

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

DISORDERLY CONDUCT*

Sections:

- 9.04.010 Definitions.
- 9.04.020 Unlawful assembly.
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* For statutory provisions on disorderly conduct, see Penal Code §647; for statutory provisions on assembly for the purpose of disturbing the peace, see Penal Code §416; for statutory provisions forbidding the obstruction of public officers, see Penal Code §148.

9.04.010 Definitions.

When used in this chapter, the words defined in this section shall mean as follows:

A. "Apartment house" means any structure designed, built or rented for occupation as a home by three (3) or more families, each living in a separate apartment containing cooking facilities.

B. "Drive-in restaurant" or "drive-in stand" means and includes any restaurant, or any place where food or beverages or other refreshments are sold to the public, and so designed as to accommodate the automobile or other vehicles operated or occupied by patrons or customers of the restaurant receiving service in such automobile or vehicle.

C. "Drive-in theater" means and includes any land enclosed by a fence, containing a stage or screen designed primarily for the presentation of moving pictures, shows, dramatic or musical performances and designed to accommodate automobiles or other vehicles operated, used or occupied by the patrons of such theater during the presentation of such show or performance.

D. "Hotel" includes motel, motor hotel and motor court.

E. "Trailer court" or "Trailer park" means and includes any area or tract of land where space is rented or held out for rent and intended for occupancy by two (2) or more coaches or trailer houses. (Ord. 58 §1, 1968).

9.04.020 Unlawful assembly.

It is unlawful for any person in the city:

A. To congregate with two (2) or more other persons on any public street or in any public place, or in any place open to the patronage of the public, when the purpose of so congregating is to annoy, disturb, or interfere with the lawful discharge or pursuit of any lawful business or occupation by any other person, or to maliciously interfere with or annoy any occupant, licensee, guest or invitee lawfully on such place.

B. To become part of, or remain in a group of three (3) or more persons in any public place or any place open to the patronage of the public, when any member of such group is engaged in the commission of a felony or a misdemeanor; or when any member of such group is about to engage in the commission of a felony or a misdemeanor, and after disobedience to a request to disperse has been made to such persons by a law enforcement officer or by the owner or person in charge of such premises. (Ord. 133 §20(d) (part), 1978; Ord. 58 §2(a), (b), 1968).

9.04.030 Interference with police officers.

It is unlawful for any person in the city to incite or encourage by words, or conduct, disobedience to any lawful order or request of any law enforcement officer pursuant to and in the performance of his duties. (Ord. 133 §20(d) (part), 1978; Ord. 58 §2(c), 1968).

9.04.040 Parking.

It is unlawful for any person in the city to park any automobile or other vehicle, whether attended or not, upon any private parking lot intended for the employees, customers, clients, or patrons of any professional, business, commercial or industrial establishments when such parking lot is posted at the entrance thereof in a conspicuous manner conveying the information to the public that such parking lot is reserved for such employees, customers, clients and patrons of such professional, business, commercial or industrial establishment. (Ord. 133 §20(d) (part), 1978; Ord. 58 §2(d), 1968).

9.04.050 Lodging.

It is unlawful for any person in the city to lodge in any public building, grounds, parks, streets, sidewalks, or use any trailer, house trailer, bus, truck or automobile in any park, public grounds, streets or sidewalks for sleeping or lodging purposes. This section shall not apply to any organized recreational outing under the supervision of the recreation department of the city or of the county or when authorization is duly given by the city council for similar purposes, as set forth in this chapter. (Ord. 133 §20(d)(part), 1978; Ord. 58 §2(e), 1968).

9.04.060 Gatecrashing.

It is unlawful for any person in the city to enter the premises, including the grounds of any private residence, for the purpose of participating in any festivity, party, social function, social affair, dance, ceremony or private gathering of persons, unless such person so entering the premises or grounds was at the time of such entering an invitee or guest of the occupant of such premises; and no person under false pretense of being an invitee or guest shall gain admittance to any such premises or grounds. (Ord. 133 §20(d)(part), 1978; Ord. 58 §2(e), 1968).

9.04.070 Persons exempted from provisions.

This chapter shall not apply to members of the Military or Naval Forces of the United States or of the State Militia in obedience to lawful orders of duly constituted authority. (Ord. 58 §3, 1968).

Chapter 9.08

NOISE DISTURBANCES*

Sections:

ARTICLE I. GENERAL PROVISIONS

- 9.08.010 Declaration of policy and purpose.
- 9.08.020 Authority.
- 9.08.030 Definitions.

ARTICLE II. NUISANCES

- 9.08.040 Nuisances defined.
- 9.08.050 Permits.
- 9.08.060 Exemptions.
- 9.08.070 Maintaining a nuisance--Administrative citation.

ARTICLE III. ENFORCEMENT AND ABATEMENT

- 9.08.080 Enforcement.

ARTICLE IV. COSTS OF ABATEMENT

- 9.08.090 Record of costs of abatement.
- 9.08.100 Satisfaction of administrative citation.
- 9.08.110 Appeal of administrative citation.
- 9.08.120 Hearing procedure.
- 9.08.130 Right to judicial review.
- 9.08.140 Failure to pay administrative citation.

* For statutory provisions on loud and unnecessary noise, see Penal Code §415.

Prior ordinance history: Ords. 93 and 133.

ARTICLE I. GENERAL PROVISIONS

9.08.010 Declaration of policy and purpose.

The city council finds that the police department responds to numerous noise disturbances in residential areas during normal sleeping hours involving unreasonably loud, raucous or jarring noises.

The city council finds that such disturbances are extremely disruptive to the peace and quiet of residential neighborhoods and often constitute an immediate and significant threat and detriment to the public health, welfare and safety.

The city council finds that the police department often is required to respond a second or third time in the same night to a disturbance at the same location because the officer's directions to cease the disturbance go unheeded; and

The city council finds that the necessity for repeated responses to the same disturbance creates a significant threat and detriment to public health, welfare and safety; and

The city council desires to enhance the police department's ability to abate noise disturbances which constitute public nuisances and which are immediate threats to public health or safety without making repeated responses to the scene of the same disturbance; and

The city council desires to recover the costs it incurs when repeated responses to the same disturbance constituting a public nuisance are necessary; and

The city council desires to provide the police department with a procedure for quelling noise disturbances in residential areas during normal sleeping hours by means less drastic than resort to criminal process. (Ord. 364 §1(part), 2005).

9.08.020 Authority.

A. The procedures set forth in this chapter for summary abatement of nuisances at the expense of the persons creating, causing, committing, or maintaining it for up to five hundred dollars (\$500.00), are adopted pursuant to Article 11, Section 7 of the California Constitution and Chapter 1.09 of the Arvin Municipal Code.

B. The procedures set forth in this chapter are not exclusive and are in addition to the procedures for abatement which are conferred upon the city by California Civil Code Section 3494, California Code of Civil Procedure Section 731 and any other applicable provision of law.

C. Nothing in this chapter shall supersede or be the exclusive remedy for behavior which violates California Penal Code Section 407 or 415. (Ord. 364 §1(part), 2005).

9.08.030 Definitions.

As used in this chapter:

"Residence" means a structure providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Residential area" means any area in the city which is within three hundred (300) feet of any single-family or multifamily residence, other than commercial hotels, motels and similar establishments for temporary lodging, measured by a straight line between the closest structural wall of the residence and the location of the noise described in Section 9.08.040 of this chapter.

"Person" includes corporations, partnerships and any other entity which owns, leases or controls property.

"Plainly audible" means the use of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, and necessary for convenient hearing for the persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. (Ord. 364 §1(part), 2005).

ARTICLE II. NUISANCES

9.08.040 Nuisances defined.

Nuisances include, but are not limited to, noises that are unreasonably loud, raucous, or jarring to persons within the area of audibility in a residential area, including, but not limited to:

1. Airplane Motors. The testing of any aircraft power plant (except while warming up for a take-off) unless such testing is done within a building or specially

designed structure and the noises from such testing are reasonably confined to such building or structure;

2. Horns, Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, street car, or other vehicle on any street or public place of the city unless it is done to warn of danger; the sounding of any device for an unnecessary or unreasonable period of time; the use of any signaling device except one operated by hand or electricity;

3. Radios, Phonographs and Musical Instruments. Using or operating, or permitting to be played, used, or operated, any sound system, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound which is plainly audible unless such person complies with the permit requirement set forth in Section 9.08.050 and such noise for which the permit is issued is only plainly audible on Sunday, Monday, Tuesday, Wednesday, and Thursday, between the hours of seven a.m. (7:00) and nine p.m. (9:00), and Friday and Saturday, between the hours of seven a.m. (7:00) and twelve a.m. (12:00), and such plainly audible noise does not exceed a decibel reading of seventy (70), which shall be measured at a distance of fifty (50) feet from the building structure or vehicle;

4. Loud Speakers and Amplifiers for Advertising. Using or operating, or permitting to be played, used, or operated, any sound system, receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

5. Yelling, Shouting, Whistling and Singing. Yelling, shouting, hooting, whistling, or singing on the public streets at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity;

6. Animals and Birds. The keeping of any animal, including dogs or cats, or birds, which, by causing frequent or long continued noise, disturbs the comfort or repose of any persons in the vicinity;

7. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary

boiler except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper city authorities;

8. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

9. Defects in Vehicles and Loads. The use of any automobile, motorcycle, or vehicle so out of repair or so loaded in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise;

10. Loading, Unloading and Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;

11. The Erection (Including Excavation), Demolition, Alteration, or Repair of Any Building. The erection (including excavation, demolition, alteration, or repair) of any building other than between the hours of six a.m. (6:00) and nine p.m. (9:00), except in cases of urgent necessity in the interests of public health and safety, and then only with a permit from the city manager or his or her designee, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for a period of three (3) days or less while the emergency continues. Minor repairs may be made at any time provided that they do not disturb the peace, quiet, and comfort of the neighboring inhabitants. If the city manager or his or her designee determines that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways other than during the hours permitted by this section, and if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for such work to be done upon application being made at the time the permit for the work is awarded or during progress of the work. If the public health and safety dictates, the city manager may impose more restrictive hours during which work is permitted to be performed pursuant to this section;

12. Schools, Courts, Churches and Hospitals. The creation of any plainly audible excessive noise on any

street adjacent to any school, institution of learning, church, or court, while the same is in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution of learning, church, court or hospital;

13. Hawkers and Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturb the peace and quiet of the neighborhood;

14. Transportation of Metal Rails, Pillars and Columns. The transportation of rails, pillars, or columns of iron, steel, or other material over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places;

15. Street Railway Cars. The causing, permitting, or continuing of any excessive, unnecessary, and avoidable noise in the operation of a street railway car;

16. Pile Drivers, Hammers and Appliances. The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise, except between the hours of six a.m. (6:00) and nine p.m. (9:00);

17. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise. (Ord. 364 §1(part), 2005).

9.08.050 Permits.

No person shall be allowed to use, operate, or permit to be played, any sound system including radios, musical instruments, phonographs, or other machines or devices for the producing or reproducing sound in a manner that is plainly audible unless such person applies to and is granted from the city clerk a permit. Requests for permits must be submitted at least five (5) days prior to the use of plainly audible noise. A permit is solely permis-

sion from the city of Arvin to use, operate, or permit to be played plainly audible noise and all persons granted a permit are required to comply with the designated time periods and sound decibel level set forth in Section 9.08.040. (Ord. 364 §1(part), 2005).

9.08.060 Exemptions.

The following acts or conditions are exempt from having to comply with this chapter:

A. Activities conducted on the grounds of any public or private nursery, elementary, intermediate, or secondary school;

B. Public gatherings, shows, and dances, for which a city license has been issued;

C. Any mechanical device, apparatus, or equipment which is utilized for the protection or salvage of agricultural crops during periods of potential or actual frost damage or other adverse weather conditions;

D. Any mechanical device, apparatus, or equipment used, related to or connected with emergency machinery, work, vehicles;

E. Any activity involving noise for which the city council has granted a variance;

F. Any activity to the extent regulation thereof has been preempted by state or federal law. (Ord. 364 §1(part), 2005).

9.08.070 Maintaining a nuisance--Administrative citation.

A. Any person who owns, leases or otherwise controls property on which said person knows a nuisance as defined in Section 9.08.040 of this chapter exists and who fails to take immediate and reasonable steps to abate said nuisance shall be guilty of violating this chapter and subject to an administrative citation as authorized in Chapter 1.09 of the Arvin Municipal Code.

B. Each person shall be guilty of a separate offense for each and every designated period any violation of this section is committed or continued by such person and shall be punishable accordingly. (Ord. 364 §1(part), 2005).

ARTICLE III. ENFORCEMENT AND ABATEMENT

9.08.080 Enforcement.

The police department is directed to enforce the provisions of this chapter.

A. Civil Remedy. The Arvin police officers are authorized, pursuant to Chapter 1.09 of this code, to issue an administrative citation to any person when they have reasonable cause to believe that such person has violated this chapter.

B. Process of Abatement of Public Nuisances.

1. First Response--Determination of Nuisance. On the first response to a disturbance in a residential area, the responding Arvin police officer(s) shall determine whether the disturbance constitutes a public nuisance as defined in Section 9.08.040 of this chapter. If the responding Arvin police officer(s) determines that a violation of Section 9.08.040 has occurred, the responding Arvin police officer may, as an alternative to immediate citation of the person(s) responsible for the nuisance, proceed as set forth below in this subsection.

2. First Notice. The responding Arvin police officer shall advise the person(s) creating the disturbance, the occupant of the property where the disturbance is located, and the owner of the property if he or she is present that: (1) the disturbance violates this chapter; (2) unless they voluntarily stop the disturbance during the designated time period, the Arvin police officer(s) will be required to take appropriate action to stop it, including arrest or citation of those violating the law; and (3) if the Arvin police officer(s) is required to expend additional man hours and/or use equipment after the first response to stop the disturbance, the owner and the occupant of the property may be charged the costs of such additional police department man hours and equipment, up to five hundred dollars (\$500.00).

3. Second and Subsequent Responses. If, after giving the first notice, the police department receives any additional complaints about a disturbance at the same location within the designated period specified during the first notice, the police department shall respond again to the location of the disturbance. If the responding Arvin police officer(s) determines that the disturbance continues to constitute a public nuisance as described in Sec-

tion 9.08.040, the responding Arvin police officer(s) shall take appropriate actions to immediately abate the nuisance, including, but not limited to, the issuance of an administrative citation of any person(s) violating the law.

Said notice shall be given to the occupant of the property and to the owner if he or she is present in written form substantially as follows:

NOTICE
FIRST RESPONSE
NOISE DISTURBANCE PROHIBITED BY LAW

This NOTICE OF VIOLATION given to _____(Name)
_____(DOB) at
_____, Arvin, CA
(Location) _____(Phone Number) on
_____(Date) at _____(Time) is the result of a
noise disturbance in violation of Chapter 9.08.040 of
the City of Arvin Municipal Code.

If it is necessary for the Police Department to respond a second or subsequent time to stop the disturbance at this location, during the time period of _____ (describe the hours in which the conduct is prohibited or write "any time" if the conduct is never permitted,) the owner of the property and the occupant of the property may be issued an administrative citation and charged for all personnel and equipment costs incurred in such second and subsequent responses, up to \$500.

(Signature of party to whom notice given)

(Signature of Police Officer)

4. Nuisance Remedy Not Exclusive. Nothing herein shall affect the authority of the police department and its police officers to make lawful arrests at any time, including on the first response to a disturbance constituting a nuisance as defined in this chapter. (Ord. 364 §1(part), 2005).

ARTICLE IV. COSTS OF ABATEMENT

9.08.090 Record of costs of abatement.

The police department shall keep an itemized account of the costs involved in abating a nuisance as described in this chapter. The police department shall mail by certified mail, return receipt requested, to the person cited an administrative citation for violating this chapter, a statement showing the costs of the abatement and an invoice demanding payment to the city of said costs or five hundred dollars (\$500.00), whichever is less. (Ord. 364 §1(part), 2005).

9.08.100 Satisfaction of administrative citation.

Persons issued an invoice described in Section 9.08.090, must pay the fine to the Arvin city finance director within fifteen (15) days from receipt of the invoice as provided for in Section 1.09.050. (Ord. 364 §1(part), 2005).

9.08.110 Appeal of administrative citation.

A person issued an administrative citation may contest he/she was in violation of this chapter by completing a request for hearing form and by returning it to the Arvin city clerk within fifteen (15) days of receipt of the invoice issued as a result of the administrative citation. Recipients of an administrative citation must comply with Section 9.08.100, but will receive a refund of the amount paid if it is determined, after a hearing, that the person cited was not in violation of this chapter. (Ord. 364 §1(part), 2005).

9.08.120 Hearing procedure.

The hearing procedure for appeals of administrative citations for violations of this chapter shall be conducted in accordance with Sections 1.09.070 through 1.09.090 of the Arvin Municipal Code. (Ord. 364 §1(part), 2005).

9.08.130 Right to judicial review.

Any person aggrieved by the decision of the hearing officer on an administrative citation has a right to judi-

cial review as provided for in Section 1.09.110. (Ord. 364 §1(part), 2005).

9.08.140 Failure to pay administrative citation.

As provided for in Section 1.09.100, the failure of any person to timely satisfy the invoice issued as a result of the administrative citation may result in the matter being referred to the Arvin finance director to pursue any and all legal remedies to collect the civil fine. The city may recover its attorneys' fees and collection costs according to proof. (Ord. 364 §1(part), 2005).

Chapter 9.12

CURFEW

Sections:

- 9.12.010 Curfew.
- 9.12.020 Parent responsible.
- 9.12.030 Severability.

9.12.010 Curfew.

A. It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll, or be in or upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playgrounds or other public grounds, public places, public buildings, places of amusement or eating places, parking lots or vacant lots in the city between the hours of ten p.m. (10:00) on any day and five a.m. (5:00) of the immediately following day.

This section does not apply when:

1. The minor is accompanied by his or her parent, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen (18) years of age or older;

2. The minor is on an errand directed by his or her parent or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen (18) years of age or older;

3. The minor is returning directly home from a public meeting, or a place of public entertainment, such as a movie, play, sporting event or school activity; or

4. The presence of such minor in said place or places is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged.

B. It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander, stroll or be in or upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playground, or other public grounds, public places, public buildings, places of amusement or eating places, parking lots or vacant lots in the city during the minor's school hours. This section does not apply when:

1. The minor is accompanied by his or her parent, guardian, or other adult person having the care or custody of the minor; or

2. The minor is on an emergency errand directed by his or her parent or guardian or other adult person having care or custody of the minor; or

3. The minor is going to or coming directly from his or her place of employment or a medical appointment; or

4. The minor is away from the school campus for lunch or has in his or her possession a valid off-campus permit issued by the school for a school related activity.

C. Violation. Notwithstanding any other provisions of this code, when a person under the age of eighteen (18) years is charged with a violation of this section, and a peace officer issues a notice to appear in Municipal Court to that minor, the charge shall be deemed an infraction. If the minor has been previously convicted of a violation of this section, subsequent violations shall be deemed a misdemeanor.

D. Penalties for Violation. Any person convicted of willfully violating this section is guilty of an infraction punishable by a fine not to exceed eighty dollars (\$80.00) and/or eight (8) hours of community service. Community service shall be served during a time other than the minor's hours of school attendance or employment. If the minor has been previously convicted of a violation of this section, subsequent violations of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. 306 (part), 1997; Ord. 23 §1, 1961).

9.12.020 Parent responsible.

A. It shall be unlawful for any parent, guardian or any adult person having control, custody or charge of any person under the age of eighteen (18) years, to permit, allow or let the person idle, loiter, wander, stroll or be in or upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement or eating places, parking lots or vacant lots in the city between the hours of ten p.m. (10:00) on any day and five a.m. (5:00) of the immediately following day, unless the minor is lawfully upon the streets or public places or places of entertainment or amusement as permitted by subsection A of Section 9.12.010.

B. It shall be unlawful for any parent, guardian or any adult person having control, custody or charge of any person under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuation education to permit, allow or let the person loiter, idle, wander, stroll or be in or upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playgrounds, or other public grounds, public places, public buildings, places of amusement or eating places, parking lots or vacant lots in the city during the minor's school hours, unless the minor is lawfully upon the streets, public places, or places of entertainment or amusement as permitted by subsection B of Section 9.12.010.

C. Violation. Notwithstanding any other provisions of this code, when a person is charged with a violation of this section, the charge shall be deemed an infraction. If the person has been previously convicted of a violation of this section, subsequent violations shall be deemed a misdemeanor.

D. Penalties for Violation. Any person convicted of willfully violating this section is guilty of an infraction punishable by a fine not to exceed eighty dollars (\$80.00). Any person who, having been previously convicted of a violation of this section, is charged with a subsequent violation of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00). (Ord. 306 (part), 1997).

9.12.030 Severability.

A. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutionally by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council of the city of Arvin declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional. (Ord. 306 (part), 1997).

Chapter 9.16

WEAPONS*

Sections:

9.16.010 Use prohibited--Exceptions.

* For statutory provisions on the discharge of firearms, see Penal Code §246.

9.16.010 Use prohibited--Exceptions.

Except as provided in this chapter, or except in the lawful defense of life or property, it is unlawful for any person (other than a peace officer or other authorized person in the discharge of his duty) to discharge any firearm, compressed air gun, BB gun, bow, slingshot or other deadly or dangerous weapon within the city. It is unlawful for any person to carry a loaded air gun or BB gun on his person or in a vehicle while in any public place or on any public street in the city. This chapter shall not apply to any person discharging a firearm in a target range approved by the governing body of the city, nor to any person using his property for the purpose of using any air gun, BB gun, bow or slingshot for target practice, provided a suitable backstop has been provided. (Ord. 62 §1, 1968).

Chapter 9.20

PUBLIC DRINKING OF ALCOHOLIC BEVERAGES

Sections:

- 9.20.010 Public drinking.
- 9.20.020 Open containers in public places.

9.20.010 Public drinking.

No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one percent (.5%) of alcohol by volume, upon any street, sidewalk or parkway, park, playground, or in any public place, or in any place open to the patronage of the public, which premises are not licensed for the consumption of such liquor on the premises. (Ord. 156 §1, 1980).

9.20.020 Open containers in public places.

A. No person shall possess any bottle, can or other receptacle, containing any alcoholic beverage, which has been opened, or a seal broken, or the contents of which have been partially removed, upon any street, sidewalk, or parkway, park, playground or in any public place, or any place open to the patronage of the public, which location is not licensed for the consumption of such liquor.

B. As used in this section, "alcoholic beverage" means any malt, spirituous or vinous liquor containing more than one-half percent (.5%) of alcohol by volume. (Ord. 181, 1982).

Chapter 9.24

CITY PARKS

Sections:

- 9.24.010 Park.
- 9.24.020 Officials exempt.
- 9.24.030 Written permit of activities prohibited.
- 9.24.040 Violation a misdemeanor.

9.24.010 Park.

"Park" as used herein includes every public park, roadside rest area, playground, or other recreational facility area, together with any parking lot, reservoir, pier, swimming pool, course, court, field, bridle path, trail or other recreational facility or structure thereon or therein, owned, managed, or controlled by the city of Arvin, or located within the city of Arvin. (Ord. 190(part), 1984).

9.24.020 Officials exempt.

Officers, agents, or employees of the city, or their agents, are exempt from the prohibitions herein set forth insofar as the performance of their official duties may conflict therewith. (Ord. 190(part), 1984).

9.24.030 Written permit of activities prohibited.

The activities enumerated herein are prohibited to all persons within the limits of parks in the city of Arvin except as may be specifically authorized by written permit issued by the Bear Mountain recreation and parks district:

A. To hitch, fasten, lead, drive, or let loose any animal or fowl of any kind, provided that this shall not apply to dogs when led by a cord or chain, not more than six (6) feet;

B. To ride or drive any horse or animal, or to propel any vehicle, cycle, or automobile within the park area except on roadways;

C. To cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other apparatus, or property; or to pluck, pull up, cut, take or remove any shrub, plants, bush, or flower; or to make or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure;

D. To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer;

E. To make or kindle a fire except in picnic stoves, braziers, or fire pits provided for that purpose;

F. To wash dishes or to empty salt water or other waste liquid elsewhere than in the receptacles provided for such purposes;

G. To leave garbage, cans, bottles, papers, or other refuse anywhere other than the receptacles provided therefor;

H. To indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language;

I. To use, throw, or release any arrows or cross-bows, except as specifically permitted in designated areas;

J. To take, seize or hunt any nondomestic bird or animal;

K. To disturb, in any manner, any picnic, meeting, service, concert, or other private events;

L. To sell or offer for sale any merchandise, article, or anything whatsoever;

M. To remain, stay, or loiter in any public park between the hours of ten p.m. and six a.m. of the following day;

N. To ride bicycles in any area except roadways, and in each case shall be parked in racks when provided;

O. It is unlawful for any persons to assemble, collect, or gather together on any walk, passageway, or roadway in any park or in any other place set apart for travel of persons in or through any park or to occupy the same so that the free passage or use thereof by other persons is obstructed in any manner;

P. To occupy any part of any park within the city in a group, or as part of a group, in excess of twenty-four (24) persons without first obtaining a permit from the Bear Mountain recreation and park district;

Q. To enter any pool, dressing room, or structure at any time when a person lawfully in control is not in attendance therein;

R.1. No person over the age of eight (8) years of age shall enter or use any restrooms designated for a member of the opposite gender.

2. No member of any one gender shall take, carry, force, or persuade to go by any means, a member of the opposite gender, over the age of eight (8) years into a restroom designated for a member of the opposite gender;

S. No person shall camp or lodge in city parks without a permit issued by the Bear Mountain recreation and park district;

T. It is unlawful for any person, firm, corporation or association, charitable or otherwise, to use a park for the purpose of conducting thereon any carnival, exhibition, theater, tent or open air, public dance, or other business or activity without first securing a permit from the Bear Mountain recreation and park district;

U. To fail to obey the lawful orders of a director or other park attendants to cease and desist from any activities prohibited in Section 9.24.030 ;

V. To fail to leave the park premises when directed to do so by director or other park attendants because of violation of any of the rules, or to return to the park on the same calendar day after having complied with a direction to leave park pursuant to this subdivision. (Ord. 190(part), 1984).

9.24.040 Violation a misdemeanor.

Violation of any of the provisions of this article shall constitute a misdemeanor and conviction thereof shall be punishable by fine of not more than five hundred dollars (\$500.00), or by imprisonment in the city or county jail for a period not exceeding six (6) months, or by both fine and imprisonment. (Ord. 190(part), 1984).

Chapter 9.29

GRAFFITI PROHIBITED

Sections:

- 9.29.010 Intent.
- 9.29.020 Graffiti defined.
- 9.29.030 Graffiti prohibited.
- 9.29.040 Graffiti removal.
- 9.29.050 Penalties.
- 9.29.060 Regulation of sale and distribution of aerosol paint and dyes.
- 9.29.070 Possession in public recreation areas.
- 9.29.080 Possession in streets or other public places.

9.29.010 Intent.

Graffiti on public and private property is a blighting factor which not only depreciates the value of the property, but also the value of the adjacent and surrounding areas. Government Code Section 53069.3 authorizes a city to enact ordinances to provide for use of city funds to remove graffiti from public and privately owned permanent structures located within the city. The city council finds that graffiti or related inscribed materials is obnoxious and, pursuant to Government Code Section 53069.3, authorizes that a program be instituted allowing for the use of city funds to remove graffiti on public and private property. It is the city council's further intent to provide for the prohibition of the placement of graffiti on public or private property as herein set forth. (Ord. 305 (part), 1996).

9.29.020 Graffiti defined.

"Graffiti" means the unauthorized inscribing, spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures and places. (Ord. 305 (part), 1996).

9.29.030 Graffiti prohibited.

A. It is unlawful for any person to paint, chalk or otherwise apply graffiti or inscribing materials on public or privately owned structures located on public or privately owned real property within the city.

B. It is unlawful for the owner of any private property to permit graffiti or other inscribed material to remain so as to be capable of being viewed by a person utilizing any public right-of-way in the city, such as a road, parkway or alley, providing the city has given the property owner written notice to remove the graffiti within a period of ten (10) calendar days, and the ten-day period has elapsed, unless the property owner agrees in writing to allow the city to remove the graffiti. (Ord. 305 (part), 1996).

9.29.040 Graffiti removal.

The following procedure shall be followed for removal of graffiti by the city, with the consent of the property owner. Whenever the city determines that graffiti or other inscribed materials is so located on public or private

property so as to be capable of being viewed by a person utilizing any public right-of-way, and the owner of the property consents to the removal by the city of the graffiti, the city shall be authorized to provide for the removal of the graffiti.

If the city provides for the removal of graffiti, it shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located.

Prior to the removal of graffiti, the city shall obtain written consent of the owner and the owner shall execute an appropriate release prepared by the city attorney. (Ord. 305 (part), 1996).

9.29.050 Penalties.

A. Any person convicted of violating Section 9.29.030(B) of this chapter for the first time shall be guilty of an infraction and shall be punished by a fine of one hundred dollars (\$100.00).

B. Any person convicted of violating Section 9.29.030(B) of this chapter for the second time shall be guilty of an infraction and shall be punished by a fine of two hundred fifty dollars (\$250.00).

C. Any person convicted of violating Section 9.29.030(B) of this chapter for a third or any subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00), imprisonment not exceeding six (6) months or by both such fine and imprisonment.

D. When found guilty of an infraction as noted in either subsection A or B above, it shall be the court's option to require the monetary fine or to substitute community service to be accountable at the minimum wage rate.

E. Any person convicted of violating any provision of this chapter except for Section 9.29.030(B) shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), imprisonment not exceeding six (6) months or by both such fine and imprisonment. (Ord. 305 (part), 1996).

9.29.060 Regulation of sale and distribution of aerosol paint and dyes.

A. It is unlawful for any person, business entity, or corporation, except a parent or legal guardian to in

any way furnish, provide, or sell to any person under the age of eighteen (18) years any aerosol container of paint or dye.

B. It is unlawful for any person under the age of eighteen (18) years to purchase any aerosol container of paint or dye.

C. It is unlawful for any business or establishment offering for sale to the public an aerosol container of paint or dye to fail to keep, store and maintain such aerosol paint containers in a place that is locked and secure or otherwise inaccessible to the public. (Ord. 305 (part), 1996).

9.29.070 Possession in public recreation areas.

It is unlawful for any person to have in his possession any aerosol container of paint or dye while in any public park, playground, swimming pool, or recreational facility (other than a highway, street, alley or way,) except for authorized employees of the city, or an individual or authorized employee of an individual or company under contract with the city. (Ord. 305 (part), 1996).

9.29.080 Possession in streets or other public places.

It is unlawful for any person under the age of eighteen (18) years of age to have in his possession any aerosol container of paint or dye while on any public highway, street, alley, or way, or other public place, whether such person is or is not in any automobile or other type of vehicle. (Ord. 305 (part), 1996).

Chapter 9.30

BICYCLING, ROLLER SKATING AND SKATEBOARDING PROHIBITIONS

Sections:

- 9.30.010 Purpose and scope.
- 9.30.020 Definitions.
- 9.30.030 Skateboard and roller skate riding--
Prohibition--Locations.
- 9.30.040 Skateboard and in-line skate riding--Use of
public skatepark facility.
- 9.30.050 Right-of-way.

Sections: (Continued)

9.30.060 Ramps prohibited.

9.30.070 Fines for violation.

9.30.010 Purpose and scope.

The purpose of this chapter is to preserve the public health, safety and welfare within the city. It is the finding of this legislative body that bicycle, scooter, skateboard and roller skate riding within the city presents a significant threat to the peace, health and safety of the community. For this reason, it is the intent of this legislative body to limit such activity.

The provisions of this chapter do not prohibit the possession of bicycles, scooters, skateboards or roller skates if not ridden.

Nothing in this chapter shall prohibit the use of wheeled devices by physically disabled persons. (Ord. 359 §1(part), 2004).

9.30.020 Definitions.

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

"Bicycle" means any device upon which a person may ride which is propelled by human power through a system of belts, chains or gears, and which has one (1) or more wheels.

"Public parking lot" means any publicly owned, operated or maintained parking lot, parking facility, sidewalk, walkway, path, ramp, bridge, plaza, mall, quadrangle or patio. This does not prohibit the responsible operation of skateboards and roller skates within areas of city parks as designated and posted for such use.

"Ride" means move, not move, or travel at any speed while supported by a device.

"Roller skate" means any device which is a shoe with one (1) or more wheels attached or a frame with one (1) or more wheels attached which is fitted to the sole of a shoe or the foot, and which coasts, glides, or is propelled by human power.

"Scooter" means a foot-operated vehicle consisting of a narrow board of wood, metal, plastic, fiberglass, or other material, and having two (2) or more wheels tandem

with an upright steering handle attached to the board or the front wheels.

"Skateboard" means any toy or device upon which a person may ride standing or sitting, which coasts, glides, or is propelled by human power, which is a board or other surface mounted on one (1) or more wheels.

"Skatepark" means a facility owned, operated or managed by the city of Arvin, designed specifically to accommodate skateboarding and in-line skating, where skating rules and hours are posted. (Ord. 359 §1(part), 2004).

9.30.030 Skateboard and roller skate riding--
Prohibition--Locations.

A. The riding of any skateboard or roller skate is prohibited upon or across any publicly owned, operated or maintained sidewalk, curb, bike path, alley, street or highway.

B. The riding of any skateboard or roller skate is also prohibited upon or across any privately owned, operated or maintained parking lot, parking facility, sidewalk, walkway, path, ramp, bridge, plaza, mall, quadrangle or patio which is held open to the public and which has been posted to prohibit skateboard and roller skate riding. (Ord. 359 §1(part), 2004).

9.30.040 Skateboard and in-line skate riding--Use of
public skatepark facility.

A. No person shall use, remain in or enter any city-operated skatepark facility when the facility is closed. A notice indicating time or period when the skatepark facility is closed shall be posted at the skatepark facility.

B. No person shall ride a skateboard or use in-line skates in the skatepark facilities except while wearing commercially manufactured helmet, elbow pads and knee pads.

C. No person shall use any city-operated skatepark facility for any purpose other than skateboarding or in-line skating. Use of motorized vehicles, bicycles, scooters or similar device is specifically prohibited in any city-operated skatepark facility.

D. No person shall skate in the parking lot, sidewalks, curbs or entrance areas near the skatepark facility.

E. This section does not apply to any duly authorized city employee while performing duties of their job.

F. Any person who violates this section is guilty of an infraction and upon conviction thereof shall be punished as provided in Section 9.30.070 of this chapter. Each violation constitutes a separate offense and may be separately punished. (Ord. 359 §1(part), 2004).

9.30.050 Right-of-way.

A. It is unlawful for any person who is riding a skateboard or roller skates to fail to yield the right-of-way to all pedestrians within or approaching the area.

B. It is unlawful for any person who is riding a skateboard or roller skates while upon a street, including the sidewalk, or alley to interfere with the movement of vehicles thereon. (Ord. 359 §1(part), 2004).

9.30.060 Ramps prohibited.

A. It is unlawful for any person to use, construct or place upon any public property a ramp, jump, platform, or similar device intended for use by a person riding a bicycle, skateboard, roller skates or similar wheeled device.

B. The costs incurred by the city in removing a ramp, jump, platform or similar device placed contrary to this section shall be a charge imposed upon and payable by the individual violating this section. If the individual violating this section is a minor, then the charge shall be imposed against the individual's custodial parent, parents or guardians. (Ord. 359 §1(part), 2004).

9.30.070 Fines for violation.

A fine of this chapter is an infraction punishable by:

A. A fine not exceeding twenty-five dollars (\$25.00), for a first offense;

B. A fine not exceeding fifty dollars (\$50.00) for a second violation of this chapter within one (1) year;

C. A fine not exceeding one hundred dollars (\$100.00) for a third and each additional violation of this chapter within one (1) year; or

D. City-approved juvenile offender programs. (Ord. 359 §1(part), 2004).

