

TITLE 11: PEACE, SAFETY AND MORALS

Chapter

11.01. PROHIBITION ON THE DISCHARGE OF FIREARMS

11.03. PROHIBITING PERSONAL FIREWORKS

11.04. ADULT BUSINESS REGULATION

**11.06. SOCIAL HOSTING - UNDERAGE DRINKING AND
CONSUMPTION ACCOUNTABILITY**

11.08. PUBLIC NUISANCES ON THE LAKE

11.10. GRAFFITI

11.12. REPEAL

11.15. NOISE

11.16. CURFEW

11.17. TRUANCY OF MINORS

11.20. ADMINISTRATIVE NUISANCE ABATEMENT

11.24. ALCOHOLIC BEVERAGES

11.25. SPECIAL EVENTS

11.26. ADMINISTRATIVE CITATIONS

11.27. BINGO LICENSING

11.28. RESERVED

11.30. NOISE

11.50. REGULATIONS WITHIN BLM LANDS

**11.90. PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL
INCENSE AND SIMILAR PRODUCTS**

CHAPTER 11.01: PROHIBITION ON THE DISCHARGE OF FIREARMS

Section

- 11.01.010 Discharge of firearms prohibited.
- 11.01.020 Exemptions.
- 11.01.030 Violation.

11.01.010 Discharge of firearms prohibited.

The discharge of any firearm, rifle or shotgun within the boundaries of the City of Canyon Lake is prohibited at any time of the day or night and any such discharge shall be unlawful. As used herein, Afirearm@ includes but is not limited to a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, pellet gun or any other weapon designed to discharge one or more projectiles propelled by the expansion of gas.
(12-5/91 ' 11.01.001)

11.01.020 Exemptions.

The provisions of Section 11.01.001 shall not apply to the following situations or persons:

- (a) Any peace officer while acting in the lawful discharge of his or her duties;
- (b) Any person using a firearm in the lawful defense of herself, himself, another person or his or her property;
- (c) Any person discharging a firearm or causing a firearm to be discharged when at or in a properly permitted and approved area, an established, permitted and approved firing, shooting or target range, or permitted and approved hunting or gun club, or on a properly permitted, approved and constructed home range on private property under owner's control.
(12-5/91 ' 11.01.002)

(d) When the discharge of firearms is in accord with any and all conditions of a valid deprecation permit issued to the Canyon Lake Property Owners Association by the United States Fish and Wildlife Service, for the control of vectors, which conditions include but are not limited to the following:

- (1) Discharge of firearms will occur only in designated areas by designated shooters with prescribed firearms.
- (2) Canyon Lake Property Owners Association shall comply with any additional conditions required by the City, including but not limited to time of day, additional protection of persons, animals and property, or related conditions.
(Am. Ord. 580, passed 2-7-1996)

11.01.030 Violation.

A violation of this Chapter shall be a misdemeanor, punishable by a fine of up to \$1,000 and/or six months in the county jail.
(12-5/91 ' 11.01.003)

CHAPTER 11.03: PROHIBITING PERSONAL FIREWORKS

Section

- 11.03.010 Definitions.
- 11.03.020 Prohibition.
- 11.03.030 Displays.
- 11.03.040 Exception.
- 11.03.050 Seizure and disposal.
- 11.03.060 Penalties.

11.03.010 Definitions.

Whenever in this Chapter, or in any resolution or standard adopted by the City Council pursuant to this Chapter, the following terms are used, they shall have the meaning ascribed to them in this Section, unless it is apparent from the context thereof that some other meaning is intended.

(a) "Dangerous fireworks" has the same meaning ascribed to it under ' 12505 of the California Health and Safety Code and includes:

(1) Any fireworks which contain:

(A) Arsenic sulfide, arsenates, or arsenites;

(B) Boron;

(C) Chlorates, except:

1. In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included; or

2. In caps and party poppers; or

3. In those small items (such as ground spinners) wherein the total powder content does not exceed four grams of which not greater than 15% (or 600 milligrams) is potassium, sodium, or barium chlorate.

(D) Gallates or gallic acid;

(E) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted);

(F) Mercury salts;

(G) Phosphorus (red or white, except that red phosphorus is permissible in caps and party poppers);

(H) Picrates or picric acid;

(I) Thiocyanates;

(J) Titanium, except in particle size greater than 100-mesh;

(K) Zirconium.

(2) Firecrackers.

(3) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(4) Roman candles, including all devices which discharge balls of fire into the air.

(5) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(6) Sparklers more than ten inches in length or one-fourth of one inch in diameter.

(7) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(8) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.

(9) Torpedoes of all kinds which explode on impact.

(10) Fireworks kits.

(11) Such other fireworks examined and tested by the State Fire Marshal and determined by him or her, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

(b) "Exempt fireworks" has the same meaning ascribed to it under ' 12508 of the California Health and Safety Code and shall mean any special item containing pyrotechnic compositions which the State Fire Marshall, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

(c) "Fire Chief" or "Chief" shall mean the Fire Chief for the City or his or her authorized representative(s).

(d) "Fireworks" has the same meaning ascribed to it under ' 12511 of the California Health and Safety Code and shall mean any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices or for entertainment. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, model rockets, rockets, Daygo bombs, sparklers, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

(e) "Fireworks kits" has the same meaning ascribed to it under ' 12512 of the California Health

and Safety Code and means any assembly of metals or explosive substances, which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled, would come within the definition of "fireworks."

(f) "Public display of fireworks" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of "dangerous fireworks."

(g) "Pyrotechnic operator" means any licensed pyrotechnic operator who, by examination, experience, and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.

(h) "Pyrotechnic special effects material" means a low explosive material, other than detonating cord, commonly used in motion picture, television, theatrical, or group entertainment production for which a permit from the Chief is required for use or storage.

(i) "Safe and Sane Fireworks" has the same meaning ascribed to it under ' 12529 of the California Health and Safety Code and shall mean any fireworks which do not come within the definition of "Dangerous Fireworks" for "Exempt Fireworks."

(j) "Police Chief" shall mean the Police Chief of the City or his authorized representatives.

(k) "Wildlife fireworks" means fireworks designed and intended by the manufacturer to be used to prevent occupancy of areas by animals or birds through the employment of sound or light, or both. (Ord. 97, passed 4-4-2007)

11.03.020 Prohibition.

(a) General. No person shall have in his or her possession, or keep, store, use, shoot, discharge, set-off, ignite, explode, manufacture, sell, offer to sell, give, or transport any fireworks, dangerous fireworks, or safe and sane fireworks, except for use

as wildlife fireworks or for use in a public display of fireworks pursuant to a permit obtained under the provisions of ' ' 12640-12654 of the California Health and Safety Code, Article 78 of the Riverside County Fire Code (Riverside County Ordinance No. 787.2) and this chapter.

(b) Manufacturing prohibited. The manufacturing of fireworks, dangerous fireworks, or safe and sane fireworks is prohibited except under special permits as required by local and State regulations by the Fire Chief and the Police Chief.

(c) Pyrotechnic special effects material. A permit is required to manufacture, compound, store, or use pyrotechnic special effects material. Permit application shall be made to the Fire Chief and the Police Chief. A permit shall be granted only to a state Fire Marshal licensed pyrotechnic operator. (Ord. 97, passed 4-4-2007)

11.03.030 Displays.

(a) General. Permits are required to conduct a public display of fireworks. Permit application shall be made to the Fire Chief and the Police Chief not less than 14 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of the buildings, highways, and other lines of communication; the lines behind which the audience will be restrained; and the location of nearby trees, telegraph or telephone lines, and other overhead obstructions. At the time of permit application, the Fire Chief shall be consulted regarding the requirements for standby fire apparatus.

(b) Under supervision of pyrotechnic operator. Public display of fireworks operations shall be under the direct supervision of a pyrotechnic operator. The pyrotechnic operator shall be responsible for all aspects of a display related to pyrotechnics.

(c) Bond required. The permittee shall furnish a bond or certificate of insurance in an amount

deemed adequate by the Fire Chief and the Police Chief for the payment of damages which could be caused either to a person or persons or to property by reason of the permitted display and arising from acts of the permittee, agents, employees, or subcontractors. (Ord. 97, passed 4-4-2007)

11.03.040 Exception.

Nothing in this Chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations. (Ord. 97, passed 4-4-2007)

11.03.050 Seizure and disposal.

(a) It shall be the duty of the Fire Chief and his or her authorized representative(s) and the Police Chief and his or her authorized representatives to enforce the provisions of this Chapter.

(b) The Fire Chief and his or her authorized representative(s) and the Police Chief and his or her authorized representative(s) shall have the authority to seize, take, and remove any fireworks, dangerous fireworks, and safe and sane fireworks. The Fire Chief and his or her authorized representative(s) and the Police Chief and his or her authorized representative(s) may charge any person whose fireworks are seized pursuant to this Section, a reasonable amount which is sufficient to cover the cost of transporting, storing, handling, and disposing of the seized fireworks. (Ord. 97, passed 4-4-2007)

11.03.060 Penalties.

(a) Any person who violates any provision of this Chapter is guilty of a misdemeanor, and upon

conviction, shall be punished by a fine not less than \$500 nor more than \$1,000, or by imprisonment in the County jail for not exceeding one year, or by both such fine and imprisonment.

(b) Upon any second or subsequent conviction of the offense, the person shall be punished by the penalties of a fine of \$1,000 and by imprisonment in the county jail for one year.

(c) A person is guilty of a separate offense for each and every day or portion thereof during which he or it commits, continues, or permits a violation of this part.

(d) Nothing in this Chapter shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery, and/or transportation of dangerous fireworks.
(Ord. 97, passed 4-4-2007)

CHAPTER 11.04: ADULT BUSINESS REGULATION

Section

- 11.04.010 Purpose and intent.
- 11.04.020 Definitions.
- 11.04.030 Restricted to commercial zones.
- 11.04.040 Conditional use permit.
- 11.04.050 Operational criteria.
- 11.04.060 Adult business permit.
- 11.04.061 Adult business manager permit.
- 11.04.062 Adult service provider permit.
- 11.04.063 Grant or denial of adult business manager or adult service provider permit.
- 11.04.070 Suspension and revocation of conditional use permit.
- 11.04.075 Procedures for denial, revocation, nonrenewal or suspension and appeal of adult business permit, adult business manager permit and adult service provider permit.
- 11.04.076 Judicial appeal.
- 11.04.080 Regulations-nonexclusive.
- 11.04.090 Existing nonconforming adult businesses.
- 11.04.100 Violation--penalties.
- 11.04.110 Public nuisance.
- 11.04.120 Access for inspection.
- 11.04.130 Severability.

11.04.010 Purpose and intent.

It is the purpose and intent of this Chapter to provide for the comprehensive and orderly regulation of adult businesses with appropriate time, place and manner regulations that protect the public health, safety and welfare.

(20-12/91 ' 11.02.001) (Am. Ord. 93U, passed 11-3-2004)

11.04.020 Definitions.

The following words and phrases shall, for the purposes of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended.

(a) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock in trade material which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activity or specified anatomical area, or an establishment with a segment or section thereof devoted to the sale or display of such material.

(b) "Adult business" includes but is not limited to any adult bookstore, adult cabaret, adult hotel or motel, adult theater, adult model studio, body painting studio, nude model studio and sexual encounter center, and any other business involving "specified sexual activities" or display of "specified anatomical areas."

(c) "Adult business manager" or "manager" means a person on the premises of an adult business who is authorized to exercise overall operational control of the business.

(d) "Adult cabaret" means any nightclub, bar, restaurant, or similar establishment which is distinguished or characterized by its emphasis in the entertainment presented on:

(1) Live performances which is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas; and/or

(2) Films, motion pictures, video cassettes, or slides or other photographic reproductions whose dominant or predominant character and theme is the depiction of specified sexual activities or specified anatomical areas for the observation by patrons.

(e) “Adult hotel/motel” means a hotel or motel, which provides through closed-circuit television or other media, material which is distinguished or characterized by the emphasis on matter depicting or describing or related to specified sexual activities or specified anatomical area.

(f) “Adult model studio” or “nude model studio” means any establishment open to the public where for any form of consideration of gratuity, human models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or otherwise depicted by persons other than the proprietor paying such consideration or gratuity. This provision shall not apply to any school of art, which is defined as a firm which is operated by an individual, firm association, partnership, corporation or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of a diploma.

(g) “Adult picture arcade” means any place to which the public is permitted or invited wherein coin or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine, at any one time, and where the emphasis of the images so displayed is on depiction of specified sexual activities or specified anatomical areas.

(h) “Adult service” means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances, activities or conduct for consideration in an adult business by a person who is nude or seminude during all of part of the time that the person is providing the service. An adult business includes a business where adult service is provided to patrons in the regular course of business.

(i) “Adult service provider” or “provider” means any person who provides an adult service.

(j) “Adult theater” means a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which presents live entertainment, films, motion pictures, slide photographs, video cassettes or similar photographic reproductions which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas.

(k) “Body painting studio” means any establishment or business which provides the service of applying paint or any other substance, whether transparent or not, to or on the human body when such body is wholly or partially nude in the terms of specified anatomical areas.

(l) “Material relative to adult business” means and includes but is not limited to accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures and pamphlets or any combination thereof.

(m) “Specified anatomical areas” means and includes any of the following:

(1) Less than complete and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areola; or

(2) Human male genitals in a state of sexual stimulation or arousal or in a discernible turgid state, even if completely or opaquely covered.

(n) “Specified sexual activities” means and includes any of the following:

(1) The fondling or touching of human genitals, pubic regions, buttocks, anus, or female breasts; or

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of, or in connection with, any of the activities set forth in Subsections (1) through (3) of this Section; or

(5) Human genitals in a state of sexual stimulation or arousal.

(20-12/91 ' 11.02.002) (Am. Ord. 93U, passed 11-3-2004)

11.04.030 Restricted to commercial zones.

Notwithstanding any provisions to the contrary in this Title, no adult business shall be established, expanded or conducted except in a district zoned commercial and then shall conform to the regulations contained in this Chapter.

(20-12/91 ' 11.02.003)

11.04.040 Conditional use permit.

(a) Where otherwise required by this Code, no adult business shall be opened, established or relocated except upon the granting of a conditional use permit in accordance with the Canyon Lake Municipal Code, in addition to the Adult Business Permit required by this Chapter. Where there is a conflict between the two, this Chapter shall control. Notwithstanding the foregoing, the time limit for the City to review and approve or deny a conditional use permit, including review by other municipal entities shall be sixty (60) days.

(b) Any applicant whose application or permit for such a conditional use permit has been denied pursuant to this Chapter shall be afforded prompt judicial review of that decision as provided by law. Notwithstanding the provisions of Code of Civil Procedure Section 1094.6, or any other provision of law, in the event that a complete record of the proceedings is necessary for the judicial review of the decision, the City shall provide the record to the person seeking judicial review and the court within 14 days of receiving a request to do so.

(c) Suspension or revocation of such conditional use permit is subject to the grounds set out in Section 11.04.070 and the procedures set out in Section 11.04.075 hereof.

(20-12/91 ' 11.02.004) (Am. Ord. 93U, passed 11-3-2004)

11.04.050 Operational criteria.

In addition to the base zone requirements governing use and minimum development standards, the following additional requirements shall be met by adult businesses which additional requirements shall be included in the conditional use permit.

(a) The use shall have an Adult Business Permit, which requirements are noted in Section 11.04.060 of this Chapter.

(b) Said use shall have a separate business entrance adjacent to the required parking area. Additional off-street parking facilities may be required if deemed necessary by the City Council.

(c) The City Council shall review and approve the size and shape of all signs and architectural graphics for compliance with applicable regulations.

(d) Maximum occupancy load, fire exits, aisles, and fire equipment shall be regulated, designed and provided in accordance with the fire department and building regulations and standards adopted by the City of Canyon Lake.

(e) No adult business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public right-of-way or from any location outside the building or area of such establishment. This provision shall apply but shall not be limited to any display, decoration, sign, show window or other opening.

(f) Lighting in parking lots. Lighting shall be required which is designed to illuminate all off-street parking areas serving such use for the purpose of increasing the personal safety of store patrons and

reducing the incidents of vandalism and theft. Said lighting shall be shown on the required plot plans.

(g) Amplified sound. No loudspeakers or sound equipment shall be used by an adult business for the amplification of sound to a level discernible by the public beyond the walls of the building in which such use is conducted or which violates any noise restrictions which are or may be adopted by the City of Canyon Lake.

(h) The building entrance to the adult business shall be clearly and legibly posted by a notice indicating that minors are precluded from entering the premises.

(i) Pictures arcades.

(1) No picture arcade shall be maintained or operated unless the complete interior of the picture arcade is visible upon entrance to such picture arcade. No partially or fully enclosed booth or partially or fully concealed booths shall be maintained. Notwithstanding Section 11.04.100 of this Chapter, any picture arcade lawfully in existence prior to the adoption of this Subsection shall conform to the provision of this Subsection within three months of the effective date of this Section. This Subsection shall also be applicable to any picture arcade which is not open for business prior to the date that this Section takes effect.

(2) Minimum lighting. No person shall operate a picture arcade unless a light level of not less than two foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.

(3) Wall and partition construction. No person shall operate a picture arcade unless any wall or partition which is situated so as to create a room or enclosure in which any image producing device is located is constructed of not less than one-hour fire resistive material.

(4) Minimum aisle width. No person shall operate a picture arcade in which the width of the aisles in any room where an image producing device is located is less than 42 inches.

(5) Minimum doorways. No person shall operate a picture arcade unless there are no fewer than two doorways of a width no less than 36 inches which provide ingress or egress from any room from which an image producing device is located; provided, however, that one doorway shall be sufficient in the event the fire marshal should so determine. The doorway or doorways shall remain unlocked during business hours.

(6) Lighted exit signs. No person shall operate a picture arcade unless over every doorway which provides ingress and egress from any room in which an image producing device is located, an internally illuminated exit sign with letters of at least five inches in height is maintained.

(7) Maximum occupancy load. No person shall operate a picture arcade in which the number of persons in any room or partitioned portion of a room where an image producing device is located exceeds one person per 30 square feet. The maximum occupancy permitted in any room or partitioned portion of a room in which an image producing device is located shall be conspicuously posted by the operator, and shall remain posted, at the entrance to said room.

(8) Maximum number of devices. No person shall operate a picture arcade in which the number of image producing devices exceeds the maximum occupancy load.

(20-12/91 ' 11.02.005)

11.04.060 Adult business permit.

(a) Operators of adult businesses must obtain an adult business permit in addition to a conditional use permit. Such adult business permit shall be nontransferable and must be renewed on a yearly basis

on the anniversary date of the original application. The permit obtained is not transferable and a new permit must be obtained if the business is leased, sold or otherwise transferred for any reason.

(b) Applicants for such permits shall file a written, signed and verified application or renewal application showing:

(1) The name and permanent address of applicant; and

(2) The name and business address of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its Articles of Incorporation and the applicant shall show the name and residence address of each of the officers, directors, and each stockholder owning not less than 25% of the stock of the corporation. If the applicant is a partnership, the application shall show the name and residence address of each of the members, including limited partners; and

(3) A detailed description of the manner of providing proposed entertainment, including type of entertainment and the number of persons engaged in the entertainment including, but not limited to, provisions for licensing of adult service providers; and

(4) Hours of operation; and

(5) A location, address and floor plan depicting where the specific entertainment uses are proposed to be conducted within the building; and

(6) The name and or names of the adult business manager having actual supervisory authority over the business operations and the status of his or her adult business manager permit; and

(7) A statement of the nature and character of applicant's business if any, to be carried on in conjunction with such entertainment.

(c) For a renewal application, applicant shall also indicate any changes in the required information since the filing of the initial application or the last

renewal application. The renewal application shall be filed 45 days before expiration of the license. The manager shall allow law enforcement officers or other authorized City or State officials to inspect the premises upon request during regular business hours.

(d) All applications for a permit or a renewal permit shall be filed with the City Police Department on forms prescribed by the Police Department. Each application shall be accompanied by a nonrefundable fee for filing or renewal determined by resolution of the City Council, which fees will be used to defray the costs of investigation, inspection and processing of such applications. The application shall be deemed complete when the City has received all required fees and all information and evidence required by this Section;

(e) After an investigation and confirmation of evidence provided by the applicant, the Police Chief shall issue a permit or a renewal permit if he or she finds:

(1) That the building, structure, equipment and location used by the business for which a permit is required herein complies with the requirements and meets the standards for the health, zoning, fire and safety laws of the State of California and of the applicable Code sections of the City of Canyon Lake; and

(2) That the applicant, or any of his or her employees, agents, partners, directors, officers, stockholders or managers has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the Police Department, Sheriff or other department of the City or State and that adult service providers are duly and currently licensed; and

(3) That the applicant has not had any type of adult business permit revoked by any public entity within the past two years of the date of the application; and

Canyon Lake - Peace, Safety and Morals

(4) That on the date that the business for which a permit is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open, which manager has or will have a valid and current adult business manager permit; and

(5) That the applicant has shown how the adult business manager will prevent the business from being used as a place where prostitution, assignation, or any lewd act could occur; and

(6) That a conditional use permit has been granted for the use as required by this Code.

(f) In the event that the City or its designee determines or learns at any time that the applicant has improperly completed the application for a proposed adult business, he or she shall promptly notify the applicant, in writing, of such fact within ten days of receipt of an application and allow the applicant ten days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.)

(g) Decision of Police Chief. The decision of the Police Chief regarding a permit application shall be issued within 45 days of the date of the filing of the application unless the Police Chief has set the matter for hearing before the City Council. Such hearing must be held and a decision rendered within 60 days from the date of the application, unless the matter is continued at the request of the applicant. The decision may be appealed as set out herein.

(20-12/91 ' 11.02.006) (Am. Ord. 93U, passed 11-3-2004)

11.04.061 Adult business manager permit.

(a) A person may not serve as an adult business manager unless that person has first secured an adult business manager permit under this Code.

(b) Application for an adult business manager permit shall be made in the same manner as for an

adult business permit and the application shall contain the following information, which information shall be kept confidential by City to the extent allowed or required by law.

(1) Applicant's full, true name and other names, aliases or stage names used within the previous five years;

(2) Applicant's current residential mailing address and telephone number where he or she may be reached;

(3) Written proof that the applicant is at least 18 years of age, including a current driver's license or birth certificate;

(4) A copy of any current adult business manager license or permit, and information regarding whether any such permit has been revoked or suspended within the previous two years and any reason therefor;

(5) Any and all criminal charges, complaints or indictments in the previous three years resulting in a conviction or plea of guilty or no contest under California or federal laws relating to organized crime, fraud, prostitution, drug offenses or sexual offenses;

(6) Fingerprints and a photograph of the applicant's face in order to obtain state and federal records checks. The City Police Department is authorized to exchange this information with the FBI and other state or federal agencies.

(7) Payment of a fee to cover the cost of processing as determined by the City Council by resolution.

(Ord. 93U, passed 11-3-2004)

11.04.062 Adult service provider permit.

(a) No person may work as an adult service provider unless that person first has obtained an adult service provider permit under this Code.

(b) Application for an adult service provider permit shall be made in the same manner as an application for an adult business except that the applicant shall provide the information set out under Section 11.04.061(b).
(Ord. 93U, passed 11-3-2004)

11.04.063 Grant or denial of adult business manager or adult service provider permit.

(a) Upon receipt of an application for an adult business manager permit or an adult service provider permit, including receipt of all information required for such applications, the payment of all fees and fingerprinting and photographing, the Police Chief shall issue to the applicant a temporary permit. Within 30 days after issuance of a temporary permit, the Police Chief shall mail to the applicant a regular permit or notice of intent to deny. If the Police Chief fails to do so, the permit shall be deemed granted. Neither a temporary nor regular permit is transferable.

(b) The issuance of any license, permit or temporary permit does not waive any right of the City to revoke, deny or suspend that permit for any defect, omission or misrepresentation in the application.

(c) The Police Chief shall grant the license or regular permit to an applicant who has completed all requirements for application, unless he or she finds that any of the following conditions exist:

- (1) The application is incomplete or contains a misrepresentation, false statement or omission;
- (2) The applicant is not at least 18 years of age;
- (3) The applicant has failed to pay fees due;
- (4) The applicant has been convicted or plead guilty or no contest to a felony or two misdemeanors of the type listed in Section 11.04.071(b) within the past three years;

(5) The applicant has held a permit that has been revoked on the basis of conduct which would be grounds for revocation of this permit.

(d) The Police Chief shall provide an identification card to all adult service providers and adult business manager which contains a photograph of the permittee, the number of the permit issued and the date of expiration. The adult service provider or adult business manager shall have the permit available for inspection at all times during working hours.
(Ord. 93U, passed 11-3-2004)

11.04.070 Suspension of adult business license, adult business manager permit or adult service provider permit.

(a) The Police Chief shall suspend a license or permit for a period of ten days if the licensee or permit holder is convicted of violating any provision of this Chapter.

(b) The Police Chief shall suspend or revoke an existing adult business permit or adult business manager or adult service provider permit, in order to assure the preservation of the public health, safety and welfare of the residents of the City, if the evidence presented establishes that one or more of the following conditions exist:

- (1) The building, structure, equipment and location used by the business fails to comply with the requirements or fails to meet the standards of the health, zoning, fire and safety laws of the State of California, or the regulations of the City of Canyon Lake; or
- (2) The permittee, or any of his or her employees, agents, partners, directors, officers, stockholders or managers has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult business permit or a continued use permit, or in any report or record required to be filed with the Police, Sheriff or other department of the City as required by this Chapter; or

(3) The permittee has had any type of adult business permit revoked by any public entity within two years of the date the permit was issued; or

(4) There was not a responsible person on the premises to act as manager at all times in which the business was open or the adult business manager does not have a current adult business manager permit or the adult service providers do not have permits as required by this Code; or

(5) That the permittee, manger or any agent or employee of the permittee or manager has been convicted in a court of competent jurisdiction in conjunction with or as a result of the operation of the adult business issued by the City or had been convicted or has entered a guilty plea or pleaded no contest to any of the violations set out in Section 11.04.07 hereof; or

(6) The adult business has been used as a place where sexual intercourse, sodomy, oral copulation, masturbation, prostitution, assignation or other lewd acts occur or have occurred; or

(7) The permittee, his or her employee, agent, partner, director, officer, stockholder or manager has violated any provision of this Chapter; or

(8) Any required conditional use permit for the use has been suspended or revoked;

(9) The adult business manager or adult service provider or permittee has been convicted of three or more violations of this chapter in any 12-month period.

(20-12/91 ' 11.02.007) (Am. Ord. 93U, passed 11-3-2004)

11.04.075 Procedures for denial, revocation, nonrenewal or suspension and appeal of adult business permit, adult business manager permit and adult service provider permit.

(a) If the Police Chief determines that grounds exist for denial, suspension or revocation of a license

or permit under this Chapter, he or she shall notify the applicant or permit holder (hereafter "respondent") in writing of his or her intent to deny, suspend or revoke, including a summary of his or her reasons for that action.

(b) Within ten working days after receipt of such notice, the respondent may include a written response including the reasons why the license or permit should not be denied, suspended or revoked and may include a request for a hearing. If no written response is received by the City within the time set out, notification shall be sent to the respondent within five working days after the expiration of the response period indicating that the administrative action of denial, suspension or revocation has become final.

(c) Within five working days of the receipt of a written response, the Police Chief either shall withdraw the intent to deny, suspend or revoke, and send notification thereof, or schedule a hearing before a hearing officer and send notification in writing of the time and place of such hearing. If the Police Chief does not send timely notification either withdrawing the intent or scheduling a hearing, the intent shall be deemed withdrawn.

(d) Any hearing shall be scheduled not fewer than 15 nor more than 30 working days after receipt of the request therefor. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel at respondent's own expense. The rules of evidence shall not apply. Respondent shall have the burden of proving by a preponderance of the evidence that the denial, suspension or revocation was arbitrary and capricious and an abuse of discretion.

(e) Any hearing officer shall render a written decision within five working days after completion of the hearing and shall mail a copy of the decision to the respondent. If more than 45 days elapse between receipt by the Police Chief of a request for a hearing and mailing of the decision by the hearing officer, the decision shall be deemed to be in favor of the respondent. The decision shall constitute final administrative action at the end of five working days

after it is mailed. The respondent may continue to function under any regular license or permit pending receipt of the final decision.

(f) All notices shall be in writing and sent certified to the respondent’s address on file with the City. Any hearing shall be scheduled not fewer than 15 nor more than 30 working days after receipt of the request therefor.
(Ord. 93U, passed 11-3-2004)

11.04.076 Judicial appeal.

Final administrative action to deny, revoke or not to renew a license or permit may be appealed to the Superior Court by any available procedure within the time frames set out by state law. City shall consent to expedited hearing and disposition. If a respondent pursues a judicial appeal from a final administrative action regarding a license or permit, that respondent may continue to function under the license or permit pending completion of judicial review.
(Ord. 93U, passed 11-3-2004)

11.04.080 Regulations-nonexclusive.

The regulations set forth in this Chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult businesses as set forth in any other state or municipal law.
(20-12/91 ' 11.02.008)

11.04.090 Existing nonconforming adult businesses.

This Chapter does not apply to adult businesses operating on the date of adoption.
(20-12/91 ' 11.02.009)

11.04.100 Violation--penalties.

Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or

causing the violation of any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment. Any violation of this Chapter which is committed and continues from day-to-day, constitutes a separate offense for each and every date during which such violation is committed or continued.
(20-12/91 ' 11.02.010)

11.04.110 Public nuisance.

Every place of business at or in which violations of this Chapter, or any provision thereof, occur shall constitute a public nuisance and as such, the public nuisance may be abated and/or enjoined from further operation.
(20-12/91 ' 11.02.011)

11.04.120 Access for inspection.

No person shall deny free access to an adult business to any City official or City employee for purposes of reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations, of the City of Canyon Lake or the State of California or to enforce the provisions and requirement of this Chapter.
(20-12/91 ' 11.02.012)

11.04.130 Severability.

Each section and each provision or requirement of any section of this ordinance shall be deemed severable and the invalidity of any portion of this ordinance shall not affect the validity or enforceability of any other portion.
(Ord. 93U, passed 11-3-2004)

**CHAPTER 11.06: SOCIAL HOSTING - UNDERAGE DRINKING
AND CONSUMPTION ACCOUNTABILITY**

Sections

- 11.06.010 Definitions.
- 11.06.020 Prohibition of parties, gatherings, or events where alcohol is served to, consumed by or in the possession of underage persons.
- 11.06.030 Enforcement.

11.06.010 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

(a) "Alcoholic beverage" includes 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) "Minor" or "underage person" means any person less than 21 years of age.

(c) "Parties, gatherings or event" means and includes a group of two or more persons who have assembled or are assembling for a social occasion or social activity at a residence or on other private property or public property rented for a private purpose, but does not include parties, gatherings or events to parties, gatherings or events where religious services and/or activities protected by Article 1, Section 45, of the California Constitution, are exercised nor shall the prohibition apply to the consumption of an alcoholic beverage by a minor at any place not open to the public when the minor is being supervised by his or her own parent or legal guardian

(d) "Person responsible for an event" means and includes but is not limited to:

(1) The person who owns, rents, leases or otherwise has control of the private premises where the party, gathering, or event occurs; or who has leased or rented public premises for private purposes;

(2) The person in charge of the private premises, during the event;

(3) The person who organized the event; and/or

(4) The person who supervised the event.
(Ord. 128, passed 4-20-2010)

11.06.020 Prohibition of parties, gatherings, or events where alcohol is served to, consumed by or in the possession or underage persons.

No person responsible for an event shall allow, arrange, assist, permit, or host a party, gathering or event where alcoholic beverages are in the possession of/or being consumed by, or served to any underage person.

(Ord. 128, passed 4-20-2010)

11.06.030 Enforcement.

(a) Any person violating Section 9.10.020 is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$1,000 and/or imprisonment of not more than six months, except as noted in Subsection (b) hereof.

(b) Violations of this Chapter shall be punishable as provided in this Code.

(c) The procedures provided for in this Section are in addition to any other statute, ordinance or laws,

civil or criminal. This Section in no way limits the authority of law enforcement officers to make arrests for any criminal offense arising out of conduct regulated by this Chapter.

(Ord. 128, passed 4-20-2010)

CHAPTER 11.08: PUBLIC NUISANCES ON THE LAKE

Section

11.08.010 Personal motorized recreation watercraft prohibition.

11.08.020 Additional public nuisances on the lake.

11.08.010 Personal motorized recreation watercraft prohibition.

(a) Personal motorized recreational watercraft are prohibited anywhere on Canyon Lake. Use of such personal motorized recreational watercraft shall be deemed to constitute a public nuisance. "Personal motorized recreational watercraft" excludes boats and includes but is not limited to jetskis and similar devices which are motor or power driven and which are designed to be ridden by one driver and carry one or two passengers only.

(b) This prohibition may be enforced by any method legally available to the City, including by administrative fines set out by City Council resolution. (13-6/91 ' 11.10.01) (Ord. 117, passed 4-9-2009)

11.08.020 Additional public nuisances on the lake.

Any of the following shall be deemed to constitute public nuisances that may be abated by any legal means, including but not limited to the issuance of administrative citations

(a) Exceeding a safe speed;

(b) Operating a vessel not equipped with sufficient or appropriate personal flotation devices;

(c) Intentionally obstructing other vessels on the lake with a vessel;

(d) Intentionally placing a buoy or beacon which obstructs other vessels;

(e) Intentionally throwing any object at a vessel or occupant of a vessel;

(f) Attaching a vessel to an official buoy or beacon placed by Property Owner's Association or the City of Canyon Lake;

(g) Removing an official buoy or beacon placed by the entities in Subsection (f) above;

(h) Failure to stop when ordered to do so by City enforcement;

(i) Failure to yield when ordered to do so by City enforcement;

(j) Allowing a person to ride in a vessel while towing the vessel on land;

(k) Operation of a vessel by a person under 16 years of age;

(l) Negligent or reckless operation of a vessel to endanger persons or property;

(m) Riding on the bow, transom, gunwale or swim step of a vessel;

(n) Towing a water skier without an observer at least 12 years old;

(o) Failure to display a flag for a skier in the water;

(p) Towing a skier after sunset and before sunrise;

(q) Operating a vessel while an individual is teak surfing, platform dragging or bodysurfing behind it; and

(r) Operating an undocumented, unmarked or unregistered vehicle.

(s) As used in this Section, "vessel" includes but is not limited to a boat, powerboat, sailboat, raft, and rowboat, or other device that is placed in the water to transport people.

(Ord. 117, passed 4-9-2009)

CHAPTER 11.10: GRAFFITI

Section

- 11.10.010 Definitions.
- 11.10.020 Declaration of Public Nuisance.
- 11.10.030 Prohibition Against Causing or Attempting to Cause Graffiti.
- 11.10.060 Furnishing or Selling Specific Types of Graffiti Implements to Minor.
- 11.10.080 Removal of Graffiti.
- 11.10.090 Volunteer Committees.
- 11.10.100 Land-Use Permits.
- 11.10.110 Determination and Recovery of Costs by Probation Officer from Minor of His/Her Parents.
- 11.10.120 Recovery of Costs by Assessment or Liens on Minor or His/Her Parents Property.
- 11.10.130 Penalties for Violation. Reward for Information.
- 11.10.140 Ordinance Shall Work in Conjunction With State Statutes and Local Ordinances.

11.10.010. Definitions.

Whenever the following words and phrases are used in this Chapter, they shall have the following meanings ascribed to them:

(a) "Graffiti." Any unauthorized defacement by inscription, symbol, design and/or configuration of letters and/or numbers whether written, drawn, scribed, etched, marked, painted, stained, stuck on or adhered by any means whatsoever, to any surface whether publicly or privately owned, including but not limited to, trees, signs, mailboxes, poles, fixtures, utility boxes, trash containers, walls, windows, roofs, paths, fences, walks, streets or pavement, under/overpasses, tunnels, bridges, trestles, drainage facilities, buildings and/or

the interior or exterior of any other structure or surface. The term "graffiti" shall include the commonly used term "tagging" and those two terms shall be interchangeable as used in this Chapter.

(b) "Aerosol Paint Container." Any canister, can, bottle, container, or other receptacle which contains any substance commonly known as paint, stain, dye and/or any other pigmented substance which is and/or can be pressurized in order to propel any such substance.

(c) "Markers." Any implement commonly known as an indelible or permanent ink marker and/or marking pen and/or similar implement which contains any pigmented substance including, but not limited to, ink or any other substance which cannot be easily and completely removed with water after said substance has dried, which implement at its broadest width is greater than 1/8" or which leaves a mark of at least 1/8".

(d) "Paint Stick." Any device which contains any substance, solid or liquid, including, but not limited to, any form of any substance commonly known as paint, stain, ink, chalk, wax, epoxy and/or any other similar substance which can be applied to any surface by such means as applying pressure to and/or contacting any surface in such a way as to leave any visible mark, which at its broadest width is greater than 1/8" or which leaves a mark of at least 1/8".

(e) "Etchers." Any tool, device and/or other mechanism including, but not limited to, glass etchers, metal etchers, cutting instruments, drill bits or any other instrument that is capable of permanently scratching or otherwise marking any surface including, but not limited to, glass, mirrors, windows, steel, aluminum, brass, tin, fiberglass, wood, plastic, concrete or any other surface.

11.10.020. Declaration of Public Nuisance.

(a) Graffiti which appears on any property and/or structures so as to be visible from a public right-of-way or public owned property or from a common area (including but not limited to the street or beach) is hereby declared to be a public nuisance subject to abatement as provided for by Canyon Lake Municipal Code.

11.10.030. Prohibition Against Causing or Attempting to Cause Graffiti.

It is unlawful for any person or group of persons to apply or cause or attempt to apply or cause graffiti or to tag including, but not limited to, any of the following acts:

(a) Drawing, scribing, etching, marking, painting, staining, sticking or adhering by any means whatsoever, any unauthorized inscription, symbol, design, and/or any configuration of letters and/or numbers upon any surface, whether publicly or privately owned, including, but not limited to, trees, mail boxes, signs, poles, fixtures, utility boxes, trash containers, fences, walls, windows, roofs, paths, walks, streets or pavement, under/overpasses, tunnels, bridges, trestles, drainage facilities, buildings and/or the interior or exterior of any other structures or surfaces.

(b) Attempting to draw, scribe, etch, mark, paint, stain, stick or adhere by any means whatsoever, any unauthorized inscription, symbol, design, and/or any configuration of letters and/or numbers upon any surface, whether publicly or privately owned, including, but not limited to, trees, mail boxes, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets or pavement, fences, trash containers, under/overpasses, tunnels, bridges, trestles, drainage facilities, buildings and/or the exterior or interior of any other structures or surfaces.

(c) Conspiring to, or participating in any way in causing or attempting to cause graffiti, including, but not limited to, acting as a "look-out."

11.10.060. Furnishing or Selling Specific Types of Graffiti Implements to Minor.

(a) It shall be unlawful and a violation of this Code for any person to give, sell or loan to any other person any implement with the knowledge such implement may be used to cause or attempt to cause graffiti. It is unlawful for any retail or commercial merchant to store, stock or display any aerosol paint container, paint stick or marker in such a way that it may be handled by or accessible to anyone who is not an employee or otherwise authorized personnel, without the assistance of said employee or authorized personnel.

(b) All such merchants who sell aerosol paint containers, paint sticks or markers as part of a business shall conspicuously display a sign applicable to all such aerosol paint containers, paint sticks or markers available for sale stating substantially the following:

(1) "Must be 18 years of age or older to purchase. Must have valid I.D. to purchase"; and

(2) "Any person who maliciously defaces real or personal property with graffiti is guilty of a misdemeanor punishable by fine, imprisonment, or both."

All signs must be at least ten inches by 16 inches, with letter size of at least 3/8 inch, and posted in a conspicuous place within six feet of the implement or paraphernalia being offered for sale. Such signs may be obtained from and furnished by the City.

11.10.080. Removal of Graffiti.

(a) Prohibition Against Allowing Graffiti to Remain. It shall be unlawful for any owner, occupant, or person otherwise in control of any property within the City to permit any graffiti to exist, or to allow any graffiti to remain on any surface located on such property when the graffiti is a public nuisance under ' 11.10.020 and notice of repair, replacement or removal has been given under (B) below.

(b) Removal from Non-City Property.

(1) It is the duty of every property owner, occupant or person otherwise in control of any property within the City to remove graffiti promptly from his or her property or to repair or replace that property which cannot be repaired. When graffiti is a public nuisance under ' 11.10.020, the City may cause a written notice to be served upon the owner of the affected property requesting repair, replacement or removal of the graffiti. Notice shall be deemed given upon personal service, or 48 hours after being deposited in the United States Mail, First Class, postage prepaid, directed to the intended individual.

(2) Notwithstanding any other provisions of this Chapter, if such property owner, occupant or person otherwise in control of the property, fails to remove the graffiti within 48 hours after receipt (as defined in (e)) the notice requiring the removal of the graffiti, the graffiti may be abated by the City pursuant to the provisions of this Code, including the billing of the cost to the property owner. The unpaid costs of abatement may be placed on the tax roll in the manner allowed by law.

(c) Removal from City Property. Whenever the City Manager or his designated representative determines that graffiti exists upon property owned by the City, it may be removed or the property repaired or replaced by the City at its expense as soon as possible.

(1) Parental Civil Liability. Consistent with Civil Code Section 1714.1, in situations where graffiti is willfully caused by individuals under the age of 18, the parent or legal guardian of said minor shall be responsible for its removal or payment for the cost thereof. The City may recover such costs up to the maximum amount allowed by law (\$20,000 plus an inflation factor) against the parent or legal guardian.

(d) Cost Recovery.

(1) The City hereby elects and thus may utilize the cost recovery methods set out in Sections 11.10.110 and 11.10.120 hereof.

(e) Removal by Canyon Lake Property Owners' Association. The Canyon Lake Property Owners' Association ("CLPOA") is responsible for the removal of graffiti from its common area property as set out in this Chapter. In addition, to the extent allowed by law or the CC&R's, the CLPOA shall, enter and remove graffiti from private property of its property owners. Such removal may be at its cost or may recover the cost of such removal as allowed by the CC&R's.

(Am. Ord. 92, passed 12-1-2004)

11.10.090. Volunteer Committee.

The City Council may, at its discretion, form a committee of citizen volunteers who may, among other purposes, assist in the implementation of this Chapter and provide assistance in anticipating, preventing and removing graffiti. Any such volunteers shall not exercise the City's police power. Prior to any removal of graffiti, the volunteers shall obtain a consent and waiver of liability satisfactory to the City Attorney from the property owner.

11.10.100. Land-Use Permits.

In approving tentative or parcel maps, conditional use permits, plot plans, public use permits, or other similar land use entitlements, the City may impose terms or conditions designed to prevent and/or facilitate the removal of graffiti.

11.10.110 Determination and Recovery of Costs by Probation Officer from a Minor or His/Her Parents.

(a) Collection by Juvenile Court. As set out in Welfare & Institutions Code Sections 742.10 *et seq.*, the City hereby elects to have the ability to request the probation officer of the County recoup, in juvenile court proceedings, its costs associated with defacement by minors of its and others property with graffiti, as those costs are set out in Section 11.10.110(B) below.

(b) Cost Measures. The City finds that the average cost to the City for removing graffiti or repairing or replacing property are as follows. Commencing January 1, 2005, these amounts shall be increased 3% per year effective each January 1.

Cost per square inch of removing painted graffiti from property	\$.05
Cost per square inch of repairing property	\$.05
Cost per hour for employees and vehicle cost per mile (combined, including computer and other equipment cost) of Canyon Lake Police Dept. in identifying and apprehending a person (including a minor) later convicted of a graffiti related offense (PC 549, 549.3, 594.4, 640.5, 640.6, 640.7 as those may be added or those may be amended or sections are added from time-to-time):	\$86.00
Cost per square inch of replacing property:	\$.10

(c) Transmitting Cost Data. When the City police department apprehends a minor/person for one of the offenses stated above, in order to proceed with juvenile court recovery, the City shall transmit to the probation officer and juvenile court data sufficient to determine the City’s law enforcement, removal, repair and replacement costs as set out in (b) above. The City also shall participate in procedures developed by the probation officer.
(Am. Ord. 92, passed 12-1-2004)

11.10.120 Recovery of Costs by Assessment or Liens on Minor or His/Her Parents Property.

(a) Lien for Costs. The cost of abatement of graffiti, including but not limited to court costs, attorney’s fees, costs of graffiti removal, repair or replacement, and law enforcement costs of identifying and apprehending, may be made a lien or special

assessment on the minor and/or the property of his/her parents, having custody or control of the minor, as set out in this Section. Such costs shall be determined as set out in Section 11.10.110(B).

(b) Notice of Lien. At such time as the City has identified a minor who has defaced property with graffiti, the City may notify the minor and his/her parent(s) of the City’s intention to place a lien or special assessment on their property (as identified in the notice) for the costs identified in (A) if the amount of the lien or assessment is not paid by the date specified in the notice or the minor/parent fails to protest the proposed lien/assessment.

The notice shall state the amount of costs, the amount of proposed lien date of a City Council public hearing, at least ten days away, at which the lien/assessment will be considered and the minor/parent's right to protest the proposed lien/assessment at that time.

(c) Service of Notice. The notice shall be served in the same manner as a civil summons. If the minor/parent cannot be found after a diligent search, the notice may be served by conspicuous by posting the notice on the property for ten consecutive days and by publishing the notice under Gov. Code Section 6062 (ten consecutive days) in a newspaper of general circulation in the County.

(d) Public Hearing. At the time, date and place set for public hearing, the City Council shall consider the lien/assessment and any protests and approve, modify or reject the amount of the lien/assessment or its collection. The Council shall determine whether to utilize a lien or special assessment.

(e) Recordation of Lien. The lien shall be recorded in the County Recorder's office, where it shall have the force, effect and priority of a judgment lien. The City may foreclose on the lien. The City also may recovery costs regarding processing, recording or foreclosing the lien.

(f) Collection of Assessment. A special assessment may be collected at the same time, in the same manner and subject to the same laws, penalties

and procedures for delinquencies as ordinary municipal taxes. However, if any real property to which the abatement and related administrative costs relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of the taxes would become delinquent, then the abatement and related administrative costs shall not result in a lien against the real property but shall instead be transferred to the unsecured roll for collection.

11.10.130. Penalties for Violation.

(a) Any violation of this Chapter is a misdemeanor and shall be punishable by either (1) a fine of up to \$1,000, or up to six months in the County jail, or both, and/or community service, or (2) if applicable, the provisions of Penal Code Section 594.

(b) As a part of any sentence or other penalty imposed, the court may also order that restitution be paid to the victim by the admitted or convicted perpetrator, and in the case of a perpetrator who is a minor, by the minor's parent or lawfully designated guardian or custodian, pursuant to, inter alia, Civil Code Section 1714.1 and Government Code Sections 640.5 and 640.6. Restitution may include the amount of any reward.

11.10.140. Reward for Information.

Rewards for information leading to the identification, apprehension and conviction of any person who has placed graffiti upon any public or private property in the City are hereby authorized in a range from \$100 to \$500. Whether a reward is appropriate, and the amount thereof, shall be determined at the discretion of the City Council or Manager, and based on the severity of the crime and the utility of the information received.

11.10.150. Ordinance Shall Work in Conjunction With State Statutes and Local Ordinances.

This Ordinance shall be interpreted so as to work with and in conjunction with (when and where applicable) any and all state and/or local ordinances relating to the control of graffiti and/or related vandalism, including, but not limited to, Sections 594, 594.1, 594.3, 640.5, 640.6, of the California Penal Code; Section 1714.1 of the California Civil Code; and Section 53069.3 of the California Government Code.

CHAPTER 11.12: REPEAL

Section

11.12.010 Repealed

11.12.010 Repealed.

CHAPTER 11.15: NOISE

Section

- 11.15.010 Definitions.
- 11.15.020 Measurement methods.
- 11.15.030 Sound amplification.
- 11.15.040 Unusual noises or sounds.

11.15.010 Definitions.

Unless the context otherwise clearly requires, technical words and phrases used in this Chapter are defined as follows:

(a) Sound Amplifying Equipment. "Sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not include standard vehicle radios when used and heard only by the occupants of the vehicle in which the vehicle radio is installed. "Sound amplifying equipment" as used in this Chapter, shall not include warning devices on any vehicle used only for traffic safety purposes and shall not include communications equipment used by public or private utilities when restoring utility service following a public emergency or when doing work required to protect persons or property from an imminent exposure to danger.

(b) Ambient Noise. "Ambient Noise" shall mean the all encompassing noise associated with a given environment usually being composed of sounds from many sources near and far. For the purpose of this Chapter, the ambient noise level shall be the average over a period necessary to establish an accurate range of noise levels emanating from the noise source without inclusion of noise from isolated identifiable sources, at the location and time of day near that at which a comparison is to be made.

(c) Decibel. "Decibel (dB)" shall mean an intensity unit which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio is ten times the common logarithm of this ratio.

(d) Sound Level. "Sound Level"-- (noise -level) in decibels is the value of a sound measurement using the appropriate weighting network of a sound level meter. Slow response of the sound level meter needle shall be used except where the sound is impulsive or rapidly varying in nature in which case fast response shall be used.

(e) Person. "Person" shall mean a person, firm, association co-partnership, joint venture, corporation, or any entity, public or private in nature.

(f) Sound Level Meter. "Sound Level Meter" shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American National Standards Institute's specification S1.4-1971 or the most recent revision thereof for type S-2A general purpose sound level meters.

(g) Supplementary Definitions of Technical Terms. Definitions of technical terms not defined herein shall be obtained from the American National Standards Institute's Acoustical Terminology Si1971 or the most recent revision thereof.
(Ord. 71, passed 3-4-1998)

11.15.020 Measurement Methods.

(a) Unless otherwise provided, outdoor measurements shall be taken with the microphone

located at any point on the property line of the noise source, but no closer than five feet from any wall or vertical obstruction and three to five feet above ground level whenever possible.

(b) Unless otherwise provided, indoor measurements shall be taken inside the structure with the microphone located at any point as follows: (1) no less than three feet above floor level; (2) no less than five feet from any wall or vertical obstruction; and (3) not under common possession and control with the building or portion of the building from which the sound is emanating.

(Ord. 71, passed 3-4-1998)

inhabitants of the City, or any number thereof. The Standards for dBA noise level in Section (Sound Amplification) shall apply to this Section. To the extent that the noise created causes the noise level at the property line to exceed the ambient noise level by more than 1.0 decibels, it shall be presumed that the noise being created also is in violation of this Section. (Ord. 71, passed 3-4-1998)

11.15.030 Sound amplification.

No person shall amplify sound contrary to any of the following:

(a) The only amplified sound permitted shall be either music or the human voice or both.

(b) Notwithstanding (a) above, the volume of amplified sound shall not exceed the noise levels set forth herein when measured outdoors at or beyond the property line of the property from which the sound emanates.

<i>Time Period</i>	<i>Maximum Noise Level</i>
10 p.m. - 7 a.m.	60 dBA
7 a.m. - 10 p.m.	80 dBA

(Ord. 71, passed 3-4-1998)

11.15.040 Unusual Noises or Sounds.

It is unlawful for any person to willfully make, cause or suffer or permit to be made, or caused, any loud unnecessary noises or sounds which unreasonably disturb the peace and quiet of any residential neighborhood or which are physically annoying to persons of ordinary sensitivity or which are so harsh, prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the

CHAPTER 11.16: CURFEW

Section

- 11.16.010 Curfew Restrictions for Minors.
- 11.16.020 Definitions.
- 11.16.030 Parental Responsibility.

Any minor who violates this Section is guilty of a misdemeanor.
(Ord. 65, passed 8-6-1997; Am. Ord. 154, passed 6-4-2014)

11.16.010 Curfew restrictions for minors.

It is unlawful for any minor under the age of 18 to remain in any community place or establishment within the City between the hours of 10:00 p.m. and 6:00 a.m.

However, the provisions of this Chapter shall not apply if any of the following apply:

- (a) The minor is accompanied by his or her parent(s), legal guardian, or by his/her spouse 18 years of age or older.
- (b) The minor is involved in an emergency.
- (c) The minor is attending, going to or returning home without any detour or stop from an official meeting, school activity, civic organization, educational, religious or recreational activity supervised by adults.
- (d) The minor is engaged in lawful employment activity or is going to or returning from a lawful employment activity without any detour or stop.
- (e) The minor is in a motor vehicle involved in interstate travel.
- (f) The minor is exercising his/her First Amendment rights, such as freedom of speech, right of assembly or free exercise of religion.

11.16.020 Definitions.

As used herein, the following words and phrases shall have the meaning set out.

- (a) “Community place” means any place to which the residents of Canyon Lake or a substantial group of them have access and includes, but is not limited to, streets, the common areas buildings, facilities, parks, docks, lake, or beaches.
- (b) “Consent of the operator, owner or occupant” means specific consent. The fact that the minor or his parents or guardian are residents of Canyon Lake or members or guests of the POA, or that the minor has a guest pass from the POA, does not constitute consent as to POA property.
- (c) “Emergency” means one or more unforeseen circumstances or resulting state requiring immediate action, such as a fire, natural disaster, accident or situation requiring immediate action to prevent or to treat serious injury or loss to person or property.
- (d) “Establishment” means any privately-owned place of business to which the public is invited, including but not limited to places of amusement or entertainment.
- (e) “Guardian” means a person ordered to be such by a court or a public or private agency with whom the minor has been placed.

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

(g) “Parent” means a person who is a natural, adoptive or step-parent or someone at least 18 years old authorized by a parent or guardian to have care, custody or control of the minor.

(h) “POA” means Canyon Lake Property Owners Association.

(i) “Remain” means to linger or stay or to fail or refuse to leave the premises after a request to do so by a person in control of the premises or by a police officer or POA security officer.
(Ord. 65, passed 8-6-1997)

11.16.030 Parental Responsibility.

It is unlawful for the parent or guardian knowingly to allow or permit such minor to violate this Chapter.
(Ord. 65, passed 8-6-1997)

CHAPTER 11.17: TRUANCY OF MINORS

Section

- 11.17.010 Truancy restrictions on minors.
- 11.17.020 Definitions.
- 11.17.030 Parental responsibility.

(g) The minor is exercising his/her First Amendment rights, such as freedom of speech, right of assembly or free exercise of religion.

11.17.010 Truancy Restrictions on Minors.

It is unlawful for any minor under the age of 18 who is subject to compulsory education or to compulsory continuation education to remain in any community place or establishment within Canyon Lake during truancy hours.

However, the provisions of this Chapter shall not apply if any of the following apply:

(a) The minor is accompanied by his or her parent(s), legal guardian, or by his/her spouse eighteen (18) years of age or older.

(b) The minor's parent(s) or legal guardian has given the minor permission to remain in a community place or establishment during curfew hours.

(c) The minor is involved in an emergency.

(d) The minor is attending, going to or returning home without any detour or stop from an official meeting, school activity, civic organization, educational, religious or recreational activity supervised by adults.

(e) The minor is engaged in lawful employment activity or is going to or returning home from a lawful employment activity without any detour or stop.

(f) The minor is in a motor vehicle involved in interstate travel.

(h) The minor is going to or returning from a medical appointment without any detour or stop.

(i) The minor is in possession of valid proof that the minor is a student who has permission to leave the school campus.

Any minor who violates this Section is guilty of a misdemeanor.

(Ord. 73, passed 12-2-1998)

11.17.020 Definitions.

As used herein, the following words and phrases shall have the meaning set out.

(a) "Truancy hours" means 7:00 a.m. to 4:00 p.m. or other hours as designated by the respective school district or school on days when school is in session.

(b) "Emergency" means one or more unforeseen circumstances or the resulting state requiring immediate action, such as a fire, natural disaster, accident or situation requiring immediate action to prevent or to treat serious injury or loss to person or property.

(c) "Community place" means any place to which the residents of Canyon Lake or a substantial group of them have access and includes, but is not limited to, streets, the common areas, buildings, facilities, parks, docks, or beaches.

(d) “Establishment” means any privately-owned place of business to which the public is invited, including but not limited to places of amusement or entertainment.

(e) “Guardian” means a person ordered to be such by a court or a public or private agency with whom the minor has been placed.

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

(g) “Parent” means a person who is a natural, adoptive or step-parent or someone at least 18 years old authorized by a parent or guardian to have care, custody or control of the minor.

(h) “POA” means Canyon Lake Property Owners Association.

(i) “Remain” means to linger or stay or to fail or refuse to leave the premises after a request to do so by a person in control of the premises or by a police officer.
(Ord. 73, passed 12-2-1998)

11.17.030 Parental Responsibility.

It is unlawful for the parent or guardian knowingly to allow or permit such minor to violate this Chapter.
(Ord. 73, passed 12-2-1998)

CHAPTER 11.20: ADMINISTRATIVE NUISANCE ABATEMENT

Section

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| 11.20.010 | Nuisance defined. | (c) Unpainted buildings causing dry rot, warping and lack of weather protection; |
| 11.20.020 | Declaration of public nuisance violation. | |
| 11.20.030 | Notification of nuisance and hearing. | (d) Overgrown, dead, dry, decayed, diseased or hazardous trees, weeds, and other vegetation, brush or weeds likely to harbor vectors or cause a fire hazard to adjacent or nearby improved property or to the public, or which are noxious, dangerous or which cause a health hazard; |
| 11.20.040 | Notification of nuisance and hearing. | |
| 11.20.050 | Reserved. | |
| 11.20.060 | Manner of giving notice. | |
| 11.20.070 | Conducting hearing by City Council. | (e) Rubble, litter or other flammable material which by their volume, extent or nature create a health or fire hazard; |
| 11.20.080 | Service on owner of resolution(s) ordering abatement. | |
| 11.20.090 | Abatement by owner. | (f) Abandoned, neglected or broken equipment or machinery not secured from access or which creates an attractive nuisance; |
| 11.20.090 | Abatement by City. | |
| 11.20.100 | Abatement by razing or removing a structure. | (g) Hazardous pools, ponds, docks, excavations or similar structures or conditions; |
| 11.20.110 | Record of cost abatement. | |
| 11.20.120 | Cost, hearing and proceedings. | |
| 11.20.130 | Assessment of cost lien against the property. | (h) Rubbish, garbage or junk of any kind existing or maintained for over seven consecutive calendar days on private property or the property of another public agency which creates a health or safety hazard; or which otherwise is unsightly; |
| 11.20.140 | Additional penalties. | |

11.20.010 Nuisance Defined.

It hereby is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the City to maintain such premises in such a manner that any of the following conditions exist in, on or around such premises:

(a) Buildings or structures which are abandoned, partially destroyed, or permitted to remain in a state of partial construction or partial demolition;

(b) The failure to safely and completely close, maintain and secure all doorways, windows or other openings into vacant structures or to secure broken windows;

(1) "Rubbish" or "garbage" includes, but is not limited to, general trash, waster paper, lumber or wood, cardboard or other flammable material of any kind; garbage, including but not limited to decayed waste or discarded food, meat, fish animal or vegetable refuse or any putrid or offensive animal or vegetable matter; or any hazardous materials or waste oil, gasoline or diesel products.

(2) "Junk" includes but is not limited to any secondhand and used machinery and scrap metal, appliances, rubber, tools, implements, or parts or portions thereof, batteries, ropes, rags, or plastic.

(i) Land or property which because of conditions on-site (whether in its natural state or as a result of grading, surface water drainage, usages or acts of nature such as earthquakes, rain, subsidence and so forth) presents problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, including to adjacent property owners;

(j) Maintenance of premises in such conditions as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480;

(k) Any zoning violation which shall include, but is not limited to, a use of property in violation of federal, state or local law or zoning, or any device, sign, decoration, design or fence (outside a structure) which is unsightly given its condition or inappropriate location;

(l) Any violation of the City of Canyon Lake Municipal Code.

11.20.020 Declaration of Public Nuisance.

(a) All property maintained in violation of Section 11.20.010 is hereby declared to be a public nuisance and may be abated by rehabilitation, clean-up, removal or repair pursuant to the procedures set forth in this Chapter. No owner knowingly shall allow any condition set forth in Section 11.20.010 to exist or be maintained.

(b) The procedures for abatement set forth in this Chapter shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law. Demolition or repair of buildings also may be conducted under the provisions of Health and Safety Code 17890, *et seq.*, as those may be amended from time to time. Vehicle abatement shall be conducted under the applicable City Ordinances.

(c) As used in this Chapter, unless otherwise indicated, the term “owner” shall mean any person

owning, leasing, occupying or having charge or possession of the affected real property.

11.20.030 Notification of Nuisance and Hearing.

(a) Whenever the City Manager, City Attorney, City Planner or his or her designee (hereafter “City Planner”) finds that any premises in the City are being maintained contrary to one or more provisions of Section 11.20.101, he or she shall give written notice to the owner of the property setting forth a brief description of the condition(s) constituting such a public nuisance and the provisions of this Chapter being violated. The notice also shall set forth suggested methods of abatement and a reasonable time limit for correcting the violation(s). The notice shall further set a hearing date before the City Council to be held not less than 14 calendar days from the date of the notice. The notice shall be in the form of and served upon the owner in the manner provided for in Section 11.20.040.

11.20.040 Notification of Nuisance and Hearing.

(a) In the event the property on which the nuisance exists is within the Property Owners' Association (hereafter “POA”) area, the POA may be notified so that they may enforce ADeclaration of Restrictions@ requirements.

(b) Hearing Before the City Council. In the event the owner of the property fails, neglects, or refuses to comply with a notice, the City Council shall conduct a hearing to establish an appropriate process for the abatement of the nuisance.

(c) When the nuisance is a building which has become substandard and the proposed abatement includes demolition, razing or removal of the building, the City Planner also shall follow the requirements of 25 California Code of Regulations Subsection 54-70, as those may be amended from time to time.

11.20.050 Reserved.

11.20.060 Manner of Giving Notice.

(a) Notice of the hearing before the City Council shall be served upon the property owner not less than fourteen (14) calendar days before the time fixed for the hearing (or as otherwise required by 25 California Code of Regulations) unless the threat to life, property or public health requires that a hearing be conducted sooner under Subsection C hereof. Notice of the hearing shall be substantially in the following format:

NOTICE OF PUBLIC NUISANCE AND HEARING TO ABATE

NOTICE IS HEREBY GIVEN that the real property located at (street address), Canyon Lake, California, more particularly described as:

[Legal Description and/or APN]

is found to constitute a public nuisance subject to abatement by the [rehabilitation of the property, removal of trash or debris, or by the repair of demolition of buildings or structures situated thereon].

The conditions constituting a public nuisance are the following:

[Describe conditions]

NOTICE IS FURTHER GIVEN THAT said public nuisance must be corrected as described above with days from the date of this notice.

If the public nuisance is not properly abated by the owner thereof within said time frame, a hearing shall be held as herein notices:

NOTICE OF HEARING TO ABATE

NOTICE IS HEREBY GIVEN that on the day of , 19 , at the hour of 7:30 P.M. or as soon thereafter as the matter may be heard in the () , located at (Street address), Canyon Lake, California, the City Council of the City of Canyon Lake will conduct a public hearing to set appropriate abatement procedures by the City. Any costs (with interest) incurred by the City will be assessed upon the property and shall become a lien against the property until paid.

All persons having any objection to, or interest in, this matter may appear at the hearing, at which testimony and other evidence will be taken and given due consideration. Failure to present any and all applicable evidence at this hearing may prevent you from raising it in any subsequent court hearing.

DATED this day of ,

CITY OF CANYON LAKE
City Planner

(b) Service of all notices under this Chapter shall be both by posting conspicuously on the building and by personal delivery and mailing, first class, prepaid, certified mail, return receipt requested, to the person owning the property as shown on the last equalized assessment role or otherwise as known to the City Clerk and to any occupant or person in possession thereof if different from the owner. The City Planner shall file a declaration that such notice has been given along with the return receipt with the City Clerk. Failure of any owner or other person to receive such notice shall not affected the validity of any proceedings hereunder.

(1) When the proposed abatement is to raze or remove the building, notice also must be given by mail in the same manner as set out above to any mortgagee or beneficiary.

(c) When the City Planner determines that the condition of the property presents an immediate threat to life or public health, he or she make take those limited steps necessary to protect life, property or public health without first giving notice or conducting a hearing as otherwise required under this Chapter. Notice shall be given and a hearing conducted before the City Council as soon as possible after the emergency abatement.

11.20.070 Conducting Hearing by City Council.

(a) At the time stated in the notice of hearing, the City Council shall hear and consider all relevant evidence, including, but not limited to, testimony from owners, City personnel, witnesses and other interested

parties, and may consider staff reports and other written evidence relative to the matter. The City Council shall conduct the hearing even in the absence of the property owner.

(b) At the public hearing, the City Council at its discretion may extend the time period allotted for abatement based on good cause thereof.

(c) Upon the conclusion of the hearing, the City Council shall, based upon the evidence presented, confirm whether the property or any part thereof constitutes a public nuisance within the meaning of this Chapter and any other applicable codes, statutes or regulations. Said confirmation shall be by resolution, which shall contain the basis for the Council's decision and a description of the method of abatement necessary to comply with the order and the time frame therefor. The resolution shall further state that the City Planner is authorized to abate the nuisance at the end of the specified time, and to charge the property therefore subject to the provisions of this Chapter. The decision of the City Council is final and subject only to court review.

11.20.080 Service on Owner of Resolution(s) Ordering Abatement.

A copy of the resolution ordering the abatement of the public nuisance shall be served upon the owner any occupant or person in possession, in accordance with the provisions of Section 11.20.050.

11.20.090 Abatement by Owner.

The owner shall have the right to have the nuisance abated at his or her expense, provided that such abatement is commenced prior to the expiration of the period of time set forth in the resolution(s) and thereafter diligently and continuously prosecuted to completion. The time set for abatement, upon good cause shown, may be extended in writing by the City Planner or by direction of the City Council.

11.20.100 Abatement by City.

If the public nuisance is not completely abated in the manner and within the time set forth in the resolution(s) then the City Planner may cause the same to be abated by City forces or private contractor.

11.20.120 Abatement by Razing or Removing a Structure.

(a) When the proposed abatement is removal or razing of a structure, the time frames and procedures set out herein (as required by 25 California Code of Regulations Subsections 6266) shall apply.

(1) At any time within 60 days after the passage of any resolution directing the abatement of a nuisance involving the razing or removal of a building, the City Planner shall put a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person owning the land on which the building is located, as such person's name and address appear on the last equalizes assessment roll or as known to the City Clerk, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the City, then said fact shall be stated in said copy so mailed and it shall be addressed to the mortgagee or beneficiary at the county seat of the county where said property is situated. The City Planner, upon giving notice as aforesaid, shall file a declaration thereof in the manner provided for in Section 11.20.040 (B). The City Planner may grant any extension of time in writing to abate said nuisance that he/she may deem justifiable upon good cause therefor being show.

(2) Jurisdiction to Abate. Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the City shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated within the time prescribed the City may thereupon raze and remove the building so declared to constitute a

nuisance or have the same done under its discretion and supervision.

(b) The building materials contained in such building so razed or removed may be sold by the City at public sale to the highest responsible bidder after not less than five days notice of intended sale published in the City where such building is located either before or after said building has been razed or removed, and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building.

11.20.120 Record of Cost Abatement.

The City Planner shall keep an accounting of the cost, including incidental expenses, or abatement of the public nuisance for each separate lot or parcel of land where the work has been done, and shall prepare an itemized report in writing for the City Council showing the cost of abatement, including salvage value, if applicable. "Incidental expenses" as used herein, includes but is not limited to, administrative overhead, notice, publication and mailing costs, actual staff time, legal expenses, any other necessary or related expenses. Before that report goes to the City Council, a copy of the report shall be posted for at least five days upon the property where the abatement occurred, together with a notice of the time when said report shall be submitted to the City Council for confirmation.

A copy of said report and notice shall be served upon the owner of the property in accordance with the provisions of Section 11.20.130 at least five days prior to submitting the same to the City Council. Proof of such posting and service shall be made by declaration filed with the City Clerk at or before the time set to receive the report.

11.20.130 Cost, Hearing and Proceedings.

At the time and place fixed for receiving and considering the report, the City Council shall hear and pass upon the evidence of cost submitted by the City Planner, together with any objections or protests raised by any of the persons liable to be assessed by the costs

of abating the nuisance. Thereupon, the City Council may make such revision, correction or modification to the report as they may deem just, after which the report as it is submitted, or as revised, corrected or modified, may be confirmed. A copy of the report and notice of lien as set out in (B) shall be served on the owner as set out in 11.20.060.

11.20.140 Assessment of Cost Lien Against the Property.

(a) In the event the confirmed cost of abatement is not paid within 60 days after the City Council's confirmation of the report, a copy thereof shall be served on the owner as set out in 11.20.110 and may be transmitted to the County Recorder, assessor and tax collector. The confirmed cost of abatement of a nuisance upon any lot or parcel of land shall constitute a special assessment against the respective lot or parcel of land to which it relates. Upon recording it shall be the duty of said assessor and tax collector to add the amount of such assessment, or assessments, to the next regular bills of taxes levied against said respective lots and parcels of land for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalty and the same procedure under foreclosure and sale in case of delinquency in the manner and means provided by law.

(b) The notice of lien for recordation shall be in the form substantially as follows:

NOTICE OF LIEN
(Claim of the City of Canyon Lake)

NOTICE IS HEREBY GIVEN that pursuant to the authority vested by the provisions of Chapter 11.20 of the City of Canyon Lake Municipal Code and state law, the City of Canyon Lake did on or about the day of _____, _____, cause certain work to be performed upon the property hereinafter described for the purpose of abating a public nuisance on said property; that the City Council for the City of Canyon Lake did on the _____ day of _____, 19____, confirm and assess the cost of such abatement; that neither the cost of such abatement, nor any part thereof,

has been paid to the City; that the City of Canyon Lake does hereby claim a lien for the cost of such abatement in the amount of the assessment, to wit: the sum of \$; and that the same shall be a lien upon said real property, with interest at the rate of 6% per year, until it has been in full and discharged of record.

The real property upon which a lien is claimed is that certain parcel of land located in the City of Canyon Lake, County of Riverside, State of California, particularly described as follows:

[Legal Description]

DATED this day of ,

CITY OF CANYON LAKE
City Planner

(c) The confirmed cost of abatement of a nuisance upon any lot or parcel of land also shall constitute a personal obligation of the property owner. In addition to the method of collection described in Subsection (A) of this Section, the City Manager, City Clerk, or City Attorney is authorized to commence an action in the name of the City in any court of competent jurisdiction to collect the cost of abatement from the property owner. Notwithstanding, no debt shall be collected twice.

(d) The amount of the abatement shall bear interest at the rate of 6% per annum if not paid within 60 days of confirmation of the report.

11.20.150 Additional Penalties.

As provided by law, upon entry of a second or subsequent civil or criminal judgment, regarding the same property, within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this Chapter, the court may order the owner to pay triple the costs of the abatement.

CHAPTER 11.24: ALCOHOLIC BEVERAGES

Section

- 11.24.010 Definitions.
- 11.24.020 Posting required.
- 11.24.030 Failure to post premises.
- 11.24.040 Possession of alcohol on posted premises.
- 11.24.050 Penalties for possession of alcoholic beverages on posted premises.

11.24.010 Definitions.

The following words and phrases shall, for the purposes of this Chapter, be defined as follows, unless it is clearly apparent from the context that another meaning is intended.

(a) "Open Container" means any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or on which a seal has been broken or from which any contents have been removed.

(Ord. 61, passed 10-2-1996)

11.24.020 Posting Required.

Any retail package off-sale establishment required to be licensed under the Alcoholic Beverage Control Act (Business & Professions Code Sections 2300 *et seq.*) shall post a prominent permanent sign as required by Business & Professions Code Section 25612.5) in an area visible to all patrons. Any adjacent parking area shall be posted as well.

(a) The sign shall provide Apossession of any open container of alcoholic beverages on these premises, parking lot or adjoining sidewalk is prohibited. Violators will be subject to arrest.@ (Canyon Lake Municipal Code Section 11.24.040)

(b) The sign shall be at least 18 inches by 24 inches with letters at least one-inch high. It shall be sufficiently lighted to be easily read during darkness.

(c) Signs shall be constituted of a minimum 24 gauge steel and lettering shall be red in color on a white background. Pole mounted signs shall be mounted a minimum of eight foot from base of pole.

(d) A sign which meets the requirements of this Chapter is exempted from the requirements of the City Sign Code.

(e) The sign shall be posted within 90 days of the effective date of this Chapter.
(Ord. 61, passed 10-2-1996)

11.24.030 Failure to Post Premises.

Any owner or operator of a retail off-sale package establishment required to post a sign under Section 11.24.020 of this Code who fails to do so or who fails to retain such a sign in place shall be guilty of a violation of this Code, which violation shall be a misdemeanor, punishable as set out in Canyon Lake Municipal Code, ' 1.01.230.

(Ord. 61, passed 10-2-1996)

11.24.040 Possession or Consumption of Alcohol on Posted Premises.

(a) No person shall possess an open container on premises posted in general compliance with Section 11.24.020.

(b) The failure of the owner or operator of the retail off-sale package establishment to comply with all posting requirements shall not excuse non-compliance as long as notice prohibiting possession or consumption of alcoholic beverages on the premises is provided.

(Ord. 61, passed 10-2-1996)

11.24.050 Penalties for Possession or Consumption of Alcoholic Beverages on Posted Premises.

Any person violating Section 11.24.040 shall be guilty of a misdemeanor, punishable as set out in Canyon Lake Municipal Code, Section 1.01.230.

(Ord. 61, passed 10-2-1996)

CHAPTER 11.25: SPECIAL EVENTS

Section

11.25.010	Special events permit.
11.25.020	Application to marine special events.
11.25.030	Permit and appeal processing.
11.25.040	Special event permit application.
11.25.050	Special event conditioning.
11.25.060	Authority for violations.
11.25.070	Investigation of application.
11.25.080	Insurance and indemnification and bonds.
11.25.090	Business license tax.
11.25.100	Waivers.
11.25.110	Approval or denial.
11.25.120	Penalty.

11.25.010 Special Events Permit.

All special events as defined herein within the City (including those on Canyon Lake Property Owners Association property) shall require that a properly issued special events permit first has been obtained. As used in this Chapter, "special events" means any assembly, congregation, attraction, display, parade, race, entertainment, demonstration, carnival, bazaar, circus, rodeo, or other traveling show, fair, "party house," festival, food faire, cook-off, dance, concert, party, or performance, block party or any other planned occurrence that may attract a large number of people, such as 50 or more, or which may become a hazard to the public peace, health, safety or general welfare or may become a public nuisance. This permit requirement shall not supersede any other temporary outdoor event permit or other license or permit required by City Codes and such permits shall be coordinated to the extent possible.
(Ord. 66, passed 8-6-1997)

11.25.020 Application to Marine Special Events.

This provision of this Chapter shall apply to vessel or water ski races or other marine special events as "special events" are defined herein.
(Ord. 66, passed 8-6-1997)

11.25.030 Permit And Appeal Processing.

All applications for special events permits shall be filed with the City at least 30 days before the scheduled event date unless a waiver is granted by the City Manager. The City Manager or his/her designee shall either approve or deny the application within ten days of the date the complete application is filed. The City Manager shall state in writing the reasons for the appeal and the applicant's appeal rights. The applicant shall thereafter have five days to file an appeal with the City Council or its designated subcommittee in the event of denial. The appeal hearing shall occur within five days after receipt thereof. All appeals shall be in writing and list all grounds upon which the appeal is based. The City Council, by resolution, may set appropriate fees for the filing of applications or appeals. If the City does not act to approve or deny the application within the 20-day period, it shall be deemed approved.
(Ord. 66, passed 8-6-1997)

11.25.040 Special Event Permit Application.

All applications for a special event permit shall be on a form provided by the City and shall request the information necessary for staff to make their recommendations to the City. The form shall provide at least the following information:

(a) The name, address, and telephone number of the applicant and an alternative person who may be contacted if the applicant is unavailable.

(b) If the event is proposed to be conducted or sponsored by an organization, the name, address and telephone number of the organization and the person authorized to obtain the permit. Written authorization to apply for the special event permit by an officer of the organization may also be required.

(c) The name, address and telephone number of the person who will be present and in charge of the event on the day of the event.

(d) Date and estimated starting and ending time of the event.

(e) Location and/or route of the event, including its boundaries and assembly points and route traveled.

(f) Estimated number of participants in the event.

(g) The type and estimated number of vehicles, animals or structures which will be used at the event and information as to whether there will be sponsor-provided water, aid or emergency aid stations at the event.

(h) Description of any sound amplification equipment which will be used at the event and noise mitigation measures.

(i) Whether any food or beverages, including alcoholic beverages will be sold and/or furnished at the event and what type of clean up, disposal and/or trash receptacles will be used at the event.

(j) Whether monitors will be employed at the event.

(k) Anticipated parking needed for the event participants and how it will be met.

(l) As applicable, the assembly and disassembly points for the event and the time at which units of the parade or other event will begin to assemble.

(m) Estimate number of spectators.

(n) Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed.

(o) The intervals of space to be maintained between units of the parade or other event.

(p) The number, types, and sizes of floats, if any.

(q) A written site plan, plan also showing security, fire protection, sanitation and traffic control.

(r) Any supplemental information reasonably necessary for that event.

(s) For a block party, agreement of 50% of owners/ tenants on the block.
(Ord. 66, passed 8-6-1997)

11.25.050 Special Event Conditions.

A permit condition may be appealed in the same manner as a permit denial. All special events shall be conducted in accordance with the following conditions, as applicable:

(a) Alteration of the date, time, route, or location of the event proposed on the event application.

(b) Conditions concerning the area of assembly and disbanding of parade or other event occurring along a route.

(c) Condition concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street.

(d) Requirements for the use of traffic cones barricades.

(e) Requirements for provision of first aid, sanitary or emergency facilities, and water for participants and/or spectators.

(f) Requirements for use of event monitors and some method for providing notice of permit conditions to event participants.

(g) Restrictions on the number of type of vehicles, animals, or structures at the event, and inspection and approval of floats, structures, and decorated vehicles for fire safety by the Canyon Lake Fire Department.

(h) Compliance with animal protection ordinances and laws.

(i) Requirements for use of garbage containers, cleanup and restoration of the City property.

(j) Restrictions on use of amplified sound.

(k) An application for a special event permit to conduct a block party or “party house” may be conditioned on notice and approval by 50% of the owners or tenants of dwellings or businesses along the affected street(s).

(l) Compliance with any relevant ordinance or law in obtaining any legally required permit or license.

(m) Any additional requirements for rides, games, concessions.

(n) That an appropriate cash deposit be posted with the City to compensate it for any special services that may be required, including but not limited to, police, fire, traffic control and clean-up; provided that with respect to constitutionally protected noncommercial parades and demonstrations, no police fees shall be charged other than for traffic control. All charges shall be based on the hourly rate of all employees expected to be required to perform services during the event and shall contain an administrative charge to cover the support services incurred as a result of the event. The permittee shall post the deposit at least seven days before the event. The permittee shall be given an accounting of all charges within a reasonable time after the event, and a refund if due. The deposit shall be determined by the City Manager based on size and type of event.

(o) Proof of special event insurance and indemnification as set out herein.
(Ord. 66, passed 8-6-1997)

11.25.060 Authority for Violations.

Notwithstanding any approval given pursuant to this Chapter, any County Sheriff, City Police Officer or City special enforcement, fire official or building official hereby is granted the authority to stop or prevent any immediate threat to the public health or safety, or any special right to issue a cease and desist order for all or any part of the special event or any special event. The provisions of Chapter 3.37 (for return) also shall apply.
(Ord. 66, passed 8-6-1997)

11.25.070 Investigation of Application.

Upon receipt of a complete application and the application fee, the City manager or his/her designee shall refer same to concerned departments of the City, including but not limited to the Police Department, County Fire Department, Planning Department, Building and Safety Department, public works department and the County Health Officer, as applicable, who may investigate the application and report in writing to the City as soon as possible with appropriate recommendations relating to their official functions as to the granting of a permit and the establishment of special conditions therefor.
(Ord. 66, passed 8-6-1997)

11.25.080 Insurance and Indemnification and Bonds.

(a) The applicant shall submit proof of personal injury and property damage insurance of the combined single limit of one million dollars. Such insurance shall provide coverage and be placed with a company with a rating approved by the City staff. The City and its officers, agents and employees shall be named as additional insureds on said policy and the City shall be provided with an endorsement of insurance evidencing this fact. Both the applicant and any independent contractors shall also provide copies of their workers' compensation certificates for all employees.

(b) The applicant shall indemnify the City, its officers and employees from any claim or liability arising out of the street or special event.
(Ord. 66, passed 8-6-1997)

11.25.090 Business License Tax.

All applicants required to obtain a business license for the privilege of engaging in business within this City shall also obtain such in addition to the requirements of this Chapter.
(Ord. 66, passed 8-6-1997)

11.25.100 Waivers.

(a) Notwithstanding any provision of this Chapter to the contrary, any requirement of this Chapter that may conflict with overriding noncommercial First Amendment protected activity shall be waived by the City Manager when legally required.

(b) The provisions of this Chapter may also be waived by the City Council for nonprofit corporations that are engaged in charitable or public benefit purposes whenever those purposes benefit the City or its citizens.

(c) The City Manager may waive the 30-day application period and any other provisions hereof for good cause if the goals of this Chapter still are met.
(Ord. 66, passed 8-6-1997)

11.25.110 Approval or Denial.

(a) The City, after consulting with the Chief of Police, Fire Chief, City Engineer, Planning Director and any other staff person deemed appropriate, shall deny, revoke or suspend the application if the City finds notice thereof;

(b) That the applicant has made a false, fraudulent, or misleading statement or a material fact in the application;

(c) That the applicant has failed to meet the conditions imposed by this Chapter;

(d) That the safety, health or public welfare of the citizens would be endangered by the granting of the permit as, for example, traffic will be interrupted during peak hours or insufficient rescue services or Police services will be available in the remainder of the City.

(e) Another event has been permitted for the same time and place.
(Ord. 66, passed 8-6-1997)

11.25.120 Penalty.

Any person violating or failing to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$500, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of the provisions of this Chapter is committed. Violators may include not only those person staging the street or special event but any person knowingly participating in the event after being advised of its illegality.
(Ord. 66, passed 8-6-1997)

CHAPTER 11.26: ADMINISTRATIVE CITATIONS

Section

- 11.26.010 Applicability.
- 11.26.020 Definitions.
- 11.26.030 Administrative citation.
- 11.26.040 Service of citation.
- 11.26.050 Amount of fines.
- 11.26.060 Payment of fines.
- 11.26.070 Hearing request.
- 11.26.080 Advance deposit hardship waiver.
- 11.26.090 Hearing Officer.
- 11.26.100 Hearing procedure.
- 11.26.110 Hearing Officer's decision.
- 11.26.120 Late payment charges.
- 11.26.130 Recovery of administrative citation fines and costs.
- 11.26.140 Right to judicial review.

11.26.010 Applicability.

(a) This Chapter provides for administrative citations in addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of this Code, including but not limited to the provisions relating to NPDES compliance, and

(b) Use of this Chapter shall be at the sole discretion of the City, as determined by the City Manager or his/her designee.
(Ord. 111, passed 2-19-2009)

11.26.020 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter.

(a) "Enforcement Officer" shall mean the City Manager or his/her designee with the authority to enforce any provision of this Code.

(b) "Legal interest" means any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the County Recorder.

(c) "Responsible person" means any person whom an Enforcement Officer determines is responsible for causing or maintaining a violation of the Code. The term "responsible person" includes but is not limited to a property owner, tenant, person with a legal interest in real property, or person in possession of real property.
(Ord. 111, passed 2-19-2009)

11.26.030 Administrative citation.

(a) Whenever an Enforcement Officer determines that a violation of this Code has occurred, the Enforcement Officer shall have the authority to issue an administrative citation to any person responsible for the violation.

(b) Each administrative citation shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) The section of this Code violated and a description of the violation;
- (4) The amount of the fine for the Code violation;
- (5) A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;

(6) An order prohibiting the continuation or repeated occurrence of the Code violation described in the administrative citation;

(7) A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

(8) The name and signature of the citing Enforcement Officer.

(c) When the citation is for a continuing violation such as one pertaining to structural zoning, building, plumbing or similar violations, which do not create immediate danger to health or safety the citation either shall provide (i) for a reasonable period of time to correct or remedy the violation before the citation becomes final, or (ii) shall be given only after a written warning provided within a reasonable time before delivery of the citation. A "reasonable time" shall be at least ten calendar days after the citation is delivered. (Ord. 111, passed 2-19-2009)

11.26.040 Service of citation.

Procedure for Serving Administrative Citation or Any Notice Hereunder. The Enforcement Officer may serve an administrative citation or any notice under this Chapter personally on the responsible individual or as follows:

(a) If the responsible person is a corporation, the Enforcement Officer shall attempt to locate any one of the following individuals and issue to that individual an administrative citation: the president or other head of the corporation, a vice-president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process in a civil action. If the office address of any of the above-listed individuals is known to the City, a copy of the administrative citation also shall be mailed to one of those individuals by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be

deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(b) If the responsible person is a business other than a corporation, the Enforcement Officer shall attempt to locate the business owner and issue the business owner an administrative citation. If the Enforcement Officer can locate only the manager of the business, the administrative citation may be given to the manager of the business. If the address of the business is known, a copy of the administrative citation also shall be mailed to that address to the attention of the business owner or a responsible person. The mailing shall be sent by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(c) The Enforcement Officer shall attempt to obtain on the administrative citation the signature of the responsible person, or in cases in which the responsible person is a corporation or business, the signature of the person served with the administrative citation. If a responsible person or persons served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation or of subsequent proceedings.

(d) If the Enforcement Officer is unable to locate a responsible person for the violation, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.

(e) If the Enforcement Officer does not succeed in serving the responsible person personally, or by certified mail or regular mail, the Enforcement Officer shall post the administrative citation on any real property within the City in which the City has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service.

(f) If the Enforcement Officer does not succeed in serving the responsible person personally, by certified mail or regular mail, and the City is not aware that the responsible party has a legal interest in any real property within the City, the Enforcement Officer shall cause the administrative citation to be published once a week for four successive weeks in a local newspaper published at least once a week.

(g) Failure to receive a notice properly served hereunder will not affect the validity of these proceedings.
(Ord. 111, passed 2-19-2009)

11.26.050 Amount of fines.

(a) The amount of the fines for Code violations imposed pursuant to this Chapter shall be set forth in the schedule of fines established by resolution of the City Council.

(b) The schedule of fines shall specify any increased fines for repeat violations of the same Code provisions by the same person within 36 months from the date of an administrative citation.

(c) The schedule of fines shall specify the amount of any late payment charges imposed for the payment of a fine after its due date.
(Ord. 111, passed 2-19-2009)

11.26.060 Payment of fine.

(a) The fine shall be paid to the City within 15 calendar days from the date of the administrative citation.

(b) Any administrative citation fine paid pursuant to Subsection (a) shall be refunded in accordance with Section 11.26.110 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(c) Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated

occurrence of the Code violation that is the subject of the administrative citation.
(Ord. 111, passed 2-19-2009)

11.26.070 Hearing request.

(a) Any recipient of an administrative citation may contest that there was a violation of the Code or that he or she is the responsible party by completing a request for hearing form and returning it to the City within 15 calendar days from the date of the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 11.26.080.

(b) A request for hearing shall be in writing, addressed to the City Clerk, and at a minimum, shall provide the date and number of the citation, the reason for the citation, the reason for the appeal, the contact information for the person appealing (i.e., where the notice of the time of the hearing should be sent, as well as a phone number) and confirm that the advance deposit is attached or a waiver has been requested.

(c) The person requesting the hearing shall be notified of the time and place set for the hearing at least ten days prior to the date of the hearing.

(d) If the Enforcement Officer submits an additional written report concerning the administrative citation to the Hearing Officer for consideration at the hearing, then a copy of this report shall also be served on the person requesting the hearing at least five days prior to the date of the hearing.
(Ord. 111, passed 2-19-2009)

11.26.080 Advance deposit hardship waiver.

(a) Any person who intends to request a hearing to contest that there was a violation of the Code or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in Section 11.26.070(a) may file a request for an advance deposit hardship waiver

(b) The request shall be filed with the City Clerk on an advance deposit hardship waiver application form, available from the City Clerk, within ten days of the date of the administrative citation.

(c) The requirement of depositing the full amount of the fine as described in Section 11.26.070(a) shall be stayed unless or until the City Clerk makes a determination not to issue the advance deposit hardship waiver.

(d) The City Clerk may waive the requirement of an advance deposit as set forth in Section 11.26.070(a) and issue the advance deposit hardship waiver only if the cited party submits to the City Clerk a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the City Clerk the person's actual financial inability to deposit with the City the full amount of the fine in advance of the hearing.

(e) If the City Clerk determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the City within ten days of that decision or 30 days from the date of the administrative citation, whichever is later.

(f) The City Clerk shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the City Clerk shall be final.

(g) The written determination of the City Clerk shall be served upon the person who applied for the advance deposit hardship waiver.
(Ord. 111, passed 2-19-2009)

11.26.090 Hearing Officer.

The City Manager shall designate one or more Hearing Officers for the Administrative Citation hearing. The employment, performance evaluation, compensation and any benefits of the Hearing Officer shall not be directly or indirectly conditioned upon the amount of any administrative citation fines that could be upheld by the Hearing Officer.
(Ord. 111, passed 2-19-2009)

11.26.100 Hearing procedure.

(a) No hearing to contest an administrative citation before a Hearing Officer shall be held unless the fine has been deposited in advance in accordance with Section 11.26.070(a) or an advance deposit hardship waiver has been issued in accordance with Section 11.26.080.

(b) A hearing before the Hearing Officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this Chapter.

(c) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(d) The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

(e) The administrative citation and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

(f) The Hearing Officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the administrative citation prior to issuing a written decision.

(Ord. 111, passed 2-19-2009)

11.26.110 Hearing Officer's decision.

(a) After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a brief written decision to uphold or cancel the administrative citation that gives the reasons for that decision. The decision of the Hearing Officer shall be final.

(b) If the Hearing Officer determines that the administrative citation should be upheld, then the fine

amount on deposit with the City shall be retained by the City.

(c) If the Hearing Officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the Hearing Officer shall set forth in a decision a payment schedule for the fine.

(d) If the Hearing Officer determines that the administrative citation should be canceled and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine, together with interest at the average rate earned on the City's portfolio for the period of time that the fine amount was held by the City.

(e) The recipient of the administrative citation shall be served with a copy of the Hearing Officer's written decision by certified mail, return receipt requested. The failure or refusal to sign does not affect the validity of delivery as of the date deposited in the mail.

(Ord. 111, passed 2-19-2009)

11.26.120 Late payment charges.

Any person who fails to pay to the City any fine imposed pursuant to the provisions of this Chapter on or before the date that fine is due, also shall be liable for the payment of any applicable late payment charges as set forth in the schedule of the fines.

(Ord. 111, passed 2-19-2009)

11.26.130 Recovery of administrative citation fines and costs.

The City may collect any past due administrative citation fine, Code violation abatement costs, late payment charges and any and all other amounts legally available by use of all available legal means.

(Ord. 111, passed 2-19-2009)

11.26.140 Right to judicial review.

Any person aggrieved by an administrative decision of a Hearing Officer may obtain review of the administrative decision by filing a petition for review with the Consolidated Courts of Riverside County in accordance with the timeliness and provisions set forth in Cal. Government Code Section 53069.4.

(Ord. 111, passed 2-19-2009)

CHAPTER 11.27: BINGO LICENSING

Section

11.27.010	Authority and purpose.
11.27.020	Definitions.
11.27.030	Initial license application; grant of license.
11.27.040	Annual renewal of license.
11.27.050	Operation of licensed games.

11.27.010 Authority and purpose.

Pursuant to the provisions of Cal. Penal Code ' 326.5, as adopted by the Legislature of the state of California, as amended, bingo games will be permitted within the City under the terms and conditions specified in this Chapter.
(Ord. 88, passed 6-2-2004)

11.27.020 Definitions.

"Bingo" as defined in this Chapter, applies exclusively to this Chapter and shall not be applied in the construction or enforcement of any other provision of law.
(Ord. 88, passed 6-2-2004)

11.27.030 Initial license application; grant of license.

(a) Grant of license. An annual bingo license may be granted to the following type of organization that wishes to conduct bingo games within the City for the sole benefit of such organization: an organization exempted from the payment of the Bank and Corporation Tax by Cal. Rev. & Tax. Code ' ' 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g) and 23701(1), and by mobile home park associations and senior citizens organizations and

provided that the receipts of such games are used only for charitable purposes. Such applications shall be in writing to the City on a form set out by the City and shall be accompanied by the documents listed in divisions (a) through (d) below. At such time as the applicant organization submits to the City Clerk a complete application, with the applicable fee, and the City departments approve the grant of the bingo license, the City Clerk may issue the license subject to the requirements of this Chapter.

(1) An annual bingo license fee in the amount of \$50. One-half of which license fee paid shall be refunded to the organization if the application for license is denied. In addition, a fee of 1% of the monthly gross receipts over \$5,000 shall be an additional fee and shall be collected monthly.

(2) A statement indicating the purpose and uses for which the proceeds of such bingo games are to be used.

(3) A report from the City departments (Building, Planning, Police and Fire) stating that the property to be used for the bingo game meets applicable Codes and has the necessary parking and that the applicant has not held a bingo license which was revoked for noncompliance in the City or other jurisdictions.

(b) A statement that the applicant organization shall comply with all of the rules and regulations set out in Section 11.27.040 and that the organization agrees that if it fails to do so, its bingo license may be summarily revoked by the City.
(Ord. 88, passed 6-2-2004)

11.27.040 Annual renewal of license.

Licenses for bingo games which have been issued by the City may be renewed annually, upon the following conditions:

(a) Payment of the annual bingo license fee in the amount of \$50. One-half of such license fee paid is to be refunded to the organization if an application for a license renewal is denied. In addition, a fee of 1% of the monthly gross receipts over \$5,000 shall be an additional fee and shall be collected monthly;

(b) Submission by the licensee of a verified statement on a form provided by the City, indicating the use of the funds which were derived from the games held in the previous year.

(c) Submission of a certified statement signed by the officers of the organization holding such license for the previous year, stating that the bingo games which have been held were operated in conformance with the provisions of this Chapter.

(Ord. 88, passed 6-2-2004)

11.27.050 Operation of licensed games.

All bingo games operated under licensing by the City, as provided in this Chapter, shall be held in strict compliance with the following restrictions (as provided in state law):

(a) No minors shall be allowed to participate in any bingo games;

(b) An organization authorized to conduct bingo games pursuant to this section shall conduct a bingo game only on property owned or leased by it or property whose use is donated to the organization and which property is used by such organization for an office or for the performance of the purposes for which the organization is organized. Nothing in this division shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization;

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

(d) All bingo games shall be operated and staffed only by members of the authorized organization which organized them. Such members shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game or participate in the promotion, supervision or any other phase of such game. This section does not preclude the employment of security personnel who are not members of the authorized organization at such bingo game by the organization conducting the game;

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

(f) With respect to organizations exempt from payment of the Bank and Corporation Tax by Cal. Rev. & Tax. Code ' 23701(d), all profits derived from bingo games shall be held in a special fund or account and shall not be commingled with any other funds or accounts. Such profits shall be used only for charitable purposes.

(g) With respect to other organizations authorized to conduct bingo games pursuant to this Chapter, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within division (f) of this section. Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed 20% of the proceeds before the deduction for prizes or \$1,000 per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

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

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

(5) The total value of prizes awarded during the conduct of any bingo game shall not exceed \$250 in cash or in kind, or both, for each separate game which is held;

(6) As used in this section, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random. Notwithstanding 330c of the Penal Code, as used in this Chapter, the game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All such preprinted cards shall bear the legend "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance."

(Ord. 88, passed 6-2-2004)

CHAPTER 11.28: RESERVED

CHAPTER 11.30: NOISE

Section

- 11.30.010 Exemptions.
- 11.30.020 Definitions.
- 11.30.030 Exceptions.
- 11.30.040 General sound level standards.
- 11.30.050 Special sound sources standards.
- 11.30.060 Duty to cooperate.
- 11.30.070 Enforcement.
- 11.30.080 Violations and penalties.

Cross-reference:

Amplified noise regulations, see Chapter 11.15

11.30.010 Exemptions.

Sound emanating from the following sources is exempt from the provisions of this Chapter:

- (a) Facilities owned or operated by or for a governmental agency.
- (b) Improvement projects of a governmental agency.
- (c) The maintenance or repair of public properties.
- (d) Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.
- (e) Public or private schools and school-sponsored activities.
- (f) Noise already governed by stricter provisions of land use permits.

(g) Golf course maintenance.

(h) Property maintenance, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of 7:00 a.m. and 8:00 p.m.

(i) Motor vehicles, other than off-highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems.

(j) Heating and air conditioning equipment.

(k) Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare.

(l) The discharge of firearms and fireworks consistent with all state and local laws.
(Ord. 101, passed 11-7-2007)

11.30.020 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

(a) "Audio equipment." Electronic sound reproducing or transmitting equipment including but not limited to a television, stereo, radio, tape player, compact disc player, mp3 player, I-POD or other similar device.

(b) "Governmental agency." The United States, the State of California, Riverside County, any City within Riverside County, any special district within Riverside County or any combination of these agencies.

(c) "Land use permit." A permit approved by the City Council or its designee, including a CUP, PUP, variance or special events permit.

(d) "Motor vehicle." A vehicle that is self-propelled, including, but not limited to, golf carts (modified or not), and boats.

(e) "Motor vehicle sound system." Electronic sound reproducing or transmitting equipment including but not limited to a stereo, radio, tape player, compact disc player, mp3 player, iPOD or other similar device.

(f) "Noise." Any repeated, loud and possibly disagreeable, sound.

(g) "Occupied property." Property upon which is located a residence, business, industrial, or manufacturing use.

(h) "Off-highway vehicle." A motorized vehicle designed to travel over non-paved terrain, such as an ATV.

(i) "Public property." Property owned by a governmental agency and held open to the public, including, but not limited to, parks, streets, sidewalks, and alleys.

(j) "Public or private school." An institution conducting academic instruction at the preschool, elementary school, junior high school, high school, or college level.

(k) "Sound amplifying equipment." A loudspeaker, microphone, megaphone or other similar device.

(Ord. 101, passed 11-7-2007)

11.30.030 Exceptions.

Exceptions may be requested from the standards set forth in this Chapter as follows. Notwithstanding any other provision to the contrary, the applicant must demonstrate that the activities described in the

application would not be detrimental to the health, safety or general welfare of the community. In determining whether activities are detrimental to the health, safety or general welfare of the community, the decision-maker shall consider such factors as the proposed duration of the activities and their location in relation to sensitive receptors.

(a) Construction-related. An application for a construction-related exception shall be made to and acted upon by the City Manager or his or her designee on forms provided by the City, if any, and shall be accompanied by the appropriate filing fee as determined by the City Council. No public hearing is required and there is no appeal. Mitigations may be required.

(b) Single event. An application for a single event exception shall be made as or considered as part of a special events permit.

(c) Continuous events. An application for a continuous events exception shall be made to the City Manager and shall be accompanied by the appropriate filing fee adopted by the City Council. The application shall be processed in the same manner as a variance. An application for a continuous events exception that is associated with an application for a land use permit shall be processed concurrently with the land use permit. Reasonable conditions may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours.

(d) Time to obtain permit. For a period of 180 days from the effective date of this Chapter, no person creating any sound prohibited by this Chapter shall be considered in violation of this Chapter if the sound is related to a use that is operating pursuant to an approved land use permit or if an application for a continuous events exception has been filed and if a decision on the application is pending.

(Ord. 101, passed 11-7-2007)

11.30.040 General sound level standards.

No person shall create any sound or noise, or allow the creation of any sound or noise, on any property that creates a public nuisance or that causes a violation of this Chapter. The provisions of this Chapter apply to sound emanating from all sources and the person creating or allowing the creation of the sound is subject to the requirements of this Chapter. (Ord. 101, passed 11-7-2007)

11.30.050 Special sound sources standards.

The following special sound sources and the person creating or allowing the creation of the sound are also subject to the following additional standards and the failure to comply which will constitute separate violations of this Chapter.

(a) Motor vehicles.

(1) Off-highway vehicles. No person shall operate an off-highway vehicle unless it is equipped with a USDA qualified spark arrester and a constantly operating and properly maintained muffler. A muffler is not considered constantly operating and properly maintained if it is equipped with a cutout, bypass or similar device.

(2) Sound systems. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of 10:00 p.m. and 7:00 a.m., such that the sound system is audible to the human ear inside any inhabited dwelling with the windows shut. No person shall operate a motor vehicle sound system at any other time, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the human ear at a distance greater than 100 feet from the vehicle.

(b) Power tools and equipment. No person shall operate any power tools or equipment between the hours of 10:00 p.m. and 7:00 a.m. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling with the windows shut other than a dwelling in which the power tools or equipment may

be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than 200 feet from the power tools or equipment.

(c) Audio equipment. No person shall operate any audio equipment, whether portable or not, between the hours of 10:00 p.m. and 7:00 a.m. such that the equipment is audible to the human ear inside an inhabited dwelling with the windows shut other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than 100 feet from the equipment.

(d) Sound amplifying equipment and live music C residential areas. No person shall install, use or operate sound amplifying equipment, or perform, or allow to be performed, live music unless such activities comply with the following requirements. These requirements shall be deemed to be included in any special event permit or PUP unless different provisions are included.

(1) Sound amplifying equipment or live music is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(2) Sound emanating from sound amplifying equipment or live music at any other time shall not be audible to the human ear at a distance greater than 100 feet from the equipment or music.

(e) Sound amplifying equipment or live music C commercial. Except as otherwise provided in governing land use documents, no person shall install, use, or operate sound amplifying equipment, or perform or allow to be performed, live music, unless such activities comply with the following activities.

(1) Sound amplifying equipment or live music is prohibited between the hours of 2:00 a.m. and 7:00 a.m.

(2) At any other time, sound from amplifying equipment or live music at any other time shall not be audible to the human ear in a residence with the windows closed at a distance further than 300 feet from the edge of the property line of the commercial business.

(Ord. 101, passed 11-7-2007)

11.30.060 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, the enforcement officials identified in Section 11.30.070 of this Chapter when they are engaged in the process of enforcing the provisions of this Chapter. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this Chapter.

(Ord. 101, passed 11-7-2007)

11.30.070 Enforcement.

This Chapter may be enforced by the Canyon Lake Police Department, the City's Special Enforcement Officer or their designee(s). Notwithstanding the provisions of Section 11.30.080, violation of this Chapter also shall constitute and may be enforced as a public nuisance.

(Ord. 101, passed 11-7-2007)

11.30.080 Violations and penalties.

Any person who violates any provision of this Chapter once or twice within a consecutive 180-day period shall be guilty of an infraction. Any person who violates any provision of this Chapter more than twice within a consecutive 180-day period shall be guilty of a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Penalties shall not exceed the following amounts.

(a) For the first violation within a consecutive 180-day period the minimum mandatory fine shall be \$500.

(b) For the second violation within a consecutive 180-day period the minimum mandatory fine shall be \$1,000.

(c) For any further violations within a 180-day period the minimum mandatory fine shall be \$1,000 or imprisonment in the County jail for a period not exceeding six months, or both.

(Ord. 101, passed 11-7-2007)

CHAPTER 11.50: REGULATIONS WITHIN BLM LANDS

Section

- 11.50.010 Definitions.
- 11.50.020 Camping prohibited.
- 11.50.030 Fires prohibited.
- 11.50.040 Vehicles prohibited.
- 11.50.050 Human and animal wastes prohibited.
- 11.50.060 Littering and dumping prohibited.
- 11.50.070 Enforcement.

11.50.010 Definitions.

As used herein, the following terms shall have the meanings set out here:

(a) "BLM" means the federal Bureau of Land Management.

(b) "BLM Lands" mean those 800 acres of land owned by the Bureau of Land Management bordering the body of water known as Canyon Lake within T5S, R4W, Sec. 26 (all) and Sec. 34, SW1/4 SE1/4, E1/2 SE1/4, SE1/4 NE1/4, SBM.

(c) "Vehicles" means a vehicle as defined in the California Vehicle Code, including but not limited to automobiles, ATVs, boats, motorcycles, trailers or scooters.

(Ord. 134U, passed 5-17-2011)

11.50.020 Camping prohibited.

No person shall be or remain in or on the BLM Lands between the hours of dusk and dawn the following day without prior written permission of the City or BLM. Use of the BLM Lands for camping purposes or storage of personal property is prohibited. (Ord. 134U, passed 5-17-2011)

11.50.030 Fires prohibited.

No person shall kindle a fire in the BLM Lands. No person shall light a charcoal or gas fire even contained within a barbeque or similar container. (Ord. 134U, passed 5-17-2011)

11.50.040 Vehicles prohibited.

No person shall drive or otherwise utilize or operate a vehicle in or on the BLM Lands, excepting motorized wheelchairs and vehicles in the service of the BLM, the City, the County of Riverside, the State of California, Elsinore Valley Municipal Water District, or the Canyon Lake Property Owners Association. The provisions of Section 14.01.020(a) of this Code shall apply to provide that no person shall ride or operate a bicycle unless that person is wearing a helmet.

(Ord. 134U, passed 5-17-2011)

11.50.050 Human and animal wastes prohibited.

(a) No person shall urinate or defecate on the ground within the BLM Lands.

(b) No person shall allow waste materials from animals owned or used by that person (including but not limited to horses and dogs) to remain on the ground within the BLM Lands.

(Ord. 134U, passed 5-17-2011)

11.50.060 Littering and dumping prohibited.

No person shall wash dishes, empty water or any other waste liquids or leave garbage, trash, cans,

bottles, papers or any other refuse anywhere within the BLM area except in receptacles provided therefor.
(Ord. 134U, passed 5-17-2011)

11.50.070 Enforcement.

(a) This Chapter may be enforced by any peace officer or a special enforcement officer designated as such by the City.

(b) This Chapter may be enforced by any means legally available, including but not limited to administrative citations. The violation of any section of this Chapter shall be treated as a separate violation. It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this Chapter is committed, continued, or permitted by any person.

(c) Violation of this Chapter also shall constitute a public nuisance which may be abated and costs collected pursuant to the provisions of Chapter 11.20.
(Ord. 134U, passed 5-17-2011)

**CHAPTER 11.90: PSYCHOACTIVE BATH SALTS, PSYCHOACTIVE HERBAL INCENSE
AND SIMILAR PRODUCTS**

Section

11.90.010	Purpose and intent.	whether as principal proprietor, agent, servant, employee or otherwise.
11.90.020	Definitions.	
11.90.030	Offenses.	
11.90.040	Penalties and enforcement.	
11.90.050	Reserved.	
11.90.060	Revocation of business license.	
11.90.070	Additional penalties: Costs of abatement.	
11.90.080	Exemption for approval by FDA or California law.	

(c) "Person" shall include any natural person, business, firm, company, corporation, public corporation, club, trust, partnership, association and/or similar organization.

(d) "Possess," "possessing" or "possession" shall mean to have for consumption, distribution or sale in one's actual or constructive custody or control, or under one's authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.

(e) "Produce," "production," or "producing" means to create, make, manufacture, generate, construct, or develop.

(f) "Psychoactive bath salts" are defined without limitation as products that elicit psychoactive or psychotropic stimulant effects and contain any of the following substances:

- (1) (A) Cathinone (2-amino-1-phenyl-1-propanone), 4-methylmethcathinone (2-methylamino-1-(4-methylphenyl)propan-1-one), 4-methoxymethcathinone (1-(4-methoxyphenyl)-2-(methylamino)propan-1-one), MDPV (methylenedioxypropylamphetamine), MDMA (3,4-methylenedioxy-N-methylamphetamine), methylene (3,4-methylenedioxy-N-methylcathinone), methcathinone (2-(methylamino)-1-phenylpropan-1-one), flephedrone (4-fluoromethcathinone), 3-FMC (3-fluoromethcathinone), ethcathinone (2-ethylamino-1-phenylpropan-1-one), butylone (13-keto-N-methylbenzodioxolylbutanamine), a-PPP

11.90.010 Purpose and intent.

It is the purpose and intent of this Chapter to address the dangers to the community posed by the production, distribution, possession and use of psychoactive bath salts, psychoactive herbal incense, and similar products, and to provide the City with reasonable measures to abate the harms created by such conduct.

(Ord. 143, passed 12-13-2012)

11.90.020 Definitions.

The following words and phrases shall have the meanings set out here in the interpretation and enforcement of this Chapter:

(a) "Consume" or consumption means to ingest, inhale, inject, smoke or snort (insufflate).

(b) "Distribute," "distribution," or "distributing" means to offer for sale, distribute, furnish, gift, transfer, exchange, or give to any person; and includes any and all transactions of that nature made by any person

(a-pyrrolidinopropiophenone), MPPP (4'-methyl-a-pyrrolidinopropiophenone), MDPPP (3',4'-methylenedioxy-a-pyrrolidinopropiophenone), a-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone) or naphyrone (1-naphthalen-2-yl-2-pyrrolidin-1-ylpentan-1-one), methylenedioxymethcathinone, methylone, methyenedioxypyrovalerone, MDPV4, mephedrone-methoxymethcathinone, methedrone-fluoromethcathinone, fluoromethcathinone, FMCnaphthylpyrovalerone, alpha-pyrrolidinopentiopenone (alpha-pvp) which is a derivative of 2-amino-1-phenyl-1-propanone ("cathinone");

(B) Any derivative of the above listed compounds;

(C) Any synthetic substance and its isomers with a chemical structure similar to the above listed compounds;

(D) Any chemical alteration of the above listed compounds; or any other substantially similar chemical structure or compound;

(E) Any crystalline or powder product that contains a synthetic chemical compound that elicits psychoactive or psychotropic stimulant effects including, but not limited to, the substances listed in this Section: methylenedioxymethcathinone, methylone, methyenedioxypyrovalerone, MDPV4, methylmethcathinone, mephedrone-methoxymethcathinone, methedrone-fluoromethcathinone, flephedrone, fluoromethcathinone, FMCnaphthylpyrovalerone, alpha-pyrrolidinopentiopenone (alpha-pvp) which is a derivative of 2-amino-1-phenyl-1-propanone ("cathinone") and/or any derivatives, synthetic substances and their isomers with similar chemical structure, or any chemical alteration of these compounds which exhibits the same effects, and any other substantially similar chemical structure or compound.

(2) Products commonly marketed under the following trade names: Bliss, Blizzard, Blue, Silk, Bonzai, Grow, Charge Plus, Charlie, Cloud Nine, Euphoria, Hurricane, Ivory, Snow, Ivory Wave, Lunar Wave, Ocean, Ocean Burst, Pixie Dust, Posh, Pure

Ivory, Purple Wave, Red Dove, Scarface, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Night, and White Lightning. These products may also be marketed under other trade names and/or contain a common disclaimer that these products are not safe for human consumption.

(3) This definition does not include bath salts that do not contain synthetic chemical compounds listed above that elicit psychoactive or psychotropic stimulant effects. Standard bath salts primarily contain magnesium sulfate, Epsom salts, sodium chloride, table salt, sodium bicarbonate, baking soda, sodium hexametaphosphate, Calgon agmlaorpshsouys, sodium metaphosphate, sodium sesquicarbonate and borax.

(g) "Psychoactive herbal incense" shall mean any organic product consisting of plant material that contains a synthetic stimulant compound that, when consumed, elicits psychoactive or psychotropic euphoric effects. The term "psychoactive herbal incense" includes without limitation:

(1) Products that elicit psychoactive or psychotropic euphoric effects and contain any of the following substances:

(A) Cannabicyclohexanol (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol), JVVH-018 (naphthalen-1-0-(1-pentylindol-3-yl)methanone), JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone), JINN-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone), HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-8,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzoicchromen-1-ol), CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) or AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone);

(B) Any derivative of the above listed compounds;

(C) Any synthetic substance and its isomers with a chemical structure similar to the above listed compounds;

(D) Any chemical alteration of the above listed compounds;

(E) Any other substantially similar chemical structure or compound; or

(F) Any organic product consisting of plant material that contains a synthetic chemical compound that elicits psychoactive or psychotropic euphoric effects including, but not limited to, the following: any synthetic cannabinoid compound or any derivatives, synthetic substances and their isomers with similar chemical structure, or any chemical alteration of these compounds which exhibits the same effects, and/or any other substantially similar chemical structure or compound.

(2) Products commonly marketed under the following names: K2, K3, Spice, Genie, Smoke, Potpourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Black Mamba, Stinger, Ocean Blue, Serenity, Fake Weed. These products may also be marketed under other trade names and contain a common disclaimer that these products are not safe for human consumption.

(3) This definition does not include incense that is sold as incense sticks, oils, or cones that are commonly used for their aromatic qualities that do not contain any synthetic chemical compounds listed above that elicit psychoactive or psychotropic euphoric effects.

(h) “Psychoactive or psychotropic stimulant effects” shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition and/or behavior in ways that are similar to the effects of cocaine, methylphenidate or amphetamines.

(i) “Psychoactive or psychotropic euphoric effects” shall mean affecting the central nervous system or brain function to change perception, mood,

consciousness, cognition and/or behavior in ways that are similar to the effects of cannabis.

(j) “Sell,” “selling” or “sale” shall mean to furnish, exchange, transfer, deliver or supply for monetary gain.

(k) “Synthetic drug” shall include psychoactive bath salts and psychoactive herbal incense, as those terms are defined hereinabove.
(Ord. 143, passed 12-13-2012)

11.90.030 Offenses.

It is unlawful for:

(a) Any person to distribute psychoactive bath salts or psychoactive herbal incense within the City;

(b) Any person to produce psychoactive bath salts or psychoactive herbal incense within the City;

(c) Any person to possess psychoactive bath salts or psychoactive herbal incense within the City;

(d) Any person to produce or distribute any product or substance represented as or designed to resemble psychoactive bath salts or psychoactive herbal incense within the City;

(e) Any person to allow the production or distribution of psychoactive bath salts or psychoactive herbal incense on property owned, controlled, or managed by such person within the City; or

(f) Any person to consume psychoactive bath salts or psychoactive herbal incense within the City.
(Ord. 143, passed 12-13-2012)

11.90.040 Penalties and enforcement.

(a) Any person who violates this Chapter shall be guilty of a misdemeanor; provided, however, that any such offense may be charged as an infraction in the discretion of the City Attorney or District Attorney.

The City Attorney is authorized to prosecute any other civil or criminal remedies available in law or in equity for violations of this Chapter, including, but not limited to, seeking an order or warrant to confiscate psychoactive bath salts or psychoactive herbal incense.

(b) Any person who violates this Chapter shall be guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

(c) Alternatively, the City may assess an administrative fine and penalty of \$1,000 a day for all violations of this Chapter based upon its finding of the immediate and substantial harm to public health, safety, and welfare by a violation of this Chapter. Such enforcement shall be consistent with the requirements for administrative citations.

(d) In addition to any other remedies, the City may withhold or refuse to issue a business license to any person or entity found to be in violation of this Chapter or may revoke an existing business license as set forth in Section 11.90.060.

(e) Violation of this Chapter also constitutes a public nuisance. Because the use of synthetic drugs has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, and death, any violation of this Chapter presents a grave and imminent danger not only to the person consuming the synthetic drug, but also to the public at large. If the Code Enforcement Officer, based on the facts then known, determines that a violation of this Chapter presents an imminent danger or hazard or is imminently injurious to the public health or safety, then that violation is punishable by the summary abatement procedures set forth in Chapter 11.20 hereof.
(Ord. 143, passed 12-13-2012)

11.90.050 Reserved.

11.90.060 Revocation of Business License.

No person holding a validly issued City business license and owning or operating a business in the City

may use that business to provide, distribute, or sell any synthetic drug or any substance claimed or represented to be a synthetic drug. A violation of this Section by the holder of a validly issued City business license, shall constitute grounds for modification, suspension, and/or revocation of said license in accordance with the procedures set forth in this Code.

(Ord. 143, passed 12-13-2012)

11.90.070 Additional Penalties: Costs of Abatement.

Nothing in this Chapter shall preclude the City from pursuing the remedies made applicable hereto elsewhere in this Municipal Code or under State law, including but not limited to, as applicable, denial or revocation of certificates of occupancy and injunctive relief. In any administrative or criminal proceeding involving the abatement of a public nuisance, the City shall also be entitled to recover its full reasonable costs of abatement, including, but not limited to, investigation, analysis, and prosecuting the enforcement against the guilty party, upon submission of proof of such cost by the City.

(Ord. 143, passed 12-13-2012)

11.90.080 Exemption for approval by FDA or California law.

This Chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds which have been approved by the Federal Food and Drug Administration or which are specifically permitted by California law.

(Ord. 143, passed 12-13-2012)