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Title 9

PUBLIC PEACE, SAFETY AND MORALS

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**DIVISION I. OFFENSES AND PROVISIONS RELATING
TO PUBLIC OFFICERS AND GOVERNMENT**

Chapter 9.04

INTERFERENCE WITH OFFICIAL PROPERTY¹

Section:

9.04.010 Fire hydrants.

9.04.020 Lamppost and electroliers.

9.04.010 Fire hydrants.

It shall be unlawful for any person in the city, to obstruct any fire hydrant or cistern in such a manner as to hide it from view at any point, or hinder free access thereto by any engine or hose carriage, or construct any area or other wall or thing so as to interfere in any manner with a hydrant below the line of the curb.

(Prior code §16.22 (Ord. 224 §794))

9.04.020 Lamppost and electroliers.

It shall be unlawful for any person in the city, to break, injure or deface any portion of any public lamppost or electrolier or break any globe or attachments to the lamppost or electrolier, or to extinguish during the night, any public light maintained at any place for public convenience or safety.

(Prior code §23.16 (Ord. 224 §209))

Chapter 9.08**ROPING OFF STREETS****Section:****9.08.010 Duty of police during fire.****9.08.010 Duty of police during fire.**

The police, at the time of fire, may guard and rope off all streets, lanes or alleys on which shall be situated, any building on fire and such other points as they shall deem expedient and necessary, and it shall be their duty to prevent any and all persons, except owners and occupants of buildings endangered by the existing fire, and their employees, and excepting also officers of the fire department and firefighters, officers of the city, and such other persons as may have permission from an officer of the fire department or a police officer, from entering within the lines designated by the ropes or guards, or to refuse to go outside of the lines when directed so to do by any police officer or officer of the fire department. It shall be unlawful for any person to break through, or attempt to break through, such rope, guard, or barrier.

(Prior code §23.19 (Ord. 224 §§795, 796), Ord. 2268)

DIVISION II. OFFENSES AGAINST THE PERSON

(Reserved)

Chapter 9.18**NONSEALE DISTRIBUTION OF SMOKELESS
TOBACCO OR CIGARETTES****Section:**

- 9.18.010 Authority.**
9.18.020 Definitions.
9.18.030 Distribution of Smokeless Tobacco or Cigarettes - Prohibited.
9.18.040 Violation.

9.18.010 Authority.

This chapter is adopted pursuant to the authority set forth in California Health and Safety Code (H&SC) section 118950 which permits cities to regulate the distribution of smokeless tobacco or cigarette samples within their boundaries in a more restrictive manner than such section. This chapter shall govern to the extent that there is any inconsistency between it and H&SC section 118950.

9.18.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section:

- A. "Nonsale distribution" means to give smokeless tobacco or cigarettes to the general public at no cost, or at nominal cost, or to give coupons, coupon offers, or rebate offers for smokeless tobacco or cigarettes to the general public at no cost or at nominal cost. Distribution of tobacco products, coupons, coupon offers, or rebate offers in connection with the sale of another item, including tobacco products, cigarette lighters, magazines, or newspapers shall not constitute nonsale distribution.
- B. "Smokeless tobacco" means a loose or flat, compressed cake form of tobacco that may be chewed or held in the mouth, or a shredded, powdered, or pulverized form of tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.

9.18.030 Nonsale Distribution of Smokeless Tobacco or Cigarettes - Prohibited.

It is unlawful for any person, agent, or employee of a person in the business of selling or distributing smokeless tobacco or cigarettes from engaging in the nonsale distribution of any smokeless tobacco or cigarettes to any person within the boundaries of the city.

9.18.040 Violation.

Any person who violates this chapter shall be liable for a civil penalty of not less than two hundred dollars (\$200) for one act, five hundred dollars (\$500) for two acts, and one thousand dollars (\$1,000) for each subsequent act constituting a violation. Each distribution of a single package, coupon, coupon offer, or rebate offer to an individual member of the general public in violation of this chapter shall be considered a separate violation.

(Ord. 2367)

Chapter 9.20**CAMPING****Section:****9.20.010 Purpose.****9.20.020 Definitions.****9.20.030 Unlawful camping.****9.20.040 Exception.****9.20.010 Purpose.**

The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

(Ord. 2369)

9.20.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. "Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors.
- B. "Camp facilities" include, but are not limited to, tents, huts, vehicles, recreational vehicles, or temporary shelters.
- C. "Recreational vehicle" means any of the following:
 1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer;
 2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational and vacation purposes;
 3. "Motorized home" means a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle; and
 4. "Full tent trailer" means a canvas folding structure mounted on wheels and designed for camping, travel, recreational, and vacation use.

(Ord. 2369)

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9.20.030 Unlawful camping.

Except as otherwise provided in this Chapter, it is unlawful and a public nuisance for any person to camp or occupy camp facilities on any public property or any private property which is not operated and maintained as a campground in conformance with the regulations set forth in Title 19 of this code.

(Ord. 2369)

9.20.040 Exception.

Nothing in this chapter shall prohibit overnight camping in a recreational vehicle which is parked on a public street when the occupants of the recreational vehicle are guests of the owners or occupants of an adjacent residential property, and:

- A. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
- B. The overnight camping in the recreational vehicle at that location does not extend for a period of more than seven (7) consecutive days; and
- C. The recreational vehicle is self-contained and does not require hook-ups to the adjacent residential property.

(Ord. 2369)

**DIVISION III. PUBLIC HEALTH AND SAFETY
OFFENSES AND REGULATIONS**

Chapter 9.22

DEPOSITING FOREIGN MATTER IN PUBLIC WAYS²

Section:

9.22.010 Prohibitions.

9.22.020 Reward for evidence of violations of Penal Code Section 374b.

9.22.010 Prohibitions.

It shall be unlawful for any person in the city, to throw into or deposit upon any public street, highway or grounds or any private premises, any garbage or filth; also to empty or throw or deposit in any cesspool or manhole or flushing hole of any sewer within the city, any glass, broken wares, hay, straw, dirt, rubbish, garbage, waste matter, filth, butcher's offal, or branches of trees; or to contract or obstruct the channel of any creek in the city, except by permit of the city council.

(Prior code §23.12 (Ord. 224 §208, Ord. 297 §208, Ord. 1704, Ord. 1875 §5))

9.22.020 Reward for evidence of violations of Penal Code Section 374b.

The city does hereby offer a reward of fifty dollars to the person furnishing competent evidence to the law enforcement authorities leading to the arrest and resultant conviction of any person for a violation of Section 374b of the Penal Code of the state, prohibiting the deposit of offensive matter on roads, private property and other places, occurring within the city.

Such reward shall be paid upon order of the city council directed to the city treasurer upon and after recommendation for such payment by the city attorney.

(Prior code §23.19-1 (Ord. 577 §§1, 2))

Chapter 9.24

NOXIOUS ODORS³

Section:

9.24.010 Hides.

9.24.010 Hides.

It shall be unlawful in the city for any person to keep, store, or possess any green hide or any hide giving off an offensive odor.

(Prior code §16.29 (Ord. 229 §715), Ord. 2268)

Chapter 9.26

PLAYING IN STREETS

Section:

9.26.010 Prohibited.

9.26.010 Prohibited. - Repealed by Ordinance No. 2389 dated 12/16/08.

(Prior code §16.10 (Ord. 224 §686, Ord. 297 §686, Ord. 2389))

Chapter 9.28

GUNS AND SLINGS

Section:

9.28.010 Discharge and Use Prohibited.

9.28.010 Discharge and Use Prohibited.

- A. No person shall discharge upon or onto any public street or other public place any gun that propels shot, pellets, paint balls or other projectiles of any type by means of a spring, bow or compressed air or gas.
- B. No person shall use a sling or other device or implement to hurl or throw any stones, beans, shot, pellets, pebbles, arrows or similar projectiles onto any public street or other public place or while on any public street or other public place.

(Ord. 1563 §2, Ord. 2313)

Chapter 9.30**POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES****Section:**

- 9.30.010 Purpose.**
9.30.020 Definitions.
9.30.030 Prohibition on the possession and consumption of alcoholic beverages.
9.30.050 Signage required in retail establishments engaged in the packaged sale of alcoholic beverages.
9.30.060 Signage prohibiting the consumption of alcoholic beverages in parking lots on property containing two or more residential dwelling units.

9.30.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of Section 201 of the City Charter for the purpose of regulating the possession and consumption of alcoholic beverages upon certain public and private properties.

(Ord. 1728 (part))

9.30.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

- A. Alcoholic Beverage. The term “alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- B. Consumption of Alcoholic Beverages. The phrase “consumption of alcoholic beverages” and/or the phrase “consume an alcoholic beverage” means the drinking or other ingestion of an alcoholic beverage.
- C. Open Container of Alcoholic Beverages. The phrase “open container of alcoholic beverages” means a bottle, can, or other receptacle which contains alcoholic beverages and has been opened, or a seal broken, or the contents partially removed.
- D. Parking Lot. The term “parking lot” means any area on public or private property designated for parking of vehicles including, but not limited to, the parking spaces, landscape areas, planter strips, sidewalks, curbs, and gutters within or adjacent to such parking lot.

(Ord. 1728 (part), Ord. 2299)

9.30.030 Prohibition on the possession and consumption of alcoholic beverages.

It shall be unlawful for any person to possess an open container of an alcoholic beverage or to consume an alcoholic beverage upon any of the following properties within the city:

- A. Upon any public street, sidewalk, alley, parking lot, or other property which is owned by or leased to the city and open to members of the general public, except for:
 - 1. Any city park or playground in which the possession and consumption of

alcoholic beverages is regulated by the park rules adopted in Title 12R of this code;

2. Any portion of the Chico Municipal Airport in which the possession and consumption of alcoholic beverages is regulated by the airport rules and regulations adopted in Title 11R of this code;
 3. Any city property which is leased to a third party in which the lease agreement does not prohibit the possession and consumption of alcoholic beverages;
 4. Any portion of a public street, sidewalk, alley, parking lot or other property owned by or leased to the city in which the sale of alcoholic beverages is permitted as part of a franchise granted by the council pursuant to Chapter 14.60 of this code; and
 5. Any portion of the public right-of-way utilized as an outdoor café pursuant to a license granted under Chapter 14.70.
- B. Upon any private parking lot which is located on property used for commercial purposes, except when the owner or other person entitled to the possession of the parking lot has given prior consent to the possession of an open container of an alcoholic beverage or the consumption of an alcoholic beverage within such private parking lot.
- C. Upon any private parking lot which is located on property containing two or more residential dwelling units where such parking lot is posted with a sign prohibiting the possession of an open container of an alcoholic beverage or the consumption of an alcoholic beverage in a manner hereinafter provided for by this chapter.
- (Ord. 1728 (part), Ord. 1877 §1, Ord. 1887, Ord. 1911 §1, Ord. 2056; Ord. 2209, Ord. 2268, Ord. 2409 §2)

9.30.050 Signage required in retail establishments engaged in the packaged sale of alcoholic beverages.

Every person engaged in the retail sale of alcoholic beverages from a liquor store, food market, or other premises located in the city pursuant to a retail package off-sale license issued by the State Department of Alcoholic Beverages in accordance with the provisions of Division 9 of the California Business and Professions Code (commencing with Section 23000) shall cause signs to be posted within such premises advising those persons patronizing the premises of the prohibitions on the consumption and possession of alcoholic beverages provided by this chapter. Such signs shall be prepared by the city and made available to the operator of such premises at the office of the city finance director for a fee equal to the cost of producing the sign, as established by resolution of the city council. Such signs shall be posted within such premises in a conspicuous place at or near each public exit from the premises, and, where there is an exterior window at or near a public entrance to the premises, at a place within the window which will permit the sign to be easily viewed by persons entering the premises.

(Ord. 1728 (part), Ord 1877 §3, Ord. 2113 §1)

9.30.060 Signage prohibiting the possession and consumption of alcoholic beverages in parking lots on property containing two or more residential dwelling units.

The owner of property containing two or more dwelling units may prohibit the possession of an open container of an alcoholic beverage or the consumption of an alcoholic beverage within any parking lot on such property by posting a sign in plain view at or near each driveway and pedestrian entrance to the parking lot which sets forth

such prohibition substantially in the following form:

“Possession of an open container of an alcoholic beverage or consumption of an alcoholic beverage is prohibited in this parking lot. Violations are punishable by a fine of up to \$500.00. Chapter 9.30 of the Chico Municipal Code.”

Such sign shall be not less than seventeen (17) inches by twenty-two (22) inches in size, shall contain lettering at least one (1) inch in height, and shall be mounted so that the lower edge of the sign is at least four (4) feet, and the top edge does not exceed seven (7) feet, above ground level.

(Ord. 1877 §4, Ord. 1911 §2, Ord. 2209)

DIVISION IV. OFFENSES AGAINST PUBLIC DECENCY

(Reserved)

Chapter 9.32

GLASS-FREE ZONE

Section:

- 9.32.010** **Glass-Free Zone Established; Prohibition.**
9.32.020 **Definitions.**
9.32.030 **Violations.**
9.32.040 **Operative Times and Dates.**
9.32.050 **Chapter Non-exclusive.**

9.32.010 Glass-Free Zone established: Prohibition.

There is hereby established a Glass-Free Zone within the City of Chico, consisting of all land within the portion of the city so described in section 9.32.020. No person shall possess any glass container on city-owned property within the Glass-Free Zone. However, this section does not prohibit transportation of glass containers from a wholesale business to a retail store or from a retail store or food service business to a private residence or business, provided the containers are unopened and remain in the original packaging or bag provided at the point of sale.

(Ord. 2194)

9.32.020 Definitions.

For the purposes of this chapter, the following words or terms have the meaning set forth below:

- A. "City-owned property" means real property owned by the City of Chico, including but not limited to, rights-of-way, streets, sidewalks, alleys, parks, parking lots and buildings.
- B. "Glass container" means a container of any configuration, with a capacity when empty of more than one-half (0.5) ounce, that is made of glass, crystal, ceramic, or any other material likely to shatter when dropped onto or struck by harder material.
- C. "Glass-Free Zone" means the portion of the City of Chico described as follows:
"Beginning at the intersection of the easterly line of the Esplanade and the centerline of Big Chico Creek; thence easterly along the centerline of Big Chico Creek to the easterly line of Camellia Way; thence southerly along the easterly line of Camellia Way to the southerly line of East 1st Street; thence westerly along the southerly line of East 1st Street to the easterly line of Flume Street; thence southerly along the easterly line of Flume Street to the southerly line of East 7th Street; thence westerly along the southerly line of East 7th Street and West 7th Street to the westerly line of Cedar Street; thence northerly along the westerly line of Cedar Street to the northerly line of West 1st Street; thence northerly along a line that is the prolongation of the westerly side of Cedar Street to the centerline of Big Chico Creek; thence easterly along the centerline of Big Chico Creek to the point of the beginning."

(Ord. 2194)

9.32.030 Violations.

A violation of this chapter is an infraction. Enforcement of this chapter shall be done in the least intrusive manner practical in the circumstances. However, an enforcement officer may confiscate any glass container possessed in violation of this ordinance, and, if necessary, effect an arrest of any person who does not immediately comply with the prohibition of this ordinance when requested to do so.

(Ord. 2194)

9.32.040 Operative times and dates.

- A. This chapter shall only be operative on the days and during the times established by one of the following methods:
1. The adoption of a resolution passed by at least four affirmative votes of the city council declaring this chapter to be operative from a particular time on a particular day to a particular time on a particular day.
 1. The issuance by the city manager of a letter to the chief of police declaring this chapter to be operative from a particular time on a particular day to a particular time on a particular day, but in no event for more than 72 consecutive hours. A copy of each such letter shall be provided to the city clerk and distributed to the city council immediately upon issuance of the letter.
 2. The issuance by the city manager of a letter to the chief of police and director of public works declaring this chapter to be operative from a particular time on a particular day to a particular time on a particular day, but in no event for more than 72 consecutive hours. A copy of each such letter shall be provided to the city clerk and distributed to the city council immediately upon issuance of the letter.
- B. Whenever this chapter is made operative pursuant to Subsection A of this section, the city clerk shall cause notice of the adoption of the resolution or issuance of the letter to be made by publication of a notice to that effect within three business days thereafter and in the same manner as notice is given of the adoption of an ordinance. The notice shall include a diagram setting forth the boundaries of the Glass-Free Zone.

(Ord. 2194, Ord. 2364 §98)

9.32.050 Chapter non-exclusive.

This chapter and the implementation of it are an alternative to all other means available to the City of Chico to address the threat to the public health, safety, welfare, and convenience posed by the presence of glass containers on city-owned property.

(Ord. 2194)

DIVISION V. OFFENSES AGAINST PUBLIC PEACE**Chapter 9.34****FIREARMS - DISCHARGE****Section:****9.34.010 Restrictions.****9.34.020 Shooting galleries - Hours of operation.****9.34.010 Restrictions.**

It shall be unlawful for any person to fire or discharge, or cause to be fired or discharged, in the city, any firearms of any kind whatsoever without first obtaining permission of the council to do so, except:

- A. Police officers (including reserves) lawfully using the police pistol range in Bidwell Park;
- B. Persons lawfully using any pistol or rifle range upon city-owned property which is operated pursuant to a lease or license agreement with the city;
- C. When the discharge of such firearm is necessary for the protection or preservation of one's life or property or that of another and is otherwise lawful under the laws of the State of California.

(Prior code §16.21 (Ord. 224 §699, Ord. 1111 §30), Ord. 2268)

9.34.020 Shooting galleries - Hours of operation.

It shall be unlawful for any person owning, conducting or managing a shooting gallery in the city, to keep open the same, or to discharge or permit to be discharged any cartridge therein, between the hours of 12:00 p.m. and daylight of the following morning.

(Prior code §16.46 (Ord. 224 §701))

Chapter 9.38

NOISE

Section:

- 9.38.010 Declaration of policy.**
- 9.38.015 Application and enforcement of chapter.**
- 9.38.020 Definitions.**
- 9.38.030 Residential property noise limits.**
- 9.38.040 Commercial and industrial property noise limits.**
- 9.38.050 Public property noise limits.**
- 9.38.052 General noise regulations.**
- 9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.**
- 9.38.056 Noise from vehicles and bicycles.**
- 9.38.060 Categorical exemptions.**
- 9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.**
- 9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.**
- 9.38.090 Appeal.**
- 9.38.100 Enforcement.**
- 9.38.130 Violations - Penalties.**
- 9.38.140 Violations - Additional remedies - Injunction.**

9.38.010 Declaration of policy.

It is hereby declared to be the policy of the city that the peace, health, safety and welfare of the citizens of Chico require protection from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the city council to regulate and control the adverse effect of such noises on citizens under any conditions of use, especially those conditions of use which have the most severe impact upon the auditory senses of any person. (Prior code §28.1 (Ord. 1106 (part)))

9.38.015 Application and enforcement of chapter.

- A. The provisions of this chapter shall apply to noises from any and all sources in the city except for noises originating from a city park or playground as defined in Chapter 12.04 of this code which shall be regulated in the manner provided for by the park rules and regulations adopted in Chapter 12R.04 of this code.
- B. This chapter shall only be enforced after a citizen complaint has been received except section 9.38.056 regarding noise from vehicles and bicycles which may be enforced without receipt of a citizen complaint. This chapter allows for different methods of enforcement. The appropriate method of enforcement shall be determined by the enforcement officer. (Ord. 1961; Ord. 2195, Ord. 2414)

9.38.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this

section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. Bicycle. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- B. dB. "dB" means decibel as herein defined.
- C. dBA. "dBA" means decibels measures on an A-weighted scale, as herein defined in the subsection entitled "Noise level."
- D. Decibel. "Decibel" or "dB" means a unit measure of sound (noise) level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).
- E. Emergency response activities. "Emergency response activities" means activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.
- F. Highway. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- G. Noise level. "Noise level" means the level of noise measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound-level-meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls or similar large reflecting surfaces, and shall be protected from the effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

- H. Noise, Unreasonable. "Unreasonable noise" means noise produced by human voice, machine, animal, or device, or any combination thereof, that is so loud, unnecessary, excessive, or unusual that it unreasonably disturbs the peace and quiet of any neighborhood, unreasonably impinges upon the quiet enjoyment of property, or unreasonably causes discomfort or annoyance to any reasonable person of normal sensitivity residing or working in the area.
- I. Property Plane. "Property plane" means a vertical plane including the property line which determines the property boundaries in space.
- J. Vehicle. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Prior code §28.2 (Ord. 1106 (part); Ord. 2195, Ord. 2414)

9.38.030 Residential property noise limits.

- A. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on residential property, a noise level at any point outside of the property plane that exceeds, at any point outside of the property plane, seventy (70) dBA between the hours of seven a.m. and nine p.m. or sixty (60) dBA between the hours of nine p.m. and seven a.m.
- B. No person shall produce, suffer or allow to be produced by human voice, machine, animal, or devices or any combination of same, on multifamily residential property, a noise level more

than sixty (60) dBA three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located .

(Prior code §28.3 (Ord. 1106 (part), Ord. 1707 §1); Ord. 2195)

9.38.040 Commercial and industrial property noise limits.

No person shall produce, suffer or allow to be produced by human voice, machine, animal, or device, or any combination of same, on commercial or industrial property, a noise level at any point outside of the property plane that exceeds seventy (70) dBA.

(Prior code §28.4 (Ord. 1106 (part), Ord. 1707 §2); Ord. 2195)

9.38.050 Public property noise limits.

Except as otherwise provided in this chapter, no person shall produce, suffer or allow to be produced on public property, by human voice, machine, animal, or device, or any combination of same, a noise level that exceeds sixty (60) dBA at a distance of 25 feet or more from the source.

(Prior code §28.5 (Ord. 1106 (part), Ord. 1499 §1, Ord. 1707 §3); Ord. 2195)

9.38.052 General noise regulations.

A. This section contains an entirely separate and independent method of determining whether a violation of this chapter has occurred. No person shall willfully or negligently make, produce, suffer, or allow to be produced, at any time, any unreasonable noise. Enforcement of this section shall not require the use of a sound level meter.

B. A violation of this section shall be proven by reference to one or more of the following criteria:

1. The volume or loudness of the noise (measured by the distance away from the source at which the noise can be clearly heard);
2. The pitch or frequency of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural (i.e., not caused or produced by a person or persons) or unnatural;
5. The tonal or rhythmic quality of the noise;
6. Whether the noise is recurrent, intermittent, or constant;
7. Whether the noise is from a commercial or noncommercial activity;
8. If the noise is from a commercial activity, whether the particular use is permitted in the area, and whether the noise could be reasonably expected to derive from the use;
9. Whether the noise is a necessary attribute of a particular use (i.e., routine solid waste collection or a properly functioning mechanical device);
10. The proximity of the noise to residential sleeping facilities;
11. The proximity of the noise to offices or places of work;
12. The number of persons affected, or the density of inhabitation of the area;
13. The nature or zoning of the area within which the noise emanates or in which the impact of the noise occurs;
14. The amount and type of background noise, if any;
15. The time of the day or night the noise occurs (indicating the relationship of the noise to the normal activities that occur at a given time);
16. The day of the week; and
17. The duration of the noise.

(Ord. 2195)

9.38.054 Violation - Residential property limits, public property limits, or general noise regulations.

- A. When an enforcement officer responds to an initial citizen complaint of unreasonable noise and perceives activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer shall give a written warning specifying those activities or circumstances to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- B. If, during the seventy-two (72) hours following the issuance of the warning, another citizen complaint concerning unreasonable noise at the same location is received, the complaining citizen may be asked to fill out and sign a statement form stating the manner in which the citizen was disturbed and agreeing to appear as a witness at trial. If the enforcement officer thereafter corroborates the assertion of the complainant that section 9.38.030, 9.38.050 or 9.38.052 was or continues to be violated, either by obtaining a signed statement form so stating from an individual residing at an address different from that of the complainant or by perceiving activities or circumstances that violate section 9.38.030, 9.38.050 or 9.38.052, the officer may issue a citation to a resident of the property upon which the activities or circumstances exist or to any individual exercising or claiming control of the site or assuming responsibility for the activities or circumstances.
- C. If no other individual can be found to whom a citation can be issued for the second or continuing violation, a citation may be issued for the first violation to the individual to whom the warning was issued on the first response.

(Ord. 2195, Ord. 2298, Ord. 2331)

9.38.056 Noise from vehicles and bicycles.

- A. No person shall use or operate any sound amplification system in or on a vehicle located within a public park, within a public parking lot, or on any other public property other than a highway within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such vehicle nor shall any person use or operate any such sound amplification system on or in a vehicle located on private property where the sound amplification system is audible to a person of normal hearing sensitivity more than twenty-five feet from the vehicle or beyond the property line of such private property, whichever is greater. Noise from a sound amplification system in or on a vehicle located on a public highway shall be regulated in the manner provided for by the California Vehicle Code.
- B. No person shall use or operate any sound amplification system on or from a bicycle on any highway, within a public park, within a public parking lot, or on any other public property within the city which is audible to a person of normal hearing sensitivity more than fifty feet from such bicycle.
- C. Vehicle horns, or other devices primarily intended to create a loud noise for warning purposes, shall not be used when a vehicle is at rest, or when a situation endangering life, health, or property is not imminent.

(Prior code §28.12 (Ord. 1106 (part), Ord. 1765 §2); Ord. 2195, Ord. 2414)

9.38.060 Categorical exemptions.

The following activities or sources of noise are exempt from the provisions of this chapter:

- A. Alarms and Warning Devices. Any aural alarms or warning devices, including but not limited to fire alarms, burglar alarms and emergency vehicle sirens and air horns. However, if a standard or minimum noise level is prescribed for a particular type of aural alarm or

warning device by the laws or regulations of the State of California, the noise emitted from such alarm or warning device shall not exceed such standard or minimum level by more than three (3) dBA.

- B. Construction and Alteration of Structures. Notwithstanding any other provision of this chapter, between the hours of ten a.m. and six p.m. on Sundays and holidays, and seven a.m. and nine p.m. on other days, construction, alteration or repair of structures shall be subject to one of the following limits:
1. No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source. If the device or equipment is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close as possible to twenty-five (25) feet from the equipment.
 2. The noise level at any point outside of the property plane of the project shall not exceed eighty-six (86) dBA.
- C. Emergency Response Activities. Noise from emergency response activities.
- D. Special Events at Which No Mechanical or Amplifying Equipment is Employed. Noise from special events conducted lawfully and without the use of sound of any kind that is mechanically produced or amplified or focused by any means.
- E. Audio Equipment Used by Public Safety Officers. Noise from audio equipment used or operated by public safety officers in the performance of their duties.
- (Prior code §28.6 (Ord. 1106 (part), Ord. 1456, Ord. 1499 §2, Ord. 1765 §4); Ord. 2195)

9.38.070 Exemptions authorized by permit - Immediate compliance impractical or unreasonable.

- A. A conditional noise permit may be granted to temporarily exempt a particular source of noise from one or more provisions of this chapter if the applicant can show that, notwithstanding the application of all available noise abatement techniques, the immediate compliance by the applicant with one or more requirements of this chapter would be impractical or unreasonable. The term of a noise permit shall not exceed six months, provided that the term may be renewed upon a further showing of good cause and that any extension is conditioned upon a schedule of compliance with the requirements of this chapter, including the details of methods to effectuate that compliance.
- B. Applications for a conditional noise permit shall be made to the department assigned by the city manager to process such permits upon a form provided therefor. Such application shall be processed in the following manner:
1. The city manager or the assigned department is empowered to deny any such application.
 2. The city manager of the assigned department is empowered to approve an application subject to such conditions or limitations deemed advisable, taking into consideration the purpose and intent of this chapter, which approval shall be submitted to the city council at its next regular meeting. If the council does not reject the conditional approval by the city manager or the assigned department, then following the council meeting, the city manager or the assigned department will issue to the applicant the proposed conditional noise permit.
- C. This section shall apply to public agencies, including the city. However, the city manager or assigned department may issue a conditional noise permit to a public agency upon good cause shown and without referral to the city council if the proposed activity subject to the permit involves public health, safety, welfare or benefit.

(Prior code §28.7 (Ord. 1106 (part), Ord. 1499 §3); Ord. 2195)

9.38.080 Exemptions authorized by permit - Special events on public property with noise produced by mechanical or amplifying equipment.

- A. The general services director may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits imposed by this chapter if the director determines that:
1. The event is of interest to a substantial number of persons residing in the city;
 2. The event is open to all persons residing in the city, subject only to the payment of a reasonable fee, if any, by those persons attending the event; and
 3. Compliance with this chapter would unreasonably interfere with the conduct of the event.
- B. Applications for a permit under this section shall be filed with the director at least 14 days prior to the date the special event is to take place. Such application shall be in the form prescribed by the director and shall contain the name of the person or persons sponsoring the event, a description of the event, the date and times the event is scheduled to take place, and such other information as may be required by the director.
- C. Following the filing of an application for a permit under this section, the director works shall issue a permit granting such exemption if the director finds that such special event complies with all the requirements of this section. However, in approving and issuing such permit the director may impose reasonable conditions on the conduct of the special event, including limitations on the dates and times during which the event may take place, limitations on the level of noise produced at the event which shall not be more stringent than the limitations on noise produced on public property hereinbefore provided by this chapter, and a requirement that the permittee take reasonable measures as may be prescribed by the director to mitigate the adverse effect of the noise produced at the event.

(Prior code §28.8, Ord. 1106 (part), Ord. 1499 §4, Ord. 2054, Ord. 2136 §3, Ord. 2195, Ord. 2364 §99)

9.38.090 Appeal.

Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter, except a decision to issue an administrative or criminal citation, may appeal the decision of any such officer to the city council in accordance with the provisions of Chapter 2.80 of this code.

(Prior code §28.9 (Ord. 1106 (part)), Ord. 2004 §9, Ord. 2195)

9.38.100 Enforcement.

The city manager shall assign to an appropriate department or departments the duty of enforcing this chapter, and such departments are empowered to issue administrative or criminal citations for violations.

(Prior code §28.10 (Ord. 1106 (part)), Ord. 2195)

9.38.130 Violations - Penalties.

A person violating, or causing or permitting a violation of, any of the provisions of this chapter is guilty of an infraction and shall be subject to the penalties provided by this code for infractions. A separate offense is committed for each and every hour or part of an hour during which any such violation is committed or caused or permitted to continue. Each offense is punishable separately from every other offense.

(Prior code §28.13 (Ord. 1106 (part)), Ord. 2195)

9.38.140 Violation - Additional remedies - Injunction.

As an additional remedy, any violation of the provisions of this chapter is hereby declared to be a public nuisance and the city attorney is authorized to file an action to abate such nuisance in a court of appropriate jurisdiction in the manner provided by law.

(Prior code §28.14 (Ord. 1106 (part), Ord. 1707 §5))

Chapter 9.40**DISORDERLY EVENTS****Section:**

- 9.40.010 Purpose.**
9.40.020 Disorderly Event - Definition.
9.40.030 Disorderly Event - Order to Disperse.
9.40.040 Violations - Penalties.

9.40.010 Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the citizens of Chico from the adverse effects of disorderly events that occur in the City and at which the nature of the behavior of the attendees of such events cause a danger to the safety of persons attending the event, the general public in the vicinity of the event, or to the City's public safety officers who respond to the event. The City Council hereby finds that the adoption of this chapter is necessary in order to create a mechanism for public safety officers to quickly and effectively address disorderly events in a manner which is intended to be restrained and controlled, which encourages the peaceable and expeditious cessation of the dangerous activities or behavior and which allows public safety officers to thereby protect the event attendees, public and the public safety officers from dangerous situations, prevent the escalation of behavior which is violent or causing a dangerous situation and decrease the danger of injury to persons or property.

The City Council has noted the provisions of the California Penal Code that permit an event to be declared an unlawful assembly and allow the police to order that all persons in attendance at an unlawful event disperse. The City Council desires to provide an alternative mechanism for dealing with disorderly events which allows police officers to request attendees to disperse from such events in a less confrontational manner and to allow the police to request less than all of the attendees to disperse, as may be necessary to preserve the safety of the attendees, public and public safety officers. It is the intent of the City Council that the provisions of this chapter will be used in situations in which the police respond to events at which the behavior of attendees of the event is violent or otherwise of a nature that creates a danger to the safety of other attendees of the event, the public or public safety officers responding to the event, or at which officers, due to the crowded nature of an event, are unable to obtain access to reported or observed illegal activity or a medical emergency without requiring some or all of the attendees to disperse. It is not the intent of the City Council that this ordinance be applied to peaceful gatherings or assemblies.

9.40.020 Disorderly Event - Definition.

As used in this chapter, "disorderly event" includes any gathering or congregation of people, whether planned or unplanned, at which the behavior of attendees of the event is violent or otherwise of a nature that creates a danger to the safety of other attendees of the event, the public or public safety officers responding to the event or at which, due to the crowded nature of an event, the officers are unable to obtain access to reported or

observed illegal activity or a medical emergency without requiring some or all of the attendees to disperse.

“Disorderly event” includes, but is not limited to, an event at which the attendees throw objects that may inflict injury or damage, including but not limited to, rocks, bottles, cans or other objects, missiles or projectiles.

9.40.030 Disorderly Event - Order to Disperse.

Police officers responding to a disorderly event may order persons attending the event to disperse when such dispersal is necessary in order to prevent injury to attendees of the event, the public or public safety officers responding to the event, or to allow public safety officers to obtain access to reported or observed illegal activity or a medical emergency.

Any person attending a disorderly event who is not domiciled at the location of the event and who is ordered to disperse by a police officer shall do so immediately.

9.40.040 Violations - Penalties.

Any person attending a disorderly event who fails to disperse upon an order to do so by a police officer shall be guilty of an infraction.

Ord. 2365, Ord. 2377

DIVISION VI. OFFENSES AGAINST PROPERTY**Chapter 9.42****INJURY TO PUBLIC PROPERTY⁴****Section:**

- 9.42.010 Prohibitions.**
9.42.020 Public monuments.
9.42.030 Street guides or signs.

9.42.010 Prohibitions.

It shall be unlawful for any person to write, stamp, or affix, mark or attach upon any wall, tower or other part of any building owned or controlled by the city, or any subdivision thereof, or upon any fence surrounding or any approach to such building or upon any electrolier, any pole or mast used for the transmission of electricity, owned or controlled by the city or being used to furnish the city electricity; provided however, that this section shall not apply to the acts of laborers or mechanics duly authorized to perform such work.

(Prior code §16.43 (Ord. 224 §250))

9.42.020 Public monuments.

It shall be unlawful for any person to cover up, destroy or remove any monument erected or placed by the city manager, or the capital projects services director.

If it shall become necessary for any person, in the pursuit of any lawful purpose to have any such monument removed, notice of such necessity shall be given to the capital projects services director. The director shall proceed forthwith, at the cost of the person requiring such removal, to remove such monument, and place the same in its original position as soon as the object shall be attained for which the removal shall have been made.

(Prior code §16.42 (Ord. 224 §251, Ord. 607 §3, Ord. 2364 §100))

9.42.030 Street guides or signs.

It shall be unlawful for any person in the city, to cause the removal of any street guide or any portion thereof; obliterate, deface, destroy, or interfere with any street guide or street or parking sign, or any portion thereof.

(Prior code §23.15 (Ord. 224 §210))

Chapter 9.44**OBSTRUCTION OF STREETS AND SIDEWALKS****Section:**

- 9.44.010 Congestion on sidewalks.**
9.44.020 Driving animals on streets prohibited.
9.44.030 Animals running at large or grazing in streets generally.
9.44.040 Plowing, cultivation in streets.
9.44.050 Banners notifying public of events in the Chico community - Permit.

9.44.010 Congestion on sidewalks.

Except when authorized by a permit issued pursuant to Title 14 of this code, it shall be unlawful for any person to obstruct the free passage of traffic upon any sidewalk. Authority is hereby given to the chief of police and designees, when there is any gathering or crowd upon the sidewalk which is obstructing the free and uninterrupted passage of pedestrians thereon, to direct such traffic, which authority shall exist during the entire time of such congestion. When crowds gather on the sidewalk in front of a theater or any other public place, the council is given authority to designate where such crowd shall stand, and may give notice thereof, by causing the erection of markers or other signs, and it shall be unlawful for any person in such crowd to disobey such markers and signs and also to disobey the directions given by the chief of police and designees.

(Prior code §23.3 (Ord. 224 §360, Ord. 532 §48, Ord. 1871 §1), Ord. 2268)

9.44.020 Driving animals on streets prohibited.

It shall be unlawful to drive, herd, or cause to be driven or herded upon any public street, alley, sidewalk or public place of the city any cattle, horses, mules, hogs, sheep or goats.

(Prior code §23.10 (Ord. 1111 §6))

9.44.030 Animals running at large or grazing in streets generally.

It shall be unlawful for any person owning or having the control of, or being the keeper of, any horse, mule, cow, goat, sheep, hogs, ass or domestic fowl, to permit the same to run at large upon or graze or feed upon any public street, alley, sidewalk or public place of the city.

(Prior code §23.101 (Ord. 1111 §6))

9.44.040 Plowing, cultivation in streets.

It shall be unlawful for any person to plow any portion of an open public street, avenue or alley in the city, except for the purpose of grading the same under authority duly had and obtained from the city council, and no person shall cultivate, sow or plant therein, any vegetables or truck garden.

(Prior code §23.11 (Ord. 224 §214))

9.44.050 Banners notifying public of events in the Chico community - Permit.

A. It shall be unlawful for any person to hang or display or to permit to be hung, displayed or maintained over or across any street, avenue or sidewalk within the city any banner or other similar device except by permit from the city manager which shall be issued if the city manager finds:

1. That the event for which the banner is requested is of such a nature as to be of interest to persons residing or passing through the city;
 2. That the proposed message on the banner contains the following information only:
 - a. Name of the event,
 - b. Date(s) of the event,
 - c. Time(s) of the event (optional with permittee),
 - d. Location of the event (optional with permittee);
 3. That the proposed banner is constructed in accordance with the specifications as approved by the capital projects services director;
 4. That any fees established by resolution of the city council for banner permits have been paid;
 5. That the person requesting the banner permit has made appropriate arrangements with a private contractor authorized by the city to hang such banners, if said banner is not to be hung by city personnel.
- B. Permits shall be granted only upon the condition that the banner is to be hung by city personnel or an authorized private contractor and only at a location(s) at which the city maintains facilities for hanging banners.
- C. The city manager is authorized to enter into agreements for the hanging of banners by private contractors, in a form approved by the city attorney.
- D. In case more than one request for a permit to hang a banner at a particular location during a particular time is received by the city, the permit shall be granted for the banner which is of the greater general concern or interest to persons residing within or passing through the city. If it cannot be determined which is of greater general concern or interest, then the permit shall be granted to the first application received.

(Prior code §23.14 (Ord. 224 §218, Ord. 684, Ord. 1111 §45, Ord. 1338 §1, Ord. 2364 §101))

Chapter 9.46

GRAFFITI REMOVAL

Section	
9.46.010	Findings
9.46.020	Declaration of nuisance
9.46.030	Definitions
9.46.040	Notice to remove graffiti
9.46.050	Manner of serving notice
9.46.060	Failure to remove graffiti
9.46.070	Removal by city
9.46.080	Violations
9.46.090	Alternative means of enforcement

9.46.010 Findings.

- A. The increase of graffiti on both public and private buildings, structures, and places is creating a condition of blight within the city which results in deterioration of property and business values for adjacent and surrounding properties, all to the detriment of the city.
- B. Graffiti is obnoxious and a public nuisance which must be abated so as to avoid the detrimental impact of such graffiti on the city and to prevent the further spread of graffiti.
- C. This chapter is intended to supplement those programs and enforcement tools already provided by state law for removal of graffiti on both public and private property, and to discourage the further spread of graffiti in the city.
- D. Adoption of this chapter is intended to give notice to all who callously disregard the property rights of others, that the city will strictly enforce all laws prohibiting graffiti, including but not limited to sections 594, 594.1 and 640.5 of the California Penal Code, section 13202.6 of the California Vehicle Code, and the provisions of this chapter.

(Ord. 2354)

9.46.020 Declaration of nuisance.

The council finds and declares that the existence of graffiti anywhere within the boundaries of the city is a public and private nuisance, and may be abated in accordance with this chapter, Chapter 1.14, entitled “Nuisance Abatement,” of this code, or any other provision of law providing for the abatement of graffiti or applicable to vandalism.

(Ord. 2354)

9.46.030 Definitions.

For the purposes of this chapter “Graffiti” means any painting, marking, symbol, inscription, word, figure, design, or defacement written, sprayed, painted, splashed, marked, etched, scratched, drawn, or engraved on any structural component of any building, structure, or other facility or surface, without the prior consent of the owner of the property or other person with the legal right to control the property.

(Ord. 2354)

9.46.040 Notice to remove graffiti.

It shall be unlawful for any property owner, or any manager, tenant, or agent of a property owner, to fail to remove graffiti within 10 days after written notice is given by the city. The written notice to remove graffiti shall include:

- A. A description and the location of the property on which the graffiti has been placed;
- B. A brief description of the graffiti that must be removed;
- C. A statement that the graffiti is a public nuisance;
- D. A statement that if the property owner does not remove the graffiti within 10 days of service of the notice, the city may remove the graffiti and bill the property owner for the costs related to the removal of the graffiti.

(Ord. 2354)

9.46.050 Manner of serving notice.

Any notice or other document required to be served on a property owner pursuant to this chapter shall be deemed served when either personally delivered to such property owner or when deposited in the United States mail, certified and return receipt requested, addressed to the property owner at the owner's address as it appears on the last equalized or supplemental assessment roll of the County of Butte, whichever is more current. Service by mail of a notice or other document in the manner provided for herein shall be effective on the date of mailing. The failure of any person to actually receive such notice shall not affect the validity of the notice.

(Ord. 2354)

9.46.060 Failure to remove graffiti.

Any property owner, or any manager, tenant, or agent for the property owner, that fails to comply with the notice and remove the graffiti within 10 days of the service of the notice shall be in violation of this chapter.

(Ord. 2354)

9.46.070 Removal by city.

- A. Whenever a property owner does not remove the graffiti within 10 days of service of the notice in accordance with this chapter, the city may remove the graffiti with the owner's prior written consent.
- B. If the property owner refuses to consent to the city's removal of the graffiti, the city may abate the graffiti as a public nuisance in accordance with Chapter 1.14 of this code and bill the property owner for the cost, including incidental expenses, related to the removal of the graffiti. All costs incurred by the City in removing the graffiti shall be billed to the property owner and shall be due and payable within 30 days.

(Ord. 2354)

9.46.080 Violations.

A violation of this chapter is an infraction. This punishment shall be cumulative of and in addition to any other applicable punishment or relief provided by state law, including but not limited to Vehicle Code section 13202.6 and Penal Code sections 594, 640.5, and 640.6.

(Ord. 2354)

9.46.090 Alternative means of enforcement.

Nothing in this chapter shall be deemed to prevent the council from authorizing the city attorney to commence any other available civil or criminal proceeding to abate a

public nuisance under applicable provisions of state law in addition to proceedings set forth in this chapter.
(Ord. 2354)

Chapter 9.48

POSTERS AND ADVERTISEMENTS⁵

Section:

- 9.48.010 Posting - Owner's consent required.**
- 9.48.020 Posting - Duty to remove.**
- 9.48.030 Erection of signs on property of another.**
- 9.48.040 Defacement.**
- 9.48.050 Prohibited distribution of advertising materials.**
- 9.48.060 Distribution of samples of patent medicine, foodstuffs prohibited.**
- 9.48.070 Placing in automobiles prohibited.**

9.48.010 Posting - Owner's consent required.

It shall be unlawful for any person to post, stick, stamp, paint or otherwise affix, or cause to be posted, stuck, stamped, painted or otherwise affixed any bill, poster, placard, notice or advertisement, to or upon any house or part thereof, wall, fence, gate, post, sidewalk, trees or boxes around trees, curb or curbstone, lamppost, hydrant or any post supporting electric wires, or in any automobile or vehicle, in part of the city without first obtaining permission of the owner, agent or occupant of the premises or vehicle so to do.

(Prior code §16.1 (Ord. 224 §706))

9.48.020 Posting - Duty to remove.

It shall be unlawful for any person whose posters, notices, or advertisements are stamped, painted, or affixed to or upon, any house, wall, fence, gate, sidewalk, trees, or boxes around trees, poles, posts, or in a vehicle in the city, without first obtaining permission of the owner, agent, or occupant of the premises or vehicles so to do, to maintain same after request of the owner of the same, or the agent or occupant when such poster, notice, or advertisement may be stamped, painted, or affixed, to remove or cause to be removed, the same.

(Prior code §16.2 (Ord. 224 §707), Ord. 2268)

9.48.030 Erection of signs on property of another.

It shall be unlawful for any person to erect, place or maintain upon the property of another any sign, advertisement or name, including "to let" and "for sale" signs, without the written authorization of the owner of the property, which authorization must specify the term for which the permission is given. At the expiration of the term all advertisements and names so erected or placed shall be removed by the person placing or erecting the same.

(Prior code §16.31 (Ord. 224 §§708, 709))

9.48.040 Defacement.

It shall be unlawful for any person to obliterate, deface, remove or destroy, a notice required by law to be posted or an advertisement lawfully posted by a licensed billposter or officer, employee or board of the city, or by any lawfully constituted authority.

(Prior code §16.4 (Ord. 224 §704))

9.48.050 Prohibited distribution of advertising materials.

It shall be unlawful for any person to throw or place upon any premises or place in the city, any bill, poster, flyer, circular, or advertising literature offering to buy or sell any goods, wares, merchandise, or commercial service, without first having obtained permission of the owner or occupant; provided, however, that this section shall not apply to the distribution of newspapers, religious or political material, or the United States mail.

For purposes of this section, the term newspaper shall mean a publication, in sheet form, intended for general circulation, and published regularly at short intervals, containing intelligence of current events and news of general or special interest.

(Ord. 224 §703, Ord. 267 §703, Ord. 1111 §26, Ord. 1445)

9.48.060 Distribution of samples of patent medicine, foodstuffs prohibited.

It shall be unlawful for any person to throw upon or distribute to any premises or place in the city, any samples or articles whatsoever of patent medicine, foodstuff or other similar articles or commodities.

(Prior code §16.7 (Ord. 224 §703, Ord. 267 §703, Ord. 1111 §27))

9.48.070 Placing in automobiles prohibited.

It shall be unlawful for any person in the city to throw, place or paste in or upon any automobile or other vehicle, any dodger, bill, poster, flyer or advertisement of any merchandise, profession, business or trade, or any sample of patent medicine or foodstuff or similar articles of merchandise or commodities whatsoever.

(Prior code §16.9 (Ord. 224 §712, Ord. 267 §712))

DIVISION VII. CONSUMER PROTECTION

Chapter 9.52

SOLICITING TRADE

Section:

9.52.010 In public ways.

9.52.010 In public ways.

It shall be unlawful for any person in or on any street, sidewalk or other public way to importune or solicit any other person by word of mouth, gesture or otherwise to enter a place where goods, wares or merchandise is sold or where, for a price or a donation, services are offered or any exhibition, motion picture, play or performance is shown.

It shall be unlawful for anyone who is visible or audible to any person on any street, sidewalk or other public way, in a loud, boisterous, raucous, offensive or insulting manner, to importune or solicit any other person to enter a place where goods, wares or merchandise is sold or where, for a price or a donation, services are offered or any exhibition, motion picture, play or performance is shown.

(Prior code §23.9 (Ord. 522))

DIVISION VII. CONSUMER PROTECTION**Chapter 9.54****AGGRESSIVE AND DECEPTIVE SOLICITATION****Section:**

9.54.010	Definitions.
9.54.020	Place of Solicitation.
9.54.030	Manner of Solicitation.
9.54.040	Deceptive Solicitation.
9.54.050	Signage prohibiting aggressive and deceptive solicitation in private parking areas.
9.54.060	Exempt Activities.
9.54.070	Construction.

9.54.010 Definitions.

For the purposes of this chapter:

- A. "Automated teller machine" means any mechanical device which accepts or dispenses cash in connection with a credit, deposit, or convenience account.
- B. "Automated teller machine facility" means the area comprised of one or more automated teller machines, and any adjacent space available to the public.
- C. "Bank" means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation; any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the national Credit Union Administration; and any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.
- D. "Donation" means (1) a gift or (2) the purchase of an item for an amount far exceeding its value, when a reasonable person would understand that the purchase is in substance a gift.
- E. "Person" means and includes both individual persons and organizations.
- F. "Private parking area" means privately owned property designed or used primarily for the parking of vehicles, including but not limited to driveways, setbacks, and portions of that area that are landscaped.
- G. "Public place" means a place to which the public has access, and includes, but is not limited to, any street, highway, roadway, parkway, sidewalk, parking lot, plaza, transportation facility, airport, train station, transit center, school, place of amusement, park, playground, and any doorway, entrance, hallway, lobby, and other portion of any business establishment, an apartment house, or hotel not constituting a room or apartment designed for actual residence.
- H. "Public transportation vehicle" means any vehicle, including a trailer bus, designed, used, or maintained for carrying 10 or more persons, including the driver; or a

passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

- I. "Solicitation," "solicits," and "soliciting" mean any verbal or non-verbal request made in person seeking an immediate donation of money, food, cigarettes, or items of value.

(Ord. 2265)

9.54.020 Place of Solicitation.

A person may not solicit in any of the following places:

- A. At any bus stop or public transportation facility;
- B. In any public transportation vehicle;
- C. In any vehicle on a public street;
- D. In a private parking area if the property is posted with a sign prohibiting aggressive and deceptive solicitation in a manner hereinafter provided by this chapter, unless the solicitor has permission from the property owner;
- E. Within five feet of any building entrance or exit that abuts a public right of way except as provided in subsection F. Where any building entrance or exit is recessed from the public sidewalk, the five feet shall be measured from the point at which the building abuts the sidewalk;
- F. Within 15 feet of any bank or other financial institution building, including any outdoor automated teller machine or automated teller machine facility, whether a part of or separate from the building of the financial institution that owns, operates, or sponsors the automated teller machine;
- G. In the private parking area of any bank or other financial institution;
- H. Within 15 feet of any outdoor vending machines, public telephones, or any other device which accepts coins or paper currency, except parking meters and newspaper vending machines;
- I. Within five feet of any fence, wall, or other structure separating private property from the public right-of-way, other than a cyclone fence between a vacant lot and the public right-of-way;
- J. While seated on or leaning against any public bench, planter, monument, or other public property;
- K. While seated on or leaning against privately-owned property without the property owner's consent; or
- L. Within five feet of any crosswalk.

(Ord. 2265)

9.54.030 Manner of Solicitation.

A person may not solicit:

- A. By coming within three feet of the person solicited, until that person has indicated that he or she wishes to make a donation;
- B. By intentionally blocking or interfering with the passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- C. By following a person who walks or moves away from the solicitor;
- D. By intentionally touching or causing physical contact with another person or an occupied vehicle without that person's consent in the course of soliciting;
- E. By using violent or threatening gestures toward a person solicited either before,

- during, or after soliciting;
- F. By using profane or abusive language, either during the solicitation or following a refusal to make a donation;
- G. As part of a group of two or more solicitors; or
- H. While under the influence of alcohol or any illegal narcotic or controlled substance.
- (Ord. 2265)

9.54.040 Deceptive Solicitation.

A person may not knowingly solicit a donation stating that the money is needed for a specific purpose and then spend the money received for a different purpose, or make any false or misleading representation in the course of soliciting including, but are not limited to, stating that:

- A. The donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- B. The donation is needed to meet a need which does not exist;
- C. The solicitor is from out of town and stranded, when that is not true;
- D. The solicitor is homeless, when that is not true;
- E. The solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donations on its behalf; or
- F. The solicitor is a veteran of the United States Armed Forces, when that is not true.
- (Ord. 2265)

9.54.050 Signage prohibiting aggressive and deceptive solicitation in private parking areas.

An owner of a private parking area may prohibit aggressive and deceptive solicitation on the property by posting a sign in plain view at or near each driveway and pedestrian entrance which sets forth such prohibition substantially in the following form:

___“Aggressive or deceptive solicitation is prohibited. Violations are punishable pursuant to Chapter 9.54 of the Chico Municipal Code.”

Each sign shall not be less than 17 inches by 22 inches in size and shall contain lettering at least one inch in height. Such sign shall be mounted, so that the lower edge of the sign is at least four feet and the top edge does not exceed seven feet, above ground level.

(Ord. 2265)

9.54.060 Exempt Activities.

This chapter does not apply to:

- A. Activity governed by Chapter 9.52 of this code, entitled “Soliciting Trade”; or
- B. The exercise of protected free speech.

(Ord. 2265)

9.54.070 Construction.

Nothing in this chapter shall be deemed to enlarge or diminish the right of any person who owns or possesses real property to control access to or use of that property with respect to the conduct regulated by this chapter.

(Ord. 2265)

DIVISION VIII. OFFENSES BY OR AGAINST MINORS**Chapter 9.56****CURFEW⁶****Section:****9.56.010 Curfew rules.****9.56.040 Violation - Application of juvenile court law to minor.****9.56.010 Curfew rules.**

It shall be unlawful for any minor under the age of 18 years who is unaccompanied by the minor's parent, guardian, or other adult person having the care or custody of the minor, to loiter, or remain on the following property or places between the hours of 10:00 p.m. (Pacific Standard Time) or 11:00 p.m. (Pacific Daylight Savings Time, whichever is in effect) of any day and 5:00 a.m. (Pacific Standard Time or Pacific Daylight Savings Time, whichever is in effect) of the following day:

- A. Any public street, sidewalk, parking lot, park, or other public place except when such minor is performing an emergency errand directed by the minor's parent, guardian, or other adult person having the care and custody of the minor, is required to be in or upon a public place incidental to the minor's employment, or is directly and actively proceeding to the minor's place of residence or to or from a public meeting or place of business, worship, education, entertainment, or recreational activity; or
- B. Any private property used for a commercial purpose, unless such minor is employed on the property, actively engaged in patronizing a business located on the property or is present on the property with the express consent of the owner.

(Ord. 1786 (part), Ord. 2268)

9.56.040 Violation - Application of juvenile court law to minor.

Any minor violating this chapter shall be guilty of an infraction and shall be dealt with in accordance with the provisions of the law of the state.

(Ord. 1786 (part))

DIVISION IX. NUCLEAR WEAPONS

Chapter 9.60

NUCLEAR FREE ZONE LAW

Section:

- 9.60.010** **Declaration of purposes.**
- 9.60.020** **Definitions.**
- 9.60.030** **Prohibition on the production, testing, maintenance and storage of nuclear weapons and nuclear weapons delivery systems.**
- 9.60.040** **Prohibition on appropriation and use of city funds and property for civil defense against a nuclear war.**
- 9.60.050** **Remedy for violations.**

9.60.010 Declaration of purposes.

The city council finds and declares as follows:

- A. That the possibility of nuclear war is a clear and present danger that threatens not only the health, safety and welfare of the citizens of the Chico community, but also their very existence.
- B. That the use of nuclear weapons in the event of war, whether for the purpose of self defense or any other purpose, is totally unacceptable.
- C. That even participation in preparation against nuclear war is inappropriate in that it lends credence to the belief that such a war is survivable when in fact it is not.
- D. That by reason of the foregoing, the interest of the citizens of the Chico community will be best served by making the city a nuclear free zone in which the production, testing, maintenance, and storage of nuclear weapons and nuclear weapons delivery systems is prohibited and in which the appropriation or use of city funds or property for participation in or preparation against nuclear war is also prohibited.
- E. Nothing in this chapter is intended to preclude or hinder the preparation or response of city personnel and resources in preventing or mitigating radiological emergencies other than nuclear war.

(Ord. 1564 §2 (part), Ord. 1676)

9.60.020 Definitions.

The definitions hereinafter set forth in this section shall govern construction of the words and phrases to be used in this chapter.

- A. Nuclear Weapons Component of a Nuclear Weapon. "Nuclear weapon" shall mean any bomb or other weapon designed to explode as a result of a chain reaction caused by nuclear fission or fusion. "Component of a nuclear weapon" shall mean any material or device produced or manufactured for use in a nuclear weapon.
- B. Nuclear Weapon Delivery System - Component of a Nuclear Weapon Delivery System. "Nuclear weapon delivery system" shall mean any equipment designed to

transport, propel, or guide a nuclear weapon. “Component of a nuclear weapon system” shall mean any material or device produced or manufactured for use in a nuclear weapon delivery system.

(Ord. 1564 §2 (part))

9.60.030 Prohibition on the production, testing, maintenance and storage of nuclear weapons and nuclear weapons delivery systems.

No person shall produce, test, maintain, or store within the city a nuclear weapon, component of a nuclear weapon, nuclear weapon delivery system, or component of a nuclear weapon delivery system.

(Ord. 1564 §2 (part))

9.60.040 Prohibition on appropriation and use of city funds and property for civil defense against a nuclear war.

No city funds or property shall be appropriated or used for civil defense against a nuclear war or other preparations for nuclear war, including but not limited to those civil defense measures which address the physical or social aftereffects of a nuclear war.

(Ord. 1564 §2 (part))

9.60.050 Remedy for violations.

At the direction of the city council, the city attorney shall file an action in a court of appropriate jurisdiction to enjoin any violations of this chapter. Such action for injunctive relief shall be exclusive of any other remedies whether civil or criminal, provided for by this code.

(Ord. 1564 §2 (part))

DIVISION X. ENFORCEMENT**Chapter 9.70****ASSESSMENT OF SECOND RESPONSE COSTS****Section:**

9.70.010	Purpose.
9.70.020	Findings.
9.70.030	Loud or unruly events defined.
9.70.040	Persons responsible for a loud or unruly event.
9.70.050	Civil liability for the costs of a second response to a loud or unruly event.
9.70.060	Amount of second response costs.
9.70.070	Warning issued at time of initial response.
9.70.080	Assessment of second response fee.
9.70.090	Notice of assessment of second response fee.
9.70.100	Payment of second response fee.
9.70.110	Administrative review of determination to assess second response fee.
9.70.120	Appeal of decision following administrative review of second response fee.

9.70.010 Purpose.

This chapter is adopted pursuant to the municipal affairs provisions of the City Charter in order to provide a means for recovering the costs incurred by the city for the city police and fire department personnel participating in a second response to a loud or unruly event from the person or persons responsible for such event.

(Ord. 2086)

9.70.020 Findings.

The city council finds as follows:

- A. That personnel from the city police and fire departments spend a significant amount of their time responding to loud and unruly events as defined in this chapter;
- B. That frequently, police and fire department personnel are required to respond a second time to the same loud or unruly event after warning the person or persons responsible for such event that the event is being conducted in an unlawful manner and must be terminated by reason of the fact that such person or persons fail to take the steps necessary to terminate such unlawful conduct; and
- C. That it would be appropriate to recover from the person or persons responsible for a loud or unruly event the costs incurred by the city for the police and fire department personnel participating in a second response to such event in those situations in which such person or persons were duly warned that a second response fee would be assessed against them at the time of the initial response to the event.

(Ord. 2086)

9.70.030 Loud or unruly events defined.

For purposes of this chapter, the terms loud event and unruly event are defined as follows:

- A. A loud event shall mean an event or incident which results in any loud or unusual noise which disturbs the peace and quiet of a neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the neighborhood and is, therefore, unlawful in accordance with the provisions of chapter 9.38 of this code.
- B. An unruly event is any event or incident which threatens the public health, safety or welfare and is unlawful under the provisions of this code or the laws of the State of California.

(Ord. 2086)

9.70.040 Person responsible for a loud or unruly event.

For purposes of this chapter, a person shall be considered to be responsible for a loud or unruly event if:

- A. Such person is entitled to possession of any private property on which the event occurs, because that person is either an owner entitled to possession of such property or is a lessee or tenant entitled to possession of the property;
- B. Such person is entitled to the use of any public property on which the event occurs by reason of any permit or entitlement issued to such person by the city or any other governmental agency owning or otherwise controlling the property; or
- C. Such person accepts responsibility for the event.

(Ord. 2086, Ord. 2331)

9.70.050 Civil liability for the costs of a second response to a loud or unruly event.

Any person responsible for a loud or unruly event shall be civilly liable to the city for all costs incurred by the city arising out of a second response which is made by the city police or fire department to such an event where:

- A. The city police or fire department initially responded to a loud or unruly event during the preceding 72 hour period;
- B. At the time of making such initial response, personnel from the city police or fire department warned such person, in writing, that the event was being conducted in an unlawful manner, and that if police or fire department personnel were required to respond a second time to a loud or unruly event at the same location within 72 hours, such person would be assessed a second response fee as and for the city's second response costs in the amount provided for by this chapter;
- C. Following such initial response, the city police or fire department were required to respond a second time to a loud or unruly event at the same location, notwithstanding such written warning; and
- D. A citation was issued to such person at the time of the second response because the event was being conducted in an unlawful manner and that person was subsequently convicted of the charges set forth in the citation.

(Ord. 2086, Ord. 2331)

9.70.060 Amount of second response costs.

The amount of the costs incurred by the city as a result of a second response to a loud or unruly event shall be determined by the chief of police based on the number of police

and fire department personnel participating in the second response, the time spent in making such response, and a schedule of police and fire department personnel costs adopted by resolution of the city council.

(Ord. 2086)

9.70.070 Warning issued at time of initial response.

Where personnel from the city police or fire department responding to a loud or unruly event determine that the unlawful conduct occurring at such event can be terminated or otherwise appropriately addressed without arresting or citing the person or persons responsible for the event, such police or fire department personnel may issue a warning to any person responsible for the event in lieu of arresting or issuing a citation to such person as a result of the event. Such warning shall set forth the date and time of the initial response, a brief description of the unlawful activity complained of or observed at the event, the address of the property on which the event occurred, and a statement that if city police or fire department personnel are required to respond a second time to the same or a similar event within a 72 hour period, such person will be assessed a second response fee as and for the city's second response costs in the amount provided for by this chapter, which fee shall be in addition to any criminal fine or other sanction arising out of any arrest of such person or the issuance of a citation to such person as a result of such second response. Any person issued a written warning in the manner provided for by this section shall sign the warning acknowledging receipt thereof.

(Ord. 2086, Ord. 2331)

9.70.080 Assessment of second response fee.

Where the chief of police determines that a second response has been made to a loud or unruly event within a 72 hour period following the initial response to such an event at the same location, the chief of police shall assess a second response fee against any person responsible for the event when all of the following apply: 1) that person was issued a written warning at the time of the initial response in the manner provided by this chapter; 2) a citation was issued to that person as a result of the second response because the event was being conducted in an unlawful manner; and 3) that person was convicted of the charges set forth in citation. Such fee shall be in an amount equal to the costs incurred by the city for all of the police and/or fire department personnel participating in the second response, as determined by the chief of police in the manner provided by this chapter, or the sum of one thousand dollars (\$1,000), whichever is less. Where two or more persons are assessed a second response fee for the same loud or unruly event, all such persons shall be jointly and severally liable to the city for the full amount of such fee.

(Ord. 2086, Ord. 2331)

9.70.090 Notice of assessment of second response fee.

Upon determining to assess a second response fee against a person responsible for a loud or unruly event, the chief of police shall cause notice of the assessment to be served on such person by depositing such notice, first class postage prepaid, in the United States mail addressed to the person at the person's last known address. In addition to setting forth the amount of the second response fee, such notice shall set forth the right of the person so assessed to request administrative review of the assessment in the manner provided by this chapter.

(Ord. 2086, Ord. 2268, Ord. 2331)

9.70.100 Payment of second response fee.

Every second response fee assessed upon a person responsible for a loud or unruly event in the manner provided by this chapter shall be due and payable on or before the last day of the month immediately following the month in which notice of the assessment of the fee was mailed to such person. In the event of the failure of a person assessed a second response fee to pay such fee when due, a delinquency penalty of ten percent shall be added to the fee on the last day of each month after the due date thereof; provided, however, that the total amount of such penalties shall not exceed fifty percent of the fee. In addition, in the event of the failure of a person assessed a second response fee to pay such fee when due, such person shall be assessed interest on the amount of the delinquent fee, exclusive of any penalties thereon, at the rate of one percent per month, or any fraction thereof, from the date the fee first became delinquent until the date the fee is paid.

(Ord. 2086)

9.70.110 Administrative review of determination to assess second response fee.

- A. Right to Administrative Review. Any person assessed a second response fee in the manner provided by this chapter may apply to the chief of police for administrative review of the determination by the chief of police to assess such fee and/or the determination of the chief of police as to the amount of the fee.
- B. Application for Administrative Review. Application for administrative review of a determination of the chief of police to assess a second response fee or a determination of the chief of police as to the amount of the such fee shall be in writing and shall be filed with the police department by the person against whom the fee was assessed no later than 15 days from the date the notice of assessment of the fee was mailed to such person. In addition to setting forth the request for administrative review of such determination, such application shall contain a brief statement of the reasons why the person against whom the fee was assessed believes that the determination does not comply with the provisions of this chapter as well as a statement of the relief being requested.
- C. Decision on Application for Administrative Review. Upon the filing of an application for administrative review of the determination of the chief of police to assess a second response fee or a determination as to the amount of such fee, the chief of police shall consider the application and render a decision either confirming such determination or reversing or modifying the determination. Prior to rendering a decision, the chief of police, with sole discretion, may convene a hearing for the purpose of reviewing evidence or hearing arguments bearing on the determination. If such a hearing is convened, notice of the date, time, and place of the hearing shall be served by mail on the person having requested administrative review of the determination a reasonable time prior to such hearing. After rendering a decision, the chief of police shall promptly cause written notice of the decision to be served by mail on the person having requested administrative review of the determination.
- D. Payment of a Second Response Fee Following Administrative Review. Where the chief of police renders a decision to affirm a determination to assess a second response fee and/or to affirm a determination as to the amount of the fee so assessed, either in whole or in part, following the filing of an application for administrative review of such determination, such fee or such part thereof found by the chief of

police to have been validly assessed shall not be due and payable until the last day of the month immediately following the month in which notice of such decision was mailed to the person against whom the fee was assessed.

(Ord. 2086, Ord. 2268)

9.70.120 Appeal of decision following administrative review of second response fee.

Where the chief of police renders a decision affirming a determination to assess a second response fee in whole or in part after administratively reviewing the determination in the manner provided by this chapter, the person against whom the fee was assessed and who requested administrative review of such determination may appeal the decision to the city council. Such appeal shall be filed within the time and in the manner provided by Chapter 2.80 of this code; provided, however, that no person shall be entitled to appeal such decision unless and until such person has deposited with the city clerk an amount equal to 50% of the amount of the fee in dispute.

In the event the city council, after considering an appeal from a determination of the chief of police to assess a second response fee, determines that the fee was improperly assessed or that the amount of the fee exceeds that which should have been assessed, the city clerk shall cause any portion of the fee deposited with the city clerk found by the city council to be improperly assessed to be refunded to the person filing the appeal.

(Ord. 2086)

TITLE 9 FOOTNOTES

1. For statutory provisions on tampering with fire alarm systems, see Penal Code §148.4; for statutory provisions on stopping or parking near hydrants, see Vehicle Code §22514; for provisions on removal of vehicles preventing access to hydrants, see Vehicle Code §22651; approach of vehicles to fires and fire engines, see Ch. 10.12; for access to fire hydrants during street excavation, see Ch. 14.08.
2. For statutory provisions on littering, see Penal Code §§374, 374b and 374e; weed and rubbish abatement, see Ch. 8.20.
3. For statutory definition of “hide,” see Food & Agricultural Code §20009; for provisions on inspection of hides, see Food & Agricultural Code §21451 et seq.; for provisions on inspections and seizures, see Food & Agricultural Code §23041 et seq.
4. Damage to property by moving buildings, see Ch. 14.36; report of damage to publicly owned or public utility property, see Ch. 10.12.
5. For statutory provisions on placing advertising material on public and private property, see Penal Code §§556 - 556.3.
6. For statutory provisions as to juvenile court see Welfare & Institutions Code §§ 500-257.

Prior history: Prior code §§14.1, 14.3, 14.7; Ords. 224, 511 and 557.