



CITY OF MOUNTAIN HOUSE

ORDINANCE NO. 2024-24

AN ORDINANCE AMENDING TITLE 6 OF THE MOUNTAIN HOUSE MUNICIPAL CODE RELATED TO GENERAL WELFARE

WHEREAS, the City of Mountain House (“City”) came into existence on July 1, 2024, pursuant to the San Joaquin Local Agency Formation Commission’s Resolution 23-1526 Making Determinations, Approving and Ordering a Reorganization to Include Incorporation of the City of Mountain House, etc. (the “LAFCO Resolution”), which resolution the voters confirmed in an election held on March 5, 2024 within the territory of the City.

WHEREAS, pursuant to Section 10 of the LAFCO Resolution, and Government Code section 57376, the City Council’s first official act on July 1, 2024 was to adopt an ordinance (the “City ordinance continuing County ordinances”) providing that all San Joaquin County (“County”) ordinances previously applicable shall remain in full force and effect as city ordinances for a period of 120 days after incorporation, or until the city council has enacted ordinances superseding the county ordinances.

WHEREAS, on July 1, the City Council adopted a Municipal Code consisting of ten titles, including Title 6, General Welfare, for the purpose of allowing for the future supersession of the ordinances continued by the City Ordinance continuing County ordinances by way of adding divisions, chapters, and sections to the Municipal Code by City Council ordinance.

WHEREAS, the City Council now desires to amend Title 6, General Welfare, to add various divisions and chapters adapted without substantive change from the continued County ordinances. The additions supersede the provisions of Title 6 in the County Code that were continued by the City Council on July 1.

NOW THEREFORE, the City Council of the City of Mountain House does ordain as follows:

SECTION 1. Amendment of Title 6. Title 6 of the Mountain House Municipal Code is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2. Effective Date. This Ordinance shall take effect thirty days after passage.

SECTION 3. Publication and Posting. The City Clerk shall comply with Government Code section 36933's publication and posting requirements.

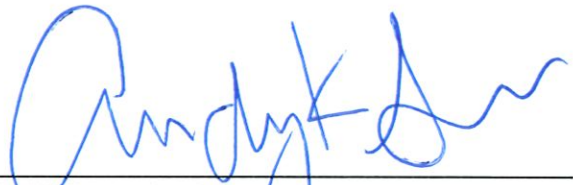
SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED by the City Council of the City of Mountain House, California at a meeting thereof held this 25th day of September 2024 by the following Vote, to wit:

AYES: DISKO, GREEN, HARRISON, TINGLE, MAYOR SU

NOES: NONE

ABSENT: NONE



ANDY SU, MAYOR
City of Mountain House,
County of San Joaquin, State of
California

ATTEST:
City Clerk of the City of Mountain
House, County of San Joaquin, State of
California

By: 



TITLE 6 GENERAL WELFARE

SECTION 5. DIVISION 1. GAMING AND AMUSEMENTS

SECTION 6. CHAPTER 1 GAMBLING

6-1-100. Bookmaking Prohibited

(a) No person upon any trial or contest of skill, speed, or power of endurance between horses, dogs, or other animals, shall within any part of the City subject to the police power of the City sell any pool or pools or make any book, list, or memorandum for or on which money or other articles of value shall be received or entered up, listed or written, or receive any money or other articles of value as a stake or pledge upon the happening or nonhappening of any event; or sell, issue, or dispose of any ticket, certificate, or other evidence of payment on which shall be inscribed, written, marked, or printed any number, name, word or mark, or anything to designate the choice selected, received, or accepted by any other person to entitle or enable the person holding the ticket, certificate, or other evidence of payment to gain or lose on any contingent issue; or receive any money or any article of value, or anything representing money or any article of value, as a bet, wager, or hazard upon the event of any contest or contingent issue, or as a stake or pledge between two or more parties, or to disburse the money or any portion of the money, or anything representing money or other article of value upon any representation or condition, or in conformity to or with any express or tacit understanding or agreement; or receive any money or article of value, or representative of money or article of value, in any capacity whatsoever, for the purpose of taking or sending the same to any fair or racetrack enclosure, either within or without this State where a contest of skill, speed, or power of endurance is being held, to be registered, placed, wagered, or bet at that fair, or within that track or enclosure, upon the result of the contest of skill, speed, or power of endurance of horse, dogs, or other animals, then being held or carried on.

(b) No person shall lease, rent, or allow to be occupied or used any building, structure, room, apartment, place, or premises whatever, situated in any part of the City subject to the police power of the City, for any of the purposes specified, mentioned, and prohibited in subsection (a).

6-1-101. Wagering Prohibited

(a) No person within the City shall deal, play, participate in, open, or carry on any game played with cards, dice, dominoes, machine, or other device for money or representative of money; or conduct or assist in conducting, either for gain or gratuitously, any of these games; or knowingly permit, either for gain or gratuitously, any of these games to be dealt, played, carried on, or conducted in any house, room, or place, owned, rented, managed, or controlled by that person in whole or in part; or knowingly permit, either for gain or gratuitously, any cards, dice, dominoes, machine, chair, seat, table, or other device or furniture owned, rented, managed, or controlled by that person to be used in dealing, playing, carrying on, or conducting any of these

games; or knowingly sell, loan, or give away any cards or other device to be used in dealing, playing, carrying on, or conducting any of these games.

(b) Nothing in this section authorizes the prosecution under this section of any act or conduct which constitutes an offense under the provisions of Section 330 of the Penal Code or any other statutory provisions of the State.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the County Jail not exceeding six (6) months, or by both.

SECTION 7. CHAPTER 2 MARATHONS

6-1-200. Marathons Prohibited

No person shall conduct or carry on any marathon dancing, marathon skating, marathon walking, marathon singing, marathon eating, marathon drinking, marathon card playing, marathon fighting, marathon running, marathon sitting, or carry on any form of endurance contest within the City. No person shall conduct or carry on any one of these pursuits or any combination of these pursuits, and the purpose of this enactment is to prohibit any form of endurance contest or test in the City.

For the purpose of this section marathon dancing, or marathon skating, or marathon walking, or marathon singing, or marathon eating, or marathon drinking, or marathon card playing, or marathon fighting, or marathon running, or marathon sitting, or any form of endurance contest shall be construed and mean a form of contest where the contestants or the persons participating in said endurance contest or endurance tests are permitted to participate or engage in the contest or test either continuously or intermittently for more than ten (10) hours in any one calendar day.

6-1-201. Penalty

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the County Jail not exceeding six (6) months, or by both.

SECTION 8. CHAPTER 3 MECHANICAL AMUSEMENT DEVICES

6-1-300. Definitions

(a) "Amusement machine" means any machine or mechanical apparatus or device designed or intended to be operated or used only for amusement purposes in playing a game or any other form of entertainment, including but not being limited to machines commonly known as "ray-o-lite machines", "ray-o-lite guns", "iron claw machines", shuffleboards, and shuffleboard alleys, and including similar amusement devices, but excluding musical or radio or television machines designed for the furnishing of music or other entertainment.

(b) "Chief of Police" means the City Manager or the City Manager's designee.

(c) "City Manager" means the City Manager or the City Manager's designee.

(d) “Distributor” means any person renting or placing on consignment or commission basis with any operator any amusement machine.

(e) “Operator” means any person maintaining possession of or having in or about his premises any amusement machine.

(f) A “year” for the purpose of this chapter shall be the calendar year beginning January 1st and ending December 31st, and any portion thereof shall be deemed a full year. Licenses must be renewed on or before January 1st each year.

6-1-301. Exclusions

This chapter shall not apply to any vending machine so operated as to sell or deliver merchandise only the equivalent in marketing value to the value of the coin or coins deposited, without the payment or delivery or the promise of payment or delivery of anything except the merchandise therein kept for sale.

6-1-302. Illegal Devices

Nothing in this chapter is intended or is to be construed as permitting the licensing, keeping, or possession of any mechanical games, machines, or devices, the possession or keeping of which is prohibited by the laws of the State.

6-1-303. License Fee

(a) Distributor or Operator: The license fee to act as a distributor or operator shall be as follows:

(1) Twenty-five dollars (\$25.00) per annum payable annually in advance for each mechanical amusement device wherein the value of the coin or slug to be inserted exceeds five cents (5¢) for a single play.

(2) Fifteen dollars (\$15.00) per annum payable annually in advance for each mechanical amusement device where the value of the coin or slug to be inserted does not exceed five cents (5¢) for a single play.

(3) The operator’s or distributor’s license fee for “crane”, “claw”, or “grab” machines only shall be two hundred fifty (\$250.00) per annum, or any fraction of a calendar year, payable in advance. In addition, a license fee of fifty dollars (\$50.00) per annum or any fraction thereof per machine shall be payable in advance without pro-rata. Upon each machine there shall be displayed conspicuously the permit or license card showing that the license fee, on that particular machine, has been paid. Failure to display this permit will obligate the owner of the machine and the owner of the location where the machine is operated to pay to the City fifty dollars (\$50.00) penalty for each failure within ten (10) days of the notification of the failure by the City Manager. Failure to pay the sum will be sufficient grounds for forfeiture of the machine and cancellation or suspension of all licenses issued to the owner of the machine or the operator of the location where the machine is placed for amusement machines by the City.

(b) Each machine licensed hereunder shall be licensed separately and shall have placed thereon a serial number in a conspicuous place. The licensee hereunder shall file with the City Manager a complete list of all machines owned by him or under his control or possession. The list shall contain the following information:

- (1) Name of the owner and licensee.
- (2) Address of the owner and licensee.
- (3) Kind of machine and its serial number.

(4) Location where the machine is to be operated.

This list must bear the approval of the Chief of Police before the license can be issued.

(c) A license sticker issued by the City Manager shall be attached to, and plainly visible, on each mechanical amusement device at all times showing the expiration date of the license and that the license fee on each machine has been paid.

(d) Operator's location license: An operator of a "crane", "claw", or "grab" machine shall also pay a location license of five dollars (\$5.00) per annum in advance. The operator's location license shall be plainly visible to the public in the vicinity of the cashier or main cash register of the location where the machine or machines are located.

(e) No license issued under the provisions of this chapter shall be transferable.

6-1-304. Reports to City Manager

Every distributor to whom a license has been issued under the provisions of this chapter shall make a quarterly report to the City Manager on forms obtained from the City Manager for that purpose, and shall keep a list of all machines and operators supplied by him, together with other information that the City Manager may require.

6-1-305. Minors

No operator shall permit any person under the age of twenty-one (21) years to operate an amusement machine.

SECTION 9. CHAPTER 4 BINGO GAMES

6-1-400. Bingo Authorized

The ordinance codified in this chapter is adopted pursuant to Section 19 of Article IV of the California Constitution.

6-1-401. Authorized Organization

All organizations qualified pursuant to Section 326.5 of the California Penal Code are hereby authorized to conduct bingo games in the City, subject to any restrictions under Title 9 for such use.

6-1-402. Compliance with Penal Code

All authorized organizations shall conduct bingo games in strict compliance with Section 326.5 of the California Penal Code.

6-1-404. Hours of Operation

No authorized organization shall conduct any bingo game or games more than once a week nor more than six (6) hours in length. No bingo game or games shall be conducted prior to the hours of 10:00 A.M. or after 2:00 A.M.

SECTION 10. DIVISION 2. PUBLIC ORDER

SECTION 11. CHAPTER 1 CURFEW REGULATIONS

6-2-100. Findings

The City Council finds that persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime. The City Council finds that there is a need to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities. The City Council further finds that a curfew for those under the age of eighteen (18) will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing compelling objectives and to diminish the undesirable impact of such conduct on the citizens within the City. It is the intent of the City Council to enact a curfew that is narrowly tailored to address the aforesated compelling interests of the City without infringing upon the constitutional rights of minors.

6-2-101. Definitions

Whenever herein the following terms are used, they shall have the meaning ascribed to them in this section, unless otherwise apparent by the context:

“Adult” means any person at least eighteen (18) years of age.

“Amusement activity” means an official school, religious, or other organized recreational activity supervised by adults. This term includes, but is not limited to, dances, plays, motion pictures, and sporting events.

“Curfew hours” means from eleven p.m. until six a.m. on the following day.

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

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

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

“Legitimate activity” means: (1) Accompanied by the minor’s parent or guardian; or (2) On an errand at the direction of the minor’s parent or guardian; or (3) In a motor vehicle involved in interstate travel; or (4) Engaged in an employment activity; or (5) Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, and freedom of speech; or (6) Involved in an emergency; or (7) On a sidewalk or area abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police about the minor’s presence.

“Minor” means any person under the age of eighteen (18) years but shall not include a person who is married or had been married, or who had been emancipated in accordance with Part 6 of Division 10 of the California Family Code.

“Operator” means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers and employees of a corporation.

“Parent” means a person who is: (1) A natural parent, adoptive parent, or step-parent of another person; or (2) At least eighteen (18) years of age and authorized by a parent or guardian to have care and custody of a minor.

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

“Remain” means to: (1) Linger or stay; or (2) Fail to leave premises or an establishment when requested to do so by a peace officer or the owner, operator, or other person in control of the premises or establishment.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

6-2-102. Persons Under Eighteen Years of Age, Restricted; Exemptions

It shall be unlawful for any minor to remain in or upon any public place within the City during curfew hours, as defined in this chapter, unless such minor is accompanied by a parent, guardian or other adult person having the care, control or custody of said minor. Violation of the provisions of this chapter may be prosecuted as either an infraction or a misdemeanor. This section shall not apply to a minor who is actively proceeding to or from any establishment, amusement activity, worship, or legitimate activity, or participating in any amusement activity, worship, or legitimate activity.

6-2-103. Enforcement

Before taking any enforcement action under this chapter, a peace officer shall ask the apparent offender’s age and reason for being in the public place. The peace officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based upon any response and other circumstances, no exception to the applicability of this chapter is present.

6-2-104. Parental Responsibility

Because this chapter establishes a curfew as set forth in Welfare and Institutions Code Section 601, subdivision (a), any person who causes, encourages, or contributes to a minor’s violation of curfew regulations is subject to punishment pursuant to Section 272 of the Penal Code.

6-2-105. Penalty

Any minor violating the provisions of this chapter shall be dealt with in accordance with juvenile court law and procedure.

SECTION 12.

CHAPTER 2 AMPLIFICATION OF SOUND

6-2-200. Definitions

- (a) “Chief of Police” means the City Manager or the City Manager’s designee.
- (b) “Person.” The word “person” as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society, or any other form of association or organization.
- (c) “Sound Truck.” The words “sound truck” as used herein shall mean any vehicle having any sound amplifying equipment mounted thereon, attached thereto, or contained therein, or used therefrom.
- (d) “Sound Amplifying Equipment.” The words “sound amplifying equipment” as used herein shall mean any machine or device, including portable devices, for amplification of the human voice, music, or any other sound. “Sound amplifying equipment” as used herein shall include both stationary and mobile equipment; shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes; nor shall it be construed as including mobile or stationary sound amplifying or producing equipment used exclusively for commercial or noncommercial purposes in connection with the exhibitions of, or participation in, outdoor sports such as baseball, football, horseracing, motorcycle racing, et cetera, designed for use at the location where such sport is taking place for the benefit of the spectators and participants; nor shall it be construed as including mobile or stationary sound amplifying or producing equipment used exclusively for commercial or noncommercial purposes in indoor places which customarily use sound equipment for the events therein contained.

6-2-201. Non Commercial Use of Sound Trucks and Stationary Sound Equipment

- (a) Registration Required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non-commercial purposes in the City before filing a registration statement with the Community Services Director. The registration statement shall be filed in duplicate and shall state the following:
 - (1) Name and home address of the applicant.
 - (2) Address and place of business of applicant.
 - (3) License number of the sound truck to be used by applicant.
 - (4) Name and address of person who owns the sound equipment.
 - (5) Name and address of person having direct charge of sound equipment.
 - (6) A statement as to the location in which the sound truck or equipment will be used.
 - (7) The proposed hours of operation of the sound truck or sound equipment.
 - (8) The number of days of proposed operation of the sound truck or sound equipment.
 - (9) A general description of the type of event or events at which the sound amplification equipment is proposed to be used.
 - (10) A general description of the sound amplifying equipment which is to be used.
 - (11) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:
 - (a) The wattage to be used in last stage of amplification.
 - (b) The volume in decibels of the sound which will be produced.

(c) The approximate maximum distance for which sound will be thrown from the sound truck.

(b) Registration Statement Amendment. All persons using or causing to be used sound trucks or other sound amplifying equipment for non-commercial purposes shall amend any registration statement filed pursuant to Subsection (a) within a forty-eight (48) hour period after any change in the information therein furnished.

(c) Registration and Identification. The Community Development Director shall promptly return to each applicant under Subsection (a), one copy of said registration statement duly certified by the Community Development Director as a correct copy of said application. A copy of said registration statement shall be forwarded to the Chief of Police . Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any peace officer within the City.

(d) Regulations for Use. Non-commercial use of sound trucks and stationary sound equipment in the City with sound amplifying equipment in operation shall be subject to the following regulations:

(1) The only sound permitted are music or human speech.

(2) Permitted hours of operation are between 8:00 A.M. and 12:01 P.M. and between 1:30 P.M. and 6:30 P.M.

(3) Amplified sound shall not be audible within five hundred (500) feet of hospitals, schools, churches or courts while they are in session.

(4) The volume of sound may in no circumstances be audible from a distance of more than five hundred (500) feet from the sound truck or other sound amplifying equipment and must at all times be controlled so as to comply with the following maximum allowable ratios of range of audibility to distance between source of sound and any dwelling or any place where animals are kept for commercial purposes, if such animals would be deleteriously affected by a greater volume of sound:

Minimum feet between dwelling or place animals kept and sound truck or other amplifying equipment:	Range of audibility of sound from sound truck or other amplifying equipment:
35 feet	150 foot volume
85 feet	200 foot volume
135 feet	250 foot volume
185 feet	300 foot volume
235 feet	350 foot volume
285 feet	400 foot volume
335 feet	450 foot volume
385 feet	500 foot volume

The occupants of any dwelling or the owners of any animals may consent in writing to a less distant operation of sound equipment than that specified herein.

(5) Notwithstanding any other provisions herein, no registrant or agent thereof may operate a sound truck or other sound amplifying equipment for more than 90 minutes per day within one geographical area of audibility.

(6) No sound amplifying equipment shall be operated with in excess of fifteen watts of power in the last stage of amplification.

(7) Sound amplification equipment shall not be used to broadcast threats of personal injury or threats of damage to or destruction of property.

(e) Fees. The fee for the license hereinbefore provided shall be five dollars (\$5.00) for the first day and one dollar (\$1.00) for each day thereafter.

6-2-202. Commercial Advertising by Sound Truck or Stationary Sound Equipment Licensed and Regulated

(a) License Required. No person shall operate or cause to be operated any sound truck or other sound amplifying equipment in the City for commercial advertising purposes with sound amplifying equipment in operation unless a license has been obtained from the Community Development Director. The fee for said license shall be ten dollars (\$10.00) per day.

(b) Application for License. Person applying for the license required under Subsection (a) shall file with the Community Development Director an application in writing giving in said application the information required in the registration statement under Section 6-2-201 of this ordinance, and in addition the following information:

(1) Names and addresses of all persons who will use or operate the sound truck or stationary sound equipment.

(2) The purpose for which the sound truck or sound equipment will be used.

(c) Issuance of License. The Community Development Director shall issue a license under Subsection (a) of this ordinance upon payment of the required license fee unless the application required in Subsection (b) reveals that the applicant will violate the regulations prescribed in Section 6-2-201 or the provisions of some other existing City ordinance or state law.

(d) Possession and Display of License. The licensee shall keep said license in his possession on the sound truck or sound equipment during the time the sound amplifying equipment is in operation. The license shall be promptly displayed and shown to any peace officer or City official upon request.

(e) Regulations for Use. No person shall operate or cause to be operated any sound truck or sound equipment for commercial sound advertising purposes in violation of the regulations set forth in Section 6-2-201 and 6-2-202.

(f) Additional Regulations for Sound Trucks. Sound truck amplifying equipment shall not be operated for commercial purposes unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

6-2-203. Prosecution Under Other Laws

Notwithstanding compliance with the foregoing provisions, use of sound amplifying equipment for the dissemination of material that is slanderous, obscene, disturbing to the public peace, or that constitutes a nuisance or an incitement to riot may be punished under the provisions of other City ordinances or state and federal laws.

6-2-204. Penalties

Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) or be imprisoned not more than ninety (90) days, or both.

SECTION 13. **CHAPTER 3 REWARDS FOR INFORMATION LEADING TO
THE APPREHENSION AND CONVICTION**

6-2-300. Rewards

The City Council may offer and pay a reward in a sum not to exceed two hundred dollars (\$200.00) payable from City funds, for the furnishing of information leading to the apprehension and conviction of persons who willfully destroy or damage property of the City.

SECTION 14. **CHAPTER 4 SHOWING OF SEXUALLY EXPLICIT MOTION
PICTURES**

6-2-400 Findings.

This City Council finds and declares:

- (a) That certain operators of motion picture projection equipment may be operating their equipment in such a manner and in such places that the depiction of explicit sexual acts can be viewed off the premises on which the projector is operated;
- (b) That certain parents of minor children do not want their children to be exposed to the depiction of explicit sex acts;
- (c) That viewing by minor children of the depiction of explicit sex acts without the consent of their parents or legal guardian is harmful to the health, education, and welfare of such minor children;
- (d) That certain adults are offended by the fact that they cannot sit or stand on their own property without they or their guests being exposed to the depiction of explicit sex acts;
- (e) That public policy and common sense dictates that the citizens of this community should be allowed to enjoy the use of their houses and yards without the unwanted intrusion of the depiction of explicit sex acts;
- (f) That the depiction of explicit sex acts can be viewed from certain streets, roads, or highways within the City;
- (g) That the sight of such depiction of explicit sex acts, while driving a motor vehicle upon the streets, roads, or highways within the City may cause the driver thereof to have an accident;
- (h) That the operation of motion picture projection equipment in a manner so as to cause the depiction of explicit sex acts to be seen by persons driving a motor vehicle along the streets, roads, or highways within the City is hazardous to the driving public;
- (i) That it is possible and practicable for operators of motion picture projection equipment to operate in a manner which will not violate this chapter;
- (j) That this chapter represents the minimum regulation necessary to protect the rights of persons who are located off the premises where the pictures are projected and who desire for aesthetic, moral, religious, or safety reasons not to be exposed to the depiction of explicit sex acts.

6-2-401 Unlawful Acts.

It shall be unlawful for any person to operate, or to cause or to direct the operation of, motion picture projection equipment where:

- (a) The picture projected depicts acts of sexual intercourse, masturbation, sodomy, fellatio, cunnilingus, bestiality, oral copulation, or anilingus; and
- (b) The projected sex acts can be seen by minor children beyond the property line of the property on which the projection equipment is being operated; or
- (c) The projected sex acts can be seen beyond the property line of the property on which the projection equipment is being operated by persons residing on other parcels of property; or
- (d) The projected sex acts can be seen beyond the property line of the property on which the projection equipment is being operated by persons who are driving a motor vehicle along the streets, roads, or highways within the City.

As used in this section, “property line” means that property line depicted in the Official Maps of the County Assessor.

6-2-402 Violations.

A violation of this chapter shall be deemed a public nuisance and a misdemeanor.

SECTION 15. CHAPTER 5 TRESPASSING

6-2-500 Climbing Posted Fences Unlawful

It shall be an infraction to climb a fence that is posted against trespassing.

6-2-501 Reentering Posted Fenced Premises

It is an infraction to enter lands enclosed by a fence, belonging to or occupied by another, which are posted against trespass, without the permission of the owner of the land, the owner’s agent or the person in lawful possession, after having previously been requested to leave the land and not return.

SECTION 16. CHAPTER 5 GRAFFITI ABATEMENT

6-2-500 Findings

In order to prevent graffiti and to provide an immediate and practical method, to be cumulative with and in addition to other provisions of this code, Government Code Section 53069.3, and other remedies available at law, of combating the effects of graffiti vandalism on public and privately-owned structures and real property, the City Council of the City of Mountain House hereby finds that graffiti is detrimental to property values, degrades the community, causes an increase in crime, is inconsistent with the City’s property maintenance goals and aesthetic standards, is obnoxious, is a nuisance, and, unless it is quickly removed from public and private property, results in other properties becoming the target of graffiti. It is the intent of the City Council, through the adoption of this notice to all of those who callously disregard the property rights of others, that the administrative and law enforcement agencies of the City”, will strictly enforce the law to its maximum extent, imposing administrative penalties and aggressively prosecuting those persons engaging in the defacement of public and private properties.

6-2-501 Definitions

- (a) “Administrator” means the City Manager or the City Manager’s designee.
- (b) “Graffiti” means any inscription, word, figure, or design that is marked, etched, scratched, inscribed, marred, drawn, sprayed, painted, pasted or otherwise affixed to, or on, any surface, without authorization in advance from the owner thereof.
- (c) “Demand for payment” means an invoice for graffiti abatement costs prepared by the City containing the location and description of defaced property, a summary of graffiti abatement actions performed, a listing of abatement costs and expenses incurred by the City, and the basis for the determination of the responsible person or offender.
- (d) “Property” means real or personal property, whether publicly or privately owned, within the City limits.
- (e) “Pressurized container” means any can, bottle, spray device or other mechanism designed to propel liquid or similar material which contains ink, paint, chalk, dye or other similar substance, which is expelled under pressure, either through the use of aerosol devices, pumps or similar propulsion devices.
- (f) “Responsible person” means any person or entity who is the owner or who has primary responsibility for the repair or maintenance of the property.
- (g) “Structure” means the same as defined in the Uniform Building Code.
- (h) “Surface” means the exposed area of any object, including, but not limited to, walls, fences, sidewalks, curbs, street lamp poles, utility poles, trees and vegetation, signs, and/or trash receptacles.

6-2-502 Nuisance

It is hereby declared that graffiti is obnoxious and a public and private nuisance and is subject to abatement and punishment as defined in this Code and state law.

6-2-503 Graffiti Prohibited

- (a) It shall be unlawful for any person to apply graffiti upon any public or privately owned property, structure, or surface within the City.
- (b) It shall be unlawful for any person who owns or is otherwise in control of any real property within the City, even if it is located in the City right of way, to permit or allow any graffiti to be placed upon or remain for longer than ten (10) days on any surface located on such property and visible from the street or other public or private property.

6-2-504 Removal of Graffiti

- (a) It is unlawful for a responsible person to permit property that has been defaced with graffiti to remain so defaced for a period longer than ten (10) days after notification by the City of the existence of graffiti on the property which must be removed. Property shall be considered no longer defaced when the graffiti is removed or the defaced area is covered by paint that is similar in shade and color to the surface upon which the graffiti is placed.
- (b) Use of Public Funds. Whenever the City becomes aware, or is notified and determines, that graffiti is located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the abatement supervisor or his/her designee, determines that a more extensive

area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community.

6-2-505 Right of City to Remove

(a) Notice of violation and enforcement proceedings shall be conducted pursuant to the procedures contained in Division 2 of Title 1, except that the responsible party must abate the graffiti or appeal the notice of violation within ten (10) days of service of the notice of violation. Service of the notice is complete at the time of deposit in the mail or when personal service is effectuated. The failure of any person to receive such notice shall not affect the validity of any legal proceedings regarding removal of the graffiti.

(b) Whenever graffiti exists upon the property owned by another public agency, or a private property owner, the City may remove it with the consent of the public entity or responsible person.

(1) Notice of Code Violation—Method of Service. Before entering onto a person's property to abate graffiti, the City shall notify the responsible person in writing of its intent to do so. Said notice shall be served by any of the following methods:

(A) Delivering to and leaving personally with the responsible person or a person of suitable age and discretion who resides or is employed at the property ("personal service"); or

(B) Certified mail, postage prepaid, return receipt requested to the last known address of the responsible person (simultaneously, a duplicate notice may be sent by regular mail, postage prepaid); or

(2) Notice—When Served. The notice shall be deemed served and the responsible person considered notified at the time of personal service; or the successful delivery of the certified letter (or the third day after mailing of the duplicate notice); or ten (10) days after the notice is posted on the property. Actual notice shall cure any defect in the effort to provide constructive notice.

(3) Contents of Notice. The notice shall include the Municipal Code section being violated; the property address or location where the graffiti has been observed; the date(s) and time(s) the graffiti was observed; a description of the corrective action required and time limit — including the need to use paint which is similar in shade and color to the structure or item upon which the graffiti is painted; the consequences of failing to comply, all hearing and appeal rights, as set forth in Division 2 of Title 1.; and the name of the issuing officer.

(4) Securing Owner Consent. Prior to entering onto private property for the purpose of graffiti removal, the City shall secure the written consent of the responsible person, which may be incorporated into the required written notice.

(5) Pre-Abatement Conference. A responsible person may request, by telephone, in writing, or in person, a hearing be held before the City enters the party's property to abate graffiti. The request for a conference shall stay the City's abatement efforts and must be made within ten (10) days of being served notice pursuant to Subsection (b)(1) of this section. The conference shall be conducted in accordance with the requirements contained in Division 2 of Title 1 of this Code, except as modified below. The hearing will be set within five (5) days of the request for a pre-abatement conference. The responsible person will be orally notified of the date, time and place of the conference. The purpose of the conference shall be to determine the propriety of the City's impending abatement action. A decision on the validity of that action shall be made and communicated to the responsible person before the end of the conference (unless a

continuance is necessary). If determined to be valid, the City may abate the offending graffiti forty-eight (48) hours after the decision.

(c) Failure of the responsible person to remove graffiti from their property or file an appeal within ten (10) calendar days after notification to the property owners of the violation will cause the building or structure to be declared a public nuisance.

(d) In the event a building or property is declared a public nuisance the City may, at its option, summarily abate such graffiti and the property owner shall be assessed the cost of removal of such graffiti.

6-2-506 Criminal Action

(a) Violation of any section of this chapter shall be filed as either an infraction or a misdemeanor at the discretion of the District Attorney.

(b) Community service within the City may be imposed in lieu of any penalties and punishments where there has been a conviction of guilty or nolo contendere plea to a misdemeanor.

(c) Any community service which is required pursuant to Subsection (b) of this section of a person under the age of eighteen (18) years may be required to be performed in the presence and under the direct supervision of the person's parent or legal guardian.

(d) If a minor is personally unable to pay any fine or restitution levied for violating this chapter, the parent or legal guardian shall be liable for the payment of the fine or restitution for any intentional acts of the minor.

6-2-506 Penalty Provisions-Administrative Citation

(a) It is the City's intent that, pursuant to California Penal Code Section 640.6(a), all acts of graffiti vandalism occurring within the City shall be prosecuted as misdemeanors pursuant to California Penal Code Section 594 et seq., or this chapter at the discretion of the District Attorney. Accordingly, any violation of Section 6-2-503(a) of this chapter shall be a misdemeanor punishable by either six (6) months in jail, a one thousand dollar (\$1,000.00) fine, or by such fine and imprisonment, and by the performance of community service in the form of graffiti clean-up to the maximum extent permitted by California Penal Code Section 594 and/or any other provision of law.

(b) In addition to all other remedies or penalties provided by law, violation of any of the sections contained in this chapter are punishable in the same manner as set forth in Division 2 of Title 1.

(c) Violation of any section of this chapter, except for Section 6-2-503(a) of this chapter, may be filed as an infraction or a misdemeanor at the discretion of the District Attorney.

(d) Any person or entity violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of this chapter is committed, continued, or permitted by such person or entity and shall be deemed punishable therefor as provided herein.

(e) Community service in and for the City may be imposed by the court, in addition to any penalty imposed pursuant to this chapter, where there has been a conviction of guilty or nolo contendere plea to a violation of this chapter.

(f) Any community service which is required pursuant to Subsection (e) of this section of a person under the age of eighteen (18) years may be required by the court to be

performed in the presence and under the direct supervision of the person's parent or legal guardian.

(g) If a minor is personally unable to pay any fine or restitution levied for violating this chapter, the parent or legal guardian shall be liable for the payment of the fine or restitution for any intentional acts of the minor.

6-2-507 Suspension of Delay of Driving Privileges

Each conviction of a person thirteen (13) or older for violation of Section 6-2-503 (a) of this chapter shall result in the suspension or delay in driving privileges of that person pursuant to California Vehicle Code Section 13202.6.

6-2-508 Parental Civil Liability

In addition to any other remedy provided herein, each parent or legal guardian shall also be personally liable for any and all costs to any person or business incurred in connection with the removal of graffiti caused by that parent or guardian's minor child, and for all law enforcement costs, City staff costs, attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages or reimbursement in accordance with California Civil Code Section 1714.1.

6-2-509 Recovery of City Funds

Pursuant to Government Code Section 53069.3(d)(2), if the City has expended funds to remove graffiti or other inscribed material created, caused or committed by a minor, the City may recover the funds according to the following procedure:

(a) The Director of the Community Development Department, or his or her designee (Hearing Officer), shall give the minor and parent or guardian having custody and control of the minor not less than forty-eight (48) hours' notice of a hearing to be held by the hearing officer for the purpose of showing cause why the City should not recover the funds from the minor and the parent or guardian having custody and control of the minor. Following notice, the hearing shall be held by the hearing officer at the time, date and place designated and at such hearing the minor and parent or guardian having custody and control of the minor may each be heard and provided with the opportunity to show cause why the City should not recover funds from the minor and the parent or guardian having custody and control of the minor. Following the hearing, the hearing officer shall determine whether the City should recover funds from the minor and the parent or guardian having custody and control of the minor.

(b) If the hearing officer determines that the City should recover funds from the minor and the parent or guardian having custody and control of the minor, the City shall provide an accounting of the funds along with a demand for payment to the minor and the parent or guardian having custody and control of the minor.

(c) Pursuant to Government Code Sections 38772, 38773.2 and 38773.6, the parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor for the funds expended by the City. If payment is not made within thirty (30) days from the date of the accounting and demand for payment, the payment shall be deemed delinquent and shall be subject to a penalty assessment of one hundred dollars (\$100.00) plus interest on the unpaid amount plus penalty, which interest shall accrue at the rate of one and one-half percent (1.5%) per month until paid.

(d) In the event the funds have not been paid within thirty (30) days from the date of issuing an accounting and demand for payment, including any penalty and interest thereon, shall constitute a lien pursuant to Government Code Sections 38772 and 38773.2 against the property of the minor and against the property of the parent or legal guardian having custody and control of the minor. Prior to recording notice of a lien, the City shall provide notice pursuant to Government Code Section 38773.2. Any such lien not paid by June 30th of each year may, upon adoption of the resolution by the City Council, be collected along with, and in the same manner as, the general property taxes. The lien property shall be subject to the penalties, procedures and sale in case of delinquency as provided in the Civil Code.

(e) As an alternative to a lien and pursuant to Government Code Sections 53069.3(d)(2) and 25845, the funds shall constitute a special assessment against a parcel of land owned by the minor or by the parent or legal guardian having custody and control of the minor. The assessment shall be collected as provided for in Government Code Section 25845.

(f) In addition to any other remedy provided herein or available at law, the amount owed pursuant to Government Code Section 38772 shall constitute a personal obligation against the minor and a personal obligation against the parent or legal guardian having custody and control of the minor.

6-2-510 Administrative Fee

An administrative fee as established from time to time by resolution of the City Council shall be added as part of any abatement proceedings.

6-2-511 Civil Responsibility for Damages for Wrongful Sale, Display or Storage

Any person who sells, displays or stores any of the graffiti implements listed in Section 6-2-512 in violation of the provisions of this chapter shall, to the fullest extent permitted by law, be personally liable for any and all costs incurred by any party in connection with the removal of graffiti, or the repair of any property containing graffiti, caused by any person who shall use such graffiti implement in violation of the provisions of California Penal Code Section 594, and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages.

6-2-512 Sale of Aerosol Paint and Markers-Possession by Minors

(a) All persons offering for sale pressurized containers of paint, indelible or waterproof ink or other liquid capable of defacing property shall restrict access to those items by placing all such items in a locked counter, cabinet, or other storage facility so that access to them can only be gained by employees, agents, or other authorized representatives. All persons offering for sale markers with a marking tip of one-quarter ($\frac{1}{4}$) inch or more in width shall keep such markers in a location that is in the constant view of the employees, agents, or other authorized representatives selling such markers.

(b) It is unlawful for any person:

(1) To sell, exchange, give, loan or in any way furnish to any person under the age of eighteen (18) years, any pressurized container six (6) ounces or less (net weight of contents) that is capable of defacing property with permanent, indelible or waterproof ink, paint, or other liquid; or

(2) Under the age of eighteen (18) years to have in his or her possession any pressurized container six (6) ounces or less (net weight of contents) that is capable of defacing

property with permanent indelible or waterproof ink, paint, or other liquid while (A) upon public property, unless the minor is using the pressurized container under the supervision of a parent, teacher or legal guardian, or (B) upon private property without the consent of the owner of such private property; or

(3) To sell, exchange, give, loan, or in any way furnish to any person under the age of eighteen (18) years any marker with a marking tip one-quarter ($\frac{1}{4}$) inch or more in width that is capable of defacing property with permanent, indelible or waterproof ink, paint, or other liquid; or

(4) Under the age of eighteen (18) years to have in his or her possession any marker with a marking tip one-quarter ($\frac{1}{4}$) inch or more in width that is capable of defacing property with permanent, indelible or waterproof ink, paint, or other liquid while (A) upon public property, unless the minor is using the marker under the supervision of a parent, teacher or legal guardian, or (B) upon private property without the consent of the owner of such private property.

6-2-513 Signs Required

Any person, organization, company, firm or association engaged in the retail sale of aerosol containers of paint and other liquid substances, or markers with a marking tip of one-quarter ($\frac{1}{4}$) inch or more in width, capable of defacing property must display at the location of retail sale a sign clearly visible and legible to employees and customers which states as follows:

IT IS UNLAWFUL FOR ANY PERSON TO SELL OR GIVE TO ANY
INDIVIDUAL UNDER THE AGE OF EIGHTEEN YEARS, WHO IS NOT
ACCOMPANIED BY A RESPONSIBLE ADULT, ANY AEROSOL
CONTAINER OF PANT OR OTHER LIQUID SUBSTANCE OR MARKERS
WITH A MARKING TIP OF ONE-QUARTER INCH OR MORE IN WIDTH,
CAPABLE OF DEFACING PROPERTY.

6-2-514 Reporting Graffiti

The City may pay to any person who provides information which leads to the arrest and conviction of any person who applies any drawing, inscription, figure or mark, commonly known as graffiti, to a surface of real or personal property, a reward as established from time to time by resolution of the City Council. In addition to any fines levied by the City for violation of this chapter, any person who has damaged property by inscribing graffiti on public or private property shall be liable for the amount of any reward paid pursuant to this chapter and Section 53069.5 of the California Government Code. If such person is an unemancipated minor, such minor's parents or guardian are so liable and shall pay such amount to the City.

6-2-515 Abatement Proceedings

The Director of the Community Development Department, or his authorized representative, may institute procedures for abatement of property upon which graffiti exists. The procedures set forth in Division 2 of Title 1 of this code shall apply to any such abatement. Costs for any abatement performed by, or on behalf of, the City may be recovered by the City from the property owner in accordance with the procedures established in Section 6-2-510 of this chapter.

6-2-516 Ease of Removal Provisions

(a) Conditions on Encroachment Permits. Encroachment permits issued by the City may, among other items, be conditioned on: (1) the permittee applying an anti-graffiti material to

the encroaching object or structure of a type and nature which is acceptable to the Administrator, or his or her designee; (2) the immediate removal by the permittee of any graffiti; (3) the right of the City to remove graffiti or to paint the encroaching object or structure; (4) the permittee providing the City with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.

(b) Conditions on Discretionary Approvals. In imposing conditions upon conditional use permits, variances, tentative maps, or other similar land use entitlements or development or design applications, the City may impose graffiti removal requirements or any or all of the following conditions, or other similar or related conditions:

(1) Use of Anti-Graffiti Material. Applicant may be required to apply an anti-graffiti material and provide a landscape design of a type and nature which is acceptable to the Administrator, or his or her designee, to such of the publicly viewable surfaces to be constructed on the site deemed by the Administrator, or his or her designee, to be likely to attract graffiti (“graffiti attracting surfaces” hereinafter in this section);

(2) Right of Access to Remove Graffiti. Applicant shall grant, in writing, the right of entry over and access to such parcels, upon forty-eight (48) hours’ posted notice, by authorized City employees or agents, for the purpose of removing or painting over graffiti on graffiti attracting surfaces previously designated by the Community Development Director, or his or her designee. Such grant shall be made an express condition of approval and shall be deemed to run with the land.

(3) Supply City with Graffiti-Removal Material. Applicant, and any and all successors in interest, shall, for a specified period of years after approval, provide the City with sufficient matching paint and/or anti-graffiti material on demand for use in the painting over or removal of designated graffiti attracting surfaces.

(4) Owner to Immediately Remove Graffiti. Persons applying for subdivision maps shall, as a part of any conditions, covenants and restrictions, covenant, which covenant shall run with the land, in a form satisfactory to the City, that the owners of the lots shall immediately remove any graffiti placed on publicly viewable trees, rocks and structures thereon to the City’s satisfaction.

6-2-517 Prevention Provisions

(a) Design of New Graffiti-Attracting Surfaces. Any applicant for design review approval, conditional use permit, temporary activity permit, land development permit, site plan approval, planned development approval, development agreement, or other form of development or building permit shall, to the extent deemed feasible by the Administrator, or his or her designee, have designed any building structures visible from any public or quasi-public place in such a manner as to consider prevention of graffiti, including, but not limited to, the following:

(1) Use of additional lighting; (2) use of nonsolid fencing, where permitted; (3) use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; and (4) use of architectural design to break up long continuous walls or solid areas.

(b) Retrofit Existing Graffiti-Attracting Surfaces. The following preventative measures may be ordered after providing adequate notice and the opportunity for an abatement hearing pursuant to Division 2 of Title 1 of this code. No graffiti need currently reside on the property before instituting such a proceeding, the City must only show that the surface of a structure has been defaced more than four (4) times in six (6) months and that the proposed retrofit is necessary and reasonable.

(1) At Owner's Expense. Any surface of a structure on a parcel of land which has been defaced with graffiti more than four (4) times in six (6) months, or the immediate area surrounding said surface, shall be required to be retrofitted, at the cost of the property owner of said lot, with such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient removal thereof. In exercising the authority hereunder, the City may not impose a cost on the property owner greater than seven hundred fifty dollars (\$750.00).

(2) At City's Cost. The owner of property on which is located a surface of a structure which has been defaced with graffiti more than four (4) times in six (6) months, or the immediate area surrounding said surface, shall permit the City to enter upon and make such modifications thereto, at the City's cost, which modifications shall include such features or qualities as may be established by the City as necessary to reduce the attractiveness of the surface for graffiti, or as necessary to permit more convenient or efficient removal thereof.

6-2-518 Severability

If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 17. CHAPTER 6 PROHIBITION AGAINST CAMPING ON PUBLIC PROPERTY

6-2-600 Definitions

Camping as used in this Chapter means: erecting a tent or shelter for the purpose of sleeping; arranging bedding for the purpose of sleeping; or use of a standing or parked vehicle for the purpose of sleeping.

"Chief of Police" as used in this Chapter means the City Manager or the City Manager's designee.

6-2-601 Camping Prohibited on Public Property

No person shall camp between the hours of six p.m. and six a.m. on any:

- (a) Public road, or
- (b) Public property that has been posted to expressly prohibit camping pursuant to this section. This section shall not apply to City parks.

6-2-602 Penalty

A violation of this section is a misdemeanor. The punishment for a person found guilty of a misdemeanor for violation of the provisions of this chapter shall be:

- (a) A fine of not more than one thousand dollars (\$1,000.00); or
- (b) Imprisonment in the County jail for a term of not more than six (6) months; or
- (c) Both a fine and imprisonment.

6-2-603 Public Nuisance

A violation of this chapter shall constitute a public nuisance. The City may institute actions to abate a public nuisance under this chapter.

6-2-604 Enforcement

(a) The Chief of Police will shall identify public property where camping has created a public safety hazard and may authorize the installation of signs pursuant to this chapter.

(b) It shall be at the discretion of the peace officer enforcing this Chapter to determine if the person sleeping or resting in his or her vehicle is doing so for health or safety purposes. The peace officer shall not issue a citation if the peace officer reasonably believes that the person sleeping or resting in his or her parked vehicle is doing so for health and safety purposes unless the area in which the vehicle is parked is specifically posted as a no parking area.

SECTION 18. DIVISION 3. RESERVED.

SECTION 19. DIVISION 4. CAMPAIGN DISCLOSURE AND REPORTING

SECTION 20. CHAPTER 1 RULES AND REGULATIONS

6-4-100 Authority

This chapter is adopted pursuant to California Government Code section 84615 which authorizes a local government agency to adopt an ordinance that requires an elected officer, candidate, or committee, required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports or other documents online or electronically with the Elections Official with specified exemptions. This ordinance is meant to follow the California Fair Political Practices Commission (“FPPC”)’s laws, rules, and regulations and will automatically reflect any changes that FPPC may make to its law, rules, and regulations.

6-4-101 Purpose

(a) The purpose of this chapter is to modernize the filing requirements of campaign disclosure statements and statements of economic interest currently required under the Political Reform Act, (commencing with California Government Code Section 84200 et seq.), by requiring candidates and committees to file these report statements electronically. This requirement will allow for a more efficient and transparent process of these required filings; maximize the availability of this information to the public; and assist in ensuring compliance with campaign contributions laws.

(b) This chapter is not to be construed as in any way modifying or abridging State law as set out in the California Government Code, California Elections Code, California Civil Code, or any other applicable provision of State law; rather it is only to be utilized in the interpretation and enforcement of the provisions of this code and City regulations.

6-4-102 Definitions

The following definitions used in this chapter shall have the meanings as set forth below.

“Candidate” shall be defined as set forth in the Political Reform Act provided that the term shall be limited to candidates for City office.

“Committee” shall be defined as set forth in the Political Reform Act.

“Controlled committee” means a committee that is controlled directly or indirectly by a candidate or that acts jointly with a candidate in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent, or any other committee he or she controls has a significant influence on the actions or decisions of the committee. A “political party” committee, as defined in Government Code section 85205, is not a “controlled committee.”

“Election” and/or “City election” means any primary, general, special or recall election held in the City. The primary and general or special elections are separate elections for purposes of this chapter.

“Elections Official” is the City Clerk.

“Political Reform Act” means the California Political Reform Act of 1974 (Government Code sections 81000 et seq., as amended).

6-4-103 Application of Ordinance

The provisions of this chapter shall apply to any elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents with the Elections Official as required in Chapter 4 of the Political Reform Act.

6-4-104 Electronic Filing

(a) Any elected officer, candidate, committee, or other person required to file specified statements, reports, or other documents with the Elections Official as required by Chapter 4 of the Political Reform Act, as amended, any persons required to file pursuant to California Government Code sections 87200–87210, and any candidates for any of these offices at any election shall electronically file all such statements, reports or documents according the procedures established by the Elections Official, if the City then-operates an online system for such purposes.

(b) The procedures established by the Elections Official for the online system shall ensure that the online system complies with the requirements set forth in Government Code Section 84615.

(c) The online system shall be with a City approved vendor.

(d) The online system is an independent, certified system and may have its own ongoing reporting to the Fair Political Practices Commission.

(e) The online system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data. The system does not verify the accuracy of the information being submitted.

(f) The online system shall be free and not unduly burden filers.

(g) The online filing system shall only accept a filing in the standardize record format that is developed by the California Secretary of State pursuant to Government Code Section 84602(a)(2) and that is compatible with the Secretary of State’s system for receiving an online or electronic filing.

(h) The online system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Government Code Section 81004.

6-4-105 Exceptions

(a) In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report or other document is required to be filed with the Elections Official, the filer is exempt from filing the statement electronically as provided by Government Code Section 84615. However, the filer has the option of filing an electronic copy with the Elections Official.

(b) A filer who receives contributions totaling less than \$2,000.00, and makes expenditures totaling less than \$2,000.00, in a calendar year is exempt from filing the statement electronically as provided by Government Code Section 84615. However, the filer has the option of filing an electronic copy with the Elections Official.

6-4-106 Procedures for Utilizing Electronic Filing.

Any elected officer, candidate, or committee who has electronically filed a statement, report or other document using the online system shall not file a copy of that document in paper format with the Elections Official.

The Elections Official shall issue an electronic confirmation that notifies the filer that the statement, report, or other document was received, the notification shall include the date and the time that the statement was received and the method by which the filer may view and print the data received by the Elections Official.

The date of filing for a statement, report or other document filed online shall be the day it is received by the Elections Official.

6-4-107 Availability of Statements and Record Retention

The Registrar of Voter's system shall make all the data filed available on the City's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the City's webpage shall not contain the street name and building number of the person or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The Registrar of Voter's Office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.

The Registrar of Voter's Office shall maintain, for a period of at least ten (10) years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for the purpose of audits and any other legal purposes.

6-4-108 Severability

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter. The City will not be responsible for any errors or omissions for any users of e-filing software pursuant to this chapter.