

Title 5

PUBLIC WELFARE, MORALS, AND CONDUCT

Chapters:

- 1. Abandoned, Wrecked, Dismantled, or Inoperative Vehicles**
- 2. Card Rooms**
- 3. False Reports**
- 4. Intoxication**
- 5. Loitering**
- 6. Massage Parlor Permits (Repealed)**
- 7. Motel and Motor Court Advertising Signs**
- 8. Parades and Assemblages**
- 9. Underground Utilities**
- 10. Weapons**
- 11. Zane Probation Center**
- 12. Outdoor Festivals**
- 13. Certain Obnoxious Conduct**
- 14. Private Patrols**
- 15. Rewards**
- 16. Bingo**
- 17. Taxicabs**
- 18. Drug Paraphernalia**
- 19. Adult Picture Arcades**

Chapter 1

ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLES

Sections:

- 5-1.01 Findings and determinations.**
- 5-1.02 Definitions.**
- 5-1.03 Exceptions.**
- 5-1.04 Effect on other laws.**
- 5-1.05 Administration and enforcement.**
- 5-1.06 Right of entry of certain persons.**
- 5-1.07 Administrative costs.**
- 5-1.08 Hearings: Notice.**
- 5-1.09 Hearings: Determinations.**
- 5-1.10 Removal.**
- 5-1.11 Removal: Notice.**
- 5-1.12 Assessment of costs.**
- 5-1.13 Violations.**

Sec. 5-1.01. Findings and determinations.

In addition to and in accordance with the determination made and the authority granted by the State pursuant to the provisions of Section 22660 of the Vehicle Code of the State to remove abandoned, wrecked, dismantled, or inoperative vehicles, or parts thereof, as public nuisances, the Board 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 part thereof, on private or public property, not including highways, except as expressly permitted by the provisions of this chapter, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. (§ 1, Ord. 585)

Sec. 5-1.02. Definitions.

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

(a) "Highway" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for the purposes of vehicular travel. "Highway" shall include "street".

(b) "Public property" shall not include "highway".

(c) "Vehicle" shall mean 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. (§ 1, Ord. 585)

Sec. 5-1.03. Exceptions.

The provisions of this chapter shall not apply to:

(a) A vehicle, or part 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 part 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.

The provisions of this section shall not authorize the maintenance of a public or private nuisance as defined pursuant to provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State and this chapter. (§ 2, Ord. 585)

Sec. 5-1.04. Effect on other laws.

The provisions of this chapter are not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the unincorporated area of the County. The provisions of this chapter shall supplement and be in addition to the other regulatory codes, statutes, and laws heretofore or hereafter enacted by the County, the State, or any other legal entity or agency having jurisdiction. (§ 3, Ord. 585)

Sec. 5-1.05. Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the Sheriff-Coroner. In the enforcement of the provisions of this chapter, 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, declared to be a nuisance pursuant to the provisions of this chapter. (§ 4, Ord. 585)

Sec. 5-1.06. Right of entry of certain persons.

When the Board has contracted with or granted a franchise to any person, such person 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 the provisions of this chapter. (§ 5, Ord. 585)

Sec. 5-1.07. Administrative costs.

The Board 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 part thereof) for the purposes of administering the provisions of this chapter. (§ 6, Ord. 585)

Sec. 5-1.08. Hearings: Notice.

A public hearing shall be held on the question of abatement and removal of the vehicle, or part 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 part thereof, against the property on which it is located. Notice of such hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) day return requested, to the owner of the land as shown on the last equalized County assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. If any of such notices are returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than ten (10) days from the date of such return.

Notice of such hearing shall also be given to the Highway Patrol of the State identifying the vehicle, or part thereof, proposed for removal. Such notice shall be mailed at least ten (10) days prior to the public hearing. (§§ 7 and 8, Ord. 585)

Sec. 5-1.09. Hearings: Determinations.

All hearings held pursuant to the provisions of this chapter shall be held before the Board which shall hear all facts and testimony it deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning its location on private property or public property. The Board shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

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

nuisance and disposed of as provided in this chapter, and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle, or part thereof, is located. The order requiring removal shall include a description of the vehicle, or part 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 land owner and that he has not subsequently acquiesced in its presence, the Board shall not assess 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 land owner.

If an interested person makes a written presentation to the Board but does not appear, such interested person shall be notified in writing of the decision. (§ 9, Ord. 585)

Sec. 5-1.10. Removal.

Five (5) days after the adoption of the order declaring the vehicle, or parts thereof, to be a public nuisance, or five (5) days from the date of mailing of the notice of the decision, if such notice is required by the provisions of Section 5-1.09 of this chapter, the vehicles, 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. (§ 10, Ord. 585)

Sec. 5-1.11. Removal: Notice.

Within five (5) days after the date of removal of the vehicle, or part thereof, notice shall be given to the Department of Motor Vehicles of the State identifying the vehicle, or part thereof, removed. At the same time there shall be transmitted to said Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates. (§ 11, Ord. 585)

Sec. 5-1.12. Assessment of costs.

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to the provisions of Section 5-1.09 of this chapter are not paid within thirty (30) days from 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 the provisions of Section 25845 of the Government Code of the State and shall be transmitted to the Treasurer-Tax Collector for collection. Such assessment shall have the same priority as other County taxes. (§ 12, Ord. 585)

Sec. 5-1.13. Violations.

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 part thereof, which is in an abandoned, wrecked, dismantled, or inoperative condition upon any private property or public property, not including highways, within the County for a period in excess of five (5) days unless such vehicle, or part 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.

It shall be unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle, or part thereof, or to refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or State law where such State law is applicable. (§§ 13 and 14, Ord. 585)

Chapter 2

CARD ROOMS*

Sections:

- 5-2.01 Interpretation.
- 5-2.02 Card room defined.
- 5-2.03 Licenses: Required.
- 5-2.03.5 License: Participation in more than one license.
- 5-2.04 Licenses: Participation in the business.
- 5-2.05 Licenses: Fees.
- 5-2.06 Licenses: Fees: Exemptions.
- 5-2.07 Licenses: Bonds.
- 5-2.08 Licenses: Transfer.
- 5-2.09 Licenses: Applications: Form.
- 5-2.09.5 License: Applications: Lotteries.
- 5-2.10 Licenses: Inactive.
- 5-2.11 Licenses: Applications: Approval.
- 5-2.12 License: Issuance: Conditions.
- 5-2.12.1 Licenses: Number.
- 5-2.12.2 Licenses: Hours of Operation.
- 5-2.13 Licenses: Temporary suspension by the Sheriff-Coroner: Applications to the Board
- 5-2.14 Licenses: Revocation
- 5-2.15 Licenses: Temporary suspension by the Sheriff-Coroner: Applications to the Board.
- 5-2.16 Card tables limited.
- 5-2.17 Inspections of the premises.
- 5-2.18 Licensed premises: Rules.
- 5-2.19 Employees of licensees: Registration: Permits.
- 5-2.20 Employee permits: Approval by the Sheriff-Coroner.
- 5-2.21 Employee permits: Revocation.
- 5-2.22 Employee permits: Revocation: Appeals.
- 5-2.23 Discrimination.

* Sections 5-2.01 through 5-2.10, codified from Ordinance No. 355, amended in their entirety by Section 1, Ordinance No. 728, effective September 17, 1975.

Sec. 5-2.01. Interpretation.

The provisions of this chapter shall not be construed to permit the licensing of any card game declared unlawful by the provisions of the Penal Code of the State. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.02. Card room defined.

For the purposes of this chapter, "card room" shall mean any place where games of cards are played and to which the public is invited to participate in card games with or without the payment of consideration. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.03. Licenses: Required.

No person shall operate or conduct a card room, nor participate in the business of operating or conducting a card room, unless he holds a valid and subsisting license to do so duly issued by the Sheriff-Coroner upon approval of the Board. (§ 1, Ord. 728, eff. September 17, 1975, as amended by § 1, Ord. 953, eff. July 1, 1983)

Sec. 5-2.03.5. Licenses: Participation in more than one license.

No person defined and designated by this chapter as a person required to be licensed as a participant in the business of the operation or conducting of a card room, either individually or as a joint licensee, shall participate in more than one such business or be a joint licensee in more than one license issued pursuant to this chapter. (§ 1, Ord. 892, eff. October 9, 1980)

Sec. 5-2.04. Licenses: Participation in the business.

The following designated persons, firms, or entities are hereby defined and designated as persons required to be licensed as participants in the business of the operation or conducting of a card room as joint licensees:

(a) All lessees, tenants, co-tenants, or subtenants of the real property upon which the card room is conducted;

(b) All persons, firms, or entities which are licensed to conduct other businesses upon or within the premises within which the card room is operated or conducted;

(c) All persons, firms, or entities which receive remuneration from a licensee by way of a share or percentage of the gross or net receipts from the card room operation;

(d) All general and limited partners of the licensee or any participant as defined in this section; and

(e) All officers of a corporate licensee or corporate participant in the business as defined in this section. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.05. Licenses: Fees.

Licenses issued under the provisions of this chapter shall be issued upon the payment to the County of an annual license fee of Two Hundred Fifty-Two and no/100ths (\$252.00) Dollars for each card table, beginning on January 1 of each year. When a license is issued after January 1 of any year, a prorated deduction shall be made in

the amount of the fee for each whole calendar month which has expired since January 1 of such year.

Such license fees shall be collected by the Sheriff-Coroner, who shall issue the license upon Board approval and the filing of a bond pursuant to the provisions of Section 5-2.07 of this chapter. (§ 1, Ord. 728, eff. September 17, 1975, as amended by § 2, Ord. 953, eff. July 1, 1983)

Sec. 5-2.06. Licenses: Fees: Exemptions.

Card games played or held by fraternal or veterans' organizations, lodges, church groups, or farm associations for the members or bona fide guests thereof shall be exempt from the provisions of Section 5-2.05 of this chapter. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.07. Licenses: Bonds.

The licensee shall furnish and deposit with the Clerk of the Board a bond in the sum of One Thousand and no/100ths (\$1,000.00) Dollars to assure the County of the faithful performance of his obligations under the terms of the license. (§1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.08. Licenses: Transfer.

Licenses issued pursuant to the provisions of this chapter shall be valid only as to the persons and premises designated thereon, and a licensee shall not assign, transfer, or hypothecate the license, or his interest therein, or change the location of the card room without the express approval of the Board. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.09. Licenses: Applications: Form.

The applicant for a license to conduct a card room shall file with the Sheriff-Coroner a verified application setting forth the following:

(a) The name and address of all persons interested in the operation of the card room;

(b) The location of the card room;

(c) All necessary facts indicating that the place in which the card room is to be conducted and the persons conducting the card room are of good moral character;

(d) A statement as to whether any state, municipality, governing body, or licensing authority has ever refused to issue to the applicant, or renew, any license requiring a showing of good moral character or has revoked any such license and, if so, the circumstances in connection with such revocation or refusal;

(e) A statement as to whether or not the applicant or any person interested in the proposed card room has ever been convicted of any crime and, if so, the nature of the offense and the punishment or penalty assessed therefor; and

(f) Such further information as may be required by the Sheriff-Coroner. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.09.5. Licenses: Applications: Lotteries.

(a) Upon the filing of an application for a license to be issued pursuant to this chapter, the Sheriff-Coroner shall report such filing to the Board.

(b) Upon the receipt of a report of filing, the Board shall determine whether the provisions of Section 5-2.12.1 of this chapter concerning the number of licenses permit the issuance of an additional license.

(c) If the determination is in the negative, the application shall be denied summarily.

(d) If the determination is in the affirmative, the Board shall set a filing period for further applications of at least thirty (30) days in duration and give notice thereof by publication in a newspaper of general circulation in the County once a week for two (2) weeks.

(e) Within the filing period so set, additional applications may be filed with the Sheriff-Coroner for a license. At the conclusion of the filing period, any additional filings shall be reported by the Sheriff-Coroner to the Board. All such applications shall be filed in the form specified by this chapter.

(f) Upon the receipt of a report from the Sheriff-Coroner as to such filings, the Board shall determine whether the total number of applications on file exceeds the limit imposed by Section 5-2.12.1 of this chapter. If the determination is in the negative, the Board shall direct the Sheriff-Coroner to proceed to review the applications for a report to the Board. If the number of applications exceeds the limit, the Board shall determine the applications to be reviewed and considered for issuance by lot.

(g) If any of the applications so selected by lot is rejected by the Board after recommendation and review, the Board shall determine by lot the identity of a further application to be eligible for review, report, and issuance of a license. (§ 2, Ord. 892, eff. October 9, 1980)

Sec. 5-2.10. Licenses: Inactive.

Licenses issued pursuant to the provisions of this chapter shall become immediately void if the licensee fails to commence the operation of the card room so licensed within forty-five (45) days after the issuance of the license, discontinues the operation of the licensed card room for more than ninety (90) days, or fails to renew his license before February 15 of any year. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.11. Licenses: Applications: Approval.

All persons required to be licensed pursuant to the provisions of this chapter shall jointly apply for a license, which shall be approved and issued by the Board if it finds that the application is complete and accurate in its statement of facts, that the persons to be licensed are persons of good moral character and have never been convicted of a crime or public offense involving moral turpitude, and that the issuance of the license is consistent with the preservation of the public peace, health, safety, and welfare. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.12. Licenses: Issuance: Conditions.

Upon considering the application for a license pursuant to the provisions of this chapter, the Board shall consider the nature and location of the site of the card room, the presence or absence of compatible or incompatible land uses or activities in the area, and the number of card rooms in existence in the area, and the Board may issue the license subject to conditions, including the hours of operation and locations of tables. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.12.1. Licenses: Number.

The number of card room licenses issued shall be limited to one license for each 20,000 or fraction thereof of inhabitants of the unincorporated territory of the County. Not more than one card room shall be located at any one address. (§ 3, Ord. 892, eff. October 9, 1980)

Sec. 5-2.12.2. Licenses: Hours of operation.

No card room licensed pursuant to the provisions of this chapter shall operate between the hours of 2:00 a.m. and 6:00 a.m. (§ 4, Ord. 892, eff. October 9, 1980)

Sec. 5-2.13. Licenses: Temporary suspension by the Sheriff-Coroner.

Licenses issued pursuant to the provisions of this chapter may be suspended by the Sheriff-Coroner for a period of fifteen (15) days in the event the Sheriff-Coroner finds that any of the conditions or events described in Section 5-2.14 of this chapter exist or have occurred. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.14. Licenses: Revocation.

All licenses issued pursuant to the provisions of this chapter shall be issued subject to revocation or suspension by the Board, and shall be subject to a temporary suspension by the Sheriff-Coroner as provided in Section 5-2.13 of this chapter, if it is found that:

(a) The conditions of the license or the provisions of this chapter have been violated;

(b) The license was obtained by fraudulent misrepresentation;

(c) The licensee is, or has caused the card room to be conducted by, a person who is not of good moral character;

(d) Minors are permitted to frequent the card room;

(e) The card room is not open to the public during any portion of the time card games are played therein; or

(f) The license has been used to operate the card room in a disorderly manner or in such a manner as to be prejudicial to the public welfare. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.15. Licenses: Temporary suspension by the Sheriff-Coroner: Applications to the Board.

Upon issuing his order temporarily suspending the license, the Sheriff-Coroner may apply to the Board for further suspension or revocation pursuant to the provisions of Section 5-2.14 of this chapter. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.16. Card tables limited.

Each card room licensed pursuant to the provisions of this chapter shall have on the premises no more than five (5) card tables seating seven (7) players each. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.17. Inspections of the premises.

The Sheriff-Coroner may, at any time, inspect the licensed premises and investigate the manner of the operation of the licensee in order to determine whether the conduct of the licensee is contrary to the public welfare. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.18. Licensed premises: Rules.

The licensee shall prominently post upon the licensed premises the license and a complete set of rules and regulations for the playing of the games and the required conduct of the players, which rules and regulations shall have been previously approved by the Sheriff-Coroner. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.19. Employees of licensees: Registration: Permits.

No person may be employed by a licensee in the conduct or operation of a card room, or work in the licensed card room as a card dealer, shill, cashier, supervisor, manager, or clerk, unless and until such person, within five (5) days of the commencement of work, registers his identity with the Sheriff-Coroner giving full personal particulars, as required by the Sheriff-Coroner, including a photograph and fingerprints, and pays a fee for such registration of Ten and no/100ths (\$10.00) Dollars, and receives a permit from the

Sheriff-Coroner. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.20. Employee permits: Approval by the Sheriff-Coroner.

The Sheriff-Coroner shall approve the application for an employee permit if he finds that the applicant is a person of good moral character and has never been convicted of a crime or public offense involving moral turpitude. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.21. Employee permits: Revocation.

An employee permit may be revoked by the Board, upon the recommendation of the Sheriff-Coroner, if it is determined that:

(a) The permit was obtained by fraudulent misrepresentation; or

(b) The permittee has operated the card room, or assisted in the operation of the card room, in a disorderly manner or in a manner determined to be prejudicial to the public welfare. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.22. Employee permits: Revocation: Appeals.

An employee aggrieved by the revocation of his permit may appeal the decision of the Sheriff-Coroner to the Board by filing a written notice of appeal with the Clerk of the Board within fifteen (15) days after such revocation. The Clerk of the Board shall then set the appeal for a public hearing within thirty (30) days after the filing. The Board shall then hear the appeal and determine whether such revocation by the Sheriff-Coroner was based upon good cause. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.23. Discrimination.

A licensee shall maintain the licensed premises open to all members of the public without discrimination as to race, creed, color, sex, or national origin. (§ 1, Ord. 728, eff. September 17, 1975)

Sec. 5-2.24. Violations: Penalties.

Any violation of the provisions of Section 5-2.03 of this chapter shall be a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 728, eff. September 17, 1975)

Chapter 3

FALSE REPORTS

Sections:

5-3.01 Unlawful.

Sec. 5-3.01. Unlawful.

(a) *Statements.* It shall be unlawful for any person to knowingly falsify or conceal any fact or make any false or fraudulent statement or misrepresentation in any matter or proceeding within the jurisdiction of any department or agency of the County.

(b) *Writings and documents.* It shall be unlawful for any person to knowingly use any false or misleading writing or document in any matter or proceeding within the jurisdiction of any department or agency of the County. (§§ 1 and 2, Ord. 338)

Chapter 4

INTOXICATION

Sections:

- 5-4.01 **Inhaling, breathing, and drinking certain substances.**
- 5-4.02 **Public consumption of alcoholic beverages.**

Sec. 5-4.01. Inhaling, breathing, and drinking certain substances.

(a) *Unlawful.* It shall be unlawful for any person to inhale, breathe, drink, or in any manner use any product or substance, or combination thereof, containing organic solvents or aromatic, fuming, vaporous, or gaseous substances which, when so consumed, cause intoxication, elation, paralysis, a dazed condition, or irrational behavior, or in any manner a change, distortion, or disturbance of eyesight, thinking process, balance, or coordination, or an effect upon the central nervous system of such person, including, but not limited to, such substances as amyl acetate, trichlor ethylene, acetone, or other closely related or similar compounds used as solvents for products referred to as "glue", "adhesive cement", "mucilage", or "dope", gasoline, ether, glue, lacquer, or paint thinner, with the intent of causing any such condition or effect. For the purposes of this section, any such condition so induced shall be deemed to be an intoxicated condition.

(b) *Exceptions.* The provisions of this section shall not pertain to any person who inhales, breathes, drinks, or uses such product or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist, or podiatrist authorized to so direct or prescribe. (§ 1, Ord. 566)

Sec. 5-4.02. Public consumption of alcoholic beverages.

(a) *Unlawful.* It shall be unlawful for any person to drink any beer, wine, or other alcoholic beverage, or to possess any open alcoholic beverage container on any public parking lot, on any private parking lot held open to the public, on any public street, sidewalk, alley or walkway, or in any place held open to the public within 250 feet of any establishment selling alcoholic beverages.

This section shall not apply to any public parking lot adjoining a public park where drinking is permitted.

(b) *Exception.* This section shall not be deemed to prohibit any act which is prohibited by any laws of the State of California. (§ 1, Ord. 1063, eff. December 3, 1987)

Chapter 5

LOITERING

Sections:

- 5-5.01 Public highways and sidewalks.
- 5-5.02 Places of public assemblage.
- 5-5.03 Definitions for Curfew Provisions.
- 5-5.04 Minors: Curfew; Responsibility of parents and guardians.
- 5-5.05 Penalty.

Sec. 5-5.01. Public highways and sidewalks.

It shall be unlawful for any person to loiter or stand or sit in or upon any public highway, alley, sidewalk, or crosswalk in the unincorporated territory of the County so as in any manner to hinder or obstruct the free passage therein or thereon of persons or vehicles passing along the same or so as in any manner to annoy or molest persons passing along the same. (§ 1, Ord. 140)

Sec. 5-5.02. Places of public assemblage.

It shall be unlawful for any person to loiter or stand or sit in or at the entrance of any church, hall, theater, or other place of public assemblage in the unincorporated territory of the County so as to in any manner obstruct such entrance. (§ 2, Ord. 140)

Sec. 5-5.03. Definition for Curfew Provisions.

For the purposes of Sections 5-5.04 and 5-5.05:

“Curfew hours” means the period from 10:00 p.m. any evening of the week, or 11:00 p.m. daylight savings time, until 6:00 a.m. the following day.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

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

“Guardian” means: (1) a person who, under court order, is the guardian of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

“Minor” means any person under eighteen (18) years of age.

“Parent” means a person who is a natural parent, adoptive parent, or step-parent of the minor.

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

“Responsible adult” means a person eighteen (18) years of age or older, authorized by a parent or guardian to have the care and custody of a minor.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. (§ 1, Ord. 327, as amended by §2, Ord. 1358, effective May 31, 2007)

Sec. 5-5.04. Minors: Curfew; Responsibility of parents and guardians.

(a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the County of Yolo during curfew hours.

(b) It is unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(c) It is a defense to prosecution under Section 5-5.04(a) or (b) that the minor was:

- (1) accompanied by the minor's parent or guardian, or by a responsible adult;
- (2) on an errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in, or acting in response to, an emergency;
- (6) on the sidewalk abutting the minor's residence;
- (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County of Yolo, a civic organization, or another similar entity that takes responsibility for the minor;

- (8) exercising First amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

(d) Before taking any enforcement action under this section, police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 5-5.04 (c) is present or applicable.

(e) Each violation of this section shall constitute a separate offense for the purposes of Section 5-5.05 (§ 2, Ord. 327; as amended by §2, Ord. 1358, effective May 31, 2007)

Sec. 5-5.05. Penalty.

Any minor violating the provisions of Section 5-5.04 shall be guilty of a misdemeanor, and shall be dealt with in accordance with juvenile court law and procedure.

Any parent, guardian or other adult person, having the care and custody of a minor, who knowingly and willfully allows such minor to violate Section 5-5.04 shall be guilty of a misdemeanor. (§ 3, Ord. 327 as amended by §2, Ord. 1358, effective May 31, 2007)

Chapter 6

MESSAGE PARLOR PERMITS*

- * Chapter 6 entitled "Massages and Massage Parlors", consisting of Sections 5-6.01 through 5-6.15, codified from Ordinance No. 516, repealed by Section 1, Ordinance No. 805, effective June 29, 1978; Sections 5-6.201 through 5-6.802, codified from Ordinance No. 805, repealed in their entirety by §6, Ord. 1275, eff. December 6, 2001.

Chapter 7

MOTEL AND MOTOR COURT ADVERTISING SIGNS

Sections:

5-7.01	Scope.
5-7.02	Definitions.
5-7.03	Posting rates.
5-7.04	Violations.

Sec. 5-7.01. Scope.

The provisions of this chapter shall apply to operators and owners of motels, motor courts, and like establishments within the unincorporated area of the County. (§ 1(d), Ord. 592)

Sec. 5-7.02. Definitions.

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

(a) "Operator" or "owner" shall mean and include a manager or any person in charge of the operation of a motel, motor court, or like establishment. "Operator" or "owner" shall include natural persons, firms, and corporations.

(b) "Outdoor sign" or "outside sign" shall mean any sign visible to passersby, whether such sign is located within or without a building.

(c) "Room rates" shall mean the rates at which rooms or other accommodations are rented to occupants. (§ 1(a), (b), and (c), Ord. 592)

Sec. 5-7.03. Posting rates.

It shall be unlawful for any owner or operator of any motel, motor court, or like establishment located within the unincorporated area of the County to post or maintain posted on any outdoor or outside advertising sign pertaining to such establishment any rates for accommodations offered in such establishment. (§ 2, Ord. 592)

Sec. 5-7.04. Violations.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than One Hundred and no/100ths (\$100.00) Dollars nor more than Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment of not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment. (§ 3, Ord. 592)

Chapter 8

PARADES AND ASSEMBLAGES

Sections:

5-8.01	Permits: Required.
5-8.02	Permits: Application: form.
5-8.03	Permits: Applications: Accompanying certificates.
5-8.04	Permits: Issuance.
5-8.05	Permits: Conditions: Nontransferable
5-8.06	Permits: Revocation.
5-8.07	Separate permits required.

Sec. 5-8.01. Permits: Required.

(a) *Parades, processions, and musical demonstrations.* It shall be unlawful for any person to hold, manage, conduct, carry on, or to cause or permit to be held, managed, conducted, or carried on, any parade, march, or procession of any kind, other than a funeral procession, or to make any display of, or to use, beat, or operate, any wind instrument, stringed instrument, or musical instrument in or upon any public highway, public park, or public place in the unincorporated territory of the County without having first obtained from the Board a written permit so to do.

(b) *Assemblages and speeches.* It shall be unlawful for any person to hold, conduct, or address any assemblage, meeting, or gathering of persons, or to make or deliver any public speech, lecture, or discourse, or to conduct or take part in any public debate or discussion in or upon any public highway, alley, sidewalk, cross-walk, or public park in the unincorporated territory of the County without having first obtained from the Board a written permit so to do. (§§ 3, 4, and 5, Ord. 140)

Sec. 5-8.02. Permits: Applications: Form.

Every person, before commencing, carrying on, engaging in, or doing any of the acts set forth in Section 5-8.01 of this chapter, shall first make a written application to the Board for a written permit therefor. Such application shall be made by such person personally or, in the case of a corporation, by the manager or officer in actual charge of such business. Such application shall specify the place, park, public highway, alley, sidewalk, or cross-walk where it is intended or proposed to carry on such act. (§ 6, Ord. 140)

Sec. 5-8.03. Permits: Applications: Accompanying certificates.

An application for the permit required by the provisions of Section 5-8.01 of this chapter shall be accompanied by a certificate, signed by at least three (3) reputable residents of the County, certifying to the good moral character and

reputation of the person making such application. (§ 6, Ord. 140)

Sec. 5-8.04. Permits: Issuance.

No permit required by the provisions of this chapter shall be granted to any person who does not bear a good character and reputation for peace and quiet in the neighborhood in which he resides.

The Board, before issuing any such permit, shall first satisfy itself that the holding, managing, conducting, and carrying on of any proposed parade, march, or procession of any kind, other than a funeral procession, or the proposed use of any wind instrument, stringed instrument, or musical instrument, or the proposed holding or conducting of any assemblage, or the proposed making or delivering of any public speech, lecture, discourse, debate, or discussion will not seriously affect the public peace, health, or safety and, for such purpose, may consider any facts or evidence bearing on the place where the assembly, speech, public debate, or other proposed act or action is to be held or delivered or is to occur or take place, with due regard to traffic congestion at that particular point and, in addition thereto, any other facts or evidence tending to enlighten the Board in such respect. The Board shall issue such permit in accordance with the provisions of this section. (§§ 6, 9, and 10, Ord. 140)

Sec. 5-8.05. Permits: Conditions: Nontransferable.

Any permit issued pursuant to the provisions of this chapter shall apply only to the person in whose name it is issued and to the location, public highway, public park, or public place therein specified. Such permit shall not be transferable or assignable in any manner. (§ 8, Ord. 140)

Sec. 5-8.06. Permits: Revocation.

The Board shall have, and it hereby retains, the right, power, and privilege of revoking for good cause any permit issued pursuant to the provisions of this chapter. (§ 10, Ord. 140)

Sec. 5-8.07. Separate permits required.

Only one parade, march, procession, meeting, display, address, public speech, lecture, discourse, public debate, or discussion shall be held, conducted, carried on, or engaged in under a single permit. (§ 7, Ord. 140)

Chapter 9

UNDERGROUND UTILITIES

Sections:

- 5-9.01 Definitions.
- 5-9.02 Public necessity and welfare: Hearings.
- 5-9.03 Designation of Districts.
- 5-9.04 Unlawful acts.
- 5-9.05 Exceptions: emergencies and unusual circumstances.
- 5-9.06 Other exceptions.
- 5-9.07 Designation of Districts: Notice to property owners and utilities.
- 5-9.08 Responsibility of utility companies.
- 5-9.09 Responsibility of property owners.
- 5-9.10 Responsibility of County.
- 5-9.11 Extension of time.

Sec. 5-9.01. Definitions.

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

- (a) "Clerk" shall mean the Clerk of the Board.
- (b) "Commission" shall mean the Public Utilities Commission of the State.
- (c) "Director" shall mean the Director of Public Works of the County.
- (d) "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.
- (e) "Poles, overhead wires, and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located aboveground within a District and used or useful in supplying electric, communication, or similar or associated service.
- (f) "Underground Utility District" or "District" shall mean that area in the unincorporated areas of the County within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 5-9.03 of this chapter.
- (g) "Utility" shall mean and include all persons or entities supplying electric, communication, or similar associated service by means of electrical materials or devices. (§ 1, Ord. 596)

Sec. 5-9.02. Public necessity and welfare: Hearings.

The Board may, from time to time, call public hearings to ascertain whether the public

necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the unincorporated area of the County and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The Clerk shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Board shall be final and conclusive. (§ 2, Ord. 596)

Sec. 5-9.03. Designation of Districts.

If, after any such public hearing, the Board finds that the public necessity, health, safety, or welfare requires such removal and such underground installation within a designated area, the Board shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such District and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners shall be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (§ 3, Ord. 596)

Sec. 5-9.04. Unlawful acts.

Whenever the Board creates an Underground Utility District and orders the removal of poles, overhead wires, and associated overhead structures therein, as provided in Section 5-9.03 of this chapter, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires, and associated overhead structures in the District after the date when such overhead facilities are required to be removed by resolution, except as such overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service, as provided in Section 5-9.09 of this chapter, and for such reasonable time required to remove the facilities after such work has been performed, and except as otherwise provided in this chapter. (§ 4, Ord. 596)

Sec. 5-9.05. Exceptions: Emergencies and unusual circumstances.

Notwithstanding any other provision of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without the authority of the Board in order to provide emergency service. The Board may grant special permission, on such terms as the Board may deem appropriate, in cases of unusual circumstances without discrimination as to any person or utility, to erect, construct, install, maintain, use, or operate poles, overhead wires, and associated overhead structures. (§ 5, Ord. 596)

Sec. 5-9.06. Other exceptions.

The provisions of this chapter and any resolution adopted pursuant to the provisions of Section 5-9.03 of this chapter, unless otherwise provided in such resolution, shall not apply to the following types of facilities:

(a) County facilities or equipment installed under the supervision and to the satisfaction of the Director;

(b) Poles or electroliers used exclusively for street lighting;

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires, and associated overhead structures are not prohibited;

(d) Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(e) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing or overhanging any public right-of-way;

(f) Antennae, associated equipment, and supporting structures used by a utility for furnishing communication services;

(g) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts; and

(h) Temporary poles, overhead wires, and associated overhead structures used or to be used in conjunction with construction projects. (§ 6, Ord. 596)

Sec. 5-9.07. Designation of Districts: Notice to property owners and utilities.

Within ten (10) days after the effective date of a resolution adopted pursuant to the provisions of Section 5-9.03 of this chapter, the Clerk shall

notify all affected utilities and all persons owning real property within the District created by such resolution of the adoption thereof. The Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desires to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on his premises so as to receive such service from the lines of the supplying utility or utilities at a new location subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission.

Notification by the Clerk shall be made by mailing a copy of the resolution adopted pursuant to the provisions of said Section 5-9.03, together with a copy of the provisions of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (§ 7, Ord. 596)

Sec. 5-9.08. Responsibility of utility companies.

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to the provisions of Section 5-9.03 of this chapter, the supplying utility shall furnish that portion of the conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the Commission. (§ 8, Ord. 596)

Sec. 5-9.09. Responsibility of property owners.

(a) Every person owning, operating, leasing, occupying, or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities set forth in Section 5-9.08 of this chapter and the termination facility on or within the building or structure being served, all in accordance with the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission. If such construction is not accomplished by any person within the time provided for in the resolution enacted pursuant to the provisions of Section 5-9.03 of this chapter, the Director shall give notice in writing to the person in possession of such premises and a notice in writing to the owner thereof as shown on the last equalized assessment roll to provide the required underground facilities within ten (10) days after the receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In the event of service by mail on either of such persons, the notice shall be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such

premises at such premises, and the notice shall be addressed to the owner thereof as such owner's name appears, and shall be addressed to such owner's last known address as the same appears on the last equalized assessment roll. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8") inches by ten (10") inches in size, to be posted in a conspicuous place on such premises.

(c) The notice given by the Director to provide the required underground facilities shall particularly specify what work is required to be done and shall state that if such work is not completed within thirty (30) days after receipt of such notice, the Director will provide such required underground facilities, in which case the cost and expense thereof shall be assessed against the property benefited and become a lien upon such property.

(d) If, upon the expiration of the thirty (30) day period, such required underground facilities have not been provided, the Director shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the Director shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to such property. Upon completion of the work by the Director, he shall file a written report with the Board, setting forth the fact that the required underground facilities have been provided and the cost thereof, together with the legal description of the property against which such cost is to be assessed. The Board shall, thereupon, fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which time shall not be less than ten (10) days thereafter.

(e) The Director shall, forthwith, upon the time for hearing such protests having been fixed, give notice in writing to the person in possession of such premises and a notice in writing thereof to the owner thereof, in the manner provided in subsection (b) of this section for the giving of the notice to provide the required underground facilities, of the time and place that the Board will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Board shall hear and consider the report and all protests, if there be

any, and then proceed to affirm, modify, or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Board, the amount of the assessment shall become a lien upon the property against which the assessment is made by the Director, and the Director is here directed to turn over to the Assessor and Tax Collector a notice of lien on each of such properties on which the assessment has not been paid, and the Assessor and Tax Collector shall add the amount of such assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. Such assessment shall be due and payable at the same time as such property taxes are due and payable and, if not paid when due and payable, shall bear interest at the rate of six (6%) percent per annum. (§ 9, Ord. 596)

Sec. 5-9.10. Responsibility of County.

The County shall remove at its own expense all County-owned equipment from all poles required to be removed pursuant to the provisions of this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to the provisions of Section 5-9.03 of this chapter. (§ 10, Ord. 596)

Sec. 5-9.11. Extension of time.

In the event any act required by the provisions of this chapter or by a resolution adopted pursuant to the provisions of Section 5-9.03 of this chapter cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, the time within such act shall be accomplished shall be extended for a period equivalent to the time of such limitation. (§ 11, Ord. 596)

Chapter 10

WEAPONS

Sections:

- 5-10.01 Discharging rifles at game in certain areas.**
- 5-10.02 Discharging weapons in certain areas.**
- 5-10.03 Concealed weapons: Additional fees.**
- 5-10.04 Discharging firearms near populated areas.**
- 5-10.05 Discharging firearms on lands of other persons.**
- 5-10.06 Violations: Penalties.**

Sec. 5-10.01. Discharging rifles at game in certain area.

(a) *Purpose.* It is the purpose of this section to protect the health and safety of all persons in the County from the danger resulting from the discharging of rifles during the deer hunting season in an area heavily populated with harvest workers.

(b) *Rifle defined.* "Rifle" shall not include 22-caliber rim fire rifles, shotguns, or shotguns firing rifle slugs.

(c) *Prohibited area.* It shall be unlawful during the deer hunting season for any person to discharge a rifle at game in that portion of the County which lies east of U.S. Highway 99-W. (§§ 1, 2, and 3, Ord. 483)

Sec. 5-10.02. Discharging weapons in certain areas.

(a) *Prohibited areas.* Except as otherwise provided in subsection (b) of this section, it shall be unlawful to discharge a weapon in the prohibited areas of the unincorporated territory of the County described as follows:

(1) *East Yolo Area.* Beginning at the intersection of the center line of the Sacramento River and at a point 45 feet northerly of the center line of County Road 126; thence westerly along a line parallel to the center line of County Road 126 and the extension thereof to the center line of the east levee of the East Yolo Bypass; thence southerly and westerly along the center line of the east levee of the East Yolo Bypass to the extension of the center line of Thorpe Road; thence easterly along the extension of the center line of Thorpe Road to the center line of the Sacramento River Deep Water Ship Channel; thence southerly along the center line of the Sacramento River Deep Water Ship Channel to the extension of the center line of the north levee of Lisbon Slough; thence easterly along the westerly extension of the center line of the north levee of Lisbon Slough and along the center line of the north levee of Lisbon Slough and the easterly extension of the center line of Lisbon

Slough to the center line of the Sacramento River; thence along the center line of the Sacramento River to the point of beginning;

(2) *Guinda Dump and Park.* Lot 36 of Guinda Colony Tract, said tract being filed in Map Book 1 at page 47 in the office of the County Clerk-Recorder;

(3) *Esparto Park.* A parcel of land being a portion of the Plaza of the town of Esperanza as shown on said Town map filed in Map Book 1 at page 23 in the office of the County Clerk-Recorder, more fully described as follows:

Commencing at the northwest corner of Lot 9 of Block 22; thence north east 65.00 feet to the southwest corner of the Esparto Park, the true point of beginning; thence northerly along the west line of said Park, being the east line of Yolo Avenue (State Highway No. 16), north 10°03'00" east 275.00 feet to the north line of said Park; thence south 79°57'00" east 155.00 feet to the east line of said Park; thence south 10°03'00" west 275.00 feet to the south line of said Park; thence north 79°57'00" west 155.00 feet to the true point of beginning;

(4) *Airport.* The west one-half of Section 34, Township 9 North, Range 1 East, M.D.B. & M., the northwest one-quarter of Section 3, and the north 240.5 feet of the southwest one-quarter of Section 3, Township 8 North, Range 1 East, M.D.B. & M., being approximately 294.3 acres, more or less.

Excepting therefrom the following described property:

A parcel of land being a portion of the northwest one-quarter of Section 34, Township 9 North, Range 1 East, M.D.B. & M., Yolo County, California, more fully described as follows:

Beginning at the northeast corner of the said northwest one-quarter of Section 34; thence along the north line of said northwest one-quarter south 89°47'25" west 1550.00 feet; thence south 00°06'06" west 825.00 feet; thence south 16°37'23" east 1042.47 feet; thence north 89°47'25" east 1250 feet, more or less, to the east line of said northwest one-quarter; thence northerly along said east line to the northeast corner of said northwest one-quarter, the point of beginning, containing 61.5 acres;

(5) *Sam Combs Park.* Beginning at the northeast corner of Silva's Subdivision as the same appears of record in Map Book 4, pages 68 and 69, Yolo County Records; thence north 89°22'08" east along the south line of Stone Boulevard 903.26 feet to the northwesterly line of State Highway 99 Yolo Section B, also known as Jefferson Boulevard; thence along a curve to the right having a radius of 999.50 feet and distant 15 feet northwesterly and radially from the center line of the main track of the Sacramento-Yolo Port Belt Line Railroad, a distance along the arc of 590.54 feet, the chord of which bears south 61°43'43" west, 581.99 feet; thence south

89°22'08" west, 389.49 feet to the southeast corner of Silva's Subdivision; thence north 0°14'59" west along the east line of said subdivision, 270.00 feet to the point of beginning, containing 4.394 acres of land;

(6) *Clarksburg Boat Ramp*. All that certain real property situate, lying, and being in Township 6 North, Range 4 East, M.D.B. & M., more particularly described as follows:

Beginning at a point on the center line of County Road No. 140 of Yolo County at Station 142+00 which bears the following courses and distances from the southwest corner of Swamp Land Survey No. 756 of said Yolo County: south 74°20' east, 2,605 feet to the intersection of the center line of said County Road and the south line of said Swamp Land Survey; thence north 24°20' east, 558 feet; thence north 42°48' east 520 feet to Station 142+00 of said County road, the true point of beginning; thence from said true point of beginning south 82°00' east, 68.59 feet; north 52°36' east, 85.00 feet; south 34°55' east, 65 feet, more or less, to the mean high tide of the west bank of the Sacramento River; thence in a northeasterly direction along said mean high tide of the Sacramento River, 1,270 feet, more or less, to a point which bears south 35°49'30" east, 90 feet, more or less, from center line station 128+00 of said County road No. 140; thence north 35°49'30" west, 90 feet, more or less, to the center line of County road No. 140 at Station 128+00; thence along the center line of said County road south 54°10'30" west, 430.40 feet; thence south 51°42'30" west, 617.79 feet to Station 138+48.19 B.C., thence continuing along said center line of an arc conclave to the left and having a central angle of 3° 15'30" and a radius of 3,700 feet, a distance of 210.83 feet to Station 140+59.03 E.C., thence continuing along said center line south 48°27' west 140.98 feet to the point of beginning.

Excepting a parcel of land 15 feet in width and being parallel to and contiguous with the center line of the above described County road from Station 128+00 to Station 142+00, the boundaries of said parcel being shortened or lengthened to terminate on the boundaries of the 3.9 acre parcel above described; said parcel containing 3.9 acres, more or less;

(7) *Knights Landing Boat Ramp*. Beginning at a point on the westerly line of State Highway 48 right-of-way, said point being a distance of 40 feet measured at right angles from the intersection of the center line of said right-of-way of State highway and the center line of Sycamore Slough, as defined by Grant of Right-of-Way by River Gardens Farm of California, dated September 8, 1938, recorded September 22, 1938, in Book 117 at page 335, of official records of the County of Yolo; thence from said point of beginning north 38°07'30" west 83.00 feet; thence along the arc of a curve to the left, a

distance of 229.23 feet, said curve having a central angle of 32°02' and a radius of 410.00 feet; thence tangent to the preceding curve north 70°09'30" west 166.93 feet to the intersection of the southwesterly line of said State highway right-of-way and the easterly line of the abandoned River Farms Branch of the Southern Pacific Railroad right-of-way; thence continuing along said line north 70°09'30" west, 113.0 feet; thence south 68°30' west, 55 feet; thence along a curve to the left, having a chord bearing south 15°24' east, radius of 1,507.69 feet, an arc length of 314 feet; thence south 24°17' east, 235 feet, more or less, to the center line of Sycamore Slough; thence in an easterly direction along the center line of Sycamore Slough, a distance of 450 feet, more or less, to the westerly line of State Highway 45 right-of-way to the point of beginning, said parcel containing 3.9 acres, more or less; and

(8) *Putah Creek Fishing Access*. Beginning at a point which is situated on the east line of the northwest one-quarter of Section 28, Township 8 North, Range 2 West, where said line intersects the southerly right-of-way line of State Highway 128; and running thence southerly along the east line of the northwest one-quarter of Section 28 to the center line of Putah Creek, thence easterly along said center line to its intersection with the south line of the northeast one-quarter of Section 26, Township 8 North, Range 2 West, thence easterly along the south line of the northeast one-quarter of Section 26 to the southerly right-of-way line of State Highway 128, thence westerly along said right-of-way line to the point of beginning.

(b) *Exception*. The provisions of this section shall not apply to the following:

(1) Persons set forth in subsection (b) of Section 12031 of the Penal Code of the State;

(2) The discharge of shotguns in that portion of the East Yolo area described in subsection (1) of subsection (a) of this section lying south and east of the Sacramento River Deep Water Channel and the Barge Canal and also within an agricultural zone as designated by the zoning regulations of the County; and

(3) The operation of indoor shooting ranges or shooting galleries where permitted by law. (§§ 2, 3, and 5, Ord. 598, and § 2, Ord. 610, as amended by § 1, Ord. 612, § 1, Ord. 621, §§ 1 and 2, Ord. 676, eff. November 14, 1972, § 1, Ord. 785, eff. September 15, 1977, and § 1, Ord. 786, eff. October 20, 1977)

Sec. 5-10.03. Concealed weapons: Additional fees.

As well as the fee determined by the State Department of Justice to be sufficient to reimburse the State Department of Justice for the direct cost of furnishing the report required by Section 12052 of the Penal Code of the State, each applicant for a new license to carry a

concealed pistol, revolver, or other firearm, or for the renewal thereof, shall pay to the Sheriff-Coroner at the time of filing his application an additional fee in the sum of Two and no/100ths (\$2.00) Dollars. The Sheriff-Coroner shall transmit all such additional fees to the County Treasury. (§ 1, Ord. 662, eff. January 12, 1972)

Sec. 5-10.04. Discharging firearms near populated areas.

(a) *Areas described.* Except as otherwise provided in subsection (b) of this section, it shall be unlawful to discharge a firearm in the prohibited areas of the unincorporated territory of the County described as follows:

(1) *Davis Area.* Beginning at the intersection of County Road 98 and Putah Creek; thence northerly along the center line of County Road 98 to its intersection with County Road 30; thence easterly along an extension of the center line of County Road 30 to its intersection with County Road 99; thence northerly along the center line of County Road 99 to its intersection with County Road 29; thence easterly along the center line of County Road 29 to its intersection with County Road 104; thence southerly along the center line of County Road 104 to its intersection with County Road 30; thence easterly along the center line of County Road 30 to its intersection with County Road 105; thence southerly along the center line of County Road 105 and an extension thereof to the easterly extension of the center line of County Road 32D; thence easterly along the extension of the center line of County Road 32D and County Road 32D to its intersection with County Road 103; thence southerly along the extension of the center line of County Road 103 to its intersection with the South Fork of Putah Creek; thence along the center line of the South Fork of Putah Creek and Putah Creek to its intersection with County Road 98; but excepting therefrom all territory lying within the City of Davis and all territory of the Regents of the University of California.

(2) *East Yolo Area.* Beginning at the intersection of a line 45 feet north of the center line of County Road 126 and an easterly extension thereof with the center line of the Sacramento River; thence along the center line of the Sacramento River to its intersection with an extension of the center line of Babel Slough; thence westerly along the center line of Babel Slough and the extension thereof to its intersection with the Sacramento-Yolo Deep Water Channel; thence northerly along the center line of the Deep Water Channel until its intersection with the center line of Thorpe Road; thence westerly along the center line of Thorpe Road to its intersection with the center line of the east levee of the Yolo Bypass; thence northerly along the center line of the east levee of the Yolo

Bypass to a line 45 feet northerly of the north right-of-way of County Road 126; thence easterly along a line 45 feet north of the center line of County Road 126 to the point of beginning.

(3) *Woodland Area.* Beginning at the intersection of County Road 25A and County Road 97; thence northerly along the center line of County Road 97 to its intersection with County Road 20; thence easterly along the center line of County Road 20 to its intersection with County Road 97; thence northerly along the center line of County Road 97A to a point one mile north of County Road 20; thence easterly on a line one mile north of County Road 20, which is also the extension of the center line of County Road 18C, easterly to its intersection with County Road 102; thence southerly along the center line of County Road 102 to its intersection with County Road 25; thence westerly along an extension of the center line of County Road 25 to its intersection with County Road 101; thence southerly along the center line of County Road 101 to its intersection with County Road 25A; thence westerly along the center line of County Road 25A to the point of beginning, excepting therefrom all territory lying within the City of Woodland.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Persons as set forth in subsection (b) of Section 12031 of the Penal Code of the State;

(2) The discharge of shotguns firing pellets. This exception shall not permit the discharge of shotguns firing slugs or 00 buckshot;

(3) Persons necessarily acting in the lawful defense of persons or property; and

(4) The discharge of firearms on the premises of any shooting gallery, practice range, skeet field, or other similar place conducted at a fixed location, either indoors or outdoors, and with respect to which adequate safeguards have been provided to protect persons and property from injuries. (§ 1, Ord. 900, eff. January 15, 1981)

Sec. 5-10.05. Discharging firearms on lands of other persons.

(a) *Areas described.* It shall be unlawful to discharge a firearm from lands belonging to or occupied by another person without the written permission of the owner of such land, his agent, or the person in lawful possession in the unincorporated territory of the County described as follows: Beginning at the intersection of the center line of the Sacramento River and the southerly boundary of the County of Yolo; thence westerly along the southerly boundary of the County of Yolo to the center line of the Sacramento-Yolo Deep Water Channel; thence northerly along the center line of the Deep Water Channel to its intersection with the extension of the center line of Babel Slough; thence easterly along the extension of the center line of and

center line of Babel Slough to its intersection with the center line of the Sacramento River; thence southerly along the center line of the Sacramento River to the point of beginning.

(b) *Exceptions.* The provisions of this section shall not apply to the following:

(1) Persons set forth in subsection (b) of Section 12031 of the Penal Code of the State;

(2) The discharge of a firearm by persons on land owned by the United States of America, the State, or the County;

(3) Persons necessarily acting in the lawful defense of persons or property; and

(4) The discharge of firearms on the premises of any shooting gallery, practice range, skeet field, or other similar place conducted at a fixed location, either indoors or outdoors, and with respect to which adequate safeguards have been provided to protect persons and property from injuries. (§ 2, Ord. 900, eff. January 15, 1981)

Sec. 5-10.06. Violations: Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 3, Ord. 900, eff. January 15, 1981)

Chapter 11

ZANE PROBATION CENTER

Sections:

- 5-11.01 Communicating with inmates.**
- 5-11.02 Conveying certain articles to and from inmates.**
- 5-11.03 Conveying weapons and explosives.**
- 5-11.04 Loitering on grounds.**
- 5-11.05 Escaping from custody.**
- 5-11.06 Escaping from custody: Aiding.**

Sec. 5-11.01. Communicating with inmates.

Any person not authorized by law who, without the permission of the officer in charge of the Zane Probation Center, communicates with any person detained or sheltered therein shall be guilty of a misdemeanor. (§ 1, Ord. 509)

Sec. 5-11.02. Conveying certain articles to and from inmates.

Any person not authorized by law who, without the permission of the officer in charge of the Zane Probation Center, brings therein or takes therefrom any letter, writing, literature, reading matter, or tobacco in any form to or from any person detained or sheltered therein shall be guilty of a misdemeanor. (§ 1, Ord. 509)

Sec. 5-11.03. Conveying weapons and explosives.

Any person not authorized by law who brings into the Zane Probation Center or within the grounds belonging or adjacent thereto any firearms, weapons, or explosives of any kind shall be guilty of a misdemeanor. (§ 2, Ord. 509)

Sec. 5-11.04. Loitering on grounds.

Any person who loiters, prowls, or wanders upon the grounds belonging to the Zane Probation Center, or adjacent thereto, without visible or lawful business with any occupant thereof, or who, while loitering, prowling, or wandering upon such grounds, passes or attempts to pass objects of any kind to any person confined therein shall be guilty of a misdemeanor. (§ 3, Ord. 509)

Sec. 5-11.05. Escaping from custody.

Any person who, while in the temporary custody of a probation officer pursuant to the provisions of Sections 625 et. seq. of Article 6 of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code of the State, escapes or attempts to escape therefrom shall be guilty of a misdemeanor. (§ 4, Ord. 509)

Sec. 5-11.06. Escaping from custody: Aiding.

Any person who knowingly permits or aids any person in the custody of a probation officer to escape therefrom, or who conceals such person with the intent of enabling him to elude pursuit, shall be guilty of a misdemeanor. (§ 5, Ord. 509)

Chapter 12

OUTDOOR FESTIVALS

Sections:

- 5-12.01 Outdoor festival defined.
- 5-12.02 Prohibitions.
- 5-12.03 Applications for licenses and fees.
- 5-12.04 Fixing the time for hearings, investigations, and reports.
- 5-12.05 Hearings.
- 5-12.06 Standards and conditions.
- 5-12.07 Issuance of licenses.
- 5-12.08 Exemptions from applications and fee payments.
- 5-12.09 Revocation.
- 5-12.10 Suspension of operations.
- 5-12.11 Licenses: Nontransferable.
- 5-12.12 Violations.

Sec. 5-12.01. Outdoor festival defined.

For the purposes of this chapter, "outdoor festival" shall mean any musical festival, dance festival, "rock" festival, exhibition, sporting event, or other outdoor activity, not including parades, which is held at any place other than in a permanent building or permanent installation which has been constructed for the purpose of conducting such activities or similar activities, and to which members of the public are invited or admitted for a charge or free of cost, attended by more than 1,000 persons. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.02. Prohibitions.

It shall be unlawful for any person to operate, maintain, conduct, advertise, sell, or furnish tickets or other types of written authority to admission to an outdoor festival in the unincorporated area of the County unless he shall first obtain a license from the County to operate or conduct such festival. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.03. Applications for licenses and fees.

Applications for licenses to conduct outdoor festivals shall be made in writing to the Clerk of the Board at least sixty (60) days prior to the time indicated for the commencement of the outdoor festival. The application shall be accompanied by a non-refundable application fee of One Hundred and no/100ths (\$100.00) Dollars and shall contain the following information:

(a) *Identity.* The name, age, residence, mailing address, and telephone number of the applicant and the applicant's legal nature, such as individual, partnership, corporation, et cetera. If the application is made by a partnership, the

names and addresses of all general partners shall be included. If the application is made by a corporation, the application shall be signed by the president and secretary thereof 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;

(b) *Location.* The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor festival. The applicant shall submit proof that he owns such premises or the written consent of all owners thereof for the proposed use;

(c) *Dates.* The date or dates and the hours during which the festival is to be conducted;

(d) *Estimate of numbers.* An estimate of the minimum and maximum numbers of customers, spectators, participants, and other persons expected to attend the outdoor festival for each day it is conducted; and

(e) *Program and plans.* A detailed explanation of the applicant's program and his plans to provide the following:

(1) Water for human consumption in a manner and amount sufficient to serve the anticipated customers;

(2) A detailed description of the proposed portable or permanent sanitary facilities;

(3) The location of parking area necessary to serve the anticipated customers, together with provisions for grading, marking, and separation of the area by physical barriers from the area where patrons will watch the performance, together with provisions for parking attendants at the entrances and exits and within the parking lots;

(4) A map or diagram of the interior access ways showing provisions for the availability of emergency vehicles, such as ambulance, fire, or police, together with the clear delineation by means of buffers on the ground;

(5) The location, nature, and type of medical and first aid facilities, accompanied by agreements or contracts showing the specific doctors, first aid attendants, and ambulances which will be available at the time and place of the performance;

(6) The provisions for parking area and interior private police protection, accompanied by agreements by which the arrangements have been made;

(7) The provisions for fire protection and fire safety measures;

(8) The provisions for adequate lighting, including the location of all light standards and electrical switches;

(9) The provisions for public liability and property damage insurance;

(10) The provisions for a cleanup of the premises and adjoining property of litter and garbage resulting from the festival;

(11) The provisions for an emergency communications system;

(12) The provisions for food supplies and facilities;

(13) If it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for camping or similar facilities;

(14) The plans to provide for any numbers of spectators in excess of the estimate;

(15) The plans and specifications of any temporary or permanent structures, including, but not limited to, bandstands or staging; and

(16) A detailed explanation of the plans for policing the activity, with particular emphasis on the control and prevention of alcoholic beverage and drug consumption. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.04. Fixing the time for hearings, investigations, and reports.

Upon receipt of a complete application and the application fee, the Clerk shall request the Board to set a time and date for a public hearing, and the Board shall set the application for a public hearing at a regular meeting of the Board not less than fifteen (15) nor more than thirty (30) days thereafter and shall give not less than ten (10) days' written notice thereof to the applicant. The Clerk of the Board shall give notice of the hearing and copies of the application to the Sheriff, the Public Health Director, the Director of Public Works, the Planning Director, and the Chief Building Inspector who shall investigate the matter and report in writing to the Board not later than the time set for hearing with appropriate recommendations concerning the activity. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.05. Hearings.

(a) The Board shall consider the documentary and testimonial evidence of witnesses presented at such hearing, including all reports of investigation, and thereafter the Board, in accordance with the standards set forth in this chapter, shall grant the license in accordance with the application and program and plans approved by the Board, deny the license, or set conditions which shall be met, or security given that they will be met, before a license may be granted.

(b) If conditions are imposed by the Board, the applicant shall furnish, or cause to be furnished, to the Clerk proof that all conditions have been met, or that security has been given that they will be met, before the license may be issued by the Clerk. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.06. Standards and conditions.

(a) *Protection.* No license shall be granted unless the evidence at the hearing shows that the

applicant has adopted a program and plans which he has the reasonable capability of carrying out which provide the necessary protection for the health, safety, and general welfare of persons and property in the County, including spectators and participants, the County itself, and owners of property adjoining the outdoor festival site, which protection shall include, but shall not be limited to, the following:

(1) The site of the outdoor festival shall be owned by the applicant, or the written consent of all owners thereof for the proposed use shall be obtained.

(2) Water for human consumption shall be provided in a manner and amount as is approved by the Public Health Director sufficient to serve the expected spectators or participants.

(3) Portable or permanent sanitary facilities sufficient to serve the anticipated spectators and participants shall be provided in a ratio to be determined by the Public Health Director, and in at least a minimum number set by the Board based upon such ratio.

(4) Parking areas necessary to serve the expected spectators or participants shall be provided, together with provisions for the grading, marking, and separation of the area by physical barriers from the area where patrons will watch the performance, together with provisions for parking attendants at the entrances and exits and within the parking lots.

(5) Interior access ways shall be provided for the availability of emergency vehicles, such as ambulance, fire, or police, together with their clear delineation by means of buffers on the ground, and the occupation of any such buffer space by patrons shall be prohibited.

(6) Medical and first aid facilities shall be provided sufficient to serve the expected spectators or participants.

(7) Parking areas and interior private police protection shall be provided sufficient to serve the expected spectators or participants.

(8) Fire protection and fire safety measures shall be provided sufficient to serve the expected spectators or participants.

(9) Adequate lighting shall be provided sufficient to serve the expected spectators or participants.

(10) Public liability and property damage insurance shall be provided in a reasonable amount.

(11) Provision shall be made for a cleanup of the premises and adjoining property of the litter and garbage resulting from the festival.

(12) An emergency communications system shall be provided.

(13) Food supplies and facilities shall be provided sufficient to serve the expected spectators or participants.

(14) If it is proposed or expected that spectators or participants will remain at night or

overnight, arrangements for camping or similar facilities shall be provided sufficient for such service.

(15) Adequate plans shall be made to provide for numbers of spectators in excess of the estimate.

(16) Any temporary or permanent structures, including, but not limited to, bandstands or staging, shall be structurally adequate for the purpose for which they are used.

(17) Policing, with particular emphasis on the control and prevention of alcoholic beverage and drug consumption, shall be provided sufficient to serve the expected spectators or participants.

(b) *Conditions.* The Board may impose conditions to be performed at the applicant's expense when the evidence shows that such conditions are necessary to secure compliance with the standards required by the provisions of this chapter and may require security for the performance of these conditions.

(c) *Security against loss.* Security required by the Board may include the posting of an indemnity bond and/or a performance bond in favor of the County in connection with the operation of a public outdoor festival as defined in Section 5-12.01 of this chapter. Such bonds shall be prepared by a corporate bonding company authorized to do business in the State by the Department of Insurance in an amount determined by the Board. Such bonds shall indemnify the County, its agents, officers, employees, and the Board, against any and all loss, injury, and damage of any nature whatsoever arising out of or in any way connected with such outdoor festival and shall indemnify against loss, injury, and damage to both persons and property.

(d) *Security: Cleanup.* The Board may also require the applicant to provide a corporate surety bond prepared by a corporate bonding company authorized to do business in the State by the Department of Insurance indemnifying the County and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage, or other waste from, in, and around the premises. Such a bond shall be in an amount determined by the Board as in its discretion will adequately provide for such indemnification. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.07. Issuance of licenses.

Upon determining that the Board has ordered the issuance of the license pursuant to the provisions of this chapter, and that the conditions, including conditions for security, if any, imposed by the Board have been complied with by the applicant, the Clerk shall collect a license fee of One Hundred Fifty and no/100ths (\$150.00) Dollars per day for each day the

festival is scheduled to be held, and he shall issue a license to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized in accordance with the program and plans approved by the Board and the conditions, if any, imposed by the Board. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.08. Exemptions from applications and fee payments.

A neighborhood or community benefit organization, organized for charitable, religious, or eleemosynary purposes, shall be exempt from paying the application and license fees provided for in this chapter provided the net proceeds from any such activity does not inure to the benefit of any private persons. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.09. Revocation.

The Board shall have the right to revoke any license issued pursuant to the provisions of this chapter after a public hearing held after written notice is given to the licensee at least twenty-four (24) hours prior to such hearing for any of the following causes:

(a) If the licensee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a license;

(b) If the licensee fails, neglects, or refuses to fulfill any of the provisions of the program or plans approved by the Board;

(c) If the licensee knowingly permits the outdoor festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug;

(d) If the licensee violates, or attempts to violate, any law of the State, the provisions of this chapter, or any other law of the County; or

(e) If the licensee has previously made a false, misleading, or fraudulent statement of material fact in the application for such license or any other document required pursuant to the provisions of this chapter.

Written notice of such revocation shall be forwarded by the Clerk to the Sheriff and the licensee at the address given in the application. Such revocation shall become effective immediately after ordered by the Board. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.10. Suspension of operations.

The Sheriff may suspend operations and close any outdoor festival prior to the expiration of the license granted pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in his opinion, it becomes

necessary to prevent injury to persons and/or damage to property. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.11. Licenses: Nontransferable.

No license granted pursuant to the provisions of this chapter shall be transferable or removable to another location or another licensee. (§ 1, Ord. 627, eff. January 19, 1970)

Sec. 5-12.12. Violations.

Any violation of the provisions of this chapter shall be a misdemeanor punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 627, eff. January 19, 1970)

Chapter 13

CERTAIN OBNOXIOUS CONDUCT

Sections:

- 5-13.01** Legislative authorization.
- 5-13.02** Theater defined.
- 5-13.03** Prohibitions against the display of female breasts.
- 5-13.04** Prohibitions against the display of private parts.
- 5-13.05** Accessories.
- 5-13.06** Exceptions.
- 5-13.07** Violations.

Sec. 5-13.01. Legislative authorization.

This chapter is adopted pursuant to the provisions of Sections 318.5 and 318.6 of the Penal Code of the State. All words used in this chapter which also are used in said Sections 318.5 and 318.6 of said Code are used in the same sense and shall mean the same as the same respective words used in said Sections 318.5 and 318.6 of said Code. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.02. Theater defined.

As used in this chapter, and in Sections 318.5 and 318.6 of the Penal Code of the State, the phrase "theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances" shall mean a building, playhouse, room, hall, or other place having permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical or vaudeville or similar performances are given and in which the serving of food and/or beverages is clearly incidental to such performances. This definition shall not supersede the provisions of Section 5-13.01 of this chapter. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.03. Prohibitions against the display of female breasts.

Every female shall be guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer:

- (a) Exposes any portion of either breast which has a different pigmentation than that of the main portion of the breasts; or
- (b) Employs any device or covering which is intended to simulate such portions of the breast; or
- (c) Wears any type of clothing so that any portion of such part of the breast may be observed. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.04. Prohibitions against the display of private parts.

Every person shall be guilty of a misdemeanor who:

- (a) Exposes his or her private parts, or employs any device or covering which is intended to simulate the private parts or pubic hair of such person, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer; or

- (b) Permits, procures, or assists any person to so expose himself or herself, or to employ any such device. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.05. Accessories.

Every person who permits, counsels, or assists any person to violate any provisions of this chapter shall be guilty of a misdemeanor. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.06. Exceptions.

The provisions of this chapter shall not apply to:

- (a) A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances; or
- (b) Any act authorized or prohibited by any State statute. (§ 1, Ord. 626, eff. January 19, 1970)

Sec. 5-13.07. Violations.

Any violation of the provisions of this chapter shall be punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 626, eff. January 19, 1970)

Chapter 14

PRIVATE PATROLS

Sections:

Article 1. General Provisions

- 5-14.101 Definitions: Scope.
- 5-14.102 Private patrol enterprise defined.
- 5-14.103 Exempt employee defined.
- 5-14.104 Nonexempt employee defined.
- 5-14.105 Public information.
- 5-14.106 Confidential information.
- 5-14.107 Street patrol defined.

Article 2. Regulations

- 5-14.201 Private patrol permits required.
- 5-14.202 Surrender of private patrol permits.
- 5-14.203 State licenses required.
- 5-14.204 Registration permits required to employ nonexempt employees.
- 5-14.205 Violations of private patrol permit conditions.
- 5-14.206 Client lists.
- 5-14.207 Registration permits required to serve as nonexempt employees.
- 5-14.208 Surrender of registration permits.
- 5-14.209 Violations of registration permit conditions.
- 5-14.210 Employees: State licenses required.
- 5-14.211 Employees: Private patrol permits required.
- 5-14.212 Employees: State licenses revoked.
- 5-14.213 Employees: State licenses of associates revoked.
- 5-14.214 Information required for permits.
- 5-14.215 Supplementary statements required for permits.
- 5-14.216 Bad moral character.
- 5-14.217 Intemperate habits.
- 5-14.218 Bad reputation.
- 5-14.219 Dishonesty or fraud.
- 5-14.220 Criminal convictions.
- 5-14.221 Uniforms.
- 5-14.222 Vehicles.
- 5-14.223 False statements.
- 5-14.224 Firearms: Use of restricted.
- 5-14.225 Firearms: Permitting use of restricted.

Article 3. Permits

- 5-14.301 Applications: Filing.

- 5-14.302 Applications: Contents.
- 5-14.303 Applications: Contents: Private patrol operator permits.
- 5-14.304 Applications: Contents: Registration permits.
- 5-14.305 Investigations: Issuance: Denial.
- 5-14.306 Permit numbers.
- 5-14.307 Assignability.
- 5-14.308 Fees.

Article 4. Suspension, Revocation, and Appeals

- 5-14.401 Suspension of permits.
- 5-14.402 Suspension of permits: Notices.
- 5-14.403 Appeals.
- 5-14.404 Automatic revocation of permits.

Article 1. General Provisions

Sec. 5-14.101. Definitions: Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this article. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.102. Private patrol enterprise defined.

"Private patrol enterprise" shall mean, for any consideration whatsoever, agreeing to furnish, or furnishing, a watchman, guard, patrolman, or other person to protect persons or property, or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind, or performing the service of such watchman, guard, patrolman, or any other person for any of such purposes. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.103. Exempt employee defined.

"Exempt employee" shall mean an employee of a private patrol enterprise who is:

(a) Engaged exclusively in stenographic, typing, filing, and clerical work; and

(b) Engaged in private patrol work other than street patrol work, activities, and services. (§ 1, Ord. 661, eff. January 12, 1972, as amended by § 1, Ord. 685, eff. September 12, 1973, and § 1, Ord. 702, eff. April 17, 1974)

Sec. 5-14.104. Nonexempt employee defined.

"Nonexempt employee" shall mean any employee of a private patrol enterprise, other than an exempt employee, and shall include those employees who engage in street patrol

work or activity. (§ 1, Ord. 661, eff. January 12, 1972, as amended by § 2, Ord. 685, eff. September 12, 1973, and § 2, Ord. 702, eff. April 17, 1974)

Sec. 5-14.105. Public information.

All applications, supplementary statements, and the information contained therein or annexed thereto shall be public records. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.106. Confidential information.

The lists of employers or clients required by this chapter, and any information set forth therein or annexed thereto, shall be deemed to be records of investigations conducted by the County for law enforcement or licensing purposes, and shall not be public records, and shall remain confidential. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.107. Street patrol defined.

"Street patrol" work or activity shall mean that work or activity for or on behalf of a private patrol enterprise of walking or operating a motor vehicle on or about, or in any way patrolling, the public streets, highways, or thoroughfares in the County as a security, surveillance, or guard service. (§ 3, Ord. 685, eff. September 12, 1973, as amended by § 3, Ord. 702, eff. April 17, 1974)

Article 2. Regulations

Sec. 5-14.201. Private patrol permits required.

No person shall operate or manage a private patrol enterprise unless there is in force a private patrol permit issued in accordance with the provisions of this chapter to the private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.202. Surrender of private patrol permits.

No person shall cease to operate or manage a private patrol enterprise without surrendering to the Sheriff-Coroner within five (5) days thereafter the private patrol permit issued in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.203. State licenses required.

No person shall hold a private patrol permit in accordance with the provisions of this chapter unless there is in force a private patrol operator's license issued to him by the State in accordance with the provisions of the Private Investigator and Adjuster Act set forth in Sections 7500, et seq. of the Business and Professions Code of the State. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.204. Registration permits required to employ nonexempt employees.

No person shall, in the operation or management of a private patrol enterprise, employ or retain in employment a nonexempt employee who does not have in force a registration permit issued in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.205. Violations of private patrol permit conditions.

No person shall operate or manage a private patrol enterprise in violation of the conditions set forth in the private patrol permit issued in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.206. Client lists.

No person shall operate or manage a private patrol enterprise without filing with the Sheriff-Coroner and keeping current a list of the names, addresses, and telephone numbers of all employers and clients. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.207. Registration permits required to serve as nonexempt employees.

No person shall serve as a nonexempt employee of a private patrol enterprise unless there is in force a registration permit issued to him in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.208. Surrender of registration permits.

No person shall cease to be a nonexempt employee of a private patrol enterprise without surrendering to the Sheriff-Coroner within five (5) days thereafter any registration permit issued in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.209. Violations of registration permit conditions.

No person shall violate the conditions set forth in any registration permit issued to him pursuant to the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.210. Employees: State licenses required.

No person shall serve as a nonexempt employee of a private patrol enterprise unless there is in force a private patrol operator's license issued to the operator of that private patrol enterprise in accordance with the provisions of the Private Investigator and Adjuster Act set forth in Sections 7500, et seq. of the Business and

Professions Code of the State. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.211. Employees: Private patrol permits required.

No person shall serve as a nonexempt employee of a private patrol enterprise unless there is in force a private patrol permit issued to that private patrol enterprise in accordance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.212. Employees: State licenses revoked.

No person shall serve as a nonexempt employee of a private patrol enterprise if a private patrol operator's license issued to him in accordance with the provisions of the Private Investigator and Adjuster Act set forth in Sections 7500, et seq. of the Business and Professions Code of the State has ever been revoked. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.213. Employees: State licenses of associates revoked.

No person shall serve as a nonexempt employee of a private patrol enterprise if he has been a partner, officer, director, or manager of any person whose private patrol operator's license issued pursuant to the provisions of the Private Investigator and Adjuster Act set forth in Sections 7500 et seq. of the Business and Professions Code of the State has been revised. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.214. Information required for permits.

No person shall operate or manage or serve as a nonexempt employee of a private patrol enterprise without furnishing to the Sheriff-Coroner all the information required in an application for a permit required by the provisions of this chapter, or things required to accompany such an application. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.215. Supplementary statements required for permits.

No person shall operate or maintain or serve as a nonexempt employee of a private patrol enterprise without filing with the Sheriff-Coroner a supplementary statement setting forth any changes or subsequent or additional information that would be required of a new applicant for a permit required by the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.216. Bad moral character.

No person of bad moral character shall operate, manage, or serve as a nonexempt employee of a private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.217. Intemperate habits.

No person with intemperate habits shall operate, manage, or serve as a nonexempt employee of a private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.218. Bad reputation.

No person of bad reputation for truth, honesty, or integrity shall operate, manage, or serve as a nonexempt employee of a private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.219. Dishonesty or fraud.

No person who has committed any act constituting dishonesty or fraud shall operate, manage, or serve as a nonexempt employee of a private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.220. Criminal convictions.

No person who has been convicted of a felony or of a crime involving moral turpitude or the illegal use, carrying, or possession of a dangerous weapon shall operate, manage, or serve as a nonexempt employee of a private patrol enterprise. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.221. Uniforms.

(a) *Wearing of uniforms.* A uniform substantially similar to the official uniform of a member of the Yolo County Sheriff's Department shall not be worn by any person, except a peace officer, if it is his official uniform, or a person authorized to do so by the Sheriff of the County.

(b) *Substantially similar uniforms defined.* A substantially similar uniform to the official uniform of the Yolo County Sheriff's Department is defined as one which so resembles the official uniform as might cause an ordinary and reasonable person to believe that the person wearing such uniform is a member of the Yolo County Sheriff's Department.

(c) *Type of uniform.* A substantially similar uniform is further defined as one consisting of a forest green cap, tan shirt, and forest green trousers with a black and gold stripe on the leg.

(d) *Violations.* A uniform described in subsection (c) of this section is presumed, for the purposes of this chapter, to be substantially similar to the Yolo County Sheriff's Department uniform, and the wearing of same shall be a violation of the provisions of this chapter.

(e) *Misdemeanors.* Any violation of the provisions of this section shall be a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 661, eff. January 12, 1972, as amended by § 4, Ord. 685, eff. September 12, 1973, and § 4, Ord. 702, eff. April 17, 1974)

Sec. 5-14.222. Vehicles.

No person shall use, or cause to be used, in the operation or management of a private patrol enterprise a motor vehicle or motorcycle containing lettering, markings, or insignia that:

(a) Is not distinctly different from that employed by the County or any city located in the County;

(b) Employs a star or shield; or

(c) Fails to contain the designation "Private Patrol" in letters at least four (4") inches in height on the front doors. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.223. False statements.

No person shall file an application, supplementary statement, or list of clients or employers that contains a false statement. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.224. Firearms: Use of restricted.

No person not in uniform shall use any firearm in the employment, operation, or management of a private patrol enterprise without establishing to the satisfaction of the Sheriff-Coroner reasonable proficiency in the use of such firearm. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.225. Firearms: Permitting use of restricted.

No person shall permit or cause any other person not in uniform to use a firearm in the employment, operation, or management of a private patrol enterprise without establishing to the satisfaction of the Sheriff-Coroner reasonable proficiency in the use of such firearm. (§ 1, Ord. 661, eff. January 12, 1972)

Article 3. Permits

Sec. 5-14.301. Applications: Filing.

Applications for the permits required by the provisions of this chapter shall be made in writing to the Sheriff-Coroner and shall be accompanied by the following:

(a) The fee provided for in Section 5-14.308 of this article;

(b) Two (2) recent photographs of the applicant and of each partner, officer, director, or manager thereof;

(c) (Repealed by § 5, Ord. 685, eff. September 12, 1973, and § 5, Ord. 702, eff. April 17, 1974);

(d) Unless such are already on file or have been approved by the Sheriff-Coroner, examples or diagrams showing the color and design of any uniform, insignia, or identification card and the lettering, identification, markings, or insignia for motor vehicles or motorcycles proposed for use by the applicant in the private patrol enterprise. Any sample submitted to the Sheriff-Coroner

shall be returned by him to the applicant upon the expiration of the appeal period, upon an order of the Sheriff-Coroner without appeal, or upon the final order of the Board determining the appeal; and

(e) A list of the names, addresses, and telephone numbers of all clients and employers. (§ 1, Ord. 661, eff. January 12, 1972, as amended by § 5, Ord. 685, eff. September 12, 1973, and § 5, Ord. 702, eff. April 17, 1974)

Sec. 5-14.302. Applications: Contents.

The application shall be verified and shall include:

(a) The name, age, residence, mailing address, home and business telephone numbers, social security number, and place of birth of the applicant and each partner, director, and manager thereof;

(b) Whether the applicant is an individual, partnership, or corporation;

(c) Whether or not the applicant has or has ever had a private patrol operator's license issued pursuant to the provisions of the Private Investigator and Adjuster Act of the State, and whether such a license has ever been refused, suspended, or revoked, and the dates of issuance, surrender, refusal, suspension, or revocation of such license, and a description of the facts and reasons therefor;

(d) Whether or not the applicant or any partner, officer, director, or manager thereof is or has been of bad moral character, together with a complete description of all incidents evidencing such bad moral character;

(e) Whether or not the applicant or any partner, officer, director, or manager thereof possesses or has ever possessed intemperate habits, together with a description of the habit and the nature, extent, and duration thereof;

(f) Whether or not the applicant or any partner, officer, director, or manager thereof is of bad reputation for truth, honesty, or integrity, together with a description of the circumstances and locality where such reputation is held;

(g) Whether or not the applicant or any partner, officer, director, or manager thereof has committed any act constituting dishonesty or fraud, together with the time, place, and description of the act;

(h) Whether or not the applicant or any partner, officer, director, or manager thereof has ever been convicted of a felony or any crime involving moral turpitude or the illegal use, carrying, or possession of a dangerous weapon, together with a specification of the crime, the date and location of the conviction, the nature of any sentence served, and a description of the surrounding circumstances;

(i) A statement listing any and all names used by the applicant, or any partner, officer, director, or manager thereof, other than the name

by which such persons are currently known, together with an explanation setting forth the places where each such name was used, the dates of such use, and the full explanation of the reasons for which such name was used. If such a person has never used a name other than that by which he is currently known, this fact shall be set forth;

(j) The name and address of the employer and the date employment commenced and the termination of each employer, past or present, of the applicant, or any partner, officer, director, or manager thereof; and

(k) Whether the applicant or any partner, officer, director, manager, or nonexempt employee thereof will use a firearm while not in uniform and, if so, the kind of firearm and a description of the user's proficiency in its use. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.303. Applications: Contents: Private patrol operator permits.

In addition to the requirements set forth in Sections 5-14.301 and 5-14.302 of this article, an application for a private patrol permit shall include the following:

(a) A full description of the location and operation of the applicant's private patrol enterprise, including the place of business and radio operations;

(b) Whether or not the applicant, or any partner, officer, director, or manager thereof, is licensed by the Bureau of Collection and Investigative Services of the State pursuant to the provisions of the Private Investigator and Adjuster Act and, if so, the class and number of such license, whether or not any proceedings have ever been commenced for the suspension or revocation of such license, and the outcome thereof; and

(c) The title and position occupied by the applicant and each partner, director, manager, and nonexempt employee thereof and a description of the duties of each. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.304. Applications: Contents: Registration permits.

In addition to the information required by the provisions of Sections 5-14.301 through 5-14.303 of this article, an application for a registration permit shall set forth the title of the position occupied by the applicant and a description of his duties. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.305. Investigations: Issuance: Denial.

The Sheriff-Coroner shall cause an investigation to be made of the facts stated in the permit application and the data accompanying the application. If the application involves the use

of a firearm while a person is not in uniform, the Sheriff-Coroner may require such person to demonstrate his proficiency in the use of such firearm. Within thirty (30) days, the Sheriff-Coroner shall make his order upon the application. If he finds that the applicant is in compliance with all the regulations imposed by this chapter, the Sheriff-Coroner shall order the issuance of the permit. If he finds that compliance with such regulations can be obtained by the applicant, the Sheriff-Coroner may issue a permit subject to reasonable conditions. If he finds that the applicant cannot comply with the regulations imposed by this chapter, the Sheriff-Coroner shall deny the permit. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.306. Permit numbers.

Upon making his order granting a permit or granting a permit subject to conditions, the Sheriff-Coroner shall issue a permit to the applicant. Each permit issued pursuant to the provisions of this chapter shall bear a number. Once a permit number has been assigned, it shall not be reassigned to any other permittee. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.307. Assignability.

Permits issued pursuant to the provisions of this chapter shall not be assignable. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.308. Fees.

The permit application fees shall be as follows:

(a) For a private patrol operator's permit \$25.00;

(b) For a registration permit \$10.00. (§ 1, Ord. 661, eff. January 12, 1972)

Article 4. Suspension, Revocation, and Appeals

Sec. 5-14.401. Suspension of permits.

The Sheriff-Coroner may make an order suspending any permit issued pursuant to the provisions of this chapter upon determining that there exists any fact which would have been a ground for refusal to issue the permit, or when there has been a violation of any of the provisions of this chapter or rules promulgated pursuant thereto, or if the applicant shall have failed to file a supplementary application or list of his clients or employers, and a list of his employees, within thirty (30) days after a request to do so, or after any occurrence or change in employers, clients, or employees, or shall fail to file a complete list or roster of all employees, both exempt and nonexempt, every thirty (30) days, commencing on the date of the issuance of the permit. (§ 1, Ord. 661, eff. January 12, 1972, as

amended by § 6, Ord. 685, eff. September 12, 1973, and § 6, Ord. 702, eff. April 17, 1974)

**Sec. 5-14.402. Suspension of permits:
Notices.**

No order of suspension shall become effective until the Sheriff-Coroner shall cause a copy thereof to be mailed to the applicant by United States certified mail, postage prepaid, and returned receipt requested, at the address set forth in his application or latest supplemental statement. (§ 1, Ord. 661, eff. January 12, 1972)

Sec. 5-14.403. Appeals.

The applicant or permittee may appeal an order of the Sheriff-Coroner denying a permit, issuing a permit subject to conditions, or suspending a permit to the Board by filing a written notice of appeal with the Clerk of the Board, who shall deliver a copy thereof to the Sheriff-Coroner and inform the Board of the appeal. The Board shall set the matter for public hearing and shall give notice thereof to the parties. After the conclusion of the hearing, the Board shall render its decision and may:

(a) Reinstate or order the issuance of the permit with or without conditions; or

(b) Revoke or deny the issuance of the permit or suspend the permit with or without terms and conditions to secure compliance with the provisions of this chapter. (§ 1, Ord. 661, eff. January 12, 1972)

**Sec. 5-14.404. Automatic revocation of
permits.**

If no appeal shall be taken within the time specified for an appeal following an order of suspension of a permit, the permit shall be deemed revoked. (§ 1, Ord. 661, eff. January 12, 1972)

Chapter 15

REWARDS

Sections:

Article 1. General Purpose

5-15.101 Declaration of purpose.

Article 2. Rewards

5-15.201 Offer of rewards.

5-15.202 Sharing of rewards.

5-15.203 Multiple rewards.

5-15.204 Excepted persons.

5-15.205 Applications for rewards.

5-15.206 Reimbursement to county for rewards paid.

5-15.207 Reimbursement of damages.

5-15.208 Amount of rewards.

Article 1. General Purpose

Sec. 5-15.101. Declaration of purpose.

The Board hereby declares that vandalism and the destruction of County-owned property is increasing in rate and severity of loss and enacts the provisions of this chapter in an effort to encourage the citizens of the County to report to law enforcement authorities all incidents of such vandalism and identify the perpetrators of such offenses. (§ 1, Ord. 683, eff. August 1, 1973)

Article 2. Rewards

Sec. 5-15.201. Offer of rewards.

The Board does hereby irrevocably and continuously offer to pay, and shall pay, a cash reward to any person, save those excepted by the provisions of this chapter, who furnishes information to any law enforcement authority within the County which leads to the arrest and conviction of any person of any violation of the Penal Code of the State, which violation consists in whole or in part of the destruction, mutilation, or material damage of any real or personal property owned or leased by the County, provided an application for the reward is made within ninety (90) days after the date of such conviction. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.202. Sharing of rewards.

In the event more than one person furnishes such information about the same incident or offense, each person who does so shall share in the sum of such reward and shall not be entitled to a separate reward in the sum set forth in this chapter. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.203. Multiple rewards.

The reward in the sum set forth in this chapter shall be paid for the information so furnished as to each person convicted of the

offenses described in this chapter. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.204. Excepted persons.

This offer of reward is not an offer to any of the following designated persons:

(a) Persons who are designated as peace officers in the Penal Code of the State; or

(b) Persons in the employ of the County whose official duties involve the identification or detection of persons who have so materially damaged, mutilated, or destroyed County-owned or leased property. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.205. Applications for rewards.

An applicant for a reward pursuant to the provisions of this chapter shall submit his request for such reward to the Sheriff, who shall thereupon, or upon the conviction of the person charged with the offense, forward such claim to the Board with his statement or recommendation as to payment. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.206. Reimbursement to County for rewards paid.

Whenever it appears that a reward is claimed or might be claimed for such information furnished, the Sheriff is hereby directed to so inform the office of the District Attorney. The purpose of this directive is to inform the court before which a charge is pending and to encourage it to order the person convicted to reimburse the County in the amount of the reward paid, or to be paid, as a condition of probation, if probation is granted. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.207. Reimbursement of damages.

Whenever such a charge is pending before any court, the County officer, department head, or employee in charge of or in possession of such damaged, destroyed, or mutilated County property is hereby ordered to furnish the office of the District Attorney with a complete statement of the financial damages or losses to the County caused by the offense. The purpose of this directive is to inform the court before which a charge is pending and to encourage it to order the person convicted to reimburse the County in the amount of the damages sustained as a condition of probation, if probation is granted. (§ 1, Ord. 683, eff. August 1, 1973)

Sec. 5-15.208. Amount of rewards.

Upon the conviction of each offender, the amount of the reward shall be One Hundred and no/100ths (\$100.00) Dollars. (§ 1, Ord. 683, eff. August 1, 1973)

Chapter 16

BINGO

Sections:

- 5-16.01** **Bingo authorized.**
- 5-16.02** **Definitions.**
- 5-16.03** **Licenses: Required.**
- 5-16.04** **Licenses: Applications.**
- 5-16.05** **Licenses: Fees.**
- 5-16.06** **Licenses: Applications: Investigations.**
- 5-16.07** **Licenses: Term.**
- 5-16.08** **Licenses not transferable.**
- 5-16.09** **Limitations.**
- 5-16.10** **Inspections.**
- 5-16.11** **Licenses: Denial, suspension, and/or revocation.**
- 5-16.12** **Appeal procedure.**
- 5-16.13** **Violations and penalties.**
- 5-16.14** **Severability.**

Sec. 5-16.01. Bingo authorized.

Notwithstanding any other provision of this chapter, this chapter is adopted pursuant to the provisions of Section 19 of Article IV of the Constitution of the State and Section 326.5 of the Penal Code of the State in order to make the game of bingo lawful under the terms and conditions of this chapter. (§ 1, Ord. 769, eff. January 27, 1977)

Sec. 5-16.02. Definitions.

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

(a) "Bingo" shall mean a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

(b) "Authorized organization" shall mean an organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701l of the Revenue and Taxation Code of the State, a mobile home park association, or a senior citizens organization.

(c) "Minor" shall mean any person under the age of eighteen (18) years.

(d) "Renewal license" shall mean a license issued pursuant to this chapter within six (6) months after the expiration of the term of an earlier license issued pursuant to this chapter to the same applicant organization.

(e) "Initial license" shall mean any license issued pursuant to this chapter which is not a renewal license. (§ 1, Ord. 769, eff. January 27,

1977, as amended by § 1, Ord. 993, eff. December 20, 1984)

Sec. 5-16.03. Licenses: Required.

It shall be unlawful for any person to conduct any bingo game in the unincorporated area of the County unless such person is an authorized organization and holds a valid, unexpired, unrevoked license issued in accordance with this chapter. Notwithstanding the foregoing provisions of this section, a senior citizens organization or mobile home park association which conducts bingo games which have twenty-five (25) or fewer participants and which do not generate any net proceeds shall not be required to obtain a license in accordance with this chapter. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 2, Ord. 993, eff. December 20, 1984, and § 1, Ord. 1000, eff. March 14, 1985)

Sec. 5-16.04. Licenses: Applications.

Applications for bingo licenses shall be made to the Sheriff-Coroner on forms prescribed by him and shall be filed not less than thirty (30) days prior to the proposed date of the bingo game or games. Such application form shall require from the applicant at least the following:

(a) The name of the applicant and a statement that the applicant is an authorized organization;

(b) The name and address of at least two (2) officers, including the presiding officer, of the applicant organization;

(c) The particular property within the unincorporated territory of the County, including the street number, owned or leased by the applicant for an office or for the performance of the purposes for which the applicant is organized on which bingo games are to be conducted, together with the occupancy capacity of such place;

(d) Whether the premises used for bingo are leased or owned by the applicant;

(e) The proposed day of the week and hours of the day for the conduct of bingo games; and

(f) A list of all officers and directors of the applicant and of the person or persons designated by the applicant as being responsible for the operation of bingo games, including for each the full name, date of birth, place of birth, physical description, and driver's license number.

The application shall be accompanied by a certificate of determination of exemption under Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, or 23701l of the Revenue and Taxation Code of the State or a letter of good standing, either issued by the Exemption Division of the Franchise Tax Board of the State, showing an exemption under one of said sections, or by satisfactory proof that the applicant is a mobile home park association or a senior citizens organization, as applicable.

The application shall be accompanied by a certificate of the Fire Chief of the agency with fire suppression and prevention responsibility for the premises to be used for bingo games that the premises comply with all the laws, ordinances, rules, or regulations of such agency. Such certificate shall include any terms and conditions necessary to maintain such compliance.

(g) Each person who will be responsible for the operation of bingo games for an applicant shall be fingerprinted by the Sheriff-Coroner, and the applicant shall pay to the Sheriff-Coroner such fees as may be required by the Sheriff-Coroner to make a background check based upon such fingerprints.

If, after a license has been issued, an additional person or persons become responsible for the operation of a licensee's bingo games, such additional person or persons shall be fingerprinted by the Sheriff-Coroner, and the licensee shall pay to the Sheriff-Coroner such fees as may be required by the Sheriff-Coroner to make a background check based on such fingerprints. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 3, Ord. 953, eff. July 1, 1983, and § 3, Ord. 993, eff. December 20, 1984)

Sec. 5-16.05. Licenses: Fees.

(a) The initial application fee for a bingo license shall be Fifty and no/100ths (\$50.00) Dollars. For an authorized organization which does not award cash prizes in bingo games and does not charge a cash entry fee to play, the fee shall be Twenty-Five and no/100ths (\$25.00) Dollars. The license fee shall accompany the application and shall be nonrefundable.

(b) There shall be no fee for the renewal of a license if the renewal application is submitted prior to the expiration of the preceding license. If the preceding license has expired, the fee shall be Fifty and no/100ths (\$50.00) Dollars.

(c) Each licensee shall pay, in addition to the fee required by subsection (a) of this section, a fee of one percent of the monthly gross receipts over Five Thousand and no/100ths (\$5,000.00) Dollars derived from bingo games. Such fee shall be paid within thirty (30) days following the close of each calendar month to the Sheriff-Coroner and shall be accompanied by a copy of the monthly report provided for in subsection (m) of section 5-16.09 of this chapter. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 1, Ord. 874, eff. May 8, 1980, § 4, Ord. 953, eff. July 1, 1983, § 4, Ord. 993, eff. December 20, 1984, and § 2, Ord. 1000, eff. March 14, 1985)

Sec. 5-16.06. Licenses: Applications: Investigations.

(a) Upon the receipt of an application and fee, the Sheriff-Coroner shall send copies of such application to any office or department which he

deems essential in order to carry out a proper investigation of the applicant.

(b) The Sheriff-Coroner and every officer and/or department to which an application is referred shall investigate the truth of the matters set forth in the application and the character of the applicant and may examine the premises to be used for a bingo game.

(c) Upon the approval of an application for a bingo license, the Sheriff-Coroner shall issue the license. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 5, Ord. 953, eff. July 1, 1983)

Sec. 5-16.07. Licenses: Term.

The term of all bingo licenses issued pursuant to this chapter shall expire on July 1 of each year. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 3, Ord. 1000, eff. March 14, 1985)

Sec. 5-16.08. Licenses not transferable.

Each license issued pursuant to the provisions of this chapter shall be used by a specific authorized organization to conduct a bingo game at a specific location and shall in no event be transferred from one organization to another or from one location to another. (§ 1, Ord. 769, eff. January 27, 1977, as amended by § 5, Ord. 993, eff. December 20, 1984)

Sec. 5-16.09. Limitations.

(a) An authorized organization shall conduct a bingo game only on property both owned or leased by it, or on property whose use is donated to the organization, and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized.

(a-1) No authorized organization shall conduct bingo games in excess of the following time limits:

(1) *Weekly maximum.* No authorized organization shall conduct bingo games at any one location in excess of four (4) hours per week.

(2) *More frequent operators.* No authorized organization conducting bingo games more frequently than set forth in subsection (3) of this subsection shall conduct a bingo game for more than one hour for each ten (10) hours of service by its volunteers or employees at that property to run the office or for the performance of the purposes for which the organization is organized (exclusive of conducting bingo games). The hours of service shall be within the same calendar month in which the bingo game is conducted.

(3) *Less frequent operators.* Notwithstanding the provisions of subsection (2) of this subsection, if:

(i) An authorized organization conducts no more than four (4) bingo games per year; and

(ii) The property owned or leased by it or whose use is donated to the organization will be the location of no more than three (3) bingo games conducted within the same calendar week by any operator, the authorized organization may conduct a bingo game for no more than two (2) hours for each ten (10) hours of service by its volunteers or employees at that property to run the office or for the performance of the purposes for which the organization is organized (exclusive of conducting bingo games). The hours of service shall be within the same calendar month in which the bingo game is conducted. No such authorized organization shall conduct bingo games in excess of such limit.

(4) *Sole location.* Notwithstanding the provisions of subsection (3) of this subsection, an authorized organization which conducts a bingo game only on property which is also the sole location used by it for an office or for the performance of the purposes for which it is organized may conduct bingo games for up to four (4) hours per week.

(5) *Additional hours.* Notwithstanding the limit set forth in subsection (1) of this subsection, once per each calendar year the Sheriff-Coroner may permit a licensee who is a more frequent operator to conduct bingo games for additional time up to four (4) hours; provided, however, such permission shall be limited to bingo games.

(b) No minor shall be allowed to participate in any bingo game.

(c) All bingo games shall be open to the public, not just to members of the authorized organization.

(d) A bingo game shall be operated and staffed only by the members of the authorized organization which organized it. Such members shall be approved by the Sheriff-Coroner and shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision, or any other phase of such game. This subsection shall not preclude the employment of security personnel who are not members of the authorized organization at such bingo games by the organization conducting the games. No person who has been convicted of any crime involving fraud or theft shall participate in the operation of a bingo game.

(e) No individual, corporation, partnership, or other legal entity, except the organization authorized to conduct a game, shall hold a financial interest in the conduct of a bingo game.

(f) With respect to organizations exempt from the payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code of the State, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund

or account. Such profits shall be used only for charitable purposes.

(f-1) With respect to other organizations authorized to conduct bingo games pursuant to this chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. For the purposes of this subsection, "proceeds" shall mean the receipts of bingo games conducted by organizations not coming within the provisions of subsection (f) of this section. Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed twenty (20%) percent of the proceeds before the deduction for prizes, or One Thousand and no/100ths (\$1,000.00) Dollars per month, whichever is less, may be used for the rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(3) Such proceeds may be used to pay license fees.

(g) No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

(h) The total value of the prizes awarded during the conduct of any bingo game shall not exceed Two Hundred Fifty and no/100ths (\$250.00) Dollars in cash or kind, or both, for each separate game which is held.

(i) No bingo game shall be conducted between the hours of midnight and 8:00 a.m.

(j) The licensee shall report to the Sheriff-Coroner in writing each change in officers or directors and shall furnish in writing such information as to each new officer or director as is required of officers or directors in a license application.

(k) No intoxicated person shall be allowed to participate in a bingo game.

(l) No alcoholic beverages shall be served or consumed on the premises on which a bingo game is conducted.

(m) Within thirty (30) days following the close of each calendar month, the licensee shall file with the Sheriff-Coroner a report, on forms prescribed by the Sheriff-Coroner, setting forth all moneys collected from games held during the month, all moneys deposited in connection therewith, the moneys remaining for charitable purposes, the number of hours per week bingo games were conducted, and the number of hours of service per week by its volunteers or employees at the location where bingo games were conducted, exclusive of conducting bingo games.

(n) No bingo game shall be conducted unless a person designated as responsible for operating the game is present physically on the

premises at all times at the time and place in which the bingo game is being operated.

(o) The licensee shall report to the Sheriff-Coroner in writing each change in designation of such information as to each new responsible person as required of responsible persons in a license application. (§ 1, Ord. 769, eff. January 27, 1977, as amended by §§ 6, 7, 8, 9, 10, 11, and 12, Ord. 993, eff. December 20, 1984)

Sec. 5-16.10. Inspections.

Any peace officer of the County shall have free access to any bingo game licensed pursuant to this chapter. The licensee shall have the bingo license and lists of approved staff available for inspection at all times during any bingo game. (§ 1, Ord. 769, eff. January 27, 1977)

Sec. 5-16.11. Licenses: Denial, suspension, and/or revocation.

(a) *Grounds.* The Sheriff-Coroner may deny an application for a bingo license or suspend or revoke a bingo license if he finds the applicant or licensee, or any agent or representative thereof, has:

(1) Knowingly made any false, misleading, or fraudulent statement of a material fact in the application or in any record or report required to be filed pursuant to this chapter; or

(2) Violated any of the provisions of this chapter.

(b) *Procedure.* If, after an investigation, the Sheriff-Coroner determines that a bingo license should be suspended or revoked or an application for such license denied, he shall prepare a notice of suspension, revocation, or denial of the application, setting forth the reasons for such suspension, revocation, or denial of the application. Such notice shall be sent by certified mail to the applicant's last address provided in the application or be personally delivered. Any person who has had an application for a bingo license denied by the Sheriff-Coroner, or who has had a bingo license suspended or revoked by the Sheriff-Coroner, may appeal the decision of the Sheriff-Coroner in the manner provided in this chapter. (§ 1, Ord. 769, eff. January 27, 1977)

Sec. 5-16.12. Appeal procedure.

Whenever an appeal is provided for in this chapter, such appeal shall be filed and conducted as prescribed in this section.

(a) Within fifteen (15) calendar days after the date of any denial, suspension, revocation, or other decision of the Sheriff-Coroner, an aggrieved party may appeal such action by filing with the Clerk of the Board a written appeal briefly setting forth the reasons why such denial, suspension, revocation, or other decision is not proper.

(b) Upon the receipt of such written appeal, the Clerk of the Board shall cause the appeal to be set for a hearing before the Board. At least one week prior to the date of the hearing on the appeal, the Clerk of the Board shall notify the appellant and Sheriff-Coroner of the date and place of the hearing. At such hearing, the Sheriff-Coroner and the appellant may present evidence relevant to the denial, suspension, revocation, or other decision of the Sheriff-Coroner.

(c) At the conclusion of the hearing, the Board may uphold the denial, suspension, revocation, or other decision of the Sheriff-Coroner, or the Board may allow that which has been denied, reinstate that which has been suspended or revoked, or modify or reverse any other decision of the Sheriff-Coroner which is the subject of the appeal. (§ 1, Ord. 769, eff. January 27, 1977)

Sec. 5-16.13. Violations and penalties.

(a) It shall be unlawful for any person to receive a profit, wage, or salary from any bingo game authorized by this chapter.

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment in the County Jail for a period of not more than six (6) months, or both such fine and imprisonment.

All sanctions provided in this chapter shall be cumulative and not exclusive. (§ 1, Ord. 769, eff. January 27, 1977)

Sec. 5-16.14. Severability.

If any provision, clause, sentence, or paragraph of this chapter, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable. (§ 1, Ord. 769, eff. January 27, 1977)

Chapter 17

TAXICABS

Sections:

Article 1. Title and Authority

- 5-17.101 Title.
- 5-17.102 Authority.
- 5-17.103 Effect on other laws.

Article 2. Definitions

- 5-17.201 Scope.
- 5-17.202 Taxicab.
- 5-17.203 Automobile.
- 5-17.204 Owner.
- 5-17.205 Drive or operate.

Article 3. Prohibitions

- 5-17.301 Licenses: Required.
- 5-17.302 Licenses: Revoked or expired: Effect.
- 5-17.303 Taxicabs: Operating requirements.

Article 4. Licenses

- 5-17.401 Applications.
- 5-17.402 Applications: Issuance: Denial.
- 5-17.403 Term.
- 5-17.404 Fees: Issuance: Renewal.
- 5-17.405 Cancellation.
- 5-17.406 Denial or cancellation: Appeals.
- 5-17.407 Denial or cancellation: Decisions: Finality.
- 5-17.408 Denial or cancellation: Appeals: Procedure.
- 5-17.409 Denial or cancellation: Appeals: Hearings: Determinations.
- 5-17.410 Nontransferability.

Article 5: Standards

- 5-17.501 Scope.
- 5-17.502 Licenses: Requirements.
- 5-17.503 Licenses: Public liability insurance: Requirements.

Article 6. Violations: Penalties

- 5-17.601 Violations: Penalties.

Article 1. Title and Authority

Sec. 5-17.101. Title.

This chapter shall be known and cited and referred to as the "Taxicab Law of the County of Yolo." (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.102. Authority.

This chapter is enacted pursuant to the provisions of Section 7 of Article 11 of the Constitution of the State and Chapter 5 of

Division 7 of the Vehicle Code of the State (commencing with Section 16500). (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.103. Effect on other laws.

The provisions of this chapter are not the exclusive regulation of taxicabs within the unincorporated area of the County. The provisions of this chapter shall supplement and be in addition to the regulatory Codes, statutes, and laws heretofore or hereafter enacted by the County, the State, or any other legal entity or agency having jurisdiction. (§ 1, Ord. 893, eff. November 1, 1980)

Article 2. Definitions

Sec. 5-17.201. Scope.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as set forth in this article. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.202. Taxicab.

"Taxicab" shall mean an automobile used in the transportation of passengers for hire, on call or demand, over the public highways of the unincorporated area of the County and not over a defined route or upon a fixed schedule. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.203. Automobile.

"Automobile" shall mean a motor-propelled vehicle used, designed, or maintained primarily for the transportation of persons over public streets. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.204. Owner.

"Owner" shall mean a person, firm, or corporation having the use or control of a taxicab, whether as the legal owner, lessee, or in any other capacity. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.205. Drive or operate.

"Drive or operate" shall mean:

(a) The pick up or discharge of passengers within the unincorporated area of the County; and/or

(b) Passage over the public highways of the unincorporated area of the County with passengers; or without passengers if the taxicab is enroute to pick up passengers or has just discharged passengers. (§ 1, Ord. 893, eff. November 1, 1980)

Article 3. Prohibitions

Sec. 5-17.301. Licenses: Required.

It shall be unlawful for any owner of a taxicab to drive or operate, or cause or permit another

person to drive or operate, a taxicab on the public highways of the unincorporated areas of the County without having a valid taxicab license. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.302. Licenses: Revoked or expired: Effect.

It shall be unlawful for any owner of a taxicab to drive or operate, or cause or permit another person to drive or operate, a taxicab on the public highways of the unincorporated areas of the County with an expired or revoked taxicab license. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.303. Taxicabs: Operating requirements.

It shall be unlawful for any person to operate a taxicab in violation of the terms and conditions imposed by this chapter. (§ 1, Ord. 893, eff. November 1, 1980)

Article 4. Licenses

Sec. 5-17.401. Applications.

Any person required to apply for and obtain a license under the provisions of this chapter shall prepare and submit to the Sheriff-Coroner an application, and other information or documentation as may be required, on forms provided for such purpose by the County. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 6, Ord. 953, eff. July 1, 1983)

Sec. 5-17.402. Applications: Issuance: Denial.

If the Sheriff-Coroner finds that the applicant is in compliance with the standards specified by this chapter, he shall issue a taxicab license to the applicant. If the Sheriff-Coroner finds that the applicant has not complied with the standards specified by this chapter, he shall deny the license. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 7, Ord. 953, eff. July 1, 1983)

Sec. 5-17.403. Term.

The term of a taxicab license shall be one year beginning on October 1 of each year and ending on September 30 of the succeeding year. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.404. Fees: Issuance: Renewal.

Licenses issued under the provisions of this chapter shall be issued upon the payment of a fee of Twenty and no/100ths (\$20.00) Dollars for the initial issuance and for renewal; provided, however, if a renewal application is filed after the expiration of the preceding license, the fee for renewal shall be Thirty and no/100ths (\$30.00) Dollars. Licenses shall not be renewed without proof that the public liability insurance required by

this chapter remains in full force and effect. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.405. Cancellation.

(a) The Sheriff-Coroner shall cancel any license issued pursuant to this chapter when any of the following occurs:

(1) The owner fails to maintain the public liability policy specified in Article 5 of this chapter in full force and effect; or

(2) Upon cancellation of such policy for any other reason than as set forth in subsection (1) of this subsection; or

(3) If the public liability policy does not meet the requirements of Article 5 of this chapter; or

(4) The renewal fee is not paid.

(b) The Sheriff-Coroner shall not cancel any license issued pursuant to this chapter without first giving five (5) days' notice to the holder of such license by certified mail, return receipt requested. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 8, Ord. 953, eff. July 1, 1983)

Sec. 5-17.406. Denial or cancellation: Appeals.

All decisions of the Sheriff-Coroner as to the denial or cancellation of taxicab licenses may be appealed by the taxicab owner to the Board. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 9, Ord. 953, eff. July 1, 1983)

Sec. 5-17.407. Denial or cancellation: Decisions: Finality.

The decision of the Sheriff-Coroner as to the denial or cancellation of licenses rendered pursuant to the provisions of this chapter shall be final, unless appealed to the Board within thirty (30) days after such decision is rendered in writing to the taxicab owner. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 10, Ord. 953, eff. July 1, 1983)

Sec. 5-17.408. Denial or cancellation: Appeals: Procedure.

Appeals from the decisions of the Sheriff-Coroner shall be made in writing, and shall specify and set forth the grounds for the appeal, and shall be filed by the appellant with the Clerk of the Board. The Board shall set the matter for a hearing no later than thirty (30) days after such filing and shall give the appellant and the Sheriff-Coroner no less than fifteen (15) days' written notice of such date of hearing. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 11, Ord. 953, eff. July 1, 1983)

Sec. 5-17.409. Denial or cancellation: Appeals: Hearings: Determinations.

(a) After hearing the appeal, the Board shall render its decision and may:

(1) Reinstate or order the issuance of the license or the renewal thereof; or

(2) Uphold the decision of the Sheriff-Coroner.

(b) The order of the Board shall be final. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 12, Ord. 953, eff. July 1, 1983)

Sec. 5-17.410. Nontransferability.

No license issued pursuant to this chapter shall be transferable. (§ 1, Ord. 893, eff. November 1, 1980)

Article 5. Standards

Sec. 5-17.501. Scope.

Applications for the issuance of taxicab licenses shall be determined in accordance with the standards prescribed by this article. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.502. Licenses: Requirements.

No license shall be issued pursuant to this chapter until a policy for public liability insurance as required by this chapter has been secured, and the policy, or a copy of the policy or certificate evidencing the policy, has been deposited with the Tax Collector, along with the required license fee. The policy, or an endorsement thereto, shall provide that the issuing company will not allow the policy to be cancelled for any reason without first serving a ten (10) day notice of cancellation upon the County. Such service shall be made by registered mail to the Tax Collector. (§ 1, Ord. 893, eff. November 1, 1980)

Sec. 5-17.503. Licenses: Public liability insurance: Requirements.

(a) Each policy required by this chapter shall cover each taxicab operated by an owner for not less than the following sums:

(1) For the injury to any one person, or the death of any one person in any one accident, One Hundred Thousand and no/100ths (\$100,000.00) Dollars;

(2) For the injury to or the death of two (2) or more persons in any one accident, Three Hundred Thousand and no/100ths (\$300,000.00) Dollars; and

(3) For the injury to or destruction of property in any one accident, Fifty Thousand and no/100ths (\$50,000.00) Dollars.

(b) The public liability insurance specified in this section shall be executed by an insurance company authorized to do business in the State by the Insurance Commissioner of the State.

(c) Up to Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars of the insurance requirements set forth in subsection (a) of this section may be satisfied by depositing with the

Department of Motor Vehicles of the State sufficient cash or a bond pursuant to Sections 16020 et seq. of the Vehicle Code of the State. If a portion of the insurance requirements are satisfied by such deposits, no permit shall be granted until a certified copy of the acknowledgement of the deposit issued by the Department of Motor Vehicles of the State specifying the amounts of such deposits has been filed with the Tax Collector. (§ 1, Ord. 893, eff. November 1, 1980, as amended by § 1, Ord. 912, eff. July 9, 1981)

Article 6. Violations: Penalties

Sec. 5-17.601. Violations: Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor and shall be punishable as set forth in Chapter 2 of Title 1 of this Code. (§1, Ord. 893, eff. November 1, 1980)

Chapter 18

DRUG PARAPHERNALIA*

Sections:

- 5-18.01 Purpose.**
- 5-18.02 Definitions.**
- 5-18.03 Displays of drug paraphernalia.**
- 5-18.04 Distributions of drug paraphernalia.**
- 5-18.05 Exceptions.**
- 5-18.06 Severability.**
- 5-18.07 Violations: Infractions.**

* Adopted as Chapter 14; renumbered to Chapter 18 by codifier to conform with numbering system of the Code.

Sec. 5-18.01. Purpose.

The illegal use of controlled substances within the unincorporated area of the County creates serious social, medical, and law enforcement problems. The illegal use of such substances by persons under eighteen (18) years of age has reached crisis dimensions. It is causing serious physical and psychological damage to the youth of this community, an impairment of educational achievement and of the efficiency of the educational system, increases in a non-drug related crimes and a threat to the ability of the community to ensure future generations of responsible and productive adults, all to the detriment of the healthy, safety, and welfare of the citizens of the County.

The proliferation of the display of drug paraphernalia in retail stores within the unincorporated area, and the distribution of such paraphernalia, intensifies, and otherwise compounds the problem of illegal use of controlled substances in this community. That proliferation is encouraged by the enactment of regulatory laws in neighboring jurisdictions, and the enactment of regulatory laws is necessary to prevent the migration of such displays and distribution in the County.

A ban only upon the display and distribution of drug paraphernalia to persons under eighteen (18) years of age would not be practical. The person who displays or distributes would have difficulty determining who could lawfully view or receive drug paraphernalia. The already thinly-staffed law enforcement agencies would be subject to intolerable added enforcement burden by adding the age of a person who views or receives paraphernalia as an element of a prohibition upon displays and distribution. A significant number of high school students are eighteen (18) years of age or older. It would be unlawful to distribute paraphernalia to some students attending the same school in which the distribution to other students would be prohibited.

Permitted displays and distribution to adults within the community would symbolize a public tolerance of illegal drug use, making it difficult to explain the rationale of program directed against similar abuse by youth. The problem of the illegal consumption of controlled substances by adults within this community is significant and substantial, necessitating a cessation of the encouragement to drug abuse which the display and distribution of drug paraphernalia create.

This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within the unincorporated area of the County. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.02. Definitions.

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

(a) *Business*. "Business" shall mean a fixed location, whether indoors or outdoors, at which merchandise is offered for sale at retail.

(b) *Display*. "Display" shall mean to show to a patron or place in a manner so as to be available for viewing or inspection by a patron.

(c) *Patron*. "Patron" shall mean a person who enters a business for the purpose of purchasing or viewing as a shopper merchandise offered for sale at the business.

(d) *Distribute*. "Distribute" shall mean to transfer ownership or a possessory interest to another, whether for consideration or as a gratuity. "Distribute" shall include both sales and gifts.

(e) *Controlled substance*. "Controlled substance" shall mean those controlled substances set forth in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code of the State, identified as Schedules I through V, inclusive, as said sections now exist or may hereafter be amended.

(f) *Drug paraphernalia*. "Drug paraphernalia" shall mean all equipment, products, and materials of any kind which are intended by a person charged with a violation of this chapter for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any law of the State. "Drug paraphernalia" shall include, but not be limited to, all of the following:

(1) Kits intended for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices intended for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment intended for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

(5) Scales and balances intended for use in weighing or measuring controlled substances;

(6) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, intended for use in cutting controlled substances;

(7) Separation gins and sifters intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons, and mixing devices intended for use in compounding controlled substances;

(9) Capsules, balloons, envelopes, and other containers intended for use in packaging small quantities of controlled substances;

(10) Containers and other objects intended for use in storing or concealing controlled substances; and

(11) Objects intended for use in injecting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;

(vi) Miniature cocaine spoons and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Air-driven pipes; and

(x) Bongs.

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

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

2. The proximity of the object to controlled substances;

3. The existence of any residue of controlled substances on the object;

4. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he knows intend to use the object to facilitate violations of

the laws of the State relating to controlled substances;

5. Instructions, oral or written, provided with the object concerning its use;

6. Descriptive materials accompanying the object which explain or depict its use;

7. National and local advertising concerning its use;

8. The manner in which the object is displayed for sale;

9. Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;

10. The existence and scope of legitimate uses for the object in the community; and

11. Expert testimony concerning its use.

(g) *Person*. "Person" shall mean a natural person or any firm, partnership, association, corporation, or cooperative association. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.03. Displays of drug paraphernalia.

(a) Except as authorized by law, it shall be unlawful for any person to willfully maintain or operate any business knowing, or under circumstances where one reasonably should know, that drug paraphernalia is displayed at such business.

(b) Except as authorized by law, it shall be unlawful for any person who is the owner of a business, an employee thereof, or one who works at such business as an agent of the owner to willfully display drug paraphernalia at such a business. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.04. Distribution of drug paraphernalia.

Except as authorized by law, it shall be unlawful for any person to willfully distribute to another person drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of any law of the State. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.05. Exceptions.

No provision of this chapter shall be deemed, whether directly or indirectly, to authorize any act which is otherwise prohibited by any law of the State or require any act which is otherwise prohibited by any law of the State. Nor shall any provision of this chapter be deemed, whether directly or indirectly, to prohibit any act or acts which are prohibited as a criminal offense by any law of the State. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.06. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (§ 1, Ord. 908, eff. April 30, 1981)

Sec. 5-18.07. Violations: Infractions.

Any person who violates any provision of this chapter shall be guilty of an infraction and, upon conviction, shall be punishable by (1) a fine not exceeding Fifty and no/100ths (\$50.00) Dollars for a first violation; (2) a fine not exceeding One Hundred and no/100ths (\$100.00) Dollars for a second violation of this chapter within one year; and (3) a fine not exceeding Two Hundred Fifty and no/100ths (\$250.00) Dollars for each additional violation of this chapter within one year. A person who violates the provisions of Section 5-18.03 of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which the violation continues. A person who violates the provisions of Section 5-18.04 of this chapter shall be guilty of a separate offense for each item of drug paraphernalia which is distributed. (§ 1, Ord. 908, eff. April 30, 1981)

Chapter 19

ADULT PICTURE ARCADES

Sections:

- 5-19.01** **Definitions.**
- 5-19.02** **Adult picture arcades:
Booths.**
- 5-19.03** **Violations: Penalties.**

Sec. 5-19.01. Definitions.

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

(a) *Adult picture arcade.* "Adult picture arcade" shall mean any place to which the public is permitted or invited wherein coin- or slug-operated, or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, television sets, or other image-producing devices are used to display images to five (5) or fewer persons per machine at any one time, and which images have as a dominant or predominant character and theme the depiction of specified sexual activities or specified anatomical areas as defined in this section.

(b) *Specified sexual activity.* "Specified sexual activity" shall mean and include, and shall be limited to, the following:

(1) Actual or simulated genital or anal sexual intercourse;

(2) Oral copulation;

(3) Bestiality;

(4) Direct physical stimulation of unclothed genitals;

(5) Masochism;

(6) Erotic or sexually-oriented torture, beating, or the infliction of pain; or

(7) The use of excretory functions in the context of a sexual relationship.

(c) *Specified anatomical areas.* "Specified anatomical areas" shall mean and include, and shall be limited to, the following:

(1) Less than completely and opaquely covered human genitals, mons pubis, buttocks, and female breasts below the top of the areola; and/or

(2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered. (§ 1, Ord. 1004, eff. April 11, 1985, as amended by § 3, Ord. 1045, eff. November 27, 1986)

Sec. 5-19.02. Adult picture arcades: Booths.

No adult picture arcade shall be maintained or operated unless the complete interior of the place where the pictures are viewed is visible upon entrance to such place. No partially or fully enclosed booth or partially or fully concealed

booth shall be maintained. (§ 1, Ord. 1004, eff. April 11, 1985, as amended by § 3, Ord. 1045, eff. November 27, 1986)

Sec. 5-19.03. Violations: Penalties.

Any violation of the provisions of this chapter shall be a misdemeanor punishable as set forth in Chapter 2 of Title 1 of this Code. (§ 1, Ord. 1004, eff. April 11, 1985, as amended by § 3, Ord. 1045, eff. November 27, 1986)