

(B) CAMTC-certification/identification card shall be worn by and clearly visible on the Massage Practitioner's person during working hours and at all times when the Massage Practitioner is inside a massage establishment or providing outcall massage.

(C) Massage shall be provided or given only between the hours of 7:00 a.m. and 9:00 p.m. No massage establishment shall be open and no massage shall be provided between 9:00 p.m. and 7:00 a.m. A massage commenced prior to 9:00 p.m. shall nevertheless terminate at 9:00 p.m., and, in the case of a massage establishment, all clients shall exit the premises at that time. It is the obligation of the massage establishment to inform clients of the requirement that services must cease at 9:00 p.m.

(D) A list of the services available and the cost of such services shall be posted in the reception area within the massage premises, and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage

practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any outcall services.

(E) A copy of the CAMTC certificate of each and every Massage Practitioner employed in the establishment shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage establishment.

(F) For each massage service provided, every massage establishment shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the Massage Practitioner administering the service. Such records shall be open to inspection and copying by police officers, or other City officials charged with enforcement of this chapter. These records may not be used by any Massage Practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the Massage Practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage establishment for a period of two (2) years and be immediately available for inspection during business hours.

(G) Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one (1) client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one (1) client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

(H) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the Health Officer. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the Health Officer. All walls, ceilings, floors, and other physical facilities for the business must be in good repair and maintained in a clean and sanitary condition.

(I) Instruments utilized in performing massage shall not be used on more than one (1) client unless they have been sterilized, using approved sterilization methods.

(J) All massage establishment operators and their employees, including Massage Practitioners, shall wear clean, non-transparent outer garments. Said garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest. For the purposes of this section, outer-garments means a garment worn over other garments and does not include garments like underwear, bras, lingerie or swimsuits.

(K) No alcohol beverage shall be stored, sold, served or furnished on the premises of any massage establishment. No person shall enter, be, or remain in any part of a massage establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverage. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(L) No tobacco products, as defined in GBMC Article X, Chapter 4.20, Section 10421, or marijuana cannabis products shall be stored, sold, served, consumed or furnished on the premises of any massage establishment. No person shall enter, be, or remain in any part of a massage establishment while consuming or using any tobacco or marijuana cannabis product. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.

(M) No massage establishment shall operate as a school of massage, or use the same facilities as that of a school of massage.

(N) No massage establishment shall place, publish or distribute, or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 3904(O), nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

(O) No massage shall be given unless the client's genitals are, at all times, fully covered. A Massage Practitioner shall not, in the course of administering any massage, make physical contact with the genitals or private parts of any other person regardless whether the contact is over or under the person's clothing.

(P) Where the establishment has staff available to assure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage establishment shall remain unlocked during business hours when the establishment is open for business or when clients are present.

(Q) No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this sub-section, there is an irrefutable presumption that the visibility is impermissibly blocked if more than 10 percent of the interior reception and waiting area is not visible from the exterior window.

(R) All signs shall be in conformance with the current ordinances of the City of Grover Beach or as outlined in the conditional use permit for the massage establishment.

(S) Minimum lighting consisting of at least one (1) artificial light of not less than forty (40) watts shall be provided and in operation in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

(T) Ventilation shall be provided in accordance with applicable building codes and regulations.

(U) Hot and cold running water shall be provided at all times.

(V) Adequate dressing, locker and toilet facilities shall be provided for clients.

(W) A minimum of one (1) wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

(X) Pads used on massage tables shall be covered with durable, washable plastic or other waterproof material. One-time use disposable pads are permitted as long as they are only used for one client and then disposed of.

(Y) All massage establishments shall comply with all state and federal laws and regulations for handicapped clients.

(Z) A Massage Practitioner shall operate only under the name specified in his or her CAMTC certificate. A massage business shall operate only under the name specified in its Massage Establishment Permit and City Business Tax Certificate.

(1) No massage establishment permit shall be issued for the operation of a massage establishment in a residence and no massage establishment shall allow any person to reside within the massage establishment or in attached structures owned, leased or controlled by the massage business.

(2) Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage establishment between the hours of 11:00 p.m. and 6:00 a.m. (Ord. 17-02; Am. Ord. 18-02)

Sec. 3905. Outcall Massage. Outcall massage may only be performed under the following criteria:

(1) Residences: Massage may be given at private residences owned or rented by the client. The massage practitioner must be either an employee, independent contractor or sole proprietor of a currently permitted massage establishment in the city of Grover Beach.

(2) 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 duly State of California licensed physician, chiropractor, osteopath, nurses or any physical therapists unless the massage practitioner is either an employee, independent contractor or sole proprietor of a currently permitted massage establishment in the city of Grover Beach.

(3) At a City of Grover Beach approved special event by a valid CAMTC certified massage practitioner that is either an employee, independent contractor or sole proprietor of a currently permitted massage establishment in Grover Beach or an individual operating only at the special event and is in possession of and has on display a valid City of Grover Beach Business Tax Certificate. (Ord. 17-02)

Sec. 3906. Inspection by Officials. The investigating and enforcing officials of the City of Grover Beach and the County of San Luis Obispo, including but not limited to law enforcement, code enforcement, fire officials, Health Officer and the Director of Community Development, or their respective authorized representative(s) or designee(s), shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and statutes, and with the provisions of this chapter. The Grover Beach Police Department, Community Development Department, and Fire Department may charge a nonrefundable fee as set forth in the Master Fee Schedule and amended from time to time for any safety inspections. (Ord. 17-02)

Sec. 3907. Notifications. (A) A massage establishment shall notify the Police Chief, or his or her designee, of any changes described in Section 3903 pursuant to the timelines specified therein.

(B) A registrant shall report to the Police Chief, or his or her designee, any of the following within ninety-six (96) hours of the occurrence:

(1) arrests of any employees or owners of the registrant's massage business for an offense other than a misdemeanor traffic offense;

(2) resignations, terminations, or transfers of practitioners employed by the registrant's massage business;

(3) any event involving the registrant's massage business or the massage practitioners employed therein that constitutes a violation of this ordinance or state or federal law.

(C) This provision requires reporting to the Police Chief even if the massage business believes that the Police Chief has or will receive the information from another source. (Ord. 17-02)

Sec. 3908. Exemptions. (A) The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties and providing massage therapy under their scope of practice:

(1) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.

(2) Acupuncturists who are duly licensed under the laws of the State of California while engaging in the practice of acupuncture pursuant to California law.

(3) Barbers and beauticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands or feet of the clients.

(4) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment.

(5) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

(6) Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

(7) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic or recreational event, such as road races, track meets, triathlons and other similar events; provided, that all of the following conditions are satisfied:

(a) The massage services are made equally available to all participants in the event;

(b) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations;

(c) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;

(d) The sponsors of the event have been advised of and have approved the provisions of massage services;

(e) The persons providing the massage services are not the primary sponsors of the event. (Ord. 17-02; Am. Ord. 18-02)

Sec. 3909. Unlawful Business Practices May be Enjoined; Remedies Cumulative. Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business & Professions Code Section 17200 *et seq.*, and the City Attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of San Luis Obispo County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to abatement, removal of enjoinder thereof, fines, attorneys' fees and costs. All remedies provided for in this chapter are cumulative. (Ord. 17-02)

Sec. 3910. Violation and Penalty. (A) Violations. Every person, except those persons who are specifically exempted 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 massage establishment permit and paying for a Business Tax Certificate 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 practitioner, as defined in this chapter, who is not in possession and display of a valid California Massage Therapy Council Certificate or who allows such an employee to perform, operate or practice within such a place of business is guilty of an infraction.

(C) Upon a finding by a law enforcement or code enforcement officer that a business has violated any provision of this chapter, officer may issue an administrative citation as outlined in Article I, Chapter 4 of the Grover Beach Municipal Code.

(D) Separate Violations. Each violation of any provision of this Chapter shall constitute a separate violation. Each client to whom massage is provided or offered in violation of this chapter shall also constitute a separate violation. Each day upon which a massage establishment remains open for business in violation of this chapter shall also constitute a separate violation.

(E) Failure to Pay Fine. If said fine is not paid within the time period specified on the administrative violation an additional late fee shall be charged. The amount of the late fee shall be ten percent (10%) of the total amount of the civil penalty due. In addition, any outstanding fines must be paid prior to the issuance or renewal of any massage establishment permit or City of Grover Beach Business Tax Certificate. The City shall collect delinquent or unpaid penalties as outlined in Article 1, Chapter 4 of the Grover Beach Municipal Code. (Ord. 17-02; Am. Ord. 18-02)

Sec. 3911. Suspension and Revocation of Massage Establishment Permit. (A) Reasons. Massage Establishment Permits may be suspended or revoked by the Police Chief upon finding any of the following grounds:

(1) A Massage Practitioner is no longer in possession of current and valid CAMTC-certification. This subsection shall apply to a sole proprietor or a person employed or used by a massage establishment to provide massage.

(2) An owner or sole proprietor: is required to register under the provisions of California Penal Code section 290 (sex offender registration); is arrested or convicted of California Penal Code sections 266i (pandering), 315 (keeping or residing in a house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit a place for prostitution), 647(b) (engaging in or soliciting prostitution), 653.22 (loitering with intent to commit prostitution), 653.23 (supervision of prostitute); has a business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state; is subject to an injunction for nuisance pursuant to California Penal Code sections 11225-11235 (red light abatement); is convicted of a felony offense involving a controlled substance; is convicted of any crime involving dishonesty, fraud, deceit, violence, or moral turpitude; or is convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision.

(3) The City determines that a material misrepresentation was included on the application for a massage establishment permit or a Grover Beach Business Tax Certificate or renewal of either.

(4) Violations of any of the following occurred on the premises of a massage establishment or were committed by a Massage Practitioner: California Business and Professions Code sections 4600 *et seq.*; any local, state, or federal law; or the provisions of this chapter.

(B) Procedures. Written notice of the suspension or revocation shall be served on the sole proprietor or owners by certified mail with the legal violation and supporting facts. The notice shall contain an advisement of the right to request an appeal hearing.

(C) Time Period of Suspension of Permit. The Police Chief may suspend a registration for a period between five (5) days and the end of the license term, at his or her discretion.

(D) Effective Date of Suspension or Revocation. Suspension or revocation issued pursuant to subsection (b) will be effective ten (10) days from the date appearing on the order, unless a timely appeal is filed in accordance with Article I, Chapter 4 of the Grover Beach Municipal Code.

(E) Reapplication. No reapplication for a massage establishment permit will be accepted within one (1) year after a permit is revoked. (Ord. 17-02; Am. Ord. 18-02)

Sec. 3912. Public Nuisance. It shall be unlawful and a public nuisance for a massage establishment to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law. (Ord. 17-02)

Sec. 3913. Severability. In the event the Chief of Police has denied the issuance or renewal of a Massage Establishment Permit, or has revoked an existing Massage Establishment Permit, otherwise referred to as an Administrative Decision, the applicant or Owner may elect to file an appeal of that decision to the City Manager. The applicant, or their representative, shall within ten (10) days of the mailing of the notice related to the Administrative Decision, file a written appeal to the City Clerk. All appeals must be in writing and an appeal fee must accompany the written appeal in an amount as indicated in the Master Fee Schedule. (Ord. 17-02; Am. Ord. 18-02)

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;

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(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. 3974. Purpose. It is the purpose of this Chapter to establish a process for permitting special events and outdoor assemblies conducted by the private sector or an agency other than the City of Grover Beach to use city streets, facilities, parks or services. (Ord. 16-02)

Sec. 3975. Definitions. For the purposes of this chapter, the following shall apply:

(A) "Application" means a written request completed on city forms to hold a special event or outdoor assembly.

(B) "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.

(C) "City Property" means any city streets, sidewalks, parking lots, parks, boardwalks, plazas, or any other property owned or controlled by the city.

(D) "City Manager" means the City Manager of Grover Beach or his/her designee.

(E) "City Council" means the municipal legislative body for the City of Grover Beach.

(F) "Chief of Police" means the head law enforcement officer of the Grover Beach Police Department.

(G) "Event" includes a special event or outdoor assembly.

(H) "Event Organizer" means any person who applies to, or is a part of, any organization who conducts, manages, promotes, organizes, aids or solicits attendance at a special event or outdoor assembly.

(I) "Fire Chief" means the head fire official of the Five Cities Fire Authority.

(J) "Outdoor Assembly" means any assembly or event attended, or anticipated or planned to be attended, by more than one hundred (100) people, which event or assembly is to take place within the City limits, not conducted in a building designed for the purpose of such assemblies. Outdoor Assembly includes but is not limited to social service events, entertainment events, music festivals, revivals, and rallies. Outdoor Assembly shall not include sports events or youth sport leagues 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.

(K) "Permit" means a written authorization from the City Manager or his/her designee granting permission for a special event or outdoor assembly issued under this ordinance.

(L) "Preliminary Application Approval" means a written authorization from the City Manager or his/her designee that an application for a special event or outdoor assembly permit has passed the initial permitting process and final permit approval is pending a final application submission.

(M) "Special Event" means any assembly or gathering, anticipated or planned to be attended, by more than one hundred (100) 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.

(N) "Sponsor" means any person, firm, organization, etc., who provides financial assistance, equipment donations, other donated materials or resources, organizes, promotes, conducts, or causes to be conducted an outdoor assembly or special event.

(O) "Tax-Exempt Non-Profit Organization" means an organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of three (3) consecutive months preceding the date of application for an event permit.

(P) "Sales Vendor" means any person, firm, organization, etc., who sells a product.

(Q) "Service Vendor" means any person, firm, organization, etc., who provides a service to the event or the event organizer.

(R) "Venue" means that area of property for which a special event or outdoor assembly has been issued. (Ord. 80-6, Amd. Ord. 95-9, Amd. Ord. 16-02)

Sec. 3976. Permit Required. No person shall operate or conduct an outdoor assembly or special event to be held within the City, unless he/she shall have first made application for, and obtained, a permit for each such event pursuant to the terms and conditions set forth in this Chapter. Promotion of an outdoor assembly or special event to be held in the City is permitted after the event organizer receives preliminary application approval from the City Manager or his/her designee. (Ord. 80-6, Am. Ords. 95-9, 03-02 and 16-02)

Sec. 3977. Application. An application for a permit to conduct an outdoor assembly or special event must be made in writing on such forms and in such manner as prescribed by the City Manager or his/her designee.

(1) Deposit: Each application shall be accompanied by a review fee, as set forth in the Master Fee Schedule and amended from time to time, for the initial application review by City staff and the City Manager or his/her designee.

(2) Deadline for Submitting Application: The event organizer is encouraged to submit an application for a permit as early as possible. An application for a permit may be submitted up to one (1) year prior to the date of the proposed event, or within ninety (90) days prior to the date of the proposed event in order to maintain an applicant's right to appeal a determination to the City Council. An event organizer who wishes to waive their right to appeal a denial of the permit, therefore making the City Manager or his/her designee's decision final and binding, may elect to submit an application for a permit to conduct an outdoor assembly or special event within ninety (90) days prior to the date of the proposed event, but not less than sixty (60) days prior to the date of the proposed event.

The application for a permit shall be complete and shall include the following information:

(A) The purpose of the special event or outdoor assembly;

(B) The approximate times when assembly for, and disbanding of, the event is to take place;

(C) The name, mailing address and telephone number(s) of the event organizer. If the application is made by a partnership, the names, addresses and telephone number(s) of all partners shall be included. If the event organizer 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;

(D) An event budget showing estimated expenditures and revenues. Non-profit organizations must show proof of IRS non-profit status;

(E) An agreement that the event organizer will be financially responsible for any City fees or costs incurred by the City to allow the event;

- (F) A list of all known sponsors and service vendors at the time of application submittal. This list must be updated and provided to the City by the final thirty (30) days prior to the event;
- (G) Written permission from the owner, location, legal description, and area of the premises on which it is planned to conduct the event;
- (H) Written permission from the owner, location, legal description, and area of all lands to be used for parking or other uses incidental to the event;
- (I) The date(s) and the hours during which the event is to be conducted;
- (J) 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;
- (K) A detailed explanation of the event organizer's plans to supply potable water, food, 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;
- (L) 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. In no way shall the decibel level exceed the noise standards as established by the Grover Beach Municipal Code;
- (M) Provisions for cleanup of the premises and removal of rubbish after the event has concluded;
- (N) A detailed explanation of the event organizer's security, traffic and parking plans for the venue and surrounding areas as necessary. If the event will require the closure of City streets, the event organizer is required to notify, in writing, each property owner and/or resident within a one (1) block radius of the event that will be affected by the scheduled street closure no later than sixty (60) days prior to the event. A mailing label list of notified addresses must be submitted to the City no later than sixty (60) days prior to the event. For event organizers applying via the sixty (60) day application for permit, this requirement must be completed no later than thirty (30) days prior to the event;
- (O) An explanation of the event organizer's plans in the event that more persons attempt to attend the event than is permitted by the particular permit involved;
- (P) A consent to the entry at any time in the course of the event by any police officer, health official, fire official, County health officer, and other City official in the performance of their duties, including but not limited to inspection;
- (Q) Night-time lighting plan. In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly; and
- (R) Such other information pertinent to the event as either the City Manager or his/her designee or any officer of the City finds is reasonably necessary and required in order to determine whether or not the permit should be granted. (Ord. 80-6, Amd. Ord. 95-9, Amd. Ord. 16-02)

Sec. 3978. Processing of Permit Application. (A) Upon receipt of a permit application and review fee by the Parks and Recreation Department, copies of the application shall be forwarded to the Chief of Police and to such other appropriate public officials as the Parks and Recreation Department deems necessary. Such officers and officials shall review and investigate matters relating to the application and report their findings and recommendations to the City Manager. The City Manager or his/her designee shall not unduly withhold the preliminary approval or denial of the permit application and shall complete the review within

thirty (30) days. If a decision is not made within thirty (30) days, the event organizer may appeal the application to the City Council for its review. The appeal must be completed as outlined in Section 3980 of this Chapter.

(B) Upon preliminary approval of the permit, the event organizer will be contacted by the Parks and Recreation Department to set up an event planning meeting. The event organizer will be provided an event checklist to include a review of the remaining fees, needed materials and requirements for final permit approval. A deadline date to submit the completed application back to the Parks and Recreation Department for final review will be provided during the meeting. The completed application must be accompanied by the remaining fees and shall be submitted no less than ninety (90) days prior to the event. For event organizers applying via the sixty (60) day application for permit, this requirement must be completed no later than thirty (30) days prior to the event. An application is deemed completed when the event organizer has provided all of the information required herein including any additional information requested, such as payment(s), endorsement certificates, park/facilities application and fees, copy of ABC license, copy of security guard contract, insurance certificates and business licenses from vendors and any other documents required by City staff.

(C) The completed application packet will be submitted to the City Manager for final approval of permit issuance. The City Manager or his/her designee may do any of the following:

- (1) issue said permit as applied for;
- (2) issue said permit subject to additional conditions as may reasonably be imposed by the City Manager or his/her designee; or
- (3) deny the permit. (Ord. 80-6, Amd. Ord. 95-9, Amd. Ord. 16-02)

Sec. 3979. Reasons for Denial of Permit. The City Manager or his/her designee shall deny a Special Event / Outdoor Assembly permit to an event organizer who has not:

- (A) Provided proof of the services of a sufficient number of properly trained traffic controllers; or
- (B) Provided proof of sufficient monitors for crowd control and safety; or
- (C) Provided proof of sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the event will be conducted with due regard for safety; or
- (D) Provided, where applicable, proof of sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; or
- (E) Met all of the requirements for submitting an application for a Special Event / Outdoor Assembly; or
- (F) The event has previously been shown to have resulted in violent or disorderly conduct by the participants that endangered public safety or to have resulted in significant property damage, unless the event organizer has provided a plan that provides for means by which to mitigate against such conduct in the future and agrees to work in conjunction with City staff to develop means by which to protect the public safety and to prevent damage to public property; or
- (G) The event will violate public health or safety laws; or
- (H) The event organizer demonstrates an inability or unwillingness to conduct an event pursuant to the terms and conditions of this section; or
- (I) The event organizer has failed to conduct a previously authorized or exempted special event in accordance with law or the terms of a permit, or both; or

(J) The event organizer has failed to comply with any term of this section, or with any condition of a special event permit previously issued to the event organizer. (Ord. 80-6, Amd. Ord. 95-9, Amd. Ord. 16-02)

Sec. 3980. Appeal of Application Denial. Upon the denial of a Special Event / Outdoor Assemblies permit by the City Manager or his/her designee, the event organizer may submit an appeal to the City Council. The event organizer is required to file the appeal in writing within five (5) business days with the City Clerk. The appeal fee, as set by the Master Fee Schedule and subject to change from time to time, must be paid at the time of the appeal submission. The appeal must address only the reason for denial as made by the City Manager or his/her designee. The appeal will be presented by City staff to the City Council on the next reasonably available City Council meeting agenda. Event organizers who applied for a permit less than ninety (90) days prior to the proposed date of the event do not have the right to an appeal. (Ord. 80-6, Amd. Ord. 95-9, Amd. Ord. 16-02)

Sec. 3981. Specific Regulations for Special Events and Outdoor Assemblies. The following regulations must be complied with in connection with any permit application granted under this Chapter, unless specifically waived by the City Manager or his/her designee:

(A) **Drinking Water:** The event organizer shall provide a potable water supply from a source approved by City staff and/or the 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 City staff and/or the health officer. Water shall be provided for employees and spectators at the following rate per person per day: Employees three and a half (3.5) gallons; spectators one (1.0) gallon.

(B) **Sanitary Facilities:** Adequate sanitary facilities for both sexes, including Americans with Disability Act (ADA) accessible units, 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 an approved system.

(C) **Parking:** The event organizer shall have on the premises or contiguous thereto automobile storage spaces equal to one (1) space for each four (4) persons attending the outdoor assembly, unless the City Manager or his/her designee 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 event organizer 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 Manager or his/her designee.

(D) **Garbage and Refuse Removal:** The event organizer shall demonstrate to the satisfaction of the City Manager or his/her designee that the event organizer 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 (1) trash can (minimum 32 gallons) for every twenty-five (25) persons expected to be in attendance. Approval by the City Manager or his/her designee of the event organizer'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 a.m. and 8:00 a.m., except as to activities occurring within a building, which activities shall not take place between 12:00 a.m. and 7:00 a.m.

(F) Food and Beverage Service: The event organizer may be required to provide food and drink service facilities to adequately feed the number of persons allowed by a permit. In selling, preparing, delivering or serving food or beverages, 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 permit.

(G) Medical Treatment Facilities: The event organizer may be responsible for making adequate plans for medical coverage of performers, employees, participants, customers, and spectators. There may be a need to have at least two (2) licensed medical attendants as approved by the Fire Chief per one thousand (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, may need to be available on site. An adequately protected area shall be set aside for the purpose of medical care if so required for permit approval.

(H) Lighting: Every event organizer 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. An event organizer shall be required to provide sufficient lighting for specific areas on the venue.

(I) Compliance With Zoning Regulations: No permit 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/Plan: The event organizer may be required to employ at its own expense licensed and bonded security personnel as necessary to provide for the adequate security and protection of the attendants at the event and for the preservation of order and protection of property in and around the site of the event. The plan shall include a particular emphasis on the control and prevention of illegal alcoholic and illegal drug consumption. Approval by the Chief of Police of a security plan for the event shall be a prerequisite to the issuance of any permit under this Chapter.

(K) Traffic/Parking Plan: The event organizer may be required to submit a traffic and parking plan that outlines the safe movement of vehicles and pedestrians within and surrounding the venue. City approved "No Parking" signs are to be posted along the streets that are to be closed at least seventy-two (72) hours in advance of the start of the event. After the event, the signs must be removed within twenty-four (24) hours.

(L) Insurance: Before the issuance of a permit, the event organizer shall obtain and maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than One Million Dollars (\$1,000,000) for up to five hundred (500) attendees and with an additional One Million Dollars (\$1,000,000) for every additional five hundred (500) attendees per special event or outdoor assembly for personal injury or death and in the amount of not less than Two Million Dollars (\$2,000,000) for property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted. If alcohol is sold during the special event or outdoor assembly, coverage must include full liquor liability. The City of Grover Beach, its officers, officials, agents, and employees shall be included as additional insureds on the policy. The insurance policy shall remain in full force and effect in the specified amounts for the duration of the permit. 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.

(M) Indemnification: The event organizer shall sign an agreement to indemnify, defend, and hold harmless the City of Grover Beach, its officers, employees, and agents from any and all losses, costs, expenses, claims, liabilities, actions, or damages, including liability for injuries to any person or persons or damage to property arising at any time during and/or arising out of or in any way connected with the special event or outdoor assembly, unless solely caused by the gross negligence or willful misconduct of the City, its officers, employees, or agents.

(N) Fire Protection: The event organizer shall take adequate steps as determined by the Five Cities Fire Authority to ensure appropriate fire protection.

(O) Permit Presentation: The Event Organizer, or his/her designee, shall keep the approved special event / outdoor assembly permit on the venue site and the permit must be presentable upon request to any City officer, official, employees or agents.

(P) Miscellaneous Conditions: The City Manager or his/her designee 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, Amd. Ord. 16-02)

Sec. 3982. Revocation of Permit . The City Manager, Chief of Police, or their respective designee(s), may revoke a permit issued under this Chapter if the event organizer, or any of the event organizer's agent(s) or employee(s) fails, neglects, or refuses to fully comply with any provision or requirement set forth in this Chapter. (Ord. 16-02)

Sec. 3983. Violations. It is unlawful for any person knowingly to do any of the following:

(A) Conduct or operate an outdoor assembly or special event without first obtaining a permit as herein provided;

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

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

(D) Permit any person on the venue property to cause or create a disturbance, in, around, or near the event by obscene or disorderly conduct;

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

(F) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, or other unlawful substances on the venue property. (Ord. 16-02)

Sec. 3984. Issuance of a Special Event Permit Does Not Obligate City Services. (A) Issuance of a special event permit in accordance with this Chapter does not obligate or require the City to provide city services, equipment or personnel in support of an event.

(B) The City Manager or his/her designee may authorize the City to provide city services, equipment, or personnel for commercial special events or outdoor assemblies. The City Manager or his/her designee may make provisions with the event organizer for cost recovery of City services for the event. (Ord. 16-02)

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
(Repealed by Ord. 15-04)

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 or vapors of any pipe, cigar, cigarette, electronic smoking device, or any other lighted smoking product or equipment used for burning any tobacco products, weed, plant or any other combustible substance. (Ord. 12-04; Am. Ord. 16-03)

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)

CHAPTER 18 - COMMERCIAL CANNABIS ACTIVITY

Section 4000.10. Purpose and Intent. (A) It is the primary purpose and intent of this Chapter to establish regulations on the use of cannabis and cannabis products to protect City of Grover Beach's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, nursery, manufacturing, testing laboratories, transportation, delivery, distribution (includes storage) retailers and microbusinesses of cannabis and cannabis-related products in a manner which is responsible and which protects the health, safety, and welfare of the residents of the City of Grover Beach; to enforce rules and regulations consistent with State law. In part to meet these objectives, an annual permit shall be required to own and to operate a Commercial Cannabis Business within the City of Grover Beach as authorized under this ordinance and within the City of Grover Beach Development Code.

(B) Pursuant to Section 7 of Article XI of the California Constitution, the City of Grover Beach is authorized to adopt ordinances that establish standards, requirements, and regulations for local licenses and permits for Commercial Cannabis Activity. Any standards, requirements, and regulations regarding health and safety, testing, laboratory operations and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Grover Beach to Commercial Cannabis Activity. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-05)

Section 4000.20. Definitions. When used in this Chapter, the following words shall have the meanings ascribed to them in this section. Any reference to California statutes includes any regulations established thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) "Accrediting body" means a nonprofit organization that requires conformation to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperative Mutual Recognition Arrangement for Testing.

(B) "Applicant" for purposes of this ordinance means an Owner applying for or renewing a local Commercial Cannabis Permit.

(C) "Branded merchandise" means clothing, hats, pencils, pens, keychains, mugs, water bottles, beverage glasses, notepads, lanyards, cannabis accessories, or other types of merchandise approved by the Bureau with the name or logo of a commercial cannabis business licensed pursuant to the Act. Branded merchandise does not include items containing cannabis or any items that are considered food as defined by Health and Safety Code section 109935.

(D) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the

plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacturing, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "Cannabis" does not mean industrial hemp as that term is defined in Section 11018.5 of the California Health and Safety Code.

(E) "Cannabis accessories" as defined in Health and Safety Code section 11018.2. means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing-compounding, converting, producing, processing, preparing, testing, analyzing, packaging-repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

(F) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible cannabis product is not considered food, as defined by Section 109935 of the California Health and Safety Code, or a drug, as defined by Section 109925 of the California Health and Safety Code.

(G) "Cannabis Product" as used in this Chapter means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, edible, topical or other product containing cannabis or concentrate cannabis and other ingredients.

(H) "Certificate of Accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state and permitted by the City.

(I) "Commercial Cannabis Activity" or "Commercial Cannabis Use" includes cultivation, nursery, possession, manufacture (Level one and two), processing, storing, laboratory testing, labeling, retailers and microbusinesses including wholesale and retail sale of cannabis or a cannabis product, distribution, transportation and approved licenses enumerated and defined within Division 10. Chapter 1 (commencing with Section 26000) of the California Business and Professions Code, and ultimately issued a "A-Type" or "M-Type" license consistent with Section 26050 (b) of the California Business and Professions Code, as amended.

(J) "Commercial Cannabis Business" means any business or operation which engages in Commercial Cannabis Activity.

(K) "Commercial Cannabis Permit or Permit" means a permit issued by the City of Grover Beach pursuant to this Chapter to a Commercial Cannabis Business that authorizes a Person to conduct Commercial Cannabis Activity within the City.

(L) "Cultivation" means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(M) "Cultivation site" means a facility where cannabis is propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, that holds a valid state license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

(N) "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer.

(O) "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a licensed retailer (State license Type 10) or a microbusiness with a retail use. (State license type 12).

(P) "Distribution" means the procurement, sale, and transport of cannabis or cannabis products between entities licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act or as amended.

(Q) "Distributor" means a Person licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed retailer or microbusiness.

(R) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(S) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

(T) "Good Cause" for purposes of refusing or denying an initial application for a Commercial Cannabis Permit, for revoking a Commercial Cannabis Permit, or for refusing or denying renewal or reinstatement of a Permit, or for Rating Applicants for purposes of issuance of a Permit means:

(1) The Applicant has violated any of the terms, conditions or provisions of this Chapter, of State Law, or any regulations and rules established pursuant to State Law, any applicable rules and regulations, or any special terms or conditions placed upon its Use Permit, State License or Local Permit;

(2) Failure to provide information required by the City of Grover Beach;

(3) The Permitted Premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is located;

(4) The Applicant has knowingly made false or misleading statements, misrepresentations or material omissions as part of an interview process, on an application form to request issuance of a Permit or renewal form, or any other document submitted to the City;

(5) The Commercial Cannabis Business is not created, organized or operated in strict compliance with all applicable laws and regulations;

(6) The Applicant fails to meet the requirements of this Chapter, or the conditions of the Use Permit;

(7) The operation of the proposed Commercial Cannabis Business at the proposed location is prohibited by a state or local law or regulation;

(8) The Council has found consistent with Section 4000.160 that the Applicant's criminal history reflects a conviction of an offense that is substantially related to the qualifications, functions or duties of the business or profession for which the application is made and has found the Applicant is not suitable for issuance of a Permit;

(9) The Applicant was found to have a felony or misdemeanor conviction involving fraud, deceit, embezzlement, dishonesty, violent behavior, moral turpitude or committed crimes serving as a basis for denial of a Permit consistent with Section 4000.160. A conviction within the meaning of this section means a plea or a guilty verdict, a conviction or diversion following a plea of nolo contendere or a conviction later expunged by the court;

(10) The Applicant was found to have a felony or misdemeanor conviction for hiring, employing, or using a minor in transportation, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

(11) The Applicant was found to have a felony or misdemeanor conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety code.

(12) The Applicant is employing or being financed in whole or in part by any Person whose criminal history indicates that Person would not be issued a Permit consistent with Section 4000.160 of this Chapter;

(13) The Applicant or his/her employees fail to allow inspection of the business facilities, security recordings, activity logs, or business records of the Permitted Premise by City Officials;

(14) The Applicant's business is owned by, or has an officer or director who is a licensed physician making recommendations for Medical Cannabis;

(15) The Applicant has had a local Permit or State Cannabis License revoked or has had more than one suspension on its local Permit by the City; or

(16) The Applicant operated a Commercial Cannabis Business in violation of Section 4000.40 of this Chapter;

(17) The Applicant or the operator listed in the application is less than twenty-one (21) years of age.

(U) "Greenhouse" means a structure with walls and roof made primarily of transparent material, such as glass, in which plants requiring regulated climatic conditions are grown.

(V) "License" means the issuing of a license by the State of California, or one of its departments or divisions, under the Medicinal and Adult-Use Cannabis Regulation and Safety Act to engage in Commercial Cannabis Activity.

(W) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.

(X) "Manufacturer" means a Person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, that holds a valid state license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

(Y) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.

(Z) "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a Person issued a license by the State of California, or one of its departments or divisions, for these activities.

(AA) "Medical cannabis", "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time-to-time). For purposes of this Chapter, "medical cannabis" does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(BB) "Microbusiness" (State license Type 12) shall mean a use for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under state and local law, or any combination of at least three (3) uses listed herein provided such licensee can demonstrate compliance with all requirements imposed by the Medicinal and Adult-Use Cannabis Regulation and Safety Act on licensed cultivators, distributors Level 1 manufacturers. and retailers to the extent the licensee engages in such activities.

(CC) "Mixed-Light Building" shall mean the cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.

(DD) "Moral Turpitude," crimes are defined as acts of baseness, vileness or depravity in the private and social duties, they are contrary to the accepted and customary rule of moral, right and duty between people. Crimes involving moral turpitude require the criminal intent of the offender to cause great bodily injury, defraud, deceive, deprive an owner of property, or to act in a lewd manner or recklessness.

(EE) "Nursery" means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

(FF) "Owner" means any of the following:

(1) Owner or owners of a proposed facility, includes all Persons or entities having ownership interest of 5 percent or more, other than a security interest, lien, or encumbrance on property that will be used by the facility.

(2) If the owner is an entity, "owner" includes within the entity each Person participating in the direction, control, or management of, or having a financial interest in the proposed facility.

(3) If the applicant is a publicly traded company, "owner" means the chief executive officer or any Person or entity with an aggregate ownership interest of 5 percent or more.

(4) Owner will also include any consultants, agents, or contractors hired for the purpose of assisting in the preparation and submittal of an application for a Commercial Cannabis Permit or in the operations and management of a Commercial Cannabis Business.

(GG) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(HH) "Promotional materials" means any form, letter, circular, pamphlet, publication, or other written material directed to a customer or prospective customer to induce retail sales. Promotional material does not include permitted signs, displays, decorations, cannabis accessories, or cannabis goods furnished by a licensed cultivator, licensed manufacturer, licensed distributor, licensed microbusiness, or licensed cannabis event organizer to a retail licensee for advertising purposes. Promotional materials shall have no intrinsic or secondary value.

(II) "Rating" means a process wherein the City Council considers numerous applications for a Commercial Cannabis Permit that are greater than the number of permits allocated or authorized by ordinance. The City will implement a process as established by Council wherein they rate the applicants based upon information submitted by the applicant, criminal history defined as a component of Good Cause, and oral interviews. Staff will rate the applicants and submit recommendations to Council for consideration. Council may use their sole discretion in using the information submitted by staff or other factors in considering issuance of permits when the applications are greater in number than the number of allowable permits by ordinance. Wherein a total number of Commercial Cannabis Permits are established by ordinance, nothing in this section nor in Section 4.10.045 of the Grover Beach Municipal Code obligates the Council to issue the total number of authorized permits. Council at their discretion may issue any number of permits up to the maximum number of permits authorized by ordinance.

(JJ) "Retailer" (State license Type 10) means a use for the retail sale and delivery of cannabis or cannabis products to customers. This use is for operations within a fixed location and may consist of a facility open to the general public or may be for delivery only with a facility.

(KK) "Stacking" means the practice of growing marijuana plants on platforms or tables and stacking them in multiple layers on top of each other.

(LL) "State License" or "license" means a state license issued pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

(MM) "Testing Laboratory" means a facility, entity, or site in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Holds a valid Certificate of Accreditation by an Accrediting Body that is independent from all other Persons involved in the cannabis industry in the state.

(2) Registered with the State Department of Public Health.

(NN) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.

(OO) "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting Commercial Cannabis Activity authorized by the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

(PP) "Transporter" means a Person issued a state license by the State of California, or one of its departments or divisions, to transport cannabis or cannabis products in an amount above a threshold determined by the State of California, or one of its departments or divisions, that have been issued a State license pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-03; Am. Ord. 18-05; Am. Ord. 19-06)

Section 4000.30. Cannabis Activity prohibited in any zone other than authorized in Chapter 4 of Article IX of the Grover Beach Municipal Code and personal possession and cultivation. (A) Notwithstanding anything to the contrary contained in the Grover Beach City Municipal Code, Commercial Cannabis Activity shall not be a permitted use in any zone of the city other than authorized in Chapter 4 of Article IX of the Grover Beach Municipal Code. Further notwithstanding anything contrary contained in the Grover Beach Municipal Code, a violation of this Chapter and/or any provision thereof shall not be subject to criminal penalties but may only be enforced by civil and or administrative proceedings.

(B) Notwithstanding subsection (a) above, this section shall not be intended to preclude or limit personal possession or use of six living marijuana plants and possession of the marijuana produced by the plants consistent with paragraph (3) of subdivision (a) of Health and Safety Code Section 11362.1. Moreover, in accordance with Health and Safety Code section 11362.2, not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time. The limitation of six living plants per residence is a maximum number of plants allowed at any residence no matter how many Persons reside within that residence. No person owning, leasing, occupying or having charge or possession of any premises within a residential zone or used for residential purposes shall cause, allow or permit the indoor cultivation for personal use of cannabis on the premises, unless it is conducted in accordance with the following provisions:

(1) All cultivation of cannabis must take place within a single room of a residential structure or within a detached accessory building wherein the City has issued a building permit for construction of the building. No cultivation of cannabis shall be allowed within a garage of a residential structure.

(2) Indoor grow lighting system must not exceed 3,800 watts; be shielded to confine light and glare to the interior of the structure; and complies with the City's Building and Fire Code.

(3) Odors shall not be detectable from adjacent properties, residences, or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, patios, balconies, or any other areas available for use by common tenants, or the visiting public, or within any other residential unit.

(4) Cannabis cultivation must be concealed from public view at all stages of growth and there shall be no exterior evidence of cultivation occurring at the premises from a public right-of-way or from an adjacent parcel.

(5) The cannabis cultivation must not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; or be hazardous due to the use or storage of materials, processes, products or wastes.

(6) Cannabis cultivation areas, inside a residence, must be kept locked when not occupied.
(Ord. 17-06; Am. Ord. 18-05)

Section 4000.40. Licenses and Permits. (A) In addition to the requirements which may be imposed pursuant to this Chapter, no Person shall engage in Commercial Cannabis Activity or open or operate a Commercial Cannabis Business without possessing both a Commercial Cannabis Permit issued by the City Manager and a license issued by the State of California or one of its departments or divisions. Commercial Cannabis Activity shall be permitted in the City of Grover Beach only as expressly provided in this Chapter and Article IX and if not expressly permitted by this Chapter and Article IX shall be prohibited.

(1) An application for a Commercial Cannabis Business permit shall be consistent with this chapter, section and regulations adopted by Council. Each Commercial Cannabis Business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance unless otherwise defined on the Permit.

(2) In the event of an application for renewal of a Commercial Cannabis Permit, it shall be filed prior to the expiration date of the permit with the City Manager or his/her designee. The permit's term will be extended until such time the City takes action.

(3) An application for renewal of a Commercial Cannabis Permit shall be rejected if any of the following exists:

(a) The Commercial Cannabis Permit is suspended or revoked at the time of the application.

(b) The City Manager finds Good Cause to reject the permit as defined with the application process resolution approved by Council.

(c) Any other Commercial Cannabis Permit held by the applicant is suspended or revoked at the time of the application for the subject Permit being considered by the City.

(d) The Commercial Cannabis Business has not been in regular and continuous operation in the four (4) months prior to the renewal application.

(e) The Commercial Cannabis Business fails to conform to the requirements of this Chapter, any regulations adopted pursuant to this Chapter or the conditions imposed as part of any Use Permit or zoning requirements.

(f) The permittee fails to renew its State of California license.

(4) If a renewal application is rejected for reasons other than Good Cause, a Person may file a new application pursuant to this Chapter.

(B) Prior to commencing operation, a Commercial Cannabis Business shall be subject to a mandatory building inspection and must obtain all required permits or approvals which would otherwise be required including, but not limited to, a Commercial Cannabis Permit, building permit(s), and a valid Use Permit, required by the Grover Beach Municipal Code.

(C) Revocation, termination, non-issuance or suspension of a license issued by the State of California, or any of its departments or divisions, shall immediately terminate the ability of a Cannabis Business to operate within the City of Grover Beach until the State of California, or its respective department or division, reinstates or issues the State license.

(D) Any Person prior to possessing, planting, cultivating, harvesting, drying or processing marijuana plants or possessing the marijuana produced from those plants consistent with paragraph (3) of subdivision (a) of Health and Safety Code Section 11362.1, shall contact the City of Grover Beach Police Department and Register consistent with the procedures established by the Department. There shall be a processing fee as established in the City of Grover Beach's Master Fee Schedule. (Ord. 17-06; Am. Ord. 18-03; Am. Ord. 18-05; Am. Ord. 19-06)

Section 4000.50. Security Measures. The City Chief of Police or his/her designee is authorized to establish all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to Commercial Cannabis Businesses including, but not limited to, the following subjects:

(A) A permitted Commercial Cannabis Business shall implement security measures to both deter and to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee, these security measures shall include, but shall not be limited to, all of the following:

(1) All public access to the facility must be through a secured single point of entry. Entry into a facility with a M-Type State license from the outside must be completed through a secured vestibule area that is designed to allow for identification confirmation prior to entry into the main lobby area.

(2) Preventing Persons from remaining on the premises of the Commercial Cannabis Business if they are not engaging in the activity expressly related to the operations of the Commercial Cannabis Business.

(3) Establishing limited access areas accessible only to authorized Commercial Cannabis Business personnel.

(4) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, except for limited amounts of cannabis used for display purposes or immediate sale at a retailer or microbusiness with a retail use. All cannabis and cannabis products, including live plants which are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(5) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from a secure area and to monitor all interior spaces within the Commercial Cannabis Business which are open and accessible to the public. The security surveillance cameras shall be remotely accessible to the Grover Beach Police Department and shall be compatible with the Grover Beach Police Department's software and hardware and remote real-time, live access to the video footage from the cameras shall be provided to the Grover Beach Police Department. Video recordings shall be maintained by the business for a minimum of ninety (90) days.

- (6) Sensors shall be installed to detect entry and exit from all secure areas.
- (7) Panic buttons shall be installed in all Commercial Cannabis Businesses.
- (8) Having a professionally installed, maintained, and monitored alarm system.
- (9) Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed on the interior or exterior of the building if allowed by the California Building Code.
- (10) All Security personnel, whether employed by the Commercial Cannabis Business or contracted by the Commercial Cannabis Business, shall be subject to the prior review and approval of the Chief of Police or his/her designee.

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(11) Each Commercial Cannabis Business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(12) All deliveries of cannabis products shall be made within an enclosed area not open to the public.

(B) Each Commercial Cannabis Business shall identify a liaison to the Grover Beach Police Department who shall be reasonably available to meet with the Chief of Police or his designees regarding security measures and operational issues.

(C) As part of the application and permitting process, each Commercial Cannabis Business shall have a transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency.

(D) A Commercial Cannabis Business shall notify the Chief of Police or his/her designee within twenty-four (24) hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations established by the Chief of Police or his/her designee.

(2) Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.

(3) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the Commercial Cannabis Business.

(4) Any other breach of security. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-05)

Section 4000.60. Employees; Employee Work Permits; Identification. (A) Work permit required. Any Person who is an employee or who otherwise works or volunteers within a Commercial Cannabis Business must obtain a work permit from the City Manager or his/her designee. The City Manager or his/her designee is hereby authorized to establish all regulations necessary to implement the work permit process contemplated in this section including, but not limited to, the reasons for denial of a work permit to any Person. A work permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Applications for work permits shall be submitted under oath and shall contain a statement of the past criminal record, if any, of the applicant and such information as may be deemed necessary by the City Manager or his/her designee to determine whether the applicant is a Person to be issued a work permit. The Applicant will be required to submit to Live Scan fingerprinting and a photograph for the purpose of the City performing a background investigation and issuance of a Work Permit. In the event a Person changes employment from one Commercial Cannabis Business within the city to another, the work permit holder shall notify Chief of Police or his/her designee(s) in writing of the change of employment within ten (10) days of such change or the work permit shall be suspended or revoked and such Person shall not be permitted to work within any Commercial Cannabis Business within the City.

(B) Identification. Each Person to whom a personal identification card is issued shall wear his or her card, issued by the City of Grover Beach, at a prominent and readily-visible location on the outermost garment. Such identification card shall at all times be in good and readable condition. In the event a personal identification card is lost or stolen, the City shall be notified within twenty-four (24) hours of when the Person owning the card realized it was missing. The issuance of a personal identification card shall constitute for purposes of this section a work permit.

(C) Employee Records. Each owner or operator of a Commercial Cannabis Business shall maintain on-site a current register of all the employees currently employed by the Commercial Cannabis Business and shall produce such register to the Chief of Police or his/her designee or any other City of Grover Beach official authorized to enforce the Grover Beach Municipal Code for purposes of determining compliance with this Chapter.

(D) Fees. Each application for a work permit and renewal of an existing work permit shall be accompanied by a fee set by resolution of the City Council and shall be valid for a period of twelve (12) months from the date of issuance, unless terminated, suspended, or revoked sooner. The fee is non-refundable and shall not be returned in the event the work permit is denied, revoked, or suspended. (Ord. 17-06)

Section 4000.70. Right to Occupy and to Use Property. As a condition precedent to the City's issuance of a Commercial Cannabis Permit pursuant to this Chapter, any Person intending to open and to operate a Commercial Cannabis Business shall provide evidence of the legal right to occupy and to use the proposed location. In the event the proposed location is leased from another Person, the applicant for a permit under this Chapter shall provide a signed and notarized statement from the owner of the property to demonstrate the property owner has acknowledged and has consented to the operation of a Commercial Cannabis Business on the property. Evidence of lawful possession consists of properly executed deeds of trust, leases, evidence of ownership of the premises, or other written documents acceptable to the City Manager. (Ord. 17-06)

Section 4000.80. Location of Commercial Cannabis Business. (A) Commercial Cannabis Businesses shall be required to comply with all zoning, land use, and development regulations applicable to the underlying zone in which they are permitted to establish and operate as set forth in Article IX, Development Code of the Grover Beach Municipal Code. (Ord. 17-06)

Section 4000.90. Restriction on Alcohol Sales. No Person shall cause or permit the sale or retail dispensing of alcoholic beverages on or about the premises of any Commercial Cannabis Business. No Commercial Cannabis Business may operate as a licensed retailer of alcohol. (Ord. 17-06)

Section 4000.100. Concurrent Regulation with State. It is the stated intent of this Chapter to regulate Commercial Cannabis Activity in the City of Grover Beach concurrently with the State of California. (Ord. 17-06)

Section 4000.110. Compliance with Laws. It is the responsibility of the owners and operators of the Commercial Cannabis Business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws and any regulations established thereunder. Nothing in this Chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a Commercial Cannabis Business. It shall be the responsibility of the owners and the operators of the Commercial Cannabis Business to ensure that the Commercial Cannabis Business is, at all times, operating in a manner compliant with all applicable state and local laws, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or

requirements which may be imposed as conditions of approval of the Commercial Cannabis Permit. Nothing in this Chapter shall be construed as authorizing any actions which violate State law with regard to the operation of a Commercial Cannabis Business. (Ord. 17-06)

Section 4000.120. Inspection and Enforcement. (A) The Chief of Police or his/her designee and any other City of Grover Beach official charged with enforcing the provisions of the City of Grover Beach Municipal Code, or any provision thereof, may enter the location of a Commercial Cannabis Business at any time during the hours of operation without notice and inspect the location of any Commercial Cannabis Business as well as the recordings and records maintained pursuant to this Chapter or the applicable provisions of State law.

(B) It is unlawful for any Person having any responsibility over the operation of a Commercial Cannabis Business to refuse to allow, impede, obstruct, or interfere with an inspection, or the review of the copying of records and monitoring (including recordings) including, but not limited to, the concealment, destruction, and falsification of any recordings or records.

(C) The Chief of Police or his/her designee or any other Person charged with enforcing the provisions of this Chapter may enter the location of a Commercial Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for law enforcement and/or public safety purposes. Any samples obtained by the City of Grover Beach shall be logged, recorded, and maintained in accordance with City of Grover Beach Police Department standards for evidence. At all other times, the Chief of Police or his/her designee may enter the location of a Commercial Cannabis Business to obtain samples of cannabis upon reasonable notice. (Ord. 17-06)

Section 4000.130. Fees and Charges. (A) No Person may commence or continue any Commercial Cannabis Activity in the City of Grover Beach without timely paying in full all fees and charges associated with the operation of a Commercial Cannabis Activity. Fees and charges associated with the operation of a Commercial Cannabis Activity shall be established by resolution of the City Council and contained within the City's Master Fee Schedule.

(B) All Commercial Cannabis Businesses operating pursuant to this Chapter shall pay any and all applicable sales, use, business or other taxes, and all license, registration, or other fees pursuant to federal, state, and local law. (Ord. 17-06)

Section 4000.140. Violation and Enforcement. (A) Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

(B) Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Grover Beach Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Grover Beach may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the Commercial Cannabis Activity or Persons related thereto, or associated with, the Commercial Cannabis Activity. Additionally, when the Chief of Police or his/her designee determines there is an imminent threat to public health, safety or welfare, the Commercial Cannabis Permit,

issued by the City of Grover Beach pursuant to this Chapter, shall immediately become suspended, pending an administrative hearing pursuant to GBMC Chapter 4 of Article I.

(C) Notwithstanding an initial verification of compliance by the Commercial Cannabis Activity with the provisions of this Chapter, any Commercial Cannabis Business later found to be in violation of any of the requirements of this Chapter at any time is subject to the enforcement provisions provided in this section.

(D) The remedies provided herein are not to be construed as exclusive remedies and in the event of a violation the City may pursue any proceedings or remedies otherwise provided by law. (Ord. 17-06)

Section 4000.150. Limitations on City's Liability. To the fullest extent permitted by law, the City of Grover Beach shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Permit pursuant to this Chapter or otherwise approving the operation of any Commercial Cannabis Business pursuant to this Chapter. As a condition of approval of any Commercial Cannabis Permit issued pursuant to this Chapter, the Person to which a Commercial Cannabis Permit is issued shall be required to meet all of the following conditions:

(A) Execute an agreement indemnifying, defending (at its sole cost and expense), and holding the City of Grover Beach and its officers, employees, attorneys, representatives, and agents harmless from any and all claims, losses, damages, injuries, or liabilities associated with the permitting or approving the operation of a Commercial Cannabis Activity or the operation thereof or associated with the Commercial Cannabis Business or its members' violation of any federal, state or local laws.

(B) Maintain insurance at coverages, limits, and with conditions thereon determined necessary by the City Attorney and City's Administrative Services Director.

(C) Reimburse the City of Grover Beach for any and all costs and expenses, including attorney fees and costs and court costs that the City of Grover Beach may be required to pay as a result of any legal challenge related to the City's approval of a Commercial Cannabis Permit pursuant to this Chapter or the City of Grover Beach's approval of the operation of a Commercial Cannabis Activity. The City of Grover Beach may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the obligations imposed under this section. (Ord. 17-06)

Section 4000.160. Commercial Cannabis Permit Application Procedures and Application Requirements. Permittee Selection Process; Criteria for Review; Renewal, Suspension, or Revocation of a Permit: In addition to those requirements set forth in this section and elsewhere in this Chapter, the City Council shall by resolution or ordinance adopt such forms, fees, and procedures as are necessary to implement this Chapter with respect to the initial selection, future selection, investigation process, renewal, rating of applicants, revocation, and suspension of Commercial Cannabis Permits.

(A) At a minimum, the application shall contain the following requirements:

(1) The printed full name, signature, date of birth and present address and telephone number of all Persons and entities responsible for the operation of the Commercial Cannabis Business including managers, corporate officers, investors, any Person with an ownership interest, any member of a board of directors, any general or limited partner, and/or any member of a decision-making body for the Commercial Cannabis Business.

(2) The address to which correspondence from the City of Grover Beach is to be sent.

(3) The names and addresses of all businesses operated by and the employment of the applicant(s) for the five (5) years immediately preceding the date of the application.

(4) Any litigation in which the applicant(s) has been involved within the five (5) years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five (5) years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five (5) years immediately preceding the date of the application.

(5) The address of any Commercial Cannabis Business currently being operated by the applicant(s), or any of them, or which have been previously operated by them within the last five (5) years.

(6) The names and telephone numbers of the Person(s) to be regularly engaged in the operation of the proposed Commercial Cannabis Business, whether an employee, volunteer or contractor. The application shall also have the names and telephone numbers of those Persons having management and supervisory responsibilities for the proposed Commercial Cannabis Business.

(7) Odor control devices and techniques to prevent odors from marijuana from being detectable off-site.

(8) Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated or excess cannabis product.

(9) Procedures for inventory control to prevent diversion of cannabis and cannabis product, employee screening, storage of cannabis and cannabis product, personnel policies, and record-keeping procedures.

(10) A detail of the procedures to be utilized at the facility including a description of how chemicals and fertilizers will be stored, handled, used and disposed of; manufacturing methods, the transportation process, inventory procedures, and quality control procedures.

(11) A site plan and floor plan of the Commercial Cannabis Business denoting the property lines and the layout of all areas of the Commercial Cannabis Business including storage, cultivation, manufacturing, testing, distributing, reception/waiting, and all ancillary support spaces, and the relationship of the facility to adjacent properties and land uses.

(12) An operations and security plan in conformance with Section 4000.50.

(13) Standard operating procedures detailing how operations will comply with state and local regulations, how safety and quality of products will be ensured, record-keeping procedures for financing, testing, and adverse event recording, and product recall procedures.

(14) Proposed hours of operation.

(15) Recycling and Waste disposal information.

(16) Medical recommendation verification and youth access restriction procedures.

(17) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

(18) Detailed description of energy and water usage plan enumerating best practices and leading industry practices in efficient utilization of both resources.

(B) The City Manager may deny an application for a Commercial Cannabis Permit for Good Cause or if the applicant has been convicted of an offense that is substantially related to the qualifications, functions or duties of the business or profession for which the application is made, except that if the City Manager determines that the applicant is otherwise suitable to be issued a permit and granting the permit would not compromise public safety, the City Manager may conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the City Manager will include, but not be limited to, the following:

(1) A felony or misdemeanor conviction for the illegal use, possession, distribution, manufacture, transportation, cultivation or similar activity related to a controlled substance as defined in the Federal Controlled Substances Act.

(2) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(3) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(C) The Chief of Police or his/her designee shall review each application to determine whether it contains all the required information. If the application does not contain all of the required information, it shall be returned to the applicant for completion. The Chief of Police or his/her designee will endeavor to conclude their review within thirty (30) days of the filing of the application. If additional time is necessary, the Chief of Police or his/her designee will advise the applicant of an estimated review time.

(D) In reviewing an application for a permit pursuant to this Chapter or in reviewing the proposed Commercial Cannabis Business, the Chief of Police or his/her designee may request whatever additional information is deemed necessary to carry out the purposes of this Chapter.

(E) The City Manager shall have the authority to either grant or deny the application consistent with this Chapter 18 for a Commercial Cannabis Permit when a Use Permit has been issued in accordance with Article IX of the Municipal Code. The City Manager, when approving a Commercial Cannabis Permit, may place any additional limitations and conditions on the operation of a Commercial Cannabis Business the City Manager deems necessary, consistent with the public interest and with this Chapter 18.

(F) When a Permit is approved or denied, the City Manager shall prepare and file a statement of decision giving the reasons for the approval or denial and the findings of fact upon which the decision is based. The City Clerk shall mail a copy of the statement of decision to the applicant upon filing and shall post the statement of decision on the City's Website. In the event the City Manager shall review and approve or deny the Permit, the applicant or any aggrieved person may within ten (10) days of the mailing of written notice of the filing of the statement of decision or posting of the statement of decision, whichever is later, appeal the decision to the City Council. All appeals shall be in writing and submitted to the City Clerk. An appeal fee must accompany the written appeal in an amount as indicated in the Master Fee Schedule. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-05; Am. Ord. 19-06)

Section 4000.170. Records and Reporting. (A) Subject to the Health Insurance Portability and Accountability Act (HIPAA) regulations, each Commercial Cannabis Business shall allow City of Grover Beach officials to have access to the Commercial Cannabis Business's books, records, accounts, and any and all data relevant to its permitted activities for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data will be produced no later than twenty-four (24) hours after receipt of the City's request or within a reasonable time as authorized in writing by the City.

(B) Each Commercial Cannabis Business shall file with the Chief of Police or his/her designee an audit of its financial operations for the previous year of operation, complete and certified by an independent certified public accountant in accordance with generally accepted auditing and accounting principles. Each Owner and/or operator of a Commercial Cannabis Business shall annually file the audit of its financial operations on the anniversary of the first day of its operations after the initial issuance of a Commercial Cannabis Permit. The audit shall include but not be limited to a discussion, analysis, and verification of each of the records required to be maintained pursuant to this Chapter. The information contained in the audit shall be made available in standard electronic format which shall be compatible with Microsoft Office programs and software and which can easily be imported into either Excel, Access or any other contemporary software designated by the Chief of Police.

(C) All Commercial Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until sold or distributed.

(D) Each owner and/or operator of a Commercial Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of all employees currently employed by the Commercial Cannabis Business and shall disclose such register to any City of Grover Beach official upon request.

All records required by this Chapter shall be maintained by the Commercial Cannabis Business for a period of not less than seven (7) years and shall otherwise keep accurate records of all Commercial Cannabis Business activity and provide such records for inspection consistent with state law and any additional rules established by state licensing authorities or the City Council by resolution or ordinance. (Ord. 17-06; Am. Ord. 17-10)

Section 4000.180. Prohibition on Transfer of Commercial Cannabis Permits. (A) No Person shall operate a Commercial Cannabis Business under a Commercial Cannabis Permit issued pursuant to this Chapter at any place or location other than that identified on the permit.

(B) No Person shall transfer ownership or control of a Commercial Cannabis Permit issued pursuant to this Chapter unless and until that Person first obtains the consent of the City Manager or his/her designee and the proposed transferee submits all required application materials and pays all applicable fees and charges and independently meets the requirements of this Chapter such as to be entitled to the issuance of an original Commercial Cannabis Permit pursuant to this Chapter.

(C) Any attempt to transfer or any transfer of a Commercial Cannabis Permit issued pursuant to this Chapter is hereby declared void and the Commercial Cannabis Permit deemed immediately revoked and no longer of any force or effect.

(D) The Chief of Police or their designee(s) shall be notified within five (5) calendar days when an employee terminates employment with a licensee and the employee identification badge shall be surrendered to the Police Department at this time. (Ord. 17-06)

Section 4000.190. Packaging and Labelling. Prior to the sale or the delivery of any edible cannabis or edible cannabis product the same shall be labelled and in tamper-evident packaging which at least meets the requirements of California Business and Professions Code sections 26120 et seq. and similar state statutes, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of California. The City Council may impose additional packaging and labelling requirements on cannabis or cannabis products by resolution. (Ord. 17-06; Am. Ord. 17-10)

Section 4000.200. Operating Requirements for All Commercial Cannabis Uses. In addition to those operating requirements specifically set forth elsewhere in this Chapter and except as may otherwise be expressly set forth in this Chapter, the following operating requirements shall apply to all Commercial Cannabis Businesses operating in the City of Grover Beach.

(A) Restriction on Consumption. Cannabis shall not be consumed on the premises of any Commercial Cannabis Businesses unless medically necessary or elsewhere in the City of Grover Beach other than within private residences.

(B) No cannabis or cannabis products shall be visible from the exterior of the property or building. No outdoor storage of cannabis or cannabis products is permitted at any time.

(C) Reporting and Tracking of Product and of Gross Sales. Each Commercial Cannabis Business shall have in place a point-of-sale tracking system to track and to report on all aspects of the Commercial Cannabis Business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City of Grover Beach. All information provided to the City pursuant to this subsection shall be confidential and shall not be disclosed, except as may otherwise be required under law.

(D) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(E) Sale of Cannabis Accessories and Non-Cannabis Goods. In addition to cannabis goods, a licensed retailer may display and sell cannabis accessories and the licensee's branded merchandise inside their retail space. The licensee may provide promotional materials to customers or prospective customers. The licensee shall not sell branded merchandise until receiving written approval from the Bureau of Cannabis Control and the City.

(F) Emergency Contact. Each Commercial Cannabis Business shall provide the City Chief of Police or his/her designee with the name, telephone number (mobile preferred, if available) of an on-site employee or owner to whom emergency notice can be provided.

(G) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Commercial Cannabis Business shall conform to the requirements of Article IX of the Grover Beach Municipal Code, including, but not limited to, an issuance of a City of Grover Beach sign permit.

(2) No signs placed on the premises of a Commercial Cannabis Business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a Commercial Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Commercial Cannabis Business is prohibited.

(H) Minors. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a Commercial Cannabis Business and shall not be allowed to purchase any Cannabis or Cannabis Concentrate products, except anyone under twenty-one (21) years of age but at least eighteen (18) years of age or older shall only be allowed within a Commercial Cannabis Business if the business holds a state issued M-Type license and entry is authorized in accordance with the Medicinal and Adult Use Cannabis Regulation and Safety Act.

It shall be unlawful and a violation of this Chapter for any Person to employ any other Person at a Commercial Cannabis Business who is not at least twenty-one (21) years of age.

The entrance to the Commercial Cannabis Business shall be clearly and legibly posted with a notice that no Person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the Commercial Cannabis Business unless the Commercial Cannabis Business is a M-Type license issued by the state wherein it shall be posted that no Person under the age of eighteen (18) is permitted to enter upon the premises. Persons 18, but under 21, must be in possession of a valid medical marijuana identification card or valid doctor's recommendation.

(I) Odor Control. Odor control devices and techniques shall be incorporated in all Commercial Cannabis Businesses and apply to personal growth, cultivation or processing of marijuana, to the extent necessary, to ensure that odors from marijuana are not detectable offsite. Commercial Cannabis Businesses shall provide an odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Business. As such, Commercial Cannabis Businesses must install and maintain the following equipment or any other equipment which the Chief of Police or his designee determines has the same or better effectiveness:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the Commercial Cannabis Business's interior and exterior so that the odors generated inside the Commercial Cannabis Business are not detectable on the outside of the Commercial Cannabis Business.

(J) Display of Commercial Cannabis Permit. The original copy of the permit issued by the City of Grover Beach pursuant to this Chapter shall be posted inside the Commercial Cannabis Business in a location readily-visible to the public.

(K) Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every Person listed as an owner, manager, supervisor, employee or volunteer, of the Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the Chief of Police or his/her designee(s) for a background check by the Grover Beach Police Department. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record, no Person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the Chief of Police, as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Grover Beach to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a Commercial Cannabis Business permit is submitted. If this amount is not sufficient, the applicant shall provide additional amounts that are necessary and if the applicant is unable to provide the additional amounts necessary to complete the investigation, the investigation shall cease and shall not continue until such additional amounts are paid. Upon completion of the investigation or in the event the applicant withdraws their application, any fees paid for this process will be deemed non-refundable.

(L) Loitering. The owner and/or operator of a Commercial Cannabis Business shall prevent Persons from remaining on the premises of the facility or business if they are not engaged in activity expressly related to the operations of the business.

(M) Permits and other Approvals. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the Person intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zone in which such Commercial Cannabis Business intends to establish and to operate.

(N) Each Commercial Cannabis Business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the Commercial Cannabis Business can be provided. Each Commercial Cannabis Business shall also provide the above information to all businesses and residences located within one hundred (100) feet of the Commercial Cannabis Business as measured from the property line.

(O) Deliveries. All deliveries of cannabis products shall be conducted in a secured delivery environment as outlined in Article IX, Chapter 4, Section 4.10.045(5). Deliveries of non-cannabis products may be conducted in normal shipping and receiving areas. (Ord. 17-06; Am. Ord. 18-03; Am. Ord. 18-05; Am. Ord., 19-06)

Section 4000.210. Operation Requirements for Cultivation, Manufacture, Waste, and Storage Requirements. (A) Any Person issued a permit pursuant to this Chapter must follow all pesticide use requirements of local, state and federal law. The City may inspect the Commercial Cannabis Business at any time during business hours to ensure compliance with this Section.

(B) All weighing devices must be maintained in compliance with local, state or federal law and comply with applicable regulations regarding device registration with the Agricultural Commissioner.

(C) Any Person issued a permit pursuant to this Chapter must follow all local, state and federal requirements for solid waste and hazardous waste disposal. The City may inspect the Commercial Cannabis Business at any time during business hours to ensure compliance with this Section.

(D) In no case shall any hazardous, flammable, or explosive substances be used to process or manufacture cannabis products on site other than approved by this Chapter. The City of Grover Beach may inspect the Commercial Cannabis Business at any time during business hours to ensure compliance with this Section.

(E) Stacking shall be allowed in a given structure but only to the point that measuring the total canopy of each level of stacking is cumulatively no greater than the maximum canopy size allowed under state licensing. (Ord. 17-06; Am. Ord. 17-10)

Section 4000.220. Operating Requirements for Cultivation and Nurseries. (A) Outdoor Cultivation and Nursery Activity Prohibited. All outdoor cultivation and nursery activity is prohibited. The use of greenhouses will be prohibited in all zones of the City.

(B) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(C) If a parcel or lot includes cultivation or nursery activities, the parcel or lot may have only one cultivation license or nursery license located on the parcel or lot and the cultivation and nursery activity must be permitted pursuant to this Chapter and state law.

(D) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents, or other wildlife.

(E) In no case shall any hazardous, flammable or explosive substances be used to process or manufacture cannabis products on site unless approved by resolution of the City Council.

(F) The cultivation of cannabis and any nursery activity shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the Commercial Cannabis Business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; and to ensure the security of the cannabis being cultivated.

(G) All applicants for a cannabis cultivation or nursery permit shall submit the following in addition to the information generally otherwise required for a Commercial Cannabis Business:

(1) An operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the nursery or cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

(2) A description of a legal water source, irrigation plan, and projected water use plan.

(3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

(4) Energy efficient lighting systems shall be used.

(5) Mixed light buildings shall include in the Operations Plan the hours that grow lights will be operational. No grow lights shall be operational between the hours of dusk and dawn unless it can be demonstrated that there is no light visible through the roof and windows of grow areas.

(6) The use shall operate in compliance with the approved Water Recycling Management Plan at all times. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-03; Am. Ord. 18-05)

Section 4000.230. Operating Requirements for Cannabis Manufacturing; Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products. The manufacturing of food or other products infused with or which otherwise contain cannabis shall be manufactured within the appropriate zones as defined in Article IX, Development Code, of the City of Grover Beach Municipal Code, subject to the regulations set forth in this section and subject to whatever additional regulations may be established hereunder by an ordinance or resolution of the City Council or otherwise pursuant to this Chapter.

(A) No edible cannabis products shall be sold or distributed on a retail basis at a Commercial Cannabis Business operating unless operating under a permit issued pursuant to this Chapter and consistent with a license issued by the State of California.

(B) All items to be sold or distributed retail shall be individually wrapped at the original point of preparation. Labeling must include any labeling requirements as required under State licensing and any pertinent State licensing requirements for cannabis products.

(C) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the Commercial Cannabis Business. Deliveries must be in a properly labeled opaque package when delivered. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-03; Am. Ord. 18-05)

Section 4000.240. Operating Requirements for Cannabis Manufacturing (Level One and Two); Extraction, etc. Cannabis manufacturing facilities requiring a Type-6 state license (using non-volatile solvents) or Type-07 state license (using volatile solvents) shall be subject to the operational requirements determined and approved by Council. Council shall establish operational requirements by resolution. (Ord. 17-06; Am. Ord. 17-10; Am. Ord. 18-03; Am. Ord. 18-05)

Section 4000.250. Establishment of Regulations and Standards. (A) The City Council or their designee is authorized to establish all regulations necessary to implement the requirements and fulfill the policies of this Chapter related to cannabis and cannabis products.

(B) Regulations shall be published on the City's website.

(C) Regulations promulgated by the City Council or their designee shall have the same force and effect of law and become effective upon date of approval. (Ord. 17-06)

Section 4000.260. Fees Deemed Debt to City of Grover Beach. The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of Grover Beach that is recoverable in any court of competent jurisdiction. (Ord. 17-06)

Section 4000.270. Permit Holder Responsible for Violations. The Person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and the ordinances of the City of Grover Beach, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the Commercial Cannabis Business whether or not said violations occur within the permit holder's presence. (Ord. 17-06)

CHAPTER 19 - SOLICITATION IN PUBLIC PLACES; CONTROLS AND PROHIBITIONS

Editor's note: To resolve a chapter numbering conflict with several subsequent ordinances adopted (re: cannabis), Ordinance No. 15-01 was codified as adding "Chapter 19" to Article III, rather than adding "Chapter 18".

Section 4000.300. Purpose. It is the intent of this Chapter to impose reasonable place and manner limitations on solicitation, as defined herein, in order to protect the safety of the general public against abusive solicitation, to prevent disruptions to public functions, improve access to public places, to improve traffic safety and to curb intimidating or coercive behavior, while respecting the constitutional right of free speech. (Ord. 15-01)

Section 4000.301. Definitions. The following words or phrases as used in this Chapter shall have the following meanings:

(A) "Aggressive solicitation" means to do one or more of the following while engaging in solicitation or immediately thereafter:

- (1) Approaching or speaking to a person, or following a person before, during, or after soliciting, asking, or begging, if that conduct is intended or is likely to cause a reasonable person to:
 - (a) Fear bodily harm to oneself or to another, damage to or loss of property; or
 - (b) Otherwise be intimidated into giving money or other thing of value;
- (2) Blocking or impeding the passage of the person solicited;
- (3) Following the person solicited by proceeding behind, ahead or alongside of him or her after the person solicited declines to make a donation;
- (4) Threatening the person solicited with physical harm by word or gesture;
- (5) Using profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction or fear before, during, or after solicitation;
- (6) Touching the solicited person or their vehicle without the solicited person's consent.

(B) "Donation" means a gift of money or other item of value and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is in substance a gift or donation.

(C) "Person" means and includes both individual persons and organizations.

(D) "Public Place" shall mean a place to which the public or a substantial group of persons has access, and includes, but is not limited to any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby, and other portion of any business establishment open to the public.

(E) "Solicitation" means any request made in person seeking an immediate donation of money or other item of value, using the spoken, written, or printed word, or bodily gestures, signs, or other means. (Ord. 15-01)

Section 4000.302. Aggressive Solicitation Prohibited. No person shall engage in aggressive solicitation in any public place. (Ord. 15-01)

Section 4000.303. All Solicitation Prohibited at Specified Locations. (A) Banks and ATMs.

(1) No person shall engage in solicitation within thirty (30) feet of any entrance or exit of any bank, savings and loan association, credit union, or check cashing business during its business hours or within fifteen (15) feet of any automated teller machine during the time it is available for customers' use.

(2) Definitions, for the purpose of this section:

(a) "Automated Teller Machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(b) "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(c) "Check Cashing Business" means any person duly licensed as a check seller, bill payer, or prorater pursuant to Division 3 of the California Financial Code, commencing with Section 12000.

(d) "Credit Union" means any federal credit union and any state chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

(e) "Savings and Loan Association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(B) Motor Vehicles and Parking Lots and Other Public Places.

(1) Motor Vehicles. No person shall approach an operator or occupant of a motor vehicle for the purpose of solicitation, while such vehicle is located in any publicly owned parking lot.

(2) Parking Lots. No person shall engage in solicitation in any public parking lot or structure any time after dark. "After dark" means any time from one-half hour after sunset to one-half hour before sunrise.

(3) Exemptions. Subsection (B) shall not apply to any of the following:

(a) To solicitations related to business which is being conducted on the subject premises by the owner or lawful tenants;

(b) To solicitations related to the lawful towing of a vehicle; or,

(c) To solicitations related to emergency repairs requested by the operator or other occupant of a vehicle.

(4) Driveways, Intersections and Medians. No person shall solicit on a median or within fifteen (15) feet of any intersection of streets and highways or any driveway leading to a shopping center or to a business.

(5) Public restrooms. No person shall engage in solicitation inside or within fifteen (15) feet of a public restroom.

(6) Commercial Access Area. No person shall solicit within ten (10) feet of the entrance to a commercial establishment. The section shall not apply to any solicitation on private property conducted with the permission of the owner which is in writing or otherwise verifiable.

(C) Public Transportation Vehicles and Bus Stops.

(1) Public Transportation Vehicle. No person shall engage in solicitation while in a public transportation vehicle.

(2) Bus Stops. No person shall engage in solicitation at or within fifteen (15) feet of a bus stop.

(3) Definitions, for the purpose of this section:

(a) "Public Transportation Vehicle" means any vehicle, including a trailer bus, designed, used, or maintained for carrying ten or more persons, including the driver; or a passenger vehicle designed for carrying fewer than ten persons, including the driver, and used to carry passengers for hire.

(b) "Bus Stop" means any posted or otherwise designated location or area that exists on a public transportation vehicle or bus route where public transportation vehicles or buses stop to discharge and take on passengers. (Ord. 15-01)

Section 4000.304. Solicitation Under False Pretenses Prohibited. No person shall knowingly make a false or fraudulent representation or use false pretenses to obtain a donation. (Ord. 15-01)

Section 4000.305. Penalty. A violation of any of the provisions of this Chapter is punishable as an infraction. At the discretion of the prosecuting entity or agency a third violation in a six month period can be prosecuted and punishable as a misdemeanor. Any violation can be prosecuted either in criminal court or through the City's administrative citation process. (Ord. 15-01)

Section 4000.306. Severability. If any provision of this Chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the Chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected. (Ord. 15-01)

Section 4000.307. Non-Exclusivity. The provisions of this Chapter shall not limit or preclude the enforcement of other applicable laws. (Ord. 15-01)

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