

TITLE 6 – PUBLIC SAFETY AND WELFARE

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CHAPTER 6-1 OFFENSES AGAINST PUBLIC PEACE

Section 6-1.01. Disturbing processions.

No person shall within the City, without authority of law, disturb, disquiet or interrupt:

- (a) Any school or school procession;
- (b) Any funeral or funeral procession. (Prior code § 17-13)

Section 6-1.02. Camping and storage of personal property in certain areas prohibited.

(a) Purpose: Public streets and other public property within the City should be readily accessible 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 these areas for the purposes for which they were intended. The purpose of this section is to maintain public streets and other public property within the City in a clean and accessible condition, and to prevent the accumulation of trash and debris, for the benefit of the public at large. Another purpose of this ordinance is to promote the public health and welfare by requiring camping in the City limits to be conducted with the owner's permission and with approved sanitary facilities.

(b) Definitions: Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this section.

(1) "Camp" means to erect, pitch, or occupy a camp facility; or to use camp paraphernalia, for living purposes in an outdoor area.

(2) "Camp facility" included, but is not limited to, tents, huts, or other temporary physical shelters.

(3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or personal cooking facilities and similar equipment.

(4) "Store" means to put aside or accumulate for use when needed, to deposit for safekeeping, to place or leave in a location.

(5) "Public property" means any real estate in which the City owns a property interest.

(6) "Recreational vehicle sanitary connection" means a legally installed sewer connection, located outdoors, designed for and utilized by recreational vehicles only.

(c) Unlawful Camping.

It shall be unlawful to camp or occupy camp facilities at any time, whether inside or outside of a vehicle, in or on any:

(1) Public street, sidewalk, parking lot, bus shelter, park or other public property, except as otherwise provided by resolution of the City Council;

(2) Private property, including vacant lots, parking areas and commercial properties, unless the person camping in or on such private property:

(A) is the owners thereof or the lessee of such property or the houseguest of such owner or lessee, and recreation vehicle sanitary connection facilities approved by the building official of the City of Santa Maria are available on such property to the person camping in or on such property; or

(B) has the written permission of the owner of such property, his agent, or the person in lawful possession of such property, and recreation vehicle sanitary connection facilities approved by the building official of the City of Santa Maria are available on such property to the person camping in or on such property.

(d) Storage of personal property in or on public property. It shall be unlawful to store personal property, including camp facilities and camp paraphernalia, on any public property, except as otherwise provided by resolution of the City Council. Unlawfully stored or unclaimed personal property in or on any public property shall be deemed abandoned property. Peace Officers may impound abandoned property and turn it in at the local law enforcement station where it will be handled pursuant to Title 3, Chapter 10 of the Santa Maria Municipal Code.

(e) Misdemeanor. Any violation of this section is a misdemeanor.

(f) Exceptions. This section shall not prohibit camping in areas designated for such purposes by the City Council. Designation shall occur through land-use review pursuant to Title 12 and other applicable regulations for private property. Designation shall occur by City Council resolution and appropriate signage for public property. (Ord. 2009-03, eff. 3/5/09; Ord. 2000-12, eff. 9/14/01)

Section 6-1.03. School premises: Reporting presence.

It is unlawful for any person who is not a student of the school or an officer or employee of the public elementary or public secondary schools of the City to fail to comply with the public school regulations requiring the person to report his presence on the school premises, and the reason therefor, to the principal of the school or to a person designated by the principal to receive such report, within a reasonable time after being present on the school

premises. This section shall apply only in the event the person is given notice of the school regulations requiring him to report his presence on school premises and the reasons therefor to the principal or to a person designated by the principal to receive such reports. (Prior code § 17-30)

Section 6-1.04. School premises: Failure to leave.

It is unlawful for any person who is not a student of the school or an officer or employee of the public elementary or public secondary schools of the City to fail to comply with the public school regulations requiring the person to leave a school building or school grounds promptly upon request of the principal of the school or the designee of the principal or who, after leaving a school building or school grounds pursuant to the request of the principal of the school or the designee of the principal, fails to comply with the public school regulations requiring him to remain off the school premises for forty-eight (48) hours. This section shall apply only in the event the person is given notice of school regulations requiring him to leave school premises upon request of the school principal or the designee of the principal and requiring him to remain off the school premises for forty-eight (48) hours. (Prior code § 17-31)

Section 6-1.05. Police canines.

(a) Any police canine, and its handler, in the performance of official law enforcement duties, has the right to enter and be present in any place, public or private, where a Police Officer has a right to be in the performance of official law enforcement duties.

(b) It is unlawful for any person to willfully torture, tease, torment, beat, interfere with, kick, strike, mutilate, injure, disable or kill any police canine used by any police agency in the performance of its functions and duties.

(c) Police canines are not subject to the provisions of Article 2 of Chapter 3 of this code while engaged in the performance of official law enforcement duties. (Ord. 84-1084 § 1, eff. 10/18/84)

CHAPTER 6-2 OFFENSES AGAINST PROPERTY

Section 6-2.100. Article 1. Trespassing and Loitering on Posted Property

Section 6-2.101. Definitions.

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

(a) "Posted boundary" means a line running from sign to sign and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the "posted boundary" shall constitute "posted property," except as otherwise provided in subsection (e) of Section 6-2.103.

(1) For State law as to trespass generally, see Penal Code, § 602.

(b) "Posted property" means any property specified in Section 6-2.102 which is posted in a manner provided in Section 6-2.103.

(c) "Sign" means a sign not less than one (1) square foot in area and upon which, in letters not less than two (2) inches in height, appear the words "Trespassing-Loitering Forbidden by Law." (Prior code § 17-18)

Section 6-2.102. Applicability: Specified Private Property.

Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 6-2.103, and thereby become "posted property," subject to the provisions applicable to posted property, if such property consists of, or shall be used, or be designed to be used, for any one (1) or more of the following:

(a) An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station or reservoir, or any other plant, structure or works, used for the production, extraction, treatment, handling, storage or transportation of oil, gas, gasoline, petroleum or any products thereof;

(b) A gas plant, gas storage station, gas meter, gas valve or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas;

(c) A reservoir dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception or distribution of electric energy;

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio broadcasting;

(e) A water well, dam reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit or any other structure, facility or conductor for producing, storing, diverting, conserving, treating or conveying water;

(f) The production, storage or manufacture of ammunitions, dynamite, black blasting powder, gunpowder or other explosives;

(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility;

(h) Airports, landing fields or training schools for airplane pilots, and all structures or facilities used for or in connection therewith;

(i) Property of the City which is fenced or, if not fenced, posted as provided in Section 6-2.103; provided, however, that this prohibition shall not apply to lawfully authorized employees and officers of the City in the conduct of City business. (Ord. 2006-01, eff. 3/7/06; Prior code § 17-19)

Section 6-2.102.1. Applicability: Other Private Property.

It shall be unlawful for a person to enter or be present upon any private property or portion of private property where:

(a) The property is not open to the general public and where signs forbidding entry are posted as provided in this chapter, unless the person has the consent of the owner, the owner's agent, or the person in lawful possession of the property;

(b) The property is not open to the general public and the person has been advised of the following within the immediately preceding six months to leave and not return, and that if s/he returns to the property within six months of the advisement s/he will be made subject to arrest. The advisement must be made in writing by the owner, the owner's agent, a person in lawful possession or a peace officer at the request of the owner, the owner's agent, or a person in lawful possession. The advisement must include the name of the person advised, date, approximate time, and address of the property involved. This subsection is not violated if the person advised enters the property during

the designated six-month period after receiving express authorization from the owner, the owner's agent, or a person in lawful possession.

(c) The property is open to the general public and the person was advised within the immediately preceding 24 hours to leave and not return, and that if s/he returns to the property within 24 hours of the advisement, s/he will be subject to arrest. The advisement must be documented in writing by the owner, the owner's agent, a person in lawful possession or a peace officer at the request of the owner, the owner's agent, or a person in lawful possession. A request to leave may be made only if it is rationally related to the services performed or the facilities provided on the property.

For the purpose of this section, when a peace officer's assistance in dealing with a trespass is requested, the owner, owner's agent, or person in lawful possession shall make a separate request to the peace officer on each occasion. However, a single request for a peace officer's assistance may be made to cover a limited period of time not to exceed six months when made in writing and when it includes the specific dates of the authorization period. (Ord. 2006-01, eff. 3/7/06)

Section 6-2.103. Posting.

Any property described in Section 6-2.102 may be posted against trespassing and loitering in the following manner:

(a) Any such property, if it is not enclosed within a fence and if it is of an area not exceeding one (1) acre and if it has no lineal dimension exceeding one (1) mile, by posting signs at each corner of the area so posted, and at each entrance thereto;

(b) Any such property, if it is not enclosed within a fence, and if it is of an area exceeding one (1) acre, or if it contains any lineal dimension exceeding one (1) mile, by posting signs along or near the exterior boundaries of the area so posted at intervals of not more than six hundred (600) feet, and also at each corner thereof, and if such property has definite entrance or entrances thereto, at each such entrance;

(c) Any such property, if it is enclosed within a fence and if it is of an area not exceeding one (1) acre, and if it has no lineal dimension exceeding one (1) mile, by posting signs at each corner of such fence and at each entrance thereto;

(d) Any such property, if it is enclosed within a fence and if it is of an area exceeding one (1) acre, or if it has any lineal dimension exceeding one (1) mile, by posting signs on, or along the line of, such fence at intervals of not more than six hundred (600) feet, and also at each corner thereof and at each entrance thereto;

(e) Any such property, if it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity for telegraphic or telephonic messages or of towers or derricks for the production of oil or gas, by affixing a sign upon one or more sides of such poles, towers or derricks, but such posting shall render only the pole, tower, derrick or appurtenant structure "posted property." (Prior code § 17-20)

Section 6-2.104. Misdemeanor.

Every person is guilty of a misdemeanor who enters or remains upon any posted property without the written permission of the owner, tenant or occupant in legal possession or control thereof. Every person who so enters or remains upon such posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property. (Prior code § 17-21)

Section 6-2.105. Sign destruction.

Every person is guilty of a misdemeanor who, without authority, tears down, defaces or destroys any sign posted under Section 6-2.103. (Prior code § 17-22)

Section 6-2.106. Loitering in vicinity.

Every person is guilty of a misdemeanor who loiters in the immediate vicinity of any posted property. This section does not prohibit, in the immediate vicinity of any posted property, or elsewhere, picketing or any lawful activity by which the public is informed of the existence of an alleged labor dispute. (Prior code § 17-23)

Section 6-2.107. Police Officers excepted.

The provisions of Sections 6-2.101 through 6-2.106 do not apply to any entry, in the course of duty, of any peace or Police Officer or other duly authorized public officer, nor do they apply to the lawful use of an established and existing right-of-way for public road purposes. (Prior code § 17-24)

Section 6-2.108. Labor actions.

The provisions of Sections 6-2.101 through 6-2.106 do not prohibit any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union agent, or members thereof, or of any employee group, or any member thereof, employed or formerly employed in any place of business or manufacturing establishment described in Sections 6-2.101 through 6-2.106, or for the purpose of carrying on the lawful activities of labor unions, or members thereof. (Prior code § 17-25)

Section 6-2.109. Labor investigations of conditions.

The provisions of Sections 6-2.101 through 6-2.106 do not prohibit any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization by his labor union or employee group to make such investigation. (Prior code § 17-26)

Section 6-2.110. Exceptions.

This Chapter does not apply in any of the following instances: when its application results in, or is coupled with, any act prohibited by the Unruh Civil Right Act, or any other provision of law relating to prohibited discrimination against any person; when its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers; when public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or when persons are engaging in activities protected by the United State Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law. (Ord. 2006-01, eff. 3/7/06)

Section 6-2.200. Article 2. Other Offenses

Section 6-2.201. Posting bills on utility poles.

No person shall post, attach to, paste on or in any other way affix any notices, bills, posters, cards or advertisements to telegraph, telephone, light or other public service poles or posts on the public streets, lanes, alleys and parks in the City. (Prior code § 17-1)

CHAPTER 6-3 NOCTURNAL LOITERING BY MINORS

Section 6-3.01. Definitions.

For purposes of this chapter:

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

(b) "Guardian" means a person who under court order is the guardian of a minor, including a public or private agency with whom the minor has been placed by a court order.

(c) "Loiter" has the same meaning as in California Penal Code Section 647(h).

(d) "Minor" means any person under the age of eighteen (18) years, except a court-approved, emancipated minor.

(e) "Parent" means a person who is a natural parent, adoptive parent, or stepparent of a minor.

(f) "Public place" means any place to which the public is invited, including, but not limited to, the common areas of hospitals, office buildings, transportation facilities, theaters, game rooms, shops, shopping malls, or other places of amusement or business. (Ord. 2000-15, eff. 9/5/00).

Section 6-3.02. Conduct prohibited.

It is unlawful for any minor to loiter upon the public street, avenues, highways, roads, alleys, sidewalks, parks, playgrounds, or other public grounds, public places, parking lots or vacant lots in the City during the hours between 11:00 p.m. and 6:00 a.m.

This prohibition is intended and shall be construed so as not to result in a preemption under State law, in particular Penal Code Section 647. (Ord. 2000-15, eff. 9/5/00)

Section 6-3.03. Exceptions.

Section 6-3.02 does not apply when:

(a) The minor is accompanied by or under direct supervision of his or her parent, guardian, or other adult person having the care or custody of the minor with the parent or guardian's permission; or

(b) The minor is on an errand directed by his or her parent or guardian or other adult person having care or custody of the minor with the parent or guardian's permission; or

(c) The minor is going to or coming from his or her place of employment, a medical appointment, or an activity sanctioned by his or her parent or guardian; or

(d) The minor is exercising his or her rights protected under the first amendment of the United States or California Constitutions, such as the free exercise of religion, freedom of speech and the right to assembly, or going to or coming from the place of exercise. (Ord. 2010-03, eff. 5/20/10; Ord. 2000-15, eff. 9/5/00)

Section 6-3.04. Violation

Notwithstanding any other provisions of the Code, when a person under the age of eighteen (18) years is charged with a violation of this section, a Peace Officer responsible for enforcing this Code may proceed as provided in California Welfare & Institutions Code §§601, 625, 625.5, 626, or 626.5, or their successor sections, as appropriate given the applicable facts. (Ord. 2000-15, eff. 9/5/00)

CHAPTER 6-3A DAYTIME LOITERING BY MINORS

Section 6-3A.00. Purpose.

The purpose of this ordinance is to create an additional tool to assist in keeping students who are subject to compulsory education or compulsory continuation education out of criminal situations during their school hours. It is also a purpose of this ordinance to avoid interference with the rights of students and their parents who have chosen private education or home schooling. With these purposes in mind, the City Council expects that those enforcing this ordinance will make efforts to identify individuals who appear to be under 18 and acting in violation of this ordinance as those who are truants, before making contact. (Ord. 2006-08, eff . 8/14/06)

Section 6-3A.01. Definitions.

For the purposes of this chapter:

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

(b) "Guardian" means a person who under court order is the guardian of a minor, including a public or private agency with whom the minor has been placed by a court order, and any person at least eighteen (18) years of age having the care, control, and custody of a minor.

(c) "Loiter" means to delay or linger for the purpose of avoiding compulsory education or compulsory continuation education, or without a lawful purpose as identified in this ordinance.

(d) "Minor" means any person under the age of eighteen (18) years, except a court-approved, emancipated minor.

(e) "Minor's School Hours" means days and times that the minor is scheduled or required by the school to be in class or present on a closed school campus.

(f) "Parent" means a person who is a natural parent, adoptive parent, or stepparent of a minor.

(g) "Place of Education" means the building and grounds at which a minor receives primary or secondary education.

(h) "Public place" means any place to which the public is invited, including, but not limited to, the common areas of hospitals, office buildings, transportation facilities, theaters, game rooms, shops, shopping malls, or other places of amusement or business. (Ord. 2006-08, eff . 8/14/06)

Section 6-3A.02. Conduct prohibited.

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 upon the public streets, avenues, highways, roads, alleys, sidewalks, parks, playgrounds, or other public grounds, public places, parking lots or vacant lots in the City during the minor's school hours. (Ord. 2006-08, eff . 8/14/06)

Section 6-3A.03. When Notice to Appear shall not be issued.

A Notice to Appear under Section 6-3A.04 shall not be issued whenever a police contact with the minor pursuant to Section 6-3A.02 establishes that:

(a) The minor is accompanied by or under direct supervision of his or her parent, guardian, or other adult person having the care or custody of the minor; or

(b) The minor is on an errand directed by his or her parent or guardian or other adult person having care or custody of the minor, and has not detoured from the errand; or

(c) The minor is responding to an emergency; or

(d) The minor has official permission to be away from his/her place of education, including but not limited to employment pursuant to a valid work permit; or

(e) The minor is excused or exempt from compulsory education per the California Education Code, including but not limited to Sections 48205, 48222 and 48224; or

(f) The minor has successfully completed high school or a high school equivalency test; or

(g) The minor is exercising her or his rights under the first amendment of the United States or California Constitutions; or

(h) The minor is not a resident of Santa Barbara County; or

(i) The minor is attending a higher education course of instruction, including but not limited to "College Now." (Ord. 2006-08, eff . 8/14/06)

Section 6-3A.04. Violation.

(a) Violation of this Chapter is an infraction.

(b) Nothing in this Chapter is intended to limit other methods of enforcement, including but not limited to filing a petition under Section 601 or 602 of the Welfare and Institutions Code or pursuing the City's administrative or civil remedies. (Ord. 2006-08, eff . 8/14/06)

Section 6-3A.05. Penalties for Violation

Any person convicted of willfully violating this Chapter is guilty of an infraction punishable by a fine not to exceed \$100.00 and/or ten (10) hours of community service. Community service shall be served during a time other than the minor's hours of school attendance or employment. (Ord. 2006-08, eff . 8/14/06)

CHAPTER 6-4 DISCHARGE OF WEAPONS

Section 6-4.01. Restricted.

It is unlawful for any person to discharge any firearm, gun or rifle, or other gun or device discharging by the use of powder, air or springs, and bullet or shot of any kind, or any sling or slingshot in the City except in shooting galleries and on pistol and rifle ranges or other recreational facilities, the locations of which have been approved by the council; provided, that this section shall not apply to Police Officers acting within the scope of their official duties; provided further, that nothing in this section shall prohibit the discharge of a firearm by any person for the purpose of protecting or in the defense of persons or his or her home. Any person violating this section is guilty of a misdemeanor. (Ord. 2006-02, eff. 3/21/06; Ord. 88-24 § 1, eff. 12/6/88; prior code § 17-7)

CHAPTER 6-5 CONSUMPTION OF ALCOHOL

Section 6-5.01. Definitions.

(a) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, 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. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89)

Section 6-5.02. Consumption of alcohol; Possession of Open Container of Alcohol.

(a) It shall be unlawful to drink any alcoholic beverage while upon any publicly owned street, alley, sidewalk, property or parking lot. It shall also be unlawful to consume any alcoholic beverages in any City park where posted according to Section 6-5.07. This prohibition does not apply if an exception applies under Section 6-5.04.

(b) Pursuant to Section 25620 of the Business and Professions Code and any successor section, it shall be unlawful and an infraction to possess any can, bottle, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, in any City-owned public place or City-owned park where posted according to Section 6-5.07. This prohibition does not apply if an exception applies under Section 6-5.04. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89; Ord. 2003-02, eff. 3/6/03; Ord. 2003-17, eff. 11/7/03)

Section 6-5.03. Consumption of alcohol on privately owned property open to the public.

No person may drink any alcoholic beverage while upon privately owned property which is open to the public whether inside a vehicle or not, unless an exception exists under Section 6-5.04. (Ord. 89-18 § 1 (part), eff. 9/14/89; Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 2003-17, eff. 11/7/03)

Section 6-5.04. Exceptions.

Sections 6-5.02 and 6-5.03 do not apply to:

(a) A group which has planned and organized an event at which alcoholic beverages will be served, provided the group has first applied to and received written consent from the Chief of Police or a delegate of the Chief of Police, and possesses the written consent at the site of the event; or

(b) To a group which has received written consent to serve and consume alcoholic beverages to conduct an event in a specified area of a public building from the Director of Recreation and Parks or a delegate of the Director. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89)

Section 6-5.05. Police permit.

The Chief of Police, or a delegate of the Chief of Police, may grant written permission subject to reasonable conditions, to consume alcoholic beverages at places such as is prohibited by Sections 6-5.02 and 6-5.03, to a group conducting a planned and organized community event. This consent may be immediately revoked, without prior notice, by any City Police Officer, acting in the Officer's official capacity, if any condition of the written permission or any law is violated by the group conducting the event.

This permission shall in no way be construed as permission to serve or sell alcoholic beverages to the public. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89)

Section 6-5.06. Recreation and Parks permit.

The Director of Recreation and Parks, or a delegate of the Director, may grant written permission, subject to reasonable legal conditions, to a group to consume alcoholic beverages conducting a planned and organized event. This consent may be immediately revoked, without prior notice, by any City Police Officer acting in the officer's official capacity, or the Director or delegate thereof, if any condition of the written permission or any law is violated by the group conducting the event. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89)

Section 6-5.07. Posting public parks.

(a) The posting of public parks as provided in Section 6-5.02(a) shall be clearly visible and read substantially as follows:

Consumption of an alcoholic beverage is prohibited. S.M.M.C. Title 6, Chapter 5.

(b) The posting of public parks as provided in Section 6-5.02(b) shall be clearly visible and read substantially as follows:

Possession of an open container of an alcoholic beverage is prohibited. S.M.M.C. Section 6-5.02(b). (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89; Ord. 2003-02, eff. 3/6/03)

Section 6-5.08. Violation.

Violation of any section in this chapter is a misdemeanor notwithstanding Section 1-6.01 of this code. (Ord. 92-2 § 1 (part), eff. 2/20/92; Ord. 89-18 § 1 (part), eff. 9/14/89)

CHAPTER 6-6 PARTY DISTURBANCES

Section 6-6.01. Purpose.

The City determines that it is in the best interest of all its residents that parties which deprive neighbor residents of their right to peace, safety and tranquility be subject to certain regulations designed to control disturbances.

(Ord. 93-25, eff. 08/19/93; Ord. 2003-18, eff. 11/7/03)

Section 6-6.02. Definitions.

(a) "Residence" means the private domain, dwelling, house, household, apartment, townhouse or other structure designed, or being used, for human habitation.

(b) "Resident" means the person or persons residing at or in the residence.

(c) "Commercial" means an establishment, building or location normally associated with wholesale and/or retail business.

(d) "Party" is a gathering or assemblage of a group of three or more persons for the purpose of mutual enjoyment or entertainment.

(e) "Party Disturbance" is a circumstance or event at a party that deprives other neighbor residents of the safe or quiet enjoyment of their residences. "Party disturbance" includes, but is not limited to, a sound which is plainly audible to a person of average hearing at a distance of fifty (50) feet from the noisemaker, or across any property line from the noisemaker, whichever distance is less, and:

(1) endangers or injures the safety or health of human beings or animals; or

(2) annoys or disturbs reasonable persons of average sensibilities; or

(3) endangers or injures personal or real property.

(f) "Neighbor" means the person(s) residing within the immediate geographical area of the disturbance.

(g) "Notice of Party Disturbance" means the lawful advisement by a Peace Officer to the host or sponsor of a party being a disturbance to the neighborhood.

(h) "Host" or "hosting" means the resident(s) of the disturbing location, or the person(s) or the act of residing at or sponsoring or facilitating the party at the residence or commercial location.

(i) "Peace Officer" means any person defined by the California Penal Code as a Peace Officer. (Ord. 93-25, eff. 08/19/93; Ord. 2003-18, eff. 11/7/03)

Section 6-6.03. Party disturbances prohibited.

No person(s) may persist or continue in hosting a party at a residence or upon commercial property, under the following conditions:

(a) Upon complaint to the Police Department by a neighbor that the circumstances or event at a party constitutes a party disturbance.

(b) A Peace Officer counsels the host or resident and issues a "Notice of Party Disturbance." (Ord. 93-25, eff. 08/19/93; Ord. 2003-18, eff. 11/7/03)

Section 6-6.04. Violations.

Any person(s) persisting or continuing in hosting a party disturbance after notice as set out in Section 6-6.03(b) above that the event or circumstance constitutes a party disturbance is guilty of a misdemeanor. (Ord. 93-25, eff. 08/19/93; Ord. 2003-18, eff. 11/7/03)

Section 6-6.05. Administrative Costs.

(a) The person(s) persisting or continuing in hosting a party disturbance in violation of this chapter shall pay administrative costs to the City of Santa Maria. If any of these persons is a minor, then the parents or guardian of the minor shall be jointly and severally liable to pay administrative costs.

(b) Administrative costs relating to a violation of this chapter shall begin to accrue when police respond to a neighbor complaint under Section 6-6.03(a), and shall include the following: Police personnel at special security assignment rate, equipment cost, damage to City property and/or injuries to City personnel. (Ord. 93-25, eff. 08/19/93; Ord. 2003-18, eff. 11/7/03)

CHAPTER 6-7 SALE OF GRAFFITI TOOLS

Section 6-7.01. Sale to minors prohibited.

No person may sell or give aerosol paint or a marker pen with a tip exceeding three-eighths (3/8) of an inch in width to any person under the age of eighteen (18). (Ord. 93-30, eff. 01/06/94)

Section 6-7.02. Sale of graffiti tools.

(a) Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol spray paint, dye or polish containers, or marker pens with tips exceeding three-eighths (3/8) of an inch in width shall place a sign in clear public view at, on or near the display of each such product stating:

"GRAFFITI IS A CRIME. ANY PERSON DEFACING PROPERTY WITH PAINT OR OTHER DEVICE IS GUILTY OF A CRIME PUNISHABLE BY IMPRISONMENT OF UP TO SIX (6) MONTHS AND A \$1,000 FINE PER INCIDENT."

(b) Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol spray paint, dye or polish containers or marker pens with tips exceeding three-eighths (3/8) of an inch in width shall place a sign in the direct view of every person who will be responsible for accepting customer payment for such containers or marking pens stating:

"IT IS A CRIME TO SELL OR OTHERWISE CONVEY AEROSOL SPRAY PAINT OR WIDE-TIPPED MARKERS TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE IN THE CITY OF SANTA MARIA. PUNISHMENT FOR THIS CRIME CAN BE UP TO SIX (6) MONTHS IN JAIL AND A \$1,000 FINE PER SALE." (Ord. 93-30, eff. 01/06/94)

Section 6-7.03. Display requirements for graffiti tools.

Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol spray paint, dye or polish containers or marker pens with tips exceeding three-eighths (3/8) of an inch in width, shall assure, through placement of displays, workstations, mirrors or other arrangements or devices, that those products defined and described in this section can be easily and readily observed by retail establishment personnel during all times such establishment is open to the public, or in such a manner as to make them inaccessible to a customer present in an area allocated for customer use without assistance from an employee of that establishment. (Ord. 93-30, eff. 01/06/94)

Section 6-7.04. Possession of graffiti tools unlawful.

(a) Absent the permission by the real property owner or other person having control thereof, it shall be unlawful for any person to possess aerosol spray paint, liquid paint, liquid dye or polish containers or marker pens with tips exceeding three-eighths (3/8) or an inch in width, in any public building or upon any public facility or private property.

(b) Absent being under the express supervision of their parent, guardian or other adult person acting in "Loco Parentis" it shall be unlawful for any person under the age of eighteen (18) to possess aerosol spray paint or markers with tips in excess of three-eighths (3/8) of an inch in width. (Ord. 93-30, eff. 01/06/94)

Section 6-7.05. Helping minors obtain graffiti tools.

It is unlawful for any person to aid or abet any person under the age of eighteen (18) years in the purchase or obtaining of any aerosol spray paint or of marker pens with tips exceeding three-eighths (3/8) of an inch in width.

(Ord. 93-30, eff. 01/06/94)

Section 6-7.06. Penalties.

Any violation of this chapter shall be punishable as a misdemeanor as set forth in Section 1-6.01 of the Municipal Code. (Ord. 93-30, eff. 01/06/94)

CHAPTER 6-8 REWARD PROGRAM

Section 6-8.01. Findings and Intent.

The City Council finds that graffiti on public and private property creates a condition which reduces property values and promotes blight and neighborhood deterioration. This deterioration invites further graffiti and other forms of crimes including vandalism. It is the purpose and intent of the City Council to provide, through the establishment of a reward program for information leading to the arrests of any persons engaged in graffiti activities, an additional enforcement tool to protect private and public property and public safety. (Ord. 2006-18, eff. 2/1/07)

Section 6-8.02. Reward Program.

(a) Pursuant to Section 53069.5 of the Government Code, the City will pay a reward of up to five hundred (\$500.00) dollars for information leading to the arrest of any person maliciously injuring or destroying another's property by the use of graffiti.

(b) For the purpose of this section, diversion of the offending violator to a community service program or a plea bargain to a lesser offence shall constitute a conviction. No public employee or officials whose duty it is to investigate or to enforce the law, or their spouses, children or parents living in the same household shall be entitled to a reward.

(c) Claims for the rewards under this section shall be filed with the City of Santa Maria Police Department. Each claim shall specifically identify the date, location, kind of property damage, and the name of the person who was convicted or arrested.

(d) In the event of multiple contributors of information, the reward amount shall be divided by the City in the manner it deems appropriate.

(e) No claim for a reward shall be allowed by the City unless the Chief of Police or his/her designee investigates and verifies the arrest or conviction and recommends that it be allowed. The amount of the reward will be subject to the discretion of the Chief of Police or his/her designee, and this decision will be final.

(f) The person committing the graffiti offense, and if an unemancipated minor, then the custodial parent of said minor, shall be liable for any reward paid pursuant to this section. The City can utilize any legal collection method and/or may request that this amount be included as restitution as part of any criminal prosecution against the person committing the graffiti offense. (Ord. 2006-18, eff. 2/1/07)