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**CHAPTER 8.05
ANIMAL CONTROL
(Repealed and Replaced by Ordinance No. 1281)**

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8.05.010 Authority. This chapter is enacted pursuant to the authority contained in Division 14 (beginning with §30501) of the Food and Agriculture Code of the State of California, §7 of the Food and Agriculture Code of the State of California and '25800 of the Government Code. (Ord. #1281)

8.05.020 Definition of Terms. The words and terms used in this chapter have the meaning indicated as follows unless the context clearly indicates otherwise:

- (1) **“Animal”** is defined to include, but not be limited to, any animal, poultry, bird, reptile, or fish, either wild or domestic.
- (2) **“Domestic Animal”** means dogs, cats, horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits and fowl commonly kept or raised as domestic animals.
- (3) **“Animal Control Officer”** means any person appointed by the Board of Supervisors to enforce this chapter and includes all duly authorized deputies.
- (4) **“Animal Shelter”** means the facilities provided by the County for the impoundment, relinquishment, quarantine, and adoption or sale of animals.
- (5) **“Commercial Purposes”** is defined to include any commercial trade in animals, or in services to owners, but not to include the use of dogs in livestock husbandry.
- (6) **“At Large”** or **“Stray”** mean any animal off the property of its owner or caretaker and either: (1) not under the control and in the immediate presence of the owner or caretaker, and (2) if the animal is a dog, not restrained by a leash or under the control and in the immediate presence of the owner or caretaker.
- (7) **“Caretaker”** means a person who is not the owner of an animal, but someone the owner has entrusted to care and control to animal.
- (8) **“Leash”** is defined as a cord, strap, rope, chain, cable, or similar device, not exceeding eight feet in length, and is capable of restraining the animal to which it is attached.
- (9) **“Cat”** includes all domesticated felines.
- (10) **“Collar”** means a band, chain or other suitable device worn around the neck of an animal to which a license tag may be affixed.
- (11) **“Disturbing the Peace”** means the permitting of any animal [except for livestock and poultry in land zoned as Exclusive Agricultural Zone (AAE) or Agricultural/Rural Residential Zone (AA/RR) by any person who owns, or has charge, care, control or custody of any such animal, by any sound or cry, to disturb the peace and comfort of any neighborhood, or to interfere with any person in the reasonable and comfortable enjoyment of live or property.
- (12) **“Dog”** includes any domestic and/or domesticated member of the canine family.
- (13) **“Feral Animal”** means any domestic animal that is known to live in a wild or semi-wild state without benefit of an owner, or any domestic animal that has escaped for a substantial period of time from the care of its owner and exists in a wild state without benefit of domestication.
- (14) **“Health Department”** means the Health Department of the County of Yuba.
- (15) **“Health Officer”** means the Director of the Yuba County Health Department or other person duly authorized by the Director to act on his or her behalf.

(16) **“Kennel”** means any enclosure, building, or structure where five or more dogs or cats of at least four months of age are kept, harbored or maintained in a confined manner for commercial purposes.

(17) **“Impoundment”** means the taking up and confining of an animal by the Director of Animal Control, or his appointee, in accordance with the provisions of this chapter or other applicable law or regulation.

(18) **“Large Animal”** means any domestic bovine animal, horse, mule, burro, sheep, goat, swine or any other animal in excess of one hundred pounds.

(19) **“Livestock”** includes all domesticated bovine, equine, ovine, avian and rodent species.

(20) **“License Collector” or “License Officer”** is defined to mean the Treasurer-Tax Collector of Yuba County or his designated deputy.

(21) **“Owner”** means any person, firm or corporation, who possesses, has title, or an interest in, harbors, or has control, custody or possession of an animal.

(22) **“Person”** includes any individual, firm, association, organization, partnership, business trust, estate, corporation or company.

(23) **“Pet Shop”** includes any commercial premises or facilities used, occupied, owned, or managed by any person, firm or corporation where live animals are kept for sale as domestic pets.

(24) **“Potentially Dangerous”** means any commercial premises or facilities used, occupied, owned, or managed by any person, firm or corporation where live animals are kept for sale as domestic pets.

(25) **“Repeatedly,” “Regularly,” or “Habitually”** are all defined to mean an act occurring three or more times in a twelve-month period.

(26) **“Rural Area”** includes the unincorporated are of the County of Yuba, which is not included in urban areas as herein defined.

(27) **“Small Animal”** means a domestic animal or domesticated wild animal, which is not a “Large Animal” as defined in this chapter.

(28) **“Urban Area”** includes all areas or portions of Yuba County designated by R1, R2, R3, C or MI zoning.

(29) **“Vaccination”** means the inoculation of an animal with a vaccine approved by and in the manner prescribed by the State Department of Public Health.

(30) **“Veterinarian”** means a person licensed by the State of California to practice veterinary medicine.

(31) **“Vicious Dog”** means any dog as defined by ‘31603 of the Food and Agriculture Code and ‘8.05.230 of this chapter.

(32) **“Wild Animal”** means any animal, bird, reptile, or fish, which is not normally domesticated in California as specified by the California Department of Fish and Game.

(33) **“Working Animals”** means animals under the control of humans used in the movement of livestock, poultry, or in the taking of wild animals or fowls during season established by the U.S. Government, the State or in field trails, exhibitions or competitions.

(34) “**Working Day**” means any day not a Saturday or Sunday, and not a holiday as defined in California Government Code §6700. (Ord. #1281)

8.05.030 Animal Control Officer. The position of Animal Control Officer is hereby established. (Ord. #1281)

8.05.040 Animal Control Officer - Authority. The duty and obligation of the enforcement of this chapter, and of the Food and Agricultural Code of the State of California, and all other laws pertaining to the care, treatment or possession of animals is vested in the Animal Control Officer, as a public officer, pursuant to §7 of the Food and Agricultural Code of the State of California and is vested with the authority to issue citations for violations of this chapter under the provision of Chapter 1.20 of the Yuba County Ordinance Code. (Ord. #1281)

8.05.045 Authority to Carry Firearms. The Sheriff may specifically designate Animal Control Officers to carry firearms when acting in the course and scope of their employment pursuant to §12031 of the California Penal Code. (Ord. #1281)

8.05.050 Establishment of Animal Shelter. An animal shelter is hereby authorized and established in the County of Yuba. The Board of Supervisors will periodically designate the location of the shelter(s) by resolution. (#Ord. #1281)

8.05.060 License Collection. The Treasurer-Tax Collector of Yuba County is hereby authorized and directed to collect license fees as provided herein and the Animal Control Officer upon receipt of evidence of a payment of such fees is hereby authorized and directed to issue license certificates and tags as provided herein.

Funds pursuant to this chapter and otherwise in the operation of Animal Control shall be accounted for as required by the Auditor-Controller and shall be deposited at least weekly with the Treasurer-Tax Collector, or as otherwise specified by the Board of Supervisors. (Ord. #1281)

8.05.070 Jurisdiction of Animal Control Officer. The Animal Control Officer has no power, authority, or duty as to animals that are within the jurisdiction and the authority of the United States Wild Life Services or the California Department of Fish and Game. (Ord. #1281)

8.05.080 Cats. Notwithstanding any language or provisions to the contrary, nothing in this chapter shall be construed to refer to or regulate domestic cats except those provisions relating to disease control. (Ord. #1281)

8.05.090 Animal Control Officer - Entry Onto Private Real Property. For the purpose of enforcing this chapter and discharging the duties imposed by law, the animal Control Officer is authorized to enter upon any enclosed or unenclosed real property provided that entry into private living quarters shall be permitted only insofar as it is authorized by California Health and Safety Code §1908.

Prior to entry upon any privately owned real property, the animal Control Officer shall make reasonable efforts to notify the owner thereof, or a reasonable person thereon, or his proposed enforcement action. If the Animal Control Officer is unable to contract the owner or such reasonable person, he shall post a notice at the normal point of entry to said property of the enforcement action taken.

In the performance of this duties, the Animal Control Officer shall have the authority, when in pursuit of an animal that is in violation of a provision of this chapter, to go on the property of the owner, or that of a third person, for the purpose of impounding the animal, provided that in the course of such pursuant he shall exercise reasonable care to avoid causing damage to the property. (Ord. #1281)

8.05.095 Emergency Summary Action. Notwithstanding any other provisions of this chapter, if the Animal Control Officer finds an injured cat or dog without its owner in a public place, and away from the owner's property, they shall take such animal to a veterinarian as specified in §597f(b) of the Penal Code. In accordance with §597f(b) of the Penal Code, the Animal Control Officer may, with the approval of his or her immediate supervisor, humanely destroy any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be humane to dispose of the animal. (Ord. #1281)

8.05.100 Licensing Requirements and Procedures.

(1) Every person who owns or comes into control, custody, or possession of any dog four months of age or older, shall, within thirty days of such ownership, control, custody or possession, or within thirty days of the dog reaching the age of four months, apply for and secure a license for the dog in accordance with this chapter. This license shall be renewed within thirty days after expiration, for a period not less than six months nor more than twenty-four months, except a dog may be licensed for a period not to exceed three years so long as they have attained the age of twelve months, or older, and have been vaccinated against rabies (refer to §30801(b) and (c) of the Food & Agriculture Code). Dogs not licensed within these periods shall be subject to a penalty.

(2) No such license shall be issued unless and until the dog has been vaccinated with a State approved rabies vaccine, by injection or other methods, as approved by the Health Officer. The owner or person in possession of the dog must present or submit a rabies vaccination certificate, good for the licensing period, which certificate shall be signed by the licensed veterinarian who administered the vaccination. This certificate shall contain the following information:

- (1) Type of vaccination used;
- (2) Date of the vaccination and the expiration date of the vaccination;
- (3) Breed, age, color, sex and any other identifying information of the vaccinated dog;
- (4) Serial number of the rabies vaccination tag issued to the dog; and
- (5) The name and address of the owner.

(3) Veterinarian vaccinating dogs against rabies in Yuba County shall furnish a copy of the Rabies Vaccination Certificate to Yuba County Animal Control within thirty days after vaccination.

(4) Whenever a current license tag has been lost or stolen, the owner of the dog for which the tag was issued may, upon payment of an established fee, receive a duplicate tag from the Animal Control Officer or Tax Collector. (Ord. #1281)

8.05.110 Licensing Rules and Regulations. The Animal Control Officer shall promulgate, with the approval by resolution of the Board of Supervisors, administrative rules and regulations to carry out the purposes of this chapter, including licensing requirements, vaccination requirements and administrative procedures for impounding, quarantining and disposing of animals. (Ord. #1281)

8.05.115 Wild Animals. Possession of wild animals requires a permit issued by the California Department of Fish and Game. (Ord. #1281)

8.05.120 Dog Vaccination Requirements. Every person who becomes in control, custody, or possession of any dog shall procure the rabies vaccination of the dog by a licensed veterinarian, with canine anti-

rabies vaccine approved by the Health Officer, within thirty days after the dog becomes four months of age. Rabies vaccinations are effective for the period of time specified by the State of California. (Ord. #1281)

8.05.130 Dog Licenses - Exceptions. The licensing requirements under the provisions of this chapter shall not apply to the following:

- (1) A dog owned by a non-resident of this County that does not remain in the County more than thirty days.
- (2) A dog licensed by any city within this County.
- (3) Dogs owned by a licensed kennel as shown by the Health Officer's records;
- (4) "Seeing-eye" or "Hearing Impaired" dogs used by residents in the jurisdiction of Yuba County Animal Control shall be licensed, but the license fees shall not be incurred or collected.
- (5) A dog owned and used by public agencies for law enforcement purposes shall be licensed, but the license fees established herein shall not be incurred or collected.
- (6) Residents, sixty-five years of age or older, may have one dog per household licensed free of charge for the duration of the certificate of rabies vaccination for the animal. Proof of the owner's age shall be provided by a valid driver's license, birth certificate, military identification card or similar document. (Ord. #1281)

8.05.140 License Tags. Upon issuance of a license, a County registration tag and a certificate of registration shall be issued. An owner or custodian of a dog, upon demand of the Animal Control Officer, shall exhibit this certificate to any Animal Control Officer. The numbered metal registration tags shall be securely fixed to a collar, harness or other device, and shall be worn only by the dog so registered at all times, except while such dog is within a dwelling or structure, or in an enclosed yard or pen. (Ord. #1281)

8.05.150 Impounding, Quarantine and Disposition of Animals.

- (1) The Animal Control Officer shall impound animals which:
 - (1) Are found "At Large".
 - (2) Are found in need of custodian services and care.
 - (3) Are found in a condition or situation which constitutes a hazard to the public health, safety and welfare.
 - (4) Are found without license tags.
 - (5) Are vicious.
 - (6) Are a public nuisance as defined hereinafter.
 - (7) Are designated for impoundment by the Health Officer.
- (2) Upon written notice of the Health Officer or his designee, the owner of any warm blooded domestic animal that has bitten or scratched a person within the previous ten days shall quarantine said

animal as directed by the Health Officer. At the discretion of the Health Officer, such quarantine shall require the owner to do one of the following:

(1) Confine the animal to the owner's premises.

(2) Surrender the animal to the Animal Control Officer for impoundment.

(3) Surrender the animal to a licensed veterinarian as designated or as approved by the Health Officer.

(3) Domesticated animals suspected of biting a human being will be placed in quarantine for a period of no more than ten calendar days (excluding the day of the bite) from the day the alleged bite occurred regardless of when the animal was actually placed into quarantine.

If a domesticated animal was exposed to a wild animal suspected of being infected with rabies, that animal may be placed in quarantine for a period of time consistent with State guidelines.

(4) If an animal is quarantined on the premises of the owner, the Health Officer or his designee may post a quarantine sign on the premises, and it shall be unlawful for any person to remove the sign during the term of the quarantine. In conjunction with the Animal Control Officer, it shall be the duty of the Health Officer to determine if a quarantined animal is suffering from a disease that is communicable to humans. If a licensed veterinarian designated or approved by the Health Officer determines that an animal is diseased, and the disease is dangerous to humans or to other animals, he may direct the Animal Control Officer, in writing to destroy the animal. A copy of such written notice shall also be served upon the owner of the animal.

(5) If the owner does not claim the animal within seventy-two hours after quarantine is completed, including payment of specified charges and fees, the animal may be sold, adopted or humanely destroyed by the Animal Control Officer.

(6) Whenever an owner observes or learns that an animal shows symptoms of rabies, or acts in a manner that would raise a reasonable suspicion that an animal has rabies, the owner of the animal shall immediately notify the Health Officer. The Health Officer shall make or cause to be made an examination to determine if the animal is rabid. The animal shall be held in isolation in a shelter, veterinary hospital or other facility designated by the Health Officer, or it may be destroyed or released as directed by the Health Officer.

(7) It shall be the duty and responsibility of any person within the boundaries of Yuba County who witnesses or otherwise becomes aware of any animal biting a human within the County to report the incident to the Health Officer or Animal Control Officer.

Should the Sheriff or Animal Control Officer obtain information that an animal is diseased or has bitten any human, or learns of any case of rabies or other animal disease dangerous to humans or animals in the County, such officials shall report this information to the Health Officer.

(8) Any animal taken into custody by the Animal Control Officer where through reasonable diligence the owner cannot be ascertained, or the owner has not provided or will not provide adequate care and treatment and which by age, injury disease, would be dangerous to keep impounded, or to prevent undue suffering of the animal, shall be destroyed in a humane manner.

(9) Every person taking up any animal under the provisions of this chapter or finding any lost, stray, or stolen animal shall notify the Animal Control Officer within twenty-four hours thereof. When such animals are delivered to the Animal Control Officer no fee shall be charged or held by the Animal Control

Officer and the animal shall be disposed of in the same manner as those impounded by the Animal Control Officer. Animals that have not been redeemed or claimed by their owners within the prescribed time, may be returned to the person who surrendered the animal provided that such person obtains a current license where necessary and pays any other applicable charges. Any person holding a dog or cat for thirty days or more is presumed to be the owner.

8.05.160 Impounding Notices. Within twenty-four hours after impounding any animal, which is legally licensed and wearing its tag, or other identification tag, or brand, or if the owner is known, the Animal Control Officer shall mail or deliver a written notice to the last known mailing address of the last known owner or keeper of the animal. This notification shall advise the owner or keeper that the animal has been impounded, the date of impoundment, and the location of the animal, unless such notice was posted on the owner's property when the animal was impounded. (Ord. #1281)

8.05.170 Impounding Records. The Animal Control Officer shall keep records on each animal in the order they are impounded. These records must include the following information:

- (1) A full description of the animal;
- (2) The date and time the animal was seized;
- (3) The location where the animal was seized;
- (4) The date of disposition of the animal;
- (5) The disposition of the animal;
- (6) The name of the owner, if known;
- (7) The manner in which the owner, if known, was notified of the impounding, and the date the notice was sent;
- (8) Any fees, charges due or proceeds of sale received on the account of the animal;
- (9) Any other information the Animal Control Officer deems appropriate as it relates to the animal.

8.05.180 Duration of Impoundment. Except as provided in §8.05.190 of this chapter, animals that are impounded will be kept as follows:

- (1) The required holding period for stray dogs is as follows:
 - (a) All impounded dogs found wearing a current license tag, or other identification of ownership, shall be kept for a minimum of seven days unless redeemed within such period.
 - (b) All impounded dogs not wearing a current dog license tag, or other identification of ownership, shall be kept for a minimum of four business days, excluding the day of impoundment, unless redeemed within such period. It is the responsibility of the Animal Control Officer to thoroughly check all impounded dogs for identification of ownership, including scanning for microchips.
 - (c) For the first three days of the holding period, excluding the day of impoundment, only the owner may reclaim the animal. During the remainder of the holding period, the animal shall be made available for adoption.

(d) Prior to any stray dog being killed for any reason other than irremediable suffering, the dog shall be released to a nonprofit animal rescue or adoption organization, as defined in §501(c)(3) of the Internal Revenue Code, if requested by the organization.

(2) Any impounded livestock shall be kept for a minimum of five days unless redeemed within such period. If the animal is unclaimed after the required holding period, the State of California Brand Inspector shall be notified. Stray cattle shall be released to the Brand Inspector for disposition. Other animals shall be disposed of as provided in §8.05.200 of this chapter.

(3) The required holding period for stray cats is as follows:

(a) All impounded stray cats shall be kept a minimum of four business days, excluding the day of impoundment, and shall be made available for owner redemption or adoption of the remainder of the holding period. It is the responsibility of the Animal Control to check all impounded cats for identification of ownership, including scanning for microchips.

(b) Stray cats shall be held for owner redemption during the first three days of the holding period, excluding the day of impoundment, and shall be made available for owner redemption or adoption for the remainder of the holding period. It is the responsibility of the Animal Control Officer to check all impounded cats for identification of ownership, including scanning for microchips.

(c) Prior to any stray cat being killed for any reason other than irremediable suffering, the cat shall be released to a nonprofit animal rescue or adoption organization if requested by the organization (refer to §31752(b) of the Food and Agriculture Code).

(4) Section 31752.5 of the Food and Agriculture Code defines a “Feral Cat” for purposes of holding periods and disposition.

(a) It is the responsibility of the Animal Control Officer to determine if any impounded stray cat is a domesticated cat or a feral cat. This determination shall be made using a standardized protocol.

(b) The Animal Control Officer will use the criteria established in §31752.5 of the Food and Agriculture Code to make this determination. The person making this determination must be qualified to verify the temperament of the animal to verify if the animal is feral or tame.

(c) If the Animal Control Officer determines the cat is domesticated, the cat shall be kept as prescribed in §8.05.180(c)(1) of this chapter.

(d) If the Animal Control Officer determines the cat is feral, and has not been reclaimed by its owner or caretaker within the first three days of the required holding period, the cat may be euthanized or relinquished to an appropriate nonprofit group or adoption organization, as defined by §501(c)(3) of the Internal Revenue Code.

(5) Pursuant to §31754(a) of the Food and Agriculture Code, the holding periods for relinquished animals is as follows:

(a) Pursuant to §17006 of the Food and Agriculture Code, animals that are irremediably suffering from a serious illness or severe injury shall not be held for owner redemption or adoption. Newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption or adoption.

(b) Pursuant to §31754 of the Food and Agriculture Code, except as provided in §17006 of the Food and Agriculture Code, any animal relinquished by the purported owner that is a species impounded

by pounds or shelters shall be held for the same holding periods, with the same requirements of care, applicable to stray dogs and cats in §31108 and §31755 of the Food and Agriculture Code, except that the period for owner redemption shall be one day, not including the day of impoundment, and the period for owner redemption or adoption shall be the remainder of the holding period. (Ord. #1281)

8.50.190 Retrieval From Impoundment. Except for animals described in §8.05.210 of this chapter, and animals quarantined for incidents involving biting or scratching of humans, impounded animals may be retrieved by their owners prior to the expiration of the designated time periods following payment of all due license fees, outstanding penalty fees, and the costs of impounding.

(1) All dogs and cats, four months of age or older, retrieved from impoundment, or adopted by residents, within the jurisdiction of Yuba County Animal Control shall be vaccinated against rabies. All dogs four months of age or older shall be licensed before release.

(2) Dogs and cats, four months of age or older, that do not reside within the jurisdiction of Yuba County Animal Control shall be vaccinated against rabies. The cost of the rabies vaccination shall be included in the fees for retrieval or adoption. The owner must provide verification that any dog retrieved by its owner, who reside in another jurisdiction, is currently licensed in that jurisdiction. (Ord. #1281)

8.05.200 Disposition of Animals. Except for animals described in §8.05.210 of this chapter, and animals held for quarantine, any animal not retrieved by the owner within the designated time period prescribed by this chapter, or by other legal authority, shall be sold, destroyed or otherwise disposed of. (Ord. #1281)

8.05.210 Public Nuisance - Seizure, Impoundment or Destruction of Certain Animals.

(1) Animals that habitually make noises, including barking, sounds or cries, so as to disturb the peace and tranquility of a neighborhood, or found to be habitually stray, are hereby declared to be a public nuisance and may be abated as such.

(2) It is unlawful for any person who owns, has care of, or custody of any animal to permit such animal by sound or cry to disturb the peace, quiet and comfort of any neighborhood, or to interfere with any person in the reasonable and comfortable enjoyment of life.

(3) Livestock and poultry on land zoned as Exclusive Agricultural Zone (AAE) or Agricultural/Rural Residential Zone (AA/RR) are exempted from declaration as a public nuisance in accordance to this chapter.

(4) In order to declare an animal a “public nuisance”, the Animal Control Officer must receive a minimum of three complaints from adult residents within a twelve-month period. These residents must reside in three separate households and be directly affected by the excessive noise or the stray animal.

(5) As defined in this chapter, the term “habitually” means no act occurring three times in a twelve-month period.

(6) If an animal is seized and impounded pursuant to this section, the animal Control Officer shall notify the owner by mail to the last known address as found in the records of the Animal Control Officer, of the intention to destroy said animal. This notice shall inform the owner the animal will be destroyed after the completion of the mandatory holding plus five days for mailing of the notice. This notice shall further inform the owner that he has an opportunity to be heard as to why the animal should not be destroyed.

(7) Upon receipt of such notice, an owner may demand an informal hearing before the supervising animal Control Officer, or his designee, within three business days of receipt of such notice. The owner may present his contentions and reasons as to why the animal should not be destroyed.

(8) Any animal impounded in which criminal charges are pending shall be kept impounded at the expense of the owner pending direction from the District Attorney or the Court.

(9) In the event an owner does not demand a hearing as prescribed in subsection (g), the animal shall be deemed abandoned and disposed of in accordance with §8.05.200 of this chapter.

(10) The owner of an animal deemed to be a public nuisance in accordance with this section may appeal the decision made by the Animal Control Officer to the Board of Supervisors. Such an appeal shall be in writing, addressed to the Clerk of the Board of Supervisors, and a copy sent to the Animal Control Officer. This written appeal shall set forth the appellants' contentions and arguments and shall be accompanied by the payment of a fee for processing the appeal in the sum of \$25.00. This appeal shall be personally submitted for processing the appeal in the sum of \$25.00. This appeal shall be personally submitted or postmarked within three working days of the decision of the Animal Control Officer.

(11) While the appeal is pending, the animal shall be maintained in the custody of the Animal Control Officer at the owner's expense. If the Clerk of the Board of Supervisors does not receive a copy of the appeal within the prescribed time period, the animal shall be disposed of pursuant to §8.05.200 of this chapter.

(12) Upon receipt of the written appeal, the Clerk of the Board of Supervisors shall set the matter for a hearing before the Board no later than two weeks thereafter, and shall promptly notify all interested parties in writing of the time and place of the hearing.

(13) After hearing testimony of all persons at the hearing, the Board of Supervisors may order the animal destroyed or released, or may, for good cause, make any other consistent with the purposes of this chapter. The decision of the Board of Supervisors shall be final.

(14) The Animal Control Officer shall hold said animal not returned to its owner, a minimum of twenty-four hours after the decision by the Board of Supervisors to allow the owner the opportunity to file a petition with the Court.

(15) If the Board of Supervisors order the animal released from impoundment, the owner may retrieve the animal upon payment of all fees owned and the actual cost for impoundment. The Board of Supervisors may modify the fees or cost of impoundment of their discretion. (Ord. #1281)

8.05.220 Potentially Dangerous Dog. In accordance with §31602 of the Food and Agricultural Code, a "Potentially Dangerous Dog" is defined as any of the following:

(1) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or

(2) Any dog which, when unprovoked, bites a person causing a less than "severe" injury' than as defined in §31604 of the Food and Agricultural Code; or

(3) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property or keeper of the dog. (Ord. #1281)

8.05.230 Vicious Dog. In accordance with §31603 of the Food and Agricultural Code, a “Vicious Dog” is defined as any of the following:

(1) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code; or

(2) Any dog which, when unprovoked, in an aggressive manner, inflicts a “severe injury” on or kills a human being. A “severe injury” is defined in §31604 of the Food and Agricultural Code; or

(3) Any dog previously determined to be and currently listed as a “potentially dangerous” dog which, after its owner or keeper has been notified of this determination, continues the behavior described as “potentially dangerous”, or is maintained in violation of §31641, §31642 or §31643 of the Food and Agriculture Code. (Ord. #1281)

8.05.240 Potentially Dangerous or Vicious Dog - Judicial process and Disposition.

(1) If the Animal Control Officer or a law enforcement officer has investigated and determined there exists probable cause to believe a dog is “potentially dangerous” or “vicious”, they shall petition the Superior Court within the judicial district wherein the dog is owned or kept for a hearing to determine whether or not the dog in question should be declared potentially dangerous or vicious. This judicial process shall be in compliance with the Food and Agricultural Code.

(2) The disposition of any dog formally declared as potentially dangerous or vicious shall be in compliance with §31621 of the Food and Agriculture Code. (Ord. #1281)

8.05.250 Removal of Dead Animals.

(1) The Animal Control Officer shall assist the California Department of Transportation in the removal and disposal of dead animals found in or on State Highways within the jurisdiction of Yuba County Animal Control.

(2) The Animal Control Officer shall assist the California Department of Fish and Game in the removal and disposal of wild animal carcasses from the public highways, streets, alleys, or other publicly owned property located within the jurisdiction of the Yuba County Animal Control.

(3) The Animal Control Officer shall remove and dispose of dead animals found in or on any County highway, street, alley or other publicly owned place or premises, or on the order of the Health Officer from any private property located within the jurisdiction of Yuba County Animal Control.

(4) The cost of removal shall be borne by the owner of the animal or the owner of the property on which the animal is found. (Ord. #1281)

8.05.260 Resist or Interfere With Animal Control Officer. It is unlawful for any person to resist or interfere with the Animal Control Officer or the Health Officer while in the discharge of official duties. Violation of this section is a misdemeanor. (Ord. #1281)

8.05.270 Failure to Provide License Information. It is unlawful for any person to fail or refuse to show to any person authorized to enforce this chapter the license certificate and/or license tag for any duly licensed dog owned or in the custody, control of possession of such person. Violation of this section is an infraction. (Ord. #1281)

8.05.280 Unlicensed and Unvaccinated Dogs. It is unlawful for any person to harbor, control or have custody of any dog within the jurisdiction of Yuba County Animal Control unless it has been licensed and

vaccinated pursuant to the provisions of this chapter or the law of the State of California. Violation of this section is an infraction. (Ord. #1281)

8.05.290 Permitting an Animal To Suffer. It is unlawful for any owner or person having custody or control of any animal to allow that animal to needlessly suffer. Violation of this section is a misdemeanor.

8.05.300 Harboring a Vicious Animal. It is unlawful for any person to harbor a vicious animal. Violation of this section is a misdemeanor.

8.05.310 At Large Animals.

- (a) No person owning or having control of any animal, livestock or poultry shall permit such animal to stray or run at large upon any public street, other public place, any enclosed private lot belonging to another or any unenclosed private place in Yuba County with the exception of livestock on an open range.
- (b) Whenever any animal, other than a working animal, is off the property of its owner or caretaker it must either:
 - (1) be under the control and in the immediate presence of the owner or caretaker; or
 - (2) if the animal is a dog it must be restrained by a leash not to exceed eight feet in length or be under the control of the owner or caretaker.
- (c) If a female dog is in “heat” (season), it will be confined in an enclosed area in such a manner that the female dog cannot come in contact with another dog except for planned breeding.
- (d) No person shall bring or allow any animal into a County owned or leased public building (other than the County Animal Shelter), with the exception of a “seeing-eye” or “hearing impaired” dog. This section does not apply to any animal used by law enforcement agencies of the County, State or Federal Government while in the performance of their official duties.
- (e) Any person may take up and deliver to the Animal Control Officer any animal found at large on public property or upon that person’s private property. The Animal Control Officer shall hold and dispose of the animal in the same manner as though the animal had been found at large and impounded by the Animal Control Officer.
- (f) A violation of this section is an infraction. (Ord. #1281)

8.05.320 Disturbing the Peace. It is unlawful for any person having custody or control of animal to allow, permit or cause the animal to utter any frequent or continuous noise of an irritating or raucous nature that disturbs the peace and quiet of any person. Violation of this section is a misdemeanor. (Ord. #1281)

8.05.330 Trespassing. It is unlawful for the owner or person having custody or control of any animal to permit the animal to trespass upon any private property without the consent of the owner. The owner or keeper of any trespassing animal shall be responsible for actual damage done by the animal. Violation of this section is an infraction. (Ord. #1281)

8.05.340 Animal Neglect. It is unlawful for any owner or person having control or custody of any animal to permit or allow such animal to go without food, water, care and attention, or to permit the

accumulation of animal excreta on property under the owner or keeper's control, as to constitute a health hazard or other wise be a public nuisance. Violation of this section is an infraction. (Ord. #1281)

8.05.350 Disposition of Dead Animals. It is unlawful for any person to dispose of any dead animal on any public highway, street, alley or any other public place. Violation of this section is an infraction. (Ord. #1281)

8.05.360 Refusal to Quarantine Animals. It is unlawful for any person to refuse to comply with directions or orders of the Health Officer or Animal Control Officer to quarantine and confine an animal for a period of ten days. Furthermore, it is unlawful for any person to fail, refuse, or neglect to allow the Health Officer or Animal Control Officer, or their deputies, to inspect or examine a quarantined animal at any reasonable time during the quarantine period. Violation of this section is a misdemeanor. (Ord. #1281)

8.05.370 Zoning Ordinance. It is unlawful for any person to maintain or harbor any animal in conflict with the Yuba County Zoning Ordinances. Violation of this section is an infraction. (Ord. #1281)

8.05.380 Sale of Unclaimed Valuable Animal(s). any unclaimed or abandoned animal, which in the opinion of the Animal Control Officer is usually valued at one hundred dollars (\$100.00) or more shall be advertised and sold in accordance with the following procedures:

- (a) After holding the animals(s) for five days the Animal Control Officer shall post a notice of sale at the Animal Shelter and at the Courthouse. This notice shall describe the animal(s) and specify a date, time and place of auction sale or for the delivery of sealed bids. Notice of sale of animal(s) to be sold under sealed bid shall also be published in a newspaper of general circulation published in the County. No auction sale or sale by sealed bid can be held until ten days have elapsed with the animal(s) being held in impoundment by the Animal Control Officer.
- (b) The Animal Control Officer shall sell such an animal to the highest bidder for cash. However, the selling price shall not be for less than the accumulated cost and fees incurred as a result of impounding the animal.
- (c) Notwithstanding any of the above, no animal shall be sold for experimental purposes.
- (d) Any animal pending sale pursuant to this section may be claimed and redeemed by its owner at any time prior to the time of the sale. The return of the animal to its owner shall be predicated on payment of all accumulated costs and fees, including reimbursement of actual expenses incurred for advertising the sale.
- (e) Any proceeds of the sale in excess of the costs incurred by the County in the capture, transportation, care and sale of the animal, plus an amount equal to 10% of such costs, shall be placed in a trust in the County Treasury for ninety days. Notice of excess proceeds and the right to file a claim for the excess proceeds shall be given to the owner of the animal and to the taker-up, if any. At the end of the ninety day period, the County Counsel and the Animal Control Officer shall review all claims filed, and shall distribute said proceeds in the following order of priority:
 - (1) Any individual, partnership, corporation or association with a perfected security interest in the animal as required by the California Commercial Code.
 - (2) Any taker-up for any reasonable costs incurred in such action.

- (3) The owner of the animal.
- (f) At the end of the ninety-day holding period, if no one files a claim for the proceeds of a sale the unclaimed money will be placed in the Animal Control Budget.

8.05.390 Fencing.

(a) All livestock shall be kept behind a fence that is good, strong, substantial and sufficient to prevent their ingress and egress. No wire fence meets the standards of this section unless it has a minimum of four equally spaced, tightly stretched barbed wires. The wires will be fastened to posts of reasonable strength, firmly set in the ground, and not more than ten feet apart. One of the wires must be at least four feet above the surface of the ground. Any other fence of height, strength, and capacity equal to or greater than the wire fence herein described is a good and substantial fence within the meaning of this chapter. The term "fence" includes guards of such width, depth, railing space and construction so as to effectively turn livestock.

(b) It shall be the responsibility of the property owner, lessee, or caretaker to maintain or install fencing that will prevent the ingress and egress of livestock housed, corralled or grazed on the property.

(c) If the responsible person, or persons, refuse or neglect to bring their fencing up to standards described in this section within ten working days of written notice by the Animal Control Officer, or fail to file a written appeal to the Board of Supervisors, the Animal Control Officer may impound the animal(s). The livestock will thereafter be disposed of as provided in this chapter.

(d) A violation of this section is an infraction. (Ord. #1281)

8.05.400 Spay or Neuter Deposit.

(a) Sections 30503, 30520 and 31751.3 of the Food and Agriculture Code prohibits an animal shelter to sell or give away any dog or cat to a new owner unless it has been spayed or neutered.

(b) If a licensed veterinarian certifies a dog or cat is too sick or injured to be spayed or neutered, or that it would be otherwise detrimental to the health of the dog or cat to be spayed or neutered, the adopter or purchaser shall pay the animal shelter a deposit not less than \$40.00 and not more than \$75.00 in accordance to the Food and Agriculture Code.

(c) Such a deposit is temporary, and shall only be retained until the dog or cat is healthy enough to be spayed or neutered as certified by a licensed veterinarian.

(d) The dog or cat shall be spayed or neutered within fourteen business days of the veterinarian's certification. If the adopter or purchaser provides written proof to the Animal Control Officer of the spaying or neutering within thirty business days of obtaining such proof, the deposit shall be refunded in full.

(e) Pursuant to §30523 and §31763 of the Food and Agriculture Code, any person who fails to have a dog or cat spayed or neutered as required is subject to a civil penalty. (Ord. #1281)

8.05.410 Violations.

(a) Specified sections of this chapter have been designated as misdemeanors. Any person convicted of a misdemeanor in this chapter is punishable by imprisonment in the County Jail for a term not to exceed six months, or a fine not to exceed five hundred dollars (\$500), or both for each separate offense.

(b) Any section not specifically designated as a misdemeanor shall be designated as an infraction. Any

person convicted of an infraction in this chapter is punishable as follows:

- (1) First Offense – A fine of fifty dollars (\$50) per animal per incident;
- (2) Second Offense – A fine of one hundred dollars (\$100) per animal per incident;
- (3) Third and subsequent Offense – A fine of two hundred and fifty dollars (\$250) per animal per incident.

(c) This chapter shall be enforced in accordance with the procedures set forth in §853.6 of the California Penal Code. (Ord. #1281)

CHAPTER 8.10 PARADES

Sections

- 8.10.010 Definitions**
 - 8.10.020 Permit Required**
 - 8.10.030 Application**
 - 8.10.040 Filing**
 - 8.10.050 Review**
 - 8.10.060 Notice**
 - 8.10.070 Insurance**
 - 8.10.080 Appeal**
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8.10.010 Definitions. The following shall have the following meaning when used in this Chapter unless it clearly appears from the context that a different meaning is intended. All other words or phrases shall be given their ordinary meaning.:

- a. “Event” means an organized gathering of people for social occasions such as neighborhood block parties, street fairs and school carnivals.
- b. “Parade” means any organized formation or procession of persons or vehicles, or both other than a funeral procession.
- c. “Person” means any individual group of individuals, club, association, partnership or corporation.
- d. “Highway” means any public street, highway, alley, sidewalk, public park, or other public property, in the unincorporated area of the County of Yuba.
- e. “Vehicle” means any automobile, truck, airplane, cart, trailer, wagon, float, or other means of transportation or conveyance. (#827 as amended by #1164)
- f. “Public Works Director” means the Director of the Public Works Department within the Community Development and Services Agency.

8.10.020 Permit Required. It shall be unlawful and a misdemeanor for any person to organize, hold or participate in any parade or event upon any highway without first obtaining a permit therefor as hereinafter provided. (#827 as amended by #1164)

8.10.030 Application. A parade and event permit shall be requested by a written application on a form provided by the Public Works Director. The following information shall be provided on the application form:

- a. Name of the person desiring the permit.
- b. Time and place, including the route and termini of said parade or event.
- c. Approximate or estimated number of persons and vehicles which will participate.
- d. For what purpose said parade or event will be held.
- e. If applicant is other than a natural person the name and address of the authorized representative.
- f. Whether or not any roads will need to be closed.
- g. Whether or not a parade permit issued to the applicant has ever been suspended, cancelled or revoked. (#827 as amended by #1164)

8.10.040 Filing. Said application shall be filed with the Public Works Director at least thirty (30) days prior to the parade and shall be accompanied by a nonrefundable fee set by resolution of the Board of Supervisors. The applicant shall declare under penalty of perjury that the information contained in the application is true. (#827 as amended by #1164)

8.10.050 Review. Upon receipt, the Public Works Director may send the application to the Highway Patrol for its review and recommendation to be completed at least two weeks prior to the parade or event. The Public Works Director shall (a) state the reasons therefore, (b) approve, or (c) approve subject to certain specified conditions. The Public Works Director shall also note on the application the estimated costs to the County for any services required to be performed. (#827 as amended by #1164)

8.10.060 Notice. Upon approval of the permit the Department of Public Works shall give notice of such permit to all emergency agencies in the area of the parade of the time and location of the parade. (#827 as amended by #1164)

8.10.070 Insurance. Prior to issuance of the permit, a Certificate of Public Liability Insurance, naming the County of Yuba, its officers, agents and employees as additional insureds, in the amount of \$300,000 Combined Single Limit shall be filed with the Department of Public Works. (#827 as amended by #838 and #1164)

8.10.080 Appeal. Any person not satisfied with the action of the Director of Public Works hereunder, shall, within 10 calendar days, file an appeal, in writing, to the Board of Supervisors. The Board of Supervisors shall hear the appeal within 30 days of the filing date. There shall be no charge for any appeal specified herein. (#1164)

CHAPTER 8.20 NOISE REGULATIONS

8.20.110 Declaration of Policy

8.20.120 Definitions

8.20.130 Sound Level Measurement Criteria

8.20.140 Ambient Base Noise Level

8.20.210 Radios, Television Sets & Similar Devices

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- 8.20.310 Construction of Buildings and Projects
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ARTICLE 1
GENERAL PROVISIONS

8.20.110 Declaration of Policy. In order to control unnecessary, excessive and annoying noise and vibration in the County of Yuba, it is hereby declared to be the policy of the County to prohibit such noise and vibration generated from or by all sources subject to its police power as specified in this chapter. It shall be the policy of the County to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the County where noise levels are above acceptable limits.

It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the Board of Supervisors does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this chapter is a public nuisance and shall be punishable as such. (#1094)

8.20.120 Definitions. As used in this chapter, unless the content otherwise clearly indicates, certain words and phrases used herein are defined as follows:

(a) **Ambient Noise Level.** The “ambient noise level” is the composite of noise from all sources near and far and constitutes the normal or existing level of environmental noise at a given location. The ambient noise level is the level obtained when the noise level is averaged over a period of 15 minutes 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.

(b) **Commercial Purpose.** “Commercial purpose” shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.

(c) **County.** “County” means the County of Yuba.

(d) **dB.** “dB” means decibel as herein defined.

(e) **dB**A. “dBA” means decibels measured on A-weighted scale as herein defined in subsection (q) entitled “Sound Level Measurement.”

(f) **Decibel**. The “decibel” is a unit measure of sound level or noise level relative to a standard reference sound on a logarithmic scale. The decibel level of a given sound is determined as twenty times the logarithm to the base 10 of the ratio of the pressure in micronewtons per square meter of the sound being measured to the standard reference sound pressure of 20 micronewtons per square meter (0.0002 microbar).

(g) **Emergency Work**. Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(h) **Frequency**. “Frequency” is the number of times that a periodic function repeats the same sequence of values during a unit variation of the independent variable. The unit is the hertz and shall be specified.

(i) **Hertz**. “Hertz” shall mean the complete sequence of values of a periodic quantity which occurs during a period.

(j) **Microbar**. “Microbar” shall mean a unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.

(k) **Motor Vehicle**. The term “motor vehicle” shall include, but not be limited to, mini-bikes and go-carts.

(l) **Noncommercial Purpose**. “Noncommercial purpose” shall mean and include the use, operation, or maintenance of any sound amplifying equipment for other than a “commercial purpose.” “Noncommercial purpose” shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purposes.

(m) **Period**. “Period” of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

(n) **Periodic Quantity**. “Periodic Quantity” shall mean oscillating quantity, the values of which recur for equal increments of time.

(o) **Person**. “Person” shall mean a person, firm, association, copartnership, joint venture, corporation, or any entity, public or private in nature.

(p) **Property Plane**. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(q) **Sound Level Measurement**. For the purpose of enforcement of the provisions of this chapter, sound level or noise level shall be measured in decibels on the A-weighted scale with a sound level meter satisfying at least the applicable requirements for Type 1 or Type 2 sound level meters as defined in the most recent American National Standard Specifications. The meter shall be set for slow response speed, except that for impulse noises or rapidly varying sound levels, fast response speed may be used.

For outside measurements the microphone shall not be less than four feet above the ground, at least four and one-half feet distant from walls and similar large reflecting surfaces, and shall be protected from the

effects of wind noises and other extraneous sounds by the use of screens, shields or other appropriate devices; for inside measurements, the microphone shall be at least three feet distant from any wall, and the average measurement of at least three microphone positions throughout the room shall be determined.

(r) **Zone.** “Zone” means the designation given to property in Title XII of the Yuba County Ordinance Code. (#1094)

8.20.130 Sound Level Measurement Criteria. Any sound level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using the “A” weighting, as defined in section 8.20.120(q). (#1094)

8.20.140 Ambient Base Noise Level. Where the ambient noise level is less than designated in this section, the respective maximum noise level permitted in this section shall govern.

<u>Zone Permitted</u>	<u>Time</u>	<u>Sound Level A – in decibels</u>	
		<u>Ambient Level</u>	<u>Maximum Noise Level</u>
Single family Residential	10 pm to 7 am	45	55
	7 pm to 10 pm	50	60
	7 am to 7 pm	55	65
Multi-family Residential	10 pm to 7 am	50	60
	7 am to 10 pm	55	65
Commercial –BP	10 pm to 7 am	55	65
Commercial M1 M2	7 am to 10 pm	60	70
	Anytime	65	75
	Anytime	70	80

**ARTICLE 2
SPECIAL NOISE SOURCES**

8.20.210 Radios, Television Sets, and Similar Devices.

Use Restricted. It shall be unlawful for any person within any residential zone of the county to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound above the maximum noise level permitted in Section 8.20.140 during the hours therein set forth in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area. (#1094)

8.20.220 Hawkers and Peddlers. It shall be unlawful for any person within the County to sell anything by outcry within any area of the County zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events. (#1094)

8.20.230 Drums.

Use Restricted. It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the County. This section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized to engage in such conduct. The residential use of drums shall not exceed the maximum noise levels permitted in section 8.20.140. (#1094)

8.20.240 Schools, Hospitals and Churches. It shall be unlawful for any person to create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in any hospital, provided conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school, church, or hospital. (#1094)

8.20.250 Animals and Fowl. No person shall keep or maintain, or permit the keeping of, upon any premises owned, occupied, or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any sound, cry, or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood. (#1094)

8.20.260 Machinery, Equipment, Fans and Air Conditioning. It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property plane of any property to exceed the ambient base noise level by more than five (5) decibels. (#1094)

ARTICLE 3

CONSTRUCTION

8.20.310 Construction of Buildings and Projects. It shall be unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless a permit has been duly obtained beforehand from the Community Development and Services Agency's Director of the Planning Department as set forth in Section 8.20.710 of this chapter. No permit shall be required to perform emergency work as defined in article 1 of this chapter. (#1094)

8.20.320 Motor Driven Vehicles. It shall be unlawful for any person to operate any motor driven vehicle within the County so that it produces noise in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, any such vehicle which is in movement upon any public highway, street, or right-of-way shall be excluded from the provisions of this section. (#1094)

8.20.330 Noise from Vehicle Audio Equipment. No person shall use or operate a radio, tape player, record player, compact disc player or any similar device in a vehicle on or within any public street, public park, public parking lot or other public place within the county which is audible to a person of normal hearing sensitivity more than fifty (50) feet from said vehicle, nor shall any person use or operate any of said devices on private property where such device is audible either beyond the property plane for said property or twenty-five feet from the vehicle, whichever is greater. (#1094)

ARTICLE 4

AMPLIFIED SOUND

8.20.410 Purpose. The Board of Supervisors enacts this legislation for the sole purpose of securing and promoting the public health, comfort, safety, and welfare of its citizenry. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Board of Supervisors nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this

community to privacy and freedom from the public nuisance of loud and unnecessary noise. (#1094)

8.20.420 Permit Required. It shall be unlawful for any person, other than personnel of law enforcement or governmental agencies, to install, use, or operate within the County any loudspeaker or sound amplifying equipment in a fixed or moveable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, or place without first obtaining a permit therefor as set forth in section 8.20.720. (#1094)

8.20.430 Amplified Sound - Regulations.

The commercial and noncommercial use of sound amplifying equipment, both under this article and article seven, shall be subject to the following regulations:

- (a) The only sounds permitted shall be either music or human speech or both.
- (b) The operation of sound amplifying equipment shall only occur between the hours of 8:00 a.m. and 9:00 p.m. each day, except on Sundays and legal holidays. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays or legal holidays shall only occur between the hours of 8:00 a.m. and 6:00 p.m.
- (c) Sound emanating from sound amplifying equipment shall not exceed fifteen (15) decibels above the ambient base noise level set forth in section 8.20.140.
- (d) Notwithstanding the provisions of subsection (c) of this section, sound amplifying equipment shall not be operated within 200 feet of churches, schools, hospitals, or Yuba County buildings. Nothing herein shall be construed as depriving churches, schools, hospitals or the County the right to use sound amplifying equipment on their own property so long as such use complies with other provisions of this section and section 8.20.720.
- (e) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility. (#1094)

**ARTICLE 5
TRAIN HORNS OR WHISTLES**

8.20.510 Train Horns or Whistles. It shall be unlawful for any person to operate or sound, or cause to be operated or sounded, between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, a train horn or train whistle or similar device which creates a noise level in excess of eighty-nine (89) decibels at any place or point 300 feet or more distant from the source of such sound. (#1094)

**ARTICLE 6
GENERAL NOISE REGULATIONS**

8.20.610 General Provisions. Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. (#1094)

8.20.620 Standards - Criteria. The standards which shall be considered in determining whether a

violation of the provisions of section 8.20.610 exists shall include, but shall not be limited to, the following criteria:

- (a) The frequency of the noise;
 - (b) The intensity of the noise;
 - (c) The level of the noise;
 - (d) Whether the nature of the noise is usual or unusual;
 - (e) Whether the origin of the noise is natural or unnatural;
 - (f) The frequency, level, and intensity of the background noise, if any;
 - (g) The proximity of the noise to residential sleeping facilities;
 - (h) The nature and zoning of the area within which the noise emanates;
 - (i) The density of the inhabitation of the area within which the noise emanates;
 - (j) The time of the day or night the noise occurs;
 - (k) The duration of the noise;
 - (l) Whether the noise is recurrent, intermittent, or constant; and
 - (m) Whether the noise is produced by a commercial or noncommercial activity.
- (#1094)

ARTICLE 7 EXEMPTIONS/PERMITS

8.20.710 Exemptions Authorized by Permit - Immediate Compliance Impractical or Unreasonable.

Where the applicant can show that notwithstanding the application of all available noise abatement techniques, immediate compliance with the requirement of this chapter would be impractical or unreasonable, a conditional and/or limited noise permit may be granted an applicant, exempting the particular project or activity from the provisions of this chapter for a limited period, not to exceed six months, subject to renewal upon a further showing of good cause conditioned by a schedule for compliance and details of methods therefor in appropriate cases. Applications for such permit shall be made to the Community Development and Services Agency to process such permits upon a form provided therefor. Such application shall be processed in the following manner:

(a) The Director of the Community Development and Services Agency, or his or her designee, is empowered to deny any such application.

(b) In determining whether to grant or deny the application, the Director of the Community Development and Services Agency, or his or her designee, shall balance the hardship on the applicant, the community, and other persons of not granting the permit against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the permit. Applicants for permits and persons contesting permits may be required to submit such information as the Director of the Community Development and Services Agency, or his or her designee, may reasonably require. In granting or denying an application, the Director of the Community Development and Services Agency shall keep on public file a copy of the decision and the reasons for

denying or granting the permit.

(c) Permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any conditions of the permit shall terminate the permit and subject the person holding it to those provisions of this ordinance for which the permit was granted.

(d) Prior to issuance of the permit, a fee in the amount set forth in Title XIII shall be paid to the County of Yuba. The same fee shall be required for each renewal of the original permit.
(#1094, #1405)

8.20.720 Exemptions Authorized by Permit - Special Events Conducted on Public Property at Which Noise is Produced by Mechanical or Amplifying Equipment.

(a) Every user of sound amplifying equipment shall file an application with the Community Development and Services Agency twenty-one (21) days prior to the date on which the sound amplifying equipment is intended to be used, which application shall contain the following information:

- (1) The name, address and telephone number of both the owner and user of the sound amplifying equipment;
- (2) The maximum sound producing power of the sound amplifying equipment, which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate distance for which the sound will be audible from the sound amplifying equipment;
- (3) The license and motor number if a sound truck is to be used;
- (4) A general description of the sound amplifying equipment which is to be used; and
- (5) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

(b) Upon application, filed in the manner provided by this section, the Director of the Community Development and Services Agency, or his or her designee, may issue a permit exempting from the requirements of this chapter any special event conducted on public property at which noise is produced by any mechanical or amplifying equipment which will, or is likely to, exceed the noise limits provided for by this chapter if the Director of the Community Development and Services Agency, or his or her designee, after considering such application, finds:

- (1) That the special event is of interest to a substantial number of persons residing in the County;
- (2) That the special event is open to all persons residing in the County, subject only to the payment of a reasonable fee by those persons attending the event; and
- (3) That compliance with the provisions of this chapter would unreasonably interfere with the conduct of the special event.

(c) If the Director of the Community Development and Services Agency, or his or her designee, finds that such special event meets all of the requirements of this section, the Director of the Community Development and Services Agency, or his or her designee, shall issue such permit to the person or persons sponsoring the special event; provided, however, that in approving such permit, the Director of the Community Development and Services Agency, or his or her designee, may impose reasonable limitations on the conduct of the special event, including limitations on the date and times during which

the special event may take place and limitations on the level of noise produced at this special event not more stringent than the limitations on noise provided by this chapter. In addition, the Director of the Community Development and Services Agency, or his or her designee, may require, as a condition of the issuance of such permit, that the person or persons sponsoring such event take such measures as may be prescribed by the Director of the Community Development and Services Agency, or his or her designee, to mitigate the adverse effect of the noise produced at the special event.

(d) Prior to issuance of the permit, a fee in the amount of fifty dollars (\$50.00) per day, or any portion thereof, shall be paid to the County, if the mechanical or amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of mechanical or amplifying equipment for noncommercial purposes. (#1094, #1405)

8.20.730 Exemptions in General.

(a) No provision contained herein shall be deemed to have any force or effect on territory located within the boundaries of Beale Air Force Base which is located within the County of Yuba, nor upon sounds emanating therefrom.

(b) No provision contained herein shall be deemed to supersede or overrule any provision of the Yuba County General Plan, nor any Noise Element thereof.

(c) No provision contained herein shall be deemed to supercede or overrule any provision of Chapter 11.55 of the Yuba County Ordinance Code which relates to farming and mining operations.

(d) Nothing contained herein shall be deemed to prohibit collection of refuse, as defined in Yuba County Ordinance Code, section 7.05.020(e), by a licensed refuse disposal company as it is in the interest of the public health and safety that these activities take place during early morning hours when vehicle and pedestrian traffic is at a minimum. (#1094)

8.20.740 Appeal. Any person aggrieved by the decision of any administrative officer empowered to administer the provisions of this chapter shall have the right to appeal the decision of any such officer to the Board of Supervisors. (#1094)

ARTICLE 8 ENFORCEMENT AND PENALTIES

8.20.810 Enforcement. The Director of the Community Development and Services Agency, or his or her designee, and the Yuba County Sheriff shall have the duty of enforcing the provisions of this chapter, and such officials are empowered to issue citations for violations. (#1094, #1405)

8.20.820 Notice of Violation. Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section 8.20.830, violation of any provision of this ordinance shall be cause for a Notice of Violation to be issued by the enforcement official. (#1094)

8.20.830 Abatement Orders.

(a) In lieu of issuing a notice of violation as provided for in Section 8.20.820, the official responsible for enforcement of any provision of this ordinance may issue an order requiring abatement of a sound source alleged to be in violation, within a reasonable time period.

(b) No complaint or further action shall be taken in the event that the cause of the violation has been removed, or the condition abated or fully corrected within the time period specified in the written notice. (#1094)

8.20.840 Service of Notices and Orders. Any abatement order or notice of violation issued pursuant to section 8.20.820 or section 8.20.830 shall be served on any of the following persons as defined in section 8.20.120(o):

- 1) The person in apparent control of the premises where the violation has occurred;
- 2) The owner of record of the property where the violation has occurred;
- 3) The person causing the noise where the violation has occurred. (#1094)

8.20.850 Violations and Remedies.

(a) **Prima Facie Violation:** Any noise exceeding the noise level limits as specified in Section 8.20.140 or the prohibited actions as specified in Sections 8.20.210, 8.20.220, 8.20.230, 8.20.240, 8.20.250, 8.20.260, 8.20.310, 8.20.320, 8.20.330, 8.20.510, and 8.20.610 of this chapter, shall be deemed to be prima facie evidence of a violation of the provisions of this chapter.

(b) **First Offense - Infraction:** A person violating any of the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00). Any subsequent offense within a two year period from the date of the first offense, shall be considered a misdemeanor as set forth in subsection (c) of this section. Each hour a violation is committed or permitted to continue shall constitute a separate offense.

(c) **Second and Subsequent Offenses - Misdemeanor:** Any person who has violated the provisions of this chapter on a prior occasion as set forth in subsection (b) of this section and who subsequently violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500.00), or be imprisoned in the Yuba County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each day, or portion thereof, that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(d) **Additional Remedies - Injunctions:** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this chapter which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this chapter shall be deemed and is hereby declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law. (#1094)

**CHAPTER 8.35
INTOXICATED PERSON**

Sections

8.35.010 Prohibition

8.35.020 Penalty

8.35.010 Prohibition. It shall be unlawful for any person under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others to (a) intrude upon or be in or remain

in or upon the premises or property of another in the unincorporated area of Yuba County without the express permission and consent of the person lawfully in the possession of such premises or property, or (b) to be on private premises or property of another in public view in the unincorporated area of the County of Yuba, State of California. (#262)

8.35.020 Penalty. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail of said County of Yuba not exceeding six (6) months or by both such fine and imprisonment. Every separate act or transaction in violation of this chapter shall be deemed a separate offense. (#262)

CHAPTER 8.40
SEDITIONOUS OR OBSCENE LANGUAGE, OBSTRUCTION OF PUBLIC WAY, PICKETING,
ETC.

Sections

8.40.010	Prohibition: Seditious Language
8.40.020	Prohibition: Blocking Public Way
8.40.030	Prohibition: Blocking Entrance
8.40.040	Prohibition: Certain Picketing; Employment
8.40.050	Prohibition: Certain Picketing; Patronizing
8.40.060	Prohibition: Assemblages; Employment
8.40.070	Prohibition: Assemblages; Patronizing
8.40.080	Prohibition: Threatening Speech
8.40.090	Violation
8.40.100	Peaceable Picketing, etc.

8.40.010 Prohibition: Seditious Language. It is unlawful for any person to utter, publish, or use any seditious language, words, remarks, or epithets, or to address to another, any such language, words, remarks or epithets, which create or provoke, or tend to create or provoke, a breach of the peace. (#230)

8.40.020 Prohibition: Blocking Public Way. It is unlawful for any person to loiter, stand, or sit in or upon any public highway, alley, sidewalk or cross walk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner annoy or molest persons passing along the same. (#230)

8.40.030 Prohibition: Blocking Entrance. It is unlawful for any persons to loiter, stand, or sit in or at the entrance of, or approach to any church, hall, theatre, park, or place of public assemblage so as to in any manner obstruct said entrance or approach. (#230)

8.40.040 Prohibition: Certain Picketing; Employment. It is unlawful for any person to beset or picket the premises of another, or any approach thereto, where any person is employed or seeking employment, lodges or resides, for the purpose of inducing such employee or person seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit his or her employment or to refrain from seeking or freely entering into employment. (#230)

8.40.050 Prohibition: Certain Picketing; Patronizing. It is unlawful for any person to beset or picket the premises of another, or any approach thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises. (#230)

8.40.060 Prohibition: Assemblages; Employment. It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or seek employment, or upon the streets, highways, approaches or places adjacent thereto, for the purposes of inducing such employees or persons seeking employment by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to quit his or her employment or to refrain from seeking or freely entering into employment. (#230)

8.40.070 Prohibition: Assemblages; Patronizing. It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate or meet together in the vicinity of the premises of another, or upon the streets, highways or approaches thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to refrain from entering

such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises. (#230)

8.40.080 Prohibition: Threatening Speech. It is unlawful for any person to utter to, or within the hearing of, another, any derogatory, indecent, opprobrious epithets of language, or to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out or proclaim, or to use any gestures for the purpose of inducing any person by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit his or her employment or to refrain from seeking or freely entering into employment or to refrain from patronizing, negotiating with, or transacting business with any other person. (#230)

8.40.090 Violation. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail not exceeding six months, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such imprisonment and fine. (#230)

8.40.100 Peaceable Picketing, etc. Nothing herein contained shall be deemed or held to prohibit peaceable picketing, nor to prohibit labor from attempting to accomplish its aims in trade disputes by other peaceable means, including collective bargaining. (#230)

CHAPTER 8.43 LOITERING BY JUVENILES

Sections

8.43.010	Purposes
8.43.020	Persons Subject to this Chapter
8.43.030	Loitering Defined and Construed
8.43.040	Acts Prohibited
8.43.050	Aiding and Abetting Violations
8.43.060	Identification of Minors
8.43.070	Authority of Peace Officers
8.43.080	Permitted Activities

8.43.010 Purpose. The purposes of this chapter are to prevent vandalism and destruction of public and private property, breaches of the public peace, and to protect and prevent minors from falling into loose and dissolute habits and ways in violation of §601 of the Welfare and Institutions Code of the State of California. (#622)

8.43.020 Persons Subject to This Chapter. This ordinance shall apply to all minor persons of 17 years of age and under. (#622)

8.43.030 Loitering Defined and Construed. As used in this chapter the term “loitering” means to delay, to linger, or to idle about without a lawful purpose, and applies when loitering is of such a nature that from the totality of a minor’s actions and in light of surrounding circumstances, it may be reasonably concluded that it is being engaged in for committing a crime as an opportunity might be discovered. (#622)

8.43.040 Acts Prohibited. It shall be unlawful, a violation of this chapter, and an infraction, for any minor person age 17 years or under, between the hours 11:00 p.m. to 5:00 a.m. of any day, to loiter, prowl, or aimlessly drive, ride or wander about or upon the streets, roads or highways, or upon the public or private property of another without apparent or lawful business with the owner or occupant thereof, within the unincorporated area of the County of Yuba, if the surrounding circumstances are such as to indicate to a reasonable person that the public peace or safety is threatened, or that such minor is in need of protective custody pursuant to sections 300, 601, and 602 of the California Welfare and Institutions Code. (#622 as

amended by #1111)

8.43.050 Aiding and Abetting Violations. Any person assisting, aiding, abetting or encouraging any minor under the age of 17 years to violate §8.43.040 of this chapter shall be guilty of a misdemeanor. When any minor is found to have violated any of the provisions of this chapter, a presumption shall arise that the parents or legal guardians having care and custody of the minor assisted, aided, abetted or encouraged such violation. (#622)

8.43.060 Identification of Minors. Every minor who is found upon the streets, roads, and highways, or in any public place, or upon any private or public land, except within a dwelling, shall, when asked by any peace officer, stop and fully identify himself. Refusal or failure of the minor to obey such a request by a peace officer, shall be a separate offense and violation of this chapter. (#622)

8.43.070 Authority of Peace Officers. Any person who is a peace officer may enforce this chapter if he believes, in good faith, and upon observation of the conduct of a minor, that this chapter is being or has been violated by such a minor, by detaining such minor for questioning, or by arrest or citation for violation of this chapter in accordance with the procedures set forth in §853.6 of the Penal Code, or by taking said minor into protective custody pursuant to §§600, 601, and 602 of the Welfare and Institutions Code of the State of California. (#622)

8.43.080 Permitted Activities. Nothing in this chapter shall be construed as applying to such minors traveling or moving from a place to another place accompanied by parent, legal guardian or responsible adult pursuant to or as a part of a lawful or necessary business, social or other lawful activity, such as going to and from night classes, library study, games, dances, school activities, church functions or similar activities. (#622)

CHAPTER 8.45 DANCING

Sections

- 8.45.010 Definitions**
 - 8.45.020 Prohibition**
 - 8.45.030 Permit; Application**
 - 8.45.040 Fees**
 - 8.45.050 Expiration**
 - 8.45.060 Condition**
 - 8.45.070 Investigation: Sheriff**
 - 8.45.080 Investigation: Building Department**
 - 8.45.085 Renewal Permits**
 - 8.45.090 Posting**
 - 8.45.100 Power of Revocation**
 - 8.45.110 Suspension, Cancellation, Revocation; Hearing**
 - 8.45.120 Non-fee Permits**
 - 8.45.130 Violation**
-

8.45.010 Definitions. A “public dance” shall mean a dance, admission to which is open to the public, generally for the purpose of dancing or is limited to certain members of the public designated by the person or persons presenting, conducting, or holding the dance. This chapter shall apply to any such public dance regardless of whether a fee for admission is charged. (#381 as amended by #393)

8.45.020 Prohibition. It shall be unlawful for any person whether as principal, servant, agent or employee to engage in, carry on, operate, or maintain or conduct or cause to be engaged in, carried on, maintained or conducted any public dance in the unincorporated area of the County of Yuba not having obtained a written

permit from the Board of Supervisors, or to do so after such permit has expired, or has been suspended, cancelled, or revoked. (#381)

8.45.030 Permit; Application. Any person desiring to engage in, carry on, operate, maintain or conduct a public dance shall first procure from the Board of Supervisors of the County of Yuba a permit to do so, and for the purpose of procuring such permit or any renewal thereof, such person shall file an application in writing therefor with the Tax Collector of the County of Yuba, which application shall be accompanied by the fee specified in §8.45.040, and shall contain the following information:

(1) The name and place of residence of the applicant, if a natural person, and the name and place of business of the applicant, if a corporation.

(2) The period of time for which the permit is desired.

(3) The exact location of the place wherein such person desires to engage in, carry on, operate, maintain or conduct such public dance.

(4) A statement as to whether any permit previously issued to such applicant or any agent thereof or to any person interested whether as principal, servant, agent, or employee has ever been cancelled or revoked by the Board of Supervisors. (#381)

8.45.040 Fees. Each applicant for a permit shall at the time of filing pay to the Tax Collector a reasonable fee set by resolution of the Board of Supervisors. Said fees shall make a distinction between annual permits, good for one (1) year, and permits for thirty (30) days or less. (#740)

8.45.050 Expiration. All permits issued under this chapter shall automatically expire upon the termination date stipulated in said permit unless sooner suspended, cancelled, or revoked. (#381)

8.45.060 Conditions. The Board of Supervisors may impose reasonable conditions in connection with the issuance of any permit hereunder. (#381)

8.45.070 Investigation: Sheriff. It shall be the duty of the Sheriff of the County of Yuba to make or cause to be made an investigation into the background of each applicant whether for an original license or renewal, except as provided in §8.45.085, and report the results of such investigation to the Board of Supervisors, together with his or her recommendation as to whether such permit or renewal should be issued. (#381 as amended by #740)

8.45.080 Investigation: Building Department. The Community Development and Services Agency's Building Department shall make or cause to be made an investigation into the premises where such public dances are to be conducted and for which a permit or renewal is requested to determine whether said premises comply with the State and Local Laws and regulations applicable to said premises, including matters relating to the protection of public health and safety and to report the result of such investigation to the Board of Supervisors. (#381, #1405)

8.45.085 Renewal Permits. An application for the renewal of an annual permit, when accompanied by the fee set pursuant to §8.45.040, may be granted by the Tax Collector instead of by the Board of Supervisors, without the investigation required by §8.45.070 unless the Tax Collector has reason to believe that complaints have been filed by either public officers or private individuals regarding the conduct of dances pursuant to the permit, or unless investigations have been conducted pursuant to this Chapter, whether or not such investigations resulted in any action being taken. (#740)

8.45.090 Posting. It shall be the duty of any person conducting a public dance to post in a conspicuous place at the premises at which such dance is being conducted the permit granted to such person including

the conditions which may have been imposed by the Board of Supervisors in connection with said permit. (#381)

8.45.100 Power of Revocation. All permits issued under this chapter shall be subject to investigation, suspension, cancellation and revocation, and each permit shall contain the statement that such permit is subject to investigation, suspension, cancellation and revocation by the Board of Supervisors. (#381)

8.45.110 Suspension, Cancellation, Revocation: Hearing. The Board of Supervisors at any time may on their own motion, and shall upon the filing of a verified complaint in writing with the Clerk of the Board, cause an investigation to be made of the manner in which such public dance has been conducted or of the premises in which such public dance has been conducted. The Board shall hold a hearing on the motion or complaint before taking any action on the permit. Notice of the time and place of the hearing shall be given to the permittee at least ten (10) calendar days before the hearing by mailing a copy of said notice to the permittee at the last residence address designated in the application for permit or renewal. If the Board shall find that the person to whom such permit or renewal has been issued:

- (a) has willfully or knowingly done any act not authorized by such permit; or
- (b) has willfully or knowingly permitted or suffered the violation of any provision of this chapter or any other ordinance or law in connection with the conduct of such dance or upon the premises upon which such dance is conducted; or
- (c) has been guilty of any fraud or misrepresentation in obtaining a permit or renewal for such dance; or
- (d) willfully fails or refuses to appear and answer all pertinent questions at such hearing;

The Board may suspend, cancel or revoke such permit. If such permit is cancelled or revoked, no further permit shall be issued to such person within one year from the date of such cancellation or revocation. If such permit is suspended, the period of suspension shall be for such time as the Board may direct and no further permit under this chapter shall be issued to such person during suspension. (#381)

8.45.120 Non-fee Permits. No fee shall be charged for the issuance of a permit to conduct any dance given solely for the benefit of and under the supervision of a religious, educational, charitable, or non-profit organization. Any dance conducted in a school building by an organization of the kind described in this section shall be exempt from the provisions of this chapter. (#473)

8.45.130 Violation. Any person violating 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 three hundred dollars (\$300.00) or by imprisonment in the County Jail for a period of not more than three (3) months, or by both such fine and imprisonment. (#381)

**CHAPTER 8.50
BULLARDS BAR RECREATION AREA**

Sections

8.50.010 Definitions

8.50.020 General Regulations Relating to Bullards Bar Recreation Area

8.50.030 Traffic Regulations Relating to Bullards Bar Recreation Area

8.50.040 Regulation of Bullards Bar Recreation Area by Yuba County Water Agency

8.50.050 General Regulations Relating to New Bullards Bar Reservoir

8.50.060 Boating Regulations Relating to New Bullards Bar Reservoir

8.50.070 Regulations for Houseboats, Rafts, and Floats on New Bullards Bar Reservoir

8.50.080 Fire Prevention

8.10.010 Definitions. When used in this Chapter the following terms shall have the meaning hereinafter set forth:

1. "Agency" means the Yuba County Water Agency created by the Act approved June 3, 1959 (Stats. 1959, Ch. 788).

2. "Recreation Area" means the Bullards Bar Recreation Area containing approximately 14,500 acres of forested lands and 4,600 acres of surface water in the New Bullards Bar Reservoir and the surrounding land to the top of the ridge nearest to said reservoir.

3. "New Bullards Bar Reservoir" means the reservoir resulting from the construction of the New Bullards Bar Dam on the North Yuba River located in Section 25, Township 18 North, Range 7 East, M.D.B.&M., and appurtenant facilities.

4. "Engineer-Administrator" means the Engineer-Administrator of the Agency and includes his authorized representative.

5. "Motor-Powered Conveyance" means automobiles, motorcycles, motor-driver cycles, motor trucks, motor scooters, trail bikes, motor vehicles as defined in the Vehicle Code of the State and amendments thereto, which definitions are incorporated herein and made a part hereof by this reference, and all other self-propelled vehicles or conveyances.

6. "Pollution Hazard" means any substances which can create a reasonable possibility that its contact with the waters of New Bullards Bar Reservoir would contaminate such waters and render such waters unfit for human consumption. (#435 as amended by #1082)

8.50.020 General Regulations Relating to Bullards Bar Recreation Area.

1. No person shall commit any act of vandalism in the Recreation Area, including damaging or destroying trees or their leaves, limbs, or branches, bushes, shrubbery, equipment, signs, buildings, or rooms, or tear down or deface the same.

2. No person shall enter any portion of the Recreation Area or buildings or portions thereof in the Recreation Area which are posted with signs which state "No Entry," "Keep Out," "No Trespassing," "Closed Area," or other prohibition of entry.

3. No person shall discharge or use in the Recreation Area any firearms or air or gas or spring propelled guns, sling shots, bows and arrows, except that bows and arrows may be permitted in such

portions of the Recreation Area as are specifically designated for archery by the United States Forest Service or where prior written permission has been given by the owner of the property upon which the archery is conducted.

4.

(a) No person shall camp on the reservoir if the elevation of the water of the reservoir is above 1940 feet above sea level.

(b) No person shall camp or stay overnight on the reservoir without a valid camping permit issued for a fee to his or her party by the Marina concessionaire or other person as may be designated by the "Agency".

(c) There shall be two types of permitted shoreline camping and two types of permits issued:

(i) Camping within boat-in access campgrounds at designated areas shall be those areas adjacent to improved campgrounds;

(ii) Camping at undesignated areas shall be all other permitted camping sites, no person shall camp at an undesignated area unless he or she either:

(aa) Has a boat with sanitary facilities;

(bb) Has a portable, chemical toilet.

(d) The Board of Directors of "Agency" shall, as deemed necessary and in its discretion by Resolution, determine and fix the quantity and price of each type of camping permit.

5. It shall be unlawful for any owner or keeper of any pet or domestic animal to allow such animal to run at large anywhere within three hundred (300) feet of the New Bullards Bar Reservoir or any designated picnic area, camping area, road, or boat launching ramp. Animals shall be leashed within campgrounds and designated areas.

6. No person shall ride, drive, lead or keep a saddle horse or other animal in the Recreation Area except on such roads, trails, or areas, and subject to such regulations as the Agency may from time to time especially designate. No horse or other animal shall be hitched to any tree or shrub in a manner that may cause damage.

7. No person shall molest, injure, or kill any bird or mammal, or disturb its habitat in the Recreation Area.

8. No trash, litter, garbage, oil, bottles, broken glass, ashes, waste paper, or other rubbish or debris shall be dumped, discharged, or left in the Recreation Area except in properly provided receptacles designated for that purpose.

9. No person shall cut, break, dig up, or in anyway mutilate or injure or fasten any bill, advertisement, or inscription on any tree, shrub, plant, fern, grass, turf, railing, seat, fence, structure or any other object in the Recreation Area, except upon private land when permitted to do so by the owner thereof.

10. No unauthorized person shall dig up or remove any dirt, stones, rocks, or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in doing any of such things, within the Recreation Area.

11. No person shall camp or occupy any portion of the Recreation Area as a trailer site, excepting in

such places and locations as are designated by posted notices permitting such uses.

12. It shall be unlawful for any person to engage in the business of soliciting, selling, or peddling any liquids or edibles for human consumption, or to distribute circulars, or to hawk, peddle, or vend any goods, wares, or merchandise, in the Recreation Area, except when authorized to do so by the public agency having jurisdiction over the area where such activities are conducted. (#435 as amended by #1082)

8.50.030 Traffic Regulations Relating to Bullards Bar Recreation Area.

1. No person shall operate any vehicle, except an authorized emergency vehicle, at a speed in excess of the posted speed limits.

2. No person shall operate any vehicle, except authorized emergency vehicles, within the Recreation Area except on established public vehicular roads and defined or authorized parking areas.

3. No person shall park or leave unattended any automobile, motor powered cycle, or any other vehicle within the Recreation Area except in areas specifically designated as parking areas. When such parking areas shall have been designated, and parking spaces provided therein and conspicuously marked, along the water front, public roads, parks or camping grounds, all vehicles shall be required to park within the spaces designated; and it shall be unlawful for any person to park an automobile without parking the same in the spaces designated, or to park in such manner as to prevent another vehicle, which has been properly parked, from backing out, or in such manner as to prevent a party desiring to park a vehicle in a space provided therefor from driving into such parking space. Vehicles parked or left unattended in violation of this chapter may be towed away and stored at the owner's expense.

4. This section does not apply to officers, agents, or employees of the United States, the state, the county, or other local governmental agency when they are using motor-powered conveyances in the performance of their official duties, nor to the use of motor-powered conveyances in emergencies when it is necessary to use them for the preservation or protection of life or property, nor to utility companies using motor-powered conveyances for the installation, maintenance, repair, or servicing of utility lines, nor to the owners of property using motor-powered conveyances on their own property.

5. No person shall use or operate a motor-powered cycle in the Recreation Area except on public roads or public trails. (#435 as amended by #1082)

8.50.040 Regulation of Bullards Bar Recreation Area by Yuba County Water Agency.

1. The Yuba County Water Agency is authorized to adopt ordinances and special rules and regulations with reference to the public use of the Bullards Bar Recreation Area, including New Bullards Bar Reservoir.

2. It shall be unlawful to violate any rule, regulation, or ordinance adopted by the Yuba County Water Agency regulating the public use of the Bullards Bar Recreation Area, including the New Bullards Bar Reservoir.

3. It shall be unlawful to operate or use any boat or watercraft upon any portion of the waters of the New Bullards Bar Reservoir for which the fees and charges established by the Yuba County Water Agency have not been paid.

4. Any person who violates any of the provisions of this §8.50.040 or any of the ordinances, rules, or regulations adopted by the Yuba County Water Agency regulating the public use of the Bullards Bar Recreation Area, including New Bullards Bar Reservoir, shall be guilty of a misdemeanor and punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. (#446 as amended by #1082)

8.50.050 General Regulations Relating to New Bullards Bar Reservoir.

1. It shall be unlawful to contaminate or pollute the waters of New Bullards Bar Reservoir or the shore area thereof.
2. It shall be unlawful for any person to clean fish in New Bullards Bar Reservoir or on the shore areas thereof, except at places designated by the Agency, which locations will be equipped with necessary receptacles to prevent littering the shore areas or polluting or contaminating the waters of the Reservoir. This provision shall not apply to the cleaning of fish on houseboats, which are equipped with suitable receptacles for garbage.
3. No person shall place or install any private mooring facilities in New Bullards Bar Reservoir or on the shores adjacent thereto.
4. No person shall swim or float farther than 100 feet from the shoreline, except while engaging in aqua-planning or water skiing, or at designated beach areas where the beach is protected by a floating barrier and so long as the swimmer or floater stays between the beach and the barrier.
5. No person shall use any logs or hard or sharp objects while swimming or floating.
6. No person shall land any airplane except in an emergency. (#435 as amended by #1082)

8.50.060 Boating Regulations Relating to New Bullards Bar Reservoir.

1. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of five miles per hour or at a speed which creates a noticeable wake in any portion of the area from the New Bullards Bar Dam to 100 feet:
 - (a) Beyond the designated houseboat mooring area of the Bullards Bar Marina.
 - (b) In any area which 5 m.p.h. and/or "Flat Wake" signs have been posted.
 - (c) The five mile per hour/flat wake areas shall be marked by signs indicating five miles per hour and/or flat wake displayed in a manner approved by the Agency.
 - (d) The maximum speed limit beyond the five (5) mile per hour/flat wake designated areas shall be twenty (20) miles per hour between sunset and sunrise. This maximum speed limit does not supercede or alter in any way the State Mandated "safe speed" requirement if such safe speed is less than 20 mph given then existing conditions at the Lake. (#1315)
2. No person shall operate any motor-propelled boat upon the waters of New Bullards Bar Reservoir in excess of any posted speed limit, or at a speed in excess of five (5) miles per hour within two hundred (200) feet of any boat landing area or landing wharf to which boats are made fast and which is used for the embarkation or discharge of passengers, or within two hundred (200) feet from the shoreline of the New Bullards Bar Reservoir.
3. No person shall place in use or operate any boat on New Bullards Bar Reservoir unless such boat is in a sanitary and seaworthy condition.
4. No person shall maintain or operate in or upon the waters of New Bullards Bar Reservoir any boat which is equipped with a toilet, sink drain or other equipment constituting a pollution hazard unless such toilet, sink drain or other equipment constituting a pollution hazard is sealed or otherwise rendered inoperable or

designed so that no human excreta or other polluting substance can be discharged in the waters of said reservoir.

5. No person shall operate any boat, sailboat, rubber raft, or canoe within thirty (30) feet of New Bullards Bar Dam or in any area closed to boating.

6. No person shall launch any boat except at approved launching areas designated by the Agency.

7. No person shall keep any boat on shore overnight except in areas designated for such purpose. From June 1 to September 30 of each year the water level of New Bullards Bar Reservoir may fluctuate to a maximum of 1 ½ feet per 24 hours. Between October 1 of each year and May 31 of the succeeding year extreme fluctuations can be expected. Persons desiring to leave their boats overnight shall do so at their own risk and neither the Agency nor the County assumes any liability or bailment obligations pertaining to the care of such boats, damage, loss, or theft thereof.

8. No person shall carry passengers for hire or lease or rent any boat without prior authorization in writing issued by the Agency.

9. No person shall operate a boat, water skis, or aqua-plane except in compliance with the symbols on all regulatory markers placed on the lake by the Agency.

10. No person shall operate a bilge pump in any boat in the waters of New Bullards Bar Reservoir, except at such locations as are designated by the Agency for the operation of bilge pumps and where facilities are available for the disposal of bilge waters without contaminating or polluting the waters of New Bullards Bar Reservoir; provided, however, that the provisions of this subsection shall be inapplicable in the event the operator of a boat is faced with an emergency where life or property would be imperiled by failure to operate such bilge pumps. It shall be the duty of any person operating a bilge pump at other than an authorized location to report the facts necessitating such use to the Agency.

11. No person shall pass through, mutilate, damage, or move from position any buoy or log boom placed or installed on New Bullards Bar Reservoir designating closed areas, speed zones, dangerous projections and submerged rocks and reefs.

12. No person shall use any motor or container for oil, gas or other contaminating substance which leaks such substance into the waters of New Bullards Bar Reservoir.

13. No person shall engage in, carry on, conduct or cause to be engaged, carried on or conducted any boat racing or water skiing event on established courses in New Bullards Bar Reservoir without having obtained a written permit from the Yuba County Water Agency, or to do so after such permit has expired or has been suspended, canceled, or revoked. Any person, corporation, or organization desiring to engage in, carry on, or conduct such an event in New Bullards Bar Reservoir shall first procure from the Agency a permit to do so, and for the purpose of procuring such permit shall file an application in writing therefor with the Agency not less than thirty (30) days in advance of the date on which such event is to be conducted, which application shall contain the following information:

(a) Name and place of resident of the applicant, if a natural person, and, if an organization or corporation, the name and address of the principal office and the name and address of its duly authorized representative.

(b) The date or dates for which the permit is desired.

(c) A statement as to whether any permit previously issued to such applicant or any agent thereof or to any person interested, whether as principal, agent, or employee, has ever been canceled or revoked.

All permits issued pursuant to this subsection shall designate the course and areas over which such event shall be conducted, the conditions under which such event shall be conducted for the protection and preservation of the public health, safety, and general welfare, and shall require the permittee to indemnify and save harmless the Yuba County Water Agency, the County of Yuba, and their respective officers, agents, and employees from any and all claims, causes of action, or suits accruing or resulting from any damage, injury or loss to any person or persons, including all persons to whom the applicant may be liable under any Workers' Compensation Law, or for any loss, damage, cause of action, claims or suits for damages, including but not limited to loss of property, caused by, arising out of or in any way connected with the conduct, operation, or management of such an event, or the exercise of any privilege granted in said permit, and shall require the applicant, at its own expense, to procure and maintain Worker's Compensation Insurance and Public Liability Insurance and Property Damage Insurance with insurers approved by the Agency in such amounts as the Agency deems reasonable and necessary to make effective the indemnity hereinabove set forth and to provide the Agency and the County of Yuba with certificates evidencing the insurance coverage.

14. Notwithstanding any other penalty provision in this Chapter, violation of any subsection of 8.50.060 shall be an infraction punishable by a fine of one hundred and fifty dollars (\$150.00). (#1315) (#435 as amended by #541, #534, #1082, and #1315)

8.50.070 Regulations for Houseboats, Rafts, and Floats on New Bullards Bar Reservoir.

1. No person shall place in use, or operate, on the waters of New Bullards Bar Reservoir any houseboat over sixty (60) feet in length or fifteen (15) feet in width.

2. No person shall place in use, or operate, a houseboat for other than recreational purposes.

3. No person shall place in use, or operate, a houseboat which is not self-propelled.

4. No person shall place in use, or operate, a houseboat which is not equipped with a flotation device consisting of either steel or aluminum pontoons constructed with internal water tight bulkheads or filled with foam plastic flotation materials or fiberglass (or similar material) pontoons filled with foam plastic or flotation material.

5. No person shall place in use, or operate, a houseboat without a valid, annual houseboat permit from the Engineer—Administrator.

(a) Every houseboat shall be subject to an annual inspection for safety, cleanliness, seaworthiness, and correct waste water and sewage system.

(b) Every houseboat shall be subject to intermittent inspection of waste water and sewage hook-up by the U.S. Forest Service or the Engineer—Administrator, for due cause and with prior notice of inspection.

(c) Upon the permit of every houseboat shall be a record of waste water and sewage pumpouts.

(d) Pumpouts will be performed by the Marina operator for a fee, at least every six (6) months.

(e) Every houseboat shall have a waste water/sewage holding tank, hard plumbed to and from holding tank of rigid pipe with all fittings and connections glued, brazed, or welded. No threaded drains or clean-outs are permitted.

(f) Any houseboat which has had its waste hook-up willfully removed, tampered with, or altered in any way, so as to discharge into the reservoir shall have its permit revoked and shall be permanently barred from the reservoir.

(g) The fee for annual inspection shall be set by Resolution of the Agency.

(h) Any houseboat which fails the annual inspection will again be charged the annual fee prior to re-inspection. (#435 as amended by #451, #474, #534, and #1082)

8.50.080 Fire Prevention.

1. All of the Bullards Bar Recreation Area hereby is classified as high fire hazard zone.
2. Except as otherwise provided in this chapter, all persons shall comply with the rules and regulations adopted pursuant to the authority of Title 16, §551, United States Code, by the Secretary of Agriculture for the protection against destruction by fire and depredation upon the public forests, said rules and regulations being hereby made applicable to the Recreation Area and incorporated herein by reference.
3. It shall be unlawful to light, build or maintain any open fire within the Recreation Area except in a camp stoves or a fireplace provided, maintained or designated for such purpose, unless by authority of the Fire Protection Agency and authorized permit. Oil, butane, or gasoline camp stoves may be used in established camp sites or picnic areas where other stoves are provided, or in other areas where authorized by permit.
4. It shall be unlawful to discharge or set off on or within the Recreation Area any firecrackers, torpedoes, rockets, or other fire works.
5. It shall be unlawful to carry, use or throw away any lighted cigarette, cigar, ashes, or any other flaming or glowing substance except within structures, vehicles, vessels, or posted clear areas.
6. The terms and provisions of this section may be enforced by the Engineer-Administrator, United States Forest Service Personnel, and the Sheriff. (#435 as amended by #1082)

**CHAPTER 8.51
CAMP FAR WEST LAKE**

Sections:

**8.51.010 General Regulations Relating to Camp Far West Lake
8.51.020 Infraction**

8.51.010 General Regulations Relating to Camp Far West Lake.

No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of twenty (20) miles per hour, or at any lesser unsafe speed, between sunset and sunrise.

8.51.020 Infraction: Violation of this section shall be an infraction punishable by a fine of \$150.00. (#1315)

**CHAPTER 8.52
COLLINS LAKE**

Sections

**8.52.010 General Regulations Relating to Collins Lake
8.52.020 Infraction**

8.52.010 General Regulations Relating to Collins Lake

1. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of fifty (50) miles per hour, between sunrise and sunset, on any area of the Lake which is not already otherwise limited.

2. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of twenty (20) miles per hour, or any lesser unsafe speed, between sunset and sunrise.

3. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of five (5) miles per hour or at any speed which creates a noticeable wake in any portion of the following areas:

- (a) within two hundred (200) feet of the west shoreline, from the dam to Elmer's Cove;
- (b) the Marina and boat dock area located on the west shore;
- (c) in any portion of Elmer's Cove;
- (d) the entire north end of the Lake, beginning five hundred (500) feet north of Elmer's Cove.

The above referenced areas are marked with buoys.

8.52.020 Infraction. Violation of this section shall be an infraction punishable by a fine of \$150.00. (#1315)

**CHAPTER 8.53
ENGLEBRIGHT LAKE**

Sections

8.53.010 General Regulations Relating to Englebright Lake

8.53.020 Infraction

8.53.010 General Regulations Relating to Englebright Lake.

1. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of fifty (50) miles per hour, between sunrise and sunset, on any area of the Lake which is not already otherwise limited.

2. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of twenty (20) miles per hour or at any lesser unsafe speed, between sunset and sunrise.

3. No owner, operator, or person in command of any vessel propelled by machinery shall use it or permit it to be used at a speed in excess of five (5) miles per hour or at any speed which creates a noticeable wake in any portion of the following areas:

- (a) Skipper's Cover Marina and houseboat mooring area;
- (b) the north side of the dam, from the west shoreline to the east shoreline;
- (c) Hogback Ravine;
- (d) Bonanza Cove;
- (e) Keystone Cove
- (f) Black's Ravine;
- (g) the west end of the Lake beginning at Point Defiance, located at the confluence of the

Middle Fork and the South Ford of the Yuba River.

The above referenced areas are marked with buoys.

4. Water skiing, wakeboarding, knee boarding, and/or the towing or puling of any occupied "aqua device" from Boston Bar to the west end of the Lake, and/or from the west end of the lake to Boston Bar, is not permitted.

5. Vessels in the act of cruising, fishing, or towing a skier or aqua devise shall be operated in a counter-clockwise direction, staying to the right side of the center line of the Lake. Notwithstanding this general regulation, vessels may travel directly across the lake to access the opposite shore. Additionally, vessels may make a U-turn and travel in a clockwise direction when circumstances make such travel necessary, such as when retrieving a fallen skier or retrieving an object that has fallen out of the vessel.

8.53.020 Infraction: Violation of this section shall be an infraction punishable by a fine of \$150.00. (#1315)

CHAPTER 8.55
FISHING AND ANGLING UPON COUNTY-OWNED BRIDGES

Sections

- 8.55.010 Purpose**
 - 8.55.020 Definitions**
 - 8.55.030 Acts Prohibited**
 - 8.55.040 Posting Signs**
 - 8.55.050 Infraction**
-

8.55.010 Purpose. The purpose of this chapter is to protect the public safety in that it is found and determined that the use of County bridges for fishing or angling is a traffic hazard to members of the public. (#627)

8.55.020 Definitions. The terms herein are defined as follows:

- (a) Fishing: To attempt to catch fish by angling, drawing or using a net, or by use of any projectile.
- (b) Bridge: Any structure constructed to allow the conducting of water underneath it by canal, ditch, flume, or other uncovered appliance for conducting water. (#627)

8.55.030 Acts Prohibited. No person shall at any time engage in fishing or angling while standing, sitting or lying upon any County-owned bridge, where a sign has been posted by the Community Development and Services Agency's Director of Public Works pursuant to this chapter prohibiting fishing from the bridge. (#627 as amended by #681, #1405)

8.55.040 Posting Signs. The Community Development and Services Agency's Director of Public Works is authorized and directed to purchase, construct and emplace signs described in §8.55.030 hereinabove upon those bridges within the unincorporated territory of Yuba County, where he finds that fishing from such bridges is or would be a traffic hazard. (#627, #1405)

8.55.050 Infraction. Any person who violates any of the provisions of this chapter shall be guilty of an infraction and upon conviction thereof, shall be punishable by a fine not to exceed \$50.00. This chapter shall be enforced by any peace officer by arrest or citation for violation of this chapter in accordance with the provisions set forth in §853.6 of the Penal Code of the State of California. (#627)

CHAPTER 8.56
PROHIBITING JUMPING FROM COUNTY-OWNED BRIDGES

- 8.56.010 Purpose**
 - 8.56.020 Definitions**
 - 8.56.030 Acts Prohibited**
 - 8.56.040 Posting Signs**
 - 8.56.050 Misdemeanor**
-

8.56.010. Purpose. The purpose of this chapter is to protect the public safety in that it is found and determined that jumping from county-owned bridges is a traffic hazard and dangerous to the health and safety of the public. (#1252)

8.56.020. Definitions. The terms herein are defined as follows:

- (a) Jump: To dive, leap, spring, bound, parachute or take any other physical action which results in

dropping from a bridge to the land or water body below the bridge.

(b) Bridge: Any structure constructed to allow the conducting of water underneath it by canal, creek, river, ditch, flume, or other uncovered appliance for conducting water.

8.56.030. Acts Prohibited. It shall be unlawful for any person to jump from any location on any County-owned bridge to the land or water below where a sign has been posted by the Community Development and Services Agency's Director of Public Works pursuant to this chapter prohibiting jumping from the bridge. (#1252, #1405)

8.56.040. Posting Signs. The Community Development and Services Agency's Director of Public Works is authorized and directed to purchase, construct, and emplace signs described in section 8.56.030 hereinabove upon those bridges within the unincorporated territory of Yuba County, where the Community Development and Services Agency's Director of Public Works finds that jumping from such bridge is or would be a traffic hazard or otherwise dangerous to the public health or safety. (#1252, #1405)

8.56.050. Misdemeanor. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. (#1252)

CHAPTER 8.57 SPECIAL USE AREA AT THE DAGUERRE POINT DIVERSION DAM

Sections

8.57.010 Findings

8.57.020 Prohibition

8.57.021 Launching Rules

8.57.030 Violation

8.57.010 Findings. The Board of Supervisors of Yuba County hereby finds that the Daguerre Point Diversion Dam presents a severe danger to those who participate in water activities on the Yuba River. (#784)

8.57.020 Prohibition. Swimming, walking or wading on the Daguerre Point Diversion Dam or purposefully going over the Dam with or without the use of an inflated tube or other floatation device is prohibited. (#784)

8.57.021 Launching Rules. Except for fire, law enforcement, scientific research authorized by federal, state, or local governmental entities, facility maintenance or emergency water craft, no water craft powered by internal combustion gasoline or diesel engines shall be launched into or used upon the Yuba River above the Daguerre Point Diversion Dam. Water craft powered by an electrical motor are permitted to be launched into, travel upon and be recovered from the Yuba River above the Daguerre Point Diversion Dam. (#1322)

8.57.030 Violation. Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County Jail for a term not to exceed six (6) months or a fine of Five Hundred Dollars (\$500) or both such fine and imprisonment. (#784 and #1322)

CHAPTER 8.60 BINGO

Sections

8.60.010 Authorization

8.60.020 Definition

8.60.030 Licensing Procedures

8.60.040 Conditions

8.60.050 Temporary Suspension

8.60.060 Denial Suspension or Revocation of License

8.60.010 Authorization. Pursuant to the authority of section 326.5 of the Penal Code, the County of Yuba authorizes the conduct of bingo games as provided in this Chapter for the benefit of organizations exempt from the payment of bank and corporation tax by sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 237011 of the Revenue and Taxation Code, and by mobile home parks associations and senior citizens organizations; and provided that the receipts of such games are used only for charitable purposes. This ordinance is enacted under Section 19 of Article IV of the California State Constitution. (#900 as amended by #1231)

8.60.020 Definition. As used in this Chapter, “bingo” means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. The game of bingo includes cards having numbers or symbols that are concealed and pre-printed 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 pre-printed cards shall bear the legend, “For sale or use only in a bingo game authorized under California law and pursuant to local ordinance.” (#900 as amended by #1231)

8.60.030 Licensing Procedures.

(a) No organization shall operate or conduct any bingo game without first having obtained from the County Treasurer/Tax Collector a bingo game operator license.

(b) Any eligible organization wishing to conduct any bingo game under the authority of this Chapter shall file an application for a license with the County Treasurer/Tax Collector on a form provided by the Treasurer/Tax Collector and shall pay a license fee, as provided for in Chapter 13.06 of this Code and as may be amended from time to time, upon submission of the application. If an application for a license is denied one-half (1/2) of the license fee shall be refunded to the organization.

(c) The issuing authority shall be the Treasurer/Tax Collector. After filing of the application and payment of the applicable fee to the Treasurer/Tax Collector by the organization, the Treasurer/Tax Collector shall grant and issue an appropriate license under this chapter upon verification by the Treasurer/Tax Collector that the organization is an eligible organization as described, and as intended, in Penal Code Section 326.5 and in section 8.60.010 of this Chapter. Such license shall be either granted or denied within 30 days of the filing of the application.

(d) The application for a license shall contain the following:

(1) The name of the applicant organization and a statement that the applicant is an eligible organization under section 8.60.010.

(2) A description of the particular property within the County of Yuba, including the street number, donated to or owned or leased by the applicant and used by the applicant for an office or for performance of the purposes for which the applicant is organized on which property bingo games will be

conducted, together with the occupancy capacity of such place.

(3) A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of section 326.5 of the Penal Code and this Chapter as they may be amended from time to time and agrees that the license to conduct bingo games may be revoked by the Sheriff or Treasurer/Tax Collector upon violation of this Chapter or other applicable law or regulation.

(4) The name and signature, under penalty of perjury, of at least two (2) officers including the presiding officer of the organization, or by two (2) members if it is a senior citizen organization with no officers.

(e) The annual license fee fixed by the Board of Supervisors shall accompany the application.

(f) The applicant shall also submit, with the application, a certificate for determination of exemption under the applicable sections of the Revenue and Taxation Code, or a letter of good standing from the Exemption Division of the California Franchise Tax Board showing exemption under section 23701d. If the applicant is a mobilehome park association or a senior citizen organization, an officer or a member shall submit a declaration, signed under penalty of perjury, setting forth facts which show that the applicant is a mobilehome park association or senior citizen organization.

(g) Subject to revocation or suspension, the license issued shall be for a term of one year from issuance. The license may be renewed annually upon application accompanied by an annual license fee as provided for in Chapter 13.06 hereof and as may be amended from time to time, an Income and Expense Statement covering the previous license period and a list of the charities to which receipts from the bingo games were donated and the amounts of each donation. The list of charities shall include the names, addresses and telephone numbers of such charities. The Income and Expense Statement shall be produced by utilizing a standard method of accounting acceptable to the Treasurer/Tax Collector. Applications for renewal shall be subject to all provisions of this Chapter.

(h) All licenses issued hereunder are nontransferable; however, a change of location of the bingo game may be permitted provided all ordinances and regulations of the County of Yuba are complied with and provided information regarding the change-of-location is provided to the Treasurer/Tax Collector not later than 30 days before the location is to change. (#900 as amended by #1231)

8.60.040 Conditions. Bingo games may be conducted by a licensed charitable organization pursuant to the authority of this chapter only if all of the following conditions are met:

(a) No minors shall be allowed to participate in any such bingo game.

(b) The charitable organization 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 performance of the purposes for which the organization is organized. Nothing in this subdivision 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. The game shall be operated and staffed only by members of the charitable organization which organized it and no such member shall receive a profit, wage or salary from any bingo game. No persons other than members of the charitable organization shall participate in any phase of the promotion or operation of the game and no person or organization other than the holder of the license shall hold any financial interest in the conduct of such a bingo game. Nothing in this chapter shall preclude the employment of security personnel who are not members of the authorized organization at such bingo games by the organization conducting the game.

(c) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game

authorized hereunder. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games as provided in this Chapter.

(d) A violation of subdivision (c) hereof shall be punishable by a fine not to exceed \$10,000, which fine is to be deposited into the General Fund of the County. A violation of any provision of this Chapter, other than subdivision (c), is a misdemeanor.

(e) The County may bring an action to enjoin a violation of this Chapter to the extent such violation also constitutes a violation of section 326.5 of the California Penal Code. This remedy is cumulative to any and all other remedies which may be available.

(f) All bingo games permitted by this Chapter shall be open to the public, not just to the members of the licensee organization.

(g) With respect to organizations exempt from payment of the bank and corporation tax by §23701d of the Revenue and Taxation Code, all profits 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. The profits shall be used only for the benefit of the licensed charitable organization.

(h) The total value of prizes awarded during the conduct of any bingo game shall not exceed \$250.00 in cash or kind, or both, for each separate game which is held.

(i) With respect to organizations authorized to conduct bingo games pursuant to this Chapter except those exempt from payment of bank and corporation tax by §2371d of the Revenue and Taxation Code, all profits 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 subdivision (d). 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 percent of the proceeds before the deduction for prizes, or Two Thousand Dollars (\$2,000) 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.

(j) The licensee shall keep a full and accurate record concerning the receipts and disbursements of the bingo games, including but not being limited to: income received and expenses disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this Chapter utilizing a standard method of accounting acceptable to the Treasurer/Tax Collector. All records shall be kept and maintained for not less than five (5) years. All records shall be available for examination and audit by the Treasurer/Tax Collector or his/her designated representative, from time to time for the purpose of determining compliance with this Chapter. The Treasurer/Tax Collector/Tax Collector may conduct such examination and audit on site during the conduct of bingo games.

(k) No person shall be allowed to participate in the bingo game, unless the person is physically present at the time and place where the bingo game is being conducted. (#1231)

8.60.050 Temporary Suspension.

(a) Whenever it appears to the Sheriff or Treasurer/Tax Collector that the licensee is conducting a bingo game in violation of any of the provisions of law including, but not limited to, this Chapter and California Penal Code, section 326.5, the Sheriff or Treasurer/Tax Collector shall have the authority to immediately order the Licensee to cease and desist any further operation of any such bingo game. The Sheriff shall advise the Treasurer/Tax Collector of any action under this section.

(b) Any person who continues to conduct a bingo game after any temporary suspension thereof under subsection (a) above shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(c) The order issued under subsection (a) shall also notify the licensee that it shall have the right to appeal the summary suspension issued under this section as provided in 8.60.060(c). Temporary suspension under this section shall be effective immediately and shall remain in effect for forty (40) days unless such temporary suspension is lifted by the Treasurer/Tax Collector or Board of Supervisors. (#1231)

8.60.060 Denial, Suspension or Revocation of License.

(a) As an alternative to, or in addition to, the provisions under section 8.60.050 of this Chapter the Treasurer/Tax Collector may deny, revoke, or suspend any Bingo operator license if any condition at said operation shall be found to violate any requirement of law (including, without limitation, the provisions of this Chapter), or the Treasurer/Tax Collector is denied access to inspect the records maintained by the operator in accordance with this Chapter. In addition to any other grounds upon which the license contained hereunder may be revoked, such a license may be revoked if criminal acts or solicitation of criminal acts occur within such bingo games.

(b) A denial, revocation, or suspension under this section shall be effective ten (10) days after mailing notice of such action to the applicant or licensee at the address shown on the application or at such other address furnished by the organization or after personal service of the notice upon the applicant, licensee, or the person operating the bingo game(s) except that the summary suspension under section 8.60.050 shall be effective immediately.

(c) Within ten (10) days after such notice of denial, suspension or revocation of a license, the applicant or licensee may file with the Clerk of the Board of Supervisors a written appeal and request for a public hearing before the Board. Upon the filing of such request, the Clerk shall set a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within thirty (30) days after the request is filed. At the conclusion of the hearing, the Board of Supervisors shall either affirm or reverse the decision of the denying, suspending or revoking official and the decision of the Board shall be final. (#1231)

CHAPTER 8.65
SHOWING OF OBSCENE MOTION PICTURE FILMS AT OUTDOOR OR DRIVE-IN
THEATERS

Sections

8.65.010	Purpose
8.65.020	Findings
8.65.030	Drive-In theater Defined
8.65.040	Lewd, Lascivious or Obscene Motion Picture Defined
8.65.050	Acts Prohibited
8.65.060	Misdemeanor

8.65.010 Purpose. The purpose of this chapter is to find and declare that the projection or public showing of lewd, lascivious, obscene or pornographic motion picture films in open air, outdoor or drive-in theaters is a public nuisance in this County and to prohibit the act or acts of such projection or public showing. (#641)

8.65.020 Findings. The Board of Supervisors finds and declares that the projection and showing of such films in such theaters is offensive to members of the public who do not enter upon or patronize the theater presenting such films, but whose attention is attracted to the screen from adjacent residences and public streets.

The Board further finds that such presentations are particularly obnoxious and inimical to the welfare of children who are able to view such films from adjacent public streets, and are particularly offensive to their parents for the reason that such parents believe that the viewing of such films by minor children is harmful to their health and welfare. (#641)

8.65.030 Drive-In Theater Defined. “Drive-in theater” as used herein is defined to be a theater in which patrons view a motion picture film presentation while in or about their vehicles, and the projection screen is not enclosed within a wall structure. (#641)

8.65.040 Lewd, Lascivious or Obscene Motion Picture Defined. The terms “lewd, lascivious, obscene or pornographic” as used herein, and referring to motion pictures are defined to include a motion picture film projected upon a screen which portrays uncovered male or female genitals, an uncovered female breast, or which portrays scenes of apparent heterosexual or homosexual intercourse, or scenes of male or female auto-eroticism.

8.65.050 Acts Prohibited. It shall be unlawful, and a violation of this chapter, for any person, corporation or firm to project or cause to be projected upon the screen of a drive-in theater, any lewd, lascivious, obscene or pornographic motion picture or portion of a motion picture. (#641)

8.65.060 Misdemeanor. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding Five Hundred Dollars (\$500.00) or both. Each separate day during which any violation occurs is a separate offense. (#641)

**CHAPTER 8.70
OUTDOOR MUSIC FESTIVALS**

Sections

8.70.010	Purpose and Findings
8.70.020	Outdoor Music Festival Defined
8.70.030	Exemption of Site
8.70.040	Permit Required
8.70.050	Permit; Application
8.70.060	Application; Time of Filing
8.70.070	Application; Fees
8.70.080	Application; Accompanying Documents
8.70.090	Insurance Policy
8.70.100	Application; Processing by Sheriff
8.70.110	Hearing of Application
8.70.120	Hearing; Evidence
8.70.130	Grounds for Denial; Notice of Denial
8.70.140	Permits; Number of Participants
8.70.150	Permit; Dates and Hours
8.70.160	Conditions
8.70.170	Regulations
8.70.180	Revocation of Granted Permit
8.70.190	Decisions by Sheriff; Appeal to Board
8.70.200	Appeal to the Board
8.70.210	Appeal to the Board; Procedure
8.70.220	Appeal to the Board; Hearing
8.70.230	Advertising
8.70.240	Reciprocal Regulations
8.70.250	Waiver of Requirements
8.70.260	Violations; Remedies of County
8.70.270	Misdemeanor

8.70.010 Purpose and Findings. The Board of Supervisors finds that outdoor music festivals, when held in or at facilities not designed or constructed for such events, often present problems for law enforcement personnel, involve traffic problems and that the noise emanating from the site is annoying and disturbing to nearby residents. The purpose of this chapter is to regulate such events in order to prevent such problems and public nuisances. (#650)

8.70.020 Outdoor Music Festival Defined. As used in this chapter, the term “outdoor music Festival” means any music festival, concert, dance festival, “rock” festival, or similar musical activity at which music is provided by performers, by records or by tape recordings, where and to which 200 or more persons are invited or admitted. (#650)

8.70.030 Exception of Site. An outdoor music festival which is proposed to be held or is held at or in a permanent building or installation constructed and designed for the holding of such events shall not be governed nor regulated by this chapter, provided the owner or occupant of such a site has first applied for and received a written statement of exemption thereof from the Sheriff.

Notwithstanding the foregoing, the following sites or places are deemed categorically exempt from the provisions of this chapter:

- (a) Theaters
- (b) Public and private school and school facilities
- (c) Premises owned or operated by public agencies. (#650)

8.70.040 Permit Required. No person shall operate, maintain, or conduct an outdoor music festival, nor advertise such an event, without first obtaining a permit to do so, where it is planned or is reasonably foreseeable that more than 200 persons will be admitted, will attend or will congregate at the site or nearby. (#650, #1405)

8.70.050 Permit; Application. Every person desiring or planning to conduct, promote or operate an outdoor music festival shall first apply in writing for a permit to do so to the Sheriff. The application shall be in writing and shall contain the following facts and information:

(a) The name, age, residence, and mailing address of the person making said application. If the application is made by a partnership, the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice- president, and secretary thereof and must contain the addresses of said corporate officers. A certified copy, of the Articles of Incorporation shall be submitted with the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application.

(b) A statement of the kind, character, or type (of outdoor music festival which the applicant proposes to conduct or carry on.

(c) The name and address of the owner, the exact location, legal description, area, and shape of the site of the proposed outdoor music festival including the site of the parking area.

(d) The date or dates and the hours during which the festival is proposed to be conducted, and during which the premises will be under the control of the applicant.

(e) An estimate of the minimum and maximum numbers of customers, spectators, participants, and other persons to be admitted to the outdoor music festival for each day it is conducted, together with detailed information supporting such estimate.

(i) If it is proposed or expected that spectators or participants will remain overnight, the arrangements for illuminating the premises and for camping or similar facilities.

(j) Provisions for clean-up of the premises and removal of trash, rubbish, and debris after the event has concluded.

(k) Such other information pertinent to the proposed outdoor music festival as the Sheriff finds necessary and requires in order to determine whether or not the permit should be granted and, if granted, the conditions of such permit.

(l) A consent to the entry at any time in the course of his duties of any peace officer, member, or employee of the Board, the Community Development and Services Agency, Sheriff, County Health Officer and any other County officer in the performance of his duties.

(m) A statement as to whether or not alcoholic beverages, including beer and wine, are to be served, sold or furnished, or may be consumed at the site. (#650)

8.70.060 Application; Time of Filing. An application for a permit for an outdoor music festival shall be filed not less than thirty (30) days prior to the beginning of such outdoor music festival. (#650)

8.70.070 Application; Fees. The application shall be accompanied by the payment to the County of a non-refundable fee in the sum of \$75.00 to defray County costs of investigation and examination of the proposal. Said fee may be waived by the Sheriff when the applicant is a religious, charitable or non-profit group, organization or corporation. (#650)

8.70.080 Application; Accompanying Documents. At the time of filing an application for a permit for an outdoor music festival the applicant shall also submit:

(a) Four copies of white background prints of a map drawn to scale, showing:

(1) The location of the property concerned.

(2) The location of all highways, streets, alleys, lots and parcels of land within 700 feet of the exterior boundaries of the proposed use.

(3) The location of the parking area and of all other areas to be used for other uses incident to the outdoor music festival.

(4) All interior access ways.

(5) Access to the property.

(6) The location and detailed plans of all buildings and structures on the premises or to be erected, including the bandstand, stage, or other facility for performers.

(7) The location of all loudspeakers.

(8) The location of all toilet, medical, drinking and other facilities.

(b) A list of names and addresses as shown on the latest available assessment roll of the County, of all persons to whom all property is assessed within five hundred (500) feet of the exterior boundaries of the exterior boundaries of the proposed use.

(c) A document showing that the applicant is the owner of the premises or an agreement in writing signed by the owner permitting such use of the premises and the filing of the application.

(d) An agreement signed by the applicant that, within seventy-two (72) hours after the conclusion of the outdoor music festival he will clean up the premises and remove all trash and debris therefrom, including upon public roads to or from the site. This agreement shall be secured by a cash or corporate surety bond or undertaking in a penal sum of not less than Five Thousand Dollars (\$5,000) in the form approved by the Office of County Counsel

(e) An agreement signed by the applicant and by the owner of the subject premises that they will reimburse all owners and occupants of property adjoining the subject premises for all damages of any kind to such owners or occupants or to their property caused by the applicant, owner of the subject premises, or by any person attending the outdoor music festival, which damage would not have occurred

had the outdoor music festival not been held. This agreement shall be secured by the bond required by subsection (d) hereinabove (#650)

8.70.090 Insurance Policy. An insurance policy shall be required to insure the permittee, the owner of the subject property and the County against all liability or cause of action incurred by them or any of them to any person which arises pursuant to the permit or arising from the conduct of the outdoor music festival. (#650)

8.70.100 Application; Processing by Sheriff. Upon receipt of the written application and accompanying documents, the Sheriff shall transmit copies thereof to:

- (a) The County Health Officer
- (b) The Community Development and Services Agency's Public Works Director
- (c) The Highway Patrol
- (d) Chief of Police, Marysville
- (e) Chief of Police, Wheatland
- (f) Owners of record of real property whose parcels lie within 500 feet of the exterior boundary of the parcel which is the site of the proposed outdoor music festival.
- (g) If alcoholic beverages are to be served or furnished, a notice shall be sent to the State Department of Alcoholic Beverage Control. (#650, #1405)

8.70.110 Hearing of Application. The Sheriff shall set the matter of issuance of a permit for a public hearing not later than fifteen (15) days after the filing of the application. Five (5) days written notice of the time and place of such hearing shall be given by ordinary mail to the applicant and to all of the above named persons and organizations (#650)

8.70.130 Grounds for Denial; Notice of Denial. After conclusion of the said hearing the Sheriff may deny the application for issuance of the permit if he finds any of the following:

- (a) That the written application is incomplete.
- (b) That the plan or proposal is inadequate and therefore, it is reasonably foreseeable that the proposed outdoor music festival will substantially jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use.
- (c) The applicant, his employee, agent, or any other persons connected or associated with the applicant as partner, director, officer, stockholder, associate or manager in the operation of the outdoor music festival:
 - (1) Has been convicted within the last five (5) years in any court of competent jurisdiction of:
 - (i) any crime requiring registration under §290 of the Penal Code;

- (ii) any offense involving the use of force or violence upon the person of another; or
- (iii) any nuisance in connection with the same or similar business operation.

(2) Has allowed or permitted any illegal possession, use, sale, or delivery of narcotics or any acts of sexual misconduct within prior business operations.

(d) The applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate, or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit.

(e) The applicant has had a similar type of permit previously revoked for good cause within one year prior to the application. (#650)

8.70.140 Permits; Number of Participants. A permit for an outdoor music festival shall state the maximum number of participants or spectators permitted. It shall be the duty of the person conducting the event to restrict the spectators or participants to the permitted number. In the event that more than the permitted number of participants are permitted to attend or participate in the event, then the admission of said excess numbers shall be a violation of the terms of the permit, an unlawful act in violation of this Chapter, and the assembly of persons of the event shall be an unlawful assembly and a public nuisance. (#650)

8.70.150 Permit; Dates and Hours. A permit for an outdoor music festival shall permit said festival on the date and hours so stated on the face of said permit. In the event the outdoor music festival takes place or continues beyond the hours set, or on a different date, the conducting of the outdoor music festival shall be an unlawful act, a violation of this chapter, is deemed to be a public nuisance, and such assembly at the event shall be an unlawful assembly. (#650)

8.70.160 Conditions. The Sheriff shall attach such conditions to this permit as he finds necessary to accomplish the purpose of this Chapter, including but not limited to the following requirements:

- (a) Adequate lighting, including location of all light standards and electrical switches.
- (b) Provisions for cleaning up the premises and public roads used for the event after the termination of the outdoor music festival.
- (c) An emergency communications system sufficient to meet the emergency requirements of the Sheriff and, in the appropriate cases the United States Forest Service. This requirement shall be deemed to be met where a telephone is available within one-half (1/2) mile by road from the exterior boundary of the premises, or if a citizen's band radio transmitter, or similar transmission device, is available on the premises at all times during the festival.
- (d) Assuring that the number attending does not exceed the number allowed by the permit.
- (e) Such other conditions as he finds necessary for reasons of health, sanitation, supply of food, supply of water, prevention of unreasonable noise or promotion of general welfare.

If it is reasonably foreseeable that the festival will cause the County to incur unusual expenses for law enforcement, public health measures or road maintenance, the Sheriff shall require the permittee to post a cash sum to be used to defray such expenses.

All conditions shall appear on the permit. (#650)

8.70.170 Regulations. In addition to the conditions set forth hereinabove, the following rules and regulations shall also be conditions of the permit unless expressly waived by the Sheriff.

(a) Security Guards. At every outdoor music festival one qualified security guard, either approved by the Sheriff or supplied by a private patrol operator whose name and address is stated in the application and who is licensed pursuant to Chapter 11 (commencing with §7500) of Division 3 of the Business and Professions Code, for each two hundred (200) persons which the permit allows to attend, whether actually present or not, shall be constantly in attendance during the entire time the outdoor music festival is in progress, and shall devote his entire time and attention to keeping order, and observing and enforcing all applicable statutes and ordinances including this Chapter. The Sheriff may authorize the employment of off-duty peace officers to meet the requirement of this Chapter, said peace officers shall be under the direction and control of the Sheriff of the County of Yuba.

(b) Water Facilities. Every permittee shall provide an ample supply of water for drinking and sanitation purposes on the premises of the outdoor music festival. All water shall meet U.S. Public Health Service standards and shall be subject to approval by the County Health Officer.

(c) Sanitation Facilities. The permittee shall provide at least one water closet and one urinal for every two hundred (200) males and one water closet for every one hundred (100) females, or major fraction of such number permitted to attend unless the Health Officer finds that a lesser number is sufficient in which case he shall provide such number. If a compartment contains one water closet and one urinal the licensee may count it as one water closet or as one urinal but not as both. Such sanitary facilities shall first be approved by the Health Officer. Where flush-type toilets cannot be made available, the Sheriff may consent to the use of portable chemical toilets, and shall be subject to approval by the County Health Officer. Chemical toilets must be emptied at permittee's expense as necessary and pursuant to procedures established by the County Health Officer.

Every permittee shall be required to furnish at least one (1) trash can with thirty-two (32) gallons capacity for every twenty-five (25) persons expected to be in attendance. Trash and refuse shall be emptied at permittee's expense as necessary and pursuant to procedures established by the County Health Officer.

(d) Parking. Every premises on which an outdoor music festival is conducted shall have on such premises or contiguous thereto automobile parking spaces equal to one-fifth of the number of persons which the permit allows to attend the said outdoor music festival unless the Community Development and Services Agency's Director of Public Works finds that a smaller number is sufficient in which case the permittee shall provide such lesser number. Such automobile parking area shall be grader, marked, and separated by a physical barrier from the area where the patrons will watch the performance. Every permittee shall provide adequate ingress and egress to the outdoor music festival premises and parking areas therefor. Necessary roads, driveways, and entranceways shall exist to insure orderly flow of traffic into the premises from a highway or road which is a part of the County system of highways or which is a highway maintained by the State of California. At all times between one hour before the beginning of the outdoor music festival and one hour after its termination the permittee shall provide parking attendants at all entrances, exits and within the parking lots and traffic guards to insure orderly movements and relieve traffic congestion in the vicinity of the outdoor music festival area.

(e) Fire Protection. The permittee shall provide all fire protection and fire safety measures as the Sheriff and, in appropriate cases, the United States Forest Service, finds necessary to protect those attending the outdoor music festival.

(f) Lighting. If the hours during which the outdoor music festival can be held as provided in the permit are such that any portion thereof is between sunset of one day and sunrise of the following day or the permit allows any participant to remain overnight the permittee shall provide such lighting, including the location of all light standards and electrical switches as the Sheriff finds necessary for public safety and welfare.

(g) Clean Up. Within seventy-two hours after the end of an outdoor music festival the permittee shall clean up the premises and remove all trash and debris therefrom.

(h) Communications System. The permittee shall install and, at all times during which the outdoor music festival is in progress, maintain an emergency communications system which the Sheriff finds adequate for fire and police protection.

(i) Dates and Hours. The licensee shall operate the outdoor music festival only on those days and during the hours specified on the license.

(j) Overnight Camping Facilities. Every permittee authorized to allow persons who attend the outdoor music festival to remain on the premises overnight shall provide camping facilities and overnight areas. Such areas and facilities shall be subject to approval by the County Health Officer.

(k) Number of Participants. The permittee shall not admit, and shall prevent the entrance of, to the premises on which the outdoor music festival is held, any person who does not possess a ticket except a peace officer or other public officer in the performance of his duties. Admission shall be by ticket only. The permittee shall not sell, give, or distribute a greater number of tickets than the number which the permit allows to attend. The permittee shall not admit any person to an outdoor music festival if such admission would result in a greater number of persons than allowed by the permit. (#650, #1405)

8.70.180 Revocation of Granted Permit. In the event a permit is granted and thereafter it appears that good cause exists for revocation of said permit, the Sheriff shall set a hearing date, notify the applicant by ordinary mail of said apparent cause, and date of hearing, to enable applicant to appear thereat and show cause why said permit theretofore issued should not be revoked.

After hearing, said permit may be continued in effect, or additional conditions may be imposed thereon, based upon the grounds and concerns set forth in §8.70.130 hereof. (#650)

8.70.190 Decisions by Sheriff; Appeal to Board. The decision of the Sheriff in granting, granting upon conditions, denying or revoking a permit, or denying or granting exemption of a site, may be appealed to the Board of Supervisors by any aggrieved person. The decisions of the Sheriff shall be based upon evidence introduced at the hearing, and he shall render his decisions based upon written findings of fact. (#650)

8.70.200 Appeal to the Board. An aggrieved person may appeal the decision of the Sheriff to the Board of Supervisors by filing a written notice of appeal with the Clerk of the Board. Said notice of appeal shall set forth in factual terms the grounds for appeal, which are that the Sheriff's decision is: (a) arbitrary or capricious, or (b) illegal. (#650)

8.70.210 Appeal to the Board; Procedure. Upon receipt of a notice of appeal, the Clerk shall submit it to the Board at its next regular meeting for setting of a time and place for hearing. The Board shall set the date of hearing sufficiently in advance to permit the giving of at least ten days written notice, by ordinary mail, to all persons who appeared at the hearing of the Sheriff; upon setting said date, the Clerk shall give said notice to said persons. (#650)

8.70.220 Appeal to the Board; Hearing. At the time and place so set, the Board shall fully hear from all interested persons and shall render its decision. The Board may, at such hearing, uphold, reverse, or modify the decision of the Sheriff, and may issue the permit in like manner as the Sheriff. (#650)

8.70.230 Advertising. No person shall advertise, or announce by any means or medium, including but not confined to pamphlets, handbills, newspapers, radio and television, the holding of an outdoor music festival prior to the granting of a permit permitting such outdoor music festival. The permittee or other person shall not print, distribute, broadcast, or use any such advertising or announcement, or any other advertising of the outdoor music festival which has not first been approved by the Sheriff. (#650)

8.70.240 Reciprocal Regulations. No person shall advertise or sell any ticket to any outdoor music festival regardless of where situated, whether in this State or otherwise, in any manner contrary to any statute, ordinance or regulation of the jurisdiction in which the festival is to be held. (#650)

8.70.250 Waiver of Requirements. Any of the conditions, requirements of rules of §8.70.050 (f), (h), (i); 8.70.080 (a), (b), (c), (e); 8.70.090; 8.70.100; and 8.70.160 may be waived by the Sheriff if he or she finds that the nature and location of the planned event is such that it is unnecessary to enforce said requirements in order to protect the public health, welfare and safety. (#650)

8.70.260 Violations; Remedies of County. It shall be unlawful for any permittee, employee, agent or person associated with said permittee, to do any of the following:

(a) Conduct an outdoor music festival as herein defined, without first procuring a permit to do so, or in violation of any condition or term of a permit.

(b) Sell tickets to an outdoor music festival without a permit first having been obtained.

(c) Operate, conduct or carry on any outdoor music festival in such a manner as to create a public or private nuisance.

(d) Exhibit, show or conduct within said place of an outdoor music festival any obscene, indecent vulgar, or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

(e) Allow any person on the premises of the outdoor music festival or cause or create a disturbance in, around or near the place of the outdoor music festival, by offensive or disorderly conduct.

(f) Knowingly allow any person to consume, sell by under the influence, or be in possession of intoxicating liquor while on the site of the outdoor music festival except where such consumption or possession is expressly authorized under the terms of this Chapter and under the laws of the State of California.

(g) Knowingly allow any person on the site of the outdoor music festival to use, sell, or be in possession of any narcotic or dangerous drug while in, around, or near the site of the outdoor music festival.

(h) Any of the above enumerated violations shall constitute a criminal act and shall be punishable pursuant to ordinances of the County of Yuba and the laws of the State of California. It is provided, however, that the County of Yuba retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of money damages thereof. (#650)

8.70.270 Misdemeanor. Every person, firm or corporation who violates any provision of this Chapter shall be guilty of a misdemeanor punishable by imprisonment in the County Jail for a maximum of six (6) months or by a maximum fine of \$500.00 or by both such fine and imprisonment. (#650)

**CHAPTER 8.75
HAMMON GROVE RECREATION AREA
(Repealed #1418)**

**CHAPTER 8.76
COUNTY PARKS AND RECREATION AREAS**

Sections

8.76.010 Purpose

8.76.020 Description

8.76.030 Hours

8.76.040 Fees

8.76.050 Prohibited Acts

8.76.060 Vehicles

8.76.070 Boat Launch Facilities

8.76.080 Animals within County Parks and Recreation Areas

8.76.100 Signs

8.76.110 Penalties

8.76.120 Enforcement

8.76.010 Purpose.The purpose of this chapter is to protect property, persons and the public health and welfare within any park, park-like area or recreation area which is under the jurisdiction and control of this County. (Ord. #1418)

8.76.020 Description. This section shall apply to any indoor or outdoor park, park-like or recreational area whose boundaries fully or partially lie within the County of Yuba and is under the control or jurisdiction of the County and which exists for the purpose of recreation, aesthetic value, or the conservation of cultural, historical or natural resources, with the exception of Hammon Grove Park as defined in Chapter 8.79 of the Yuba County Ordinance Code. (Ord. #1418)

8.76.030 Hours. It shall be unlawful for any person to enter or remain upon the premises of any park or recreation area within the jurisdiction or control of the County within the period of:

- (a) No later than thirty (30) minutes after sunset and;

No earlier than thirty (30) minutes prior to sunrise, with the exception of authorized personnel acting as a caretaker, custodian, or County employees engaged in their duties; or agents thereof. The County may authorize extended or reduced hours for an approved use under an operation and maintenance agreement or other agreement or permit as approved by the Board of Supervisors. (Ord. #1418)

8.76.040 Fees .The Board of Supervisors shall set fees as appropriate for reserved daytime use, overnight camping or organized events by resolution. All fees must be paid prior to using such area in accordance with agreement. (Ord. #1418)

8.76.050 Prohibited Acts. Within any park or recreation area that lies within the jurisdiction of Yuba County, it shall be prohibited for any person to:

- (a) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or other such refuse or trash except in proper receptacles provided for such purpose. Such refuse or trash so placed shall be only generated in connection with normal activities in, and use of, the park or recreation area. Where such receptacles are not provided, all refuse or trash shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere.
- (b) Break, cut, carve, deface, injure, mutilate, transplant, remove or otherwise damage any animal, grass, turf, plant, tree, shrub, flower, wood, dirt, mulch, sand or rock.
- (c) Mark, graffiti, deface, disfigure, injure, tamper with, displace, dig, remove, destroy, or obliterate any County-owned real or personal property of any kind.
- (d) Tamper, damage, break, or cause adjustment to any irrigation component including, but not limited to controllers, repeaters, weather monitoring stations, sprinklers, sprayers, access boxes, poly-hose, or pipe that would affect the irrigation pattern or otherwise cause for the malfunction of any County maintained irrigation system.
- (e) Discharge a projectile from any firearm, cannon, compressed air or gas operated weapon, bow, crossbow, slingshot, or other deadly or dangerous weapon except in the defense of life or property or upon the authorization of the Board of Supervisors.
- (f) Camp or sleep overnight either in a vehicle or otherwise without a permit, except for an authorized custodian or caretaker of the premises.
- (g) Engage in hazardous activities such as propel a rocket or missile of any type, hitting a golf ball, horseshoe games, handball, lawn-darts, archery, or any similar game of hazardous nature except at such places designated for such use by the County.
- (h) Swim in any body of water except at such places designated for such use by the County.
- (i) Possess, use, discharge or sell any firecrackers, torpedoes, rockets, explosives, or other fireworks of any type.
- (j) Possess glass containers of any type except for within parked vehicles, or when conducting the transfer of personal belongings or refreshments when loading and unloading boats at the Star Bend Boat Ramp.
- (k) Carry, use or throw away any lighted cigarette, cigar, ashes, or any other flaming or glowing substance except in designated barbeque areas, vehicles, or other posted areas.
- (l) Hunt for wild animals or wild birds.

- (m) Trespass upon any area, building, or portions thereof which are posted with signs disallowing entry or when gates, doors or other means of access are closed or locked for the purpose of prohibiting entry.
- (n) Walk, stand, or sit upon any monument, vase, fountain, railing, fence, or other property not designated or customarily used for such purposes.
- (o) Dispose of, introduce or otherwise expose any chemical, material or agent that may result in the pollution, temperature adjustment, chemical balance, aesthetic quality, change of color, change of texture or otherwise alter the natural occurrence of any body of water, water surface or water feature.
- (p) Urinate, defecate or otherwise excrete any bodily fluid and/or by-product except within designated restroom areas. It shall be unlawful for males to use said restroom areas exclusively designated and marked for females, and for females to use said restroom areas exclusively designated and marked for males; provided however that restroom designation shall not apply to children accompanied by an adult person.
- (q) Distribute, circulate, give away, throw or otherwise deposit any handbill, circular, dodger, pamphlet, paper or advertisement or post or affix the same to any tree, fence, building, or other property.
- (r) Engage in the business of soliciting, selling, or peddling any liquids or edibles for human consumption or to hawk, peddle or vend any goods, wares or merchandise except when authorized to do so by the public agency having jurisdiction over the area where such activities are conducted.
- (s) Produce any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area as outlined in Chapter 8.20 of the Yuba County Ordinance Code. (Ord. #1418)

8.76.060 Vehicles – Within any park or recreation area that lies within the jurisdiction of Yuba County, it shall be prohibited for any vehicle to be driven, stopped, stood or parked except in those places designated for such purposes. (Ord. #1418)

8.76.070 Boat Launch Facilities – It shall be unlawful to park, stop or stand a vehicle on or about any boat ramp facilities within Yuba County except for such purposes as launching or retrieving vessels or flotation devices to and from the water. (Ord. #1418)

8.76.080 Animals within County Parks and Recreation Areas

- (a) It shall be unlawful for any person who owns or has the charge, care, control or custody of any animal to allow, cause or permit such animal to be in or upon any park or recreation area belonging to the County unless such animal is on a leash not exceeding eight (8) feet in length and under the complete control of the person in charge of such animal.
- (b) It shall be the responsibility of any person who owns or has the charge, care, control or custody of any animal in or upon any County park or recreation area to clean up fecal matter from the animal before leaving the facility and to properly dispose of same. (Ord. #1418)

8.76.090 Alcoholic Beverages – It shall be unlawful for any person to possess, use or consume any alcoholic beverage in or upon the premises of any County park or recreation area except as follows or otherwise approved by the Board of Supervisors:

- (a) Shad Pad Park - Alcoholic beverages may be possessed, used or consumed within the boundaries of Shad Pad Park.
- (b) Star Bend Boat Ramp – Alcoholic beverages may be possessed within the Star Bend Boat Ramp and parking areas for the purpose of transit between vehicles and vessels intended to be launched or retrieved from the Feather River. (Ord. #1418)

8.76.100 Signs – The director of Public Works is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating applicable laws, ordinances, restrictions, hazards or the operation of motor vehicles in or upon any County park or recreation area. (Ord. #1418)

8.76.110 Penalties – Except as otherwise provided in this chapter, any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding one thousand dollars (\$1,000) or both. Each separate day during which any violation occurs is a separate offense. (Ord. #1418)

8.76.120 Enforcement – The provisions of this chapter may be enforced by any duly appointed peace officer recognized by the State of California. Any such person authorized to enforce the provisions of this chapter may issue an arrest, citation or a notice to appear before a magistrate as appropriate per applicable statute. (Ord. #1418)

CHAPTER 8.77

Repealed August 28, 2007 (Ordinance No. 1418)

CHAPTER 8.78

Repealed August 28, 2007 (Ordinance No. 1418)

CHAPTER 8.79

HAMMON GROVE PARK AREA

Sections:

- 8.79.010 Purpose
- 8.79.020 Common Description
- 8.79.030 Prohibition of Certain Uses without Permit
- 8.79.040 Hazardous Games Prohibited
- 8.79.050 Hours
- 8.79.060 Camping and Organized Events
- 8.79.070 Fees
- 8.79.080 Stopping, Standing or Parking
- 8.79.090 Use of Boat Ramp
- 8.79.100 Swimming Prohibited
- 8.79.110 Fireworks Prohibited
- 8.79.120 Operations of Vehicles within Hammon Grove Park
- 8.79.130 Animals in Hammon Grove Park
- 8.79.140 Signs
- 8.79.150 Alcoholic Beverages
- 8.79.160 Glass Containers
- 8.79.170 Vending and Peddling
- 8.79.180 Fire Prevention
- 8.79.190 Restrooms
- 8.79.200 Trespassing
- 8.79.210 Hunting Prohibited
- 8.79.220 Other Prohibitions
- 8.79.230 Violations and Penalties
- 8.79.240 Enforcement

8.79.010 Purpose. - Hammon Grove Park shall be used and maintained for the benefit and entertainment of the public generally, subject, however, to the restrictions and limitations contained in this chapter and such other regulations (including requirements for permits and the fees therefore) as the board of supervisors may adopt hereafter by resolution. The regulations set forth in this chapter shall apply to and be in full force and effect at Hammon Grove Park which is under the jurisdiction and control of the county. The regulations shall govern the use of such park and the observance of these regulations shall be a condition under which the public may use the park and recreation area. (Ord. #1237, #1419)

8.79.020 Common Description. - As used herein, the term “Hammon Grove Park” shall include that area within the County of Yuba, State of California, and more particularly described as follows:

That portion of the north ½ of Section 22, Township 16 North, Range 5 east, Mount Diablo Base and Meridian, beginning at a point on the southerly right of way line of California State Highway, Yuba-15-A, from which point the west quarter corner of said Section 22 bears S 74°10'50" W, 1622.47 feet; thence from said point of beginning along a curve to the right from a tangent that bears S 88°39'04" E with a radius of 4450 feet, through an angle of 3°20'34" a distance of 259.62 feet (the chord of which bears S 86°58'47" E, 259.61 feet); thence along the southerly right of way line of said State Highway S 85°18'30" E, 766.98 feet; thence S 23 °51'15" W, 74.98 feet; thence S. 52°02'45" W., 559.05 feet; thence S 69°12'30" W, 309.70 feet; thence N 23 ° 41' 30" W, 653.92 feet to the point of beginning, containing 7.87 acres more or less; and Lots 5 and 8 of Section 22, Township 16 North, Range 5 East,

M.D.M. according to Dependent Resurveys by the United States Department of the Interior, Bureau of Land Management, accepted July 24, 1997. (Ord. #1237, #1419)

8.79.030 Prohibition of Certain uses Without Permit. - The board of supervisors may by resolution adopt regulations and policies with respect to the use of Hammon Grove Park. It shall be unlawful for any person to use Hammon Grove Park or conduct any activity in Hammon Grove Park without a permit if such permit is required by any law or regulation. In addition to any penalty otherwise provided, any person so using Hammon Grove Park without the necessary permit may be immediately ejected from such park by the County Sheriff. (Ord. #1237, #1419)

8.79.040 Hazardous Games Prohibited. - It is unlawful for any person to fly a model airplane (motor-driven), propel a rocket or missile of any type, hit a golf ball, participate in archery, handball, horseshoe games or any similar game of a hazardous nature in Hammon Grove Park except at such places designated for such use by the County. (Ord. #1237, #1419)

8.79.050 Hours. - It is unlawful for any person to enter or remain in Hammon Grove Park at any time from the first day of May through the last day of September between the hours of nine p.m., local time and six a.m., immediately following, and from the first day of October through the last day of April between the hours of five p.m., local time, and seven a.m., immediately following; provided, however, that this prohibition shall not apply to such person who camps overnight in Hammon Grove Park if such person is camping there pursuant to approval of the Board of Supervisors or its designee granted under the provisions of Section 8.79.060 (Ord. #1237, #1419)

8.79.060 Camping and Organized Events. - It is unlawful for any person to camp overnight in Hammon Grove Park except within designated areas and with a permit for such use issued by the person designated by the Board of Supervisors to issue such permits, or in conjunction with a group which is participating in an organized event which has been approved in advance by the Board of Supervisors or its designee. Any such advance approval shall include such conditions as the Board of Supervisors or its designee deems necessary or appropriate including, without limitation, provision for:

1. A written application made at least five working days prior to the proposed event;
2. Liability insurance;
3. Cleanup deposits;
4. Security;
5. Portable toilets sufficient to accommodate the number of attendees; and
6. Other matters which apply generally to the use of county property.

Individual permits for overnight camping shall be issued on a daily basis and shall expire at seven a.m. the following day. It is the intent of Yuba County that Hammon Grove Park be utilized for recreational purposes and not for extended periods of residency. The Board of Supervisors or its designee is authorized to refuse issuance of a permit when, in their opinion based upon the duration of occupancy and other factors, there is indication that the occupancy is for other than recreational purposes or may pose a threat to public health and safety. (Ord. #1237, #1419)

8.79.070 Fees. - The Board of Supervisors shall set the fees for daytime use, overnight camping and organized events by resolution. All fees must be paid prior to using Hammon Grove Park or by other means approved by the Board of Supervisors. (Ord. #1237, #1419)

8.79.080 Stopping, Standing or Parking. - No person shall stop, stand or park a vehicle within Hammon Grove Park, except in those places specifically designated for such purpose. (Ord. #1237, #1419)

8.79.090 Use of Boat Ramp. - The boat ramp in Hammon Grove Park shall be used only for loading and unloading of non-motorized flotation devices into the Yuba River. No person shall stop, stand or park a vehicle on or about the boat ramp except for such purpose (Ord. #1237, #1419)

8.79.100 Swimming Prohibited. - No person shall swim in the boat ramp or boat launching area or in any body of water within or adjacent to Hammon Grove Park. (Ord. #1237, #1419)

8.79.110 Fireworks Prohibited. - No person shall use, discharge, possess or sell any firecrackers, torpedoes, rockets, or other firework of any type within Hammon Grove Park. (Ord. #1237, #1419)

8.79.120 Operation of Vehicles within Hammon Grove Park. - It shall be unlawful for any person to operate or park any motor vehicle in or upon any park or recreation area, except in those places specifically provided or designated for such purpose. As used in this section, "motor vehicle" shall include any type of motor vehicle, including, without limitation, house trailers, motorcycles, motorized two (2), three (3), or four (4) wheel vehicles, buses, and automobiles. Operation of off road vehicles is prohibited. Bicyclists shall be permitted to wheel or push bicycles by hand on any grassy area, trail, or path reserved for pedestrian use. All non-motorized vehicles shall be operated at all times with reasonable regard for the safety of others. (Ord. #1419)

8.79.130 Animals in Hammon Grove Park.

(a) It shall be unlawful for any person who owns or has the charge, care, control or custody of any animal to allow, cause, or permit such animal to be in Hammon Grove Park, unless such animal is on a leash and is under the complete control of the person owning or in responsible charge of such animal. Such leash shall not be more than eight (8') feet in length.

(b) It shall be the responsibility of any person who owns or has charge, care, control or custody of any animal, while in Hammon Grove Park, to clean up fecal matter from their animal before leaving the facility and to properly dispose of same. (Ord. #1419)

8.79.140 Signs. - The Director of Public Works is authorized and directed to place and maintain appropriate signs giving notice of any restriction imposed by this chapter including, without limitations, signs regulating parking and overnight camping activities. (Ord. #1237, #1419)

8.79.150 Alcoholic Beverages. - Alcoholic beverages may be used, possessed and consumed in Hammon Grove Park. Alcoholic beverages may only be sold or distributed in Hammon Grove Park if, prior to such sale or distribution, a permit is obtained from the county and such other agency or agencies as otherwise required by law. The fee for such permit and the manner in which it is issued shall be set forth in a resolution adopted by the board of supervisors. (Ord. #1237, #1419)

8.79.160 Glass Containers. - No glass containers of any type shall be permitted within Hammon Grove Park. (Ord. #1237, #1419)

8.79.170 Vending and Peddling. - It shall be unlawful for any person to engage in the business of soliciting, selling, or peddling any liquids or edibles for human consumption, or to distribute circulars, or to hawk, peddle, or vend any goods, wares, or merchandise, in Hammon Grove Park, except when authorized to do so by the public agency having jurisdiction over the area where such activities are conducted. (Ord. #1419)

8.79.180 Fire Prevention. - It shall be unlawful to carry, use or throw away any lighted cigarette, cigar, ashes, or any other flaming or glowing substance except in designated barbeque areas, vehicles, or

posted clear areas within Hammon Grove Park. (Ord. #1419)

8.79.190 Restrooms. - It shall be unlawful for any person to fail to cooperate in maintaining restrooms in a neat and sanitary condition. Male persons shall not resort to any restroom facility set apart for woman, and female persons shall not resort to any restroom facility set apart for men; provided, however, the provisions of this section shall not apply to children accompanied by an adult person. (Ord. #1419)

8.79.200 Trespassing. - No person shall enter any portion of Hammon Grove Park or buildings or portions thereof in Hammon Grove Park which are posted with signs which state "No Entry," "Keep Out," "No Trespassing," "Closed Area," or when gates are locked or other prohibition of entry is indicated. (Ord. #1419)

8.79.210 Hunting Prohibited. - Hunting for wild animals or wild birds is prohibited within Hammon Grove Park. (Ord. #1419)

8.79.220 Other Prohibitions.

(a) No person shall distribute, circulate, give away, throw, or deposit any handbill, circular, dodger, pamphlet, paper, or advertisement or post or affix the same to any tree, fence, building, or other property.

(b) No person shall walk, stand, or sit upon any monument, vase, fountain, railing, fence, or other property not designated or customarily used for such purposes.

(c) No person shall dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or other such refuse or trash except in proper receptacles provided for such purpose. Such refuse or trash so placed shall be only that generated in connection with normal activities in, and use of, the park or recreation area. Where such receptacles are not provided, all refuse or trash shall be carried away from the park or recreation area by the person responsible for its presence and properly disposed of elsewhere.

(d) No person shall mark, graffiti, deface, disfigure, injure, tamper with, displace, dig, remove, destroy, or obliterate any County-owned real or personal property of any kind.

(e) No person shall remove from said area any dirt, rock, shrub, tree, or portion of any tree or shrub.

(f) No person shall cut, carve, break, deface, injure, transplant, or remove any dirt, grass, turf, plant, tree, shrub, flower, wood, or rock. (Ord. #1419)

8.79.230 Violations and Penalties. - Except as otherwise provided in this chapter, any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County jail for a term not exceeding six months or a fine not exceeding one-thousand dollars (\$1,000.00) or both. Each separate day during which any violation occurs is a separate offense. (Ord. #1419)

8.79.240 Enforcement. - The provision of this chapter may be enforced by any duly appointed peace officer. Any person authorized to enforce the provisions of this chapter may issue such citation or notice to appear as may be appropriate under the circumstances. (Ord. #1237, #1419)

**CHAPTER 8.80
SHOOTING RESTRICTIONS**

Sections

- 8.80.010 Prohibition**
 - 8.80.015 Definitions**
 - 8.80.020 Parks**
 - 8.80.030 Urban Areas**
 - 8.80.040 Hallwood**
 - 8.80.050 Hammon Grove Residential Area**
 - 8.80.060 Highways**
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8.80.010 Prohibition. Except in the defense of life or property and except as otherwise provided in this Chapter, it shall be unlawful for any person to discharge any firearm, compressed air or gas operated weapon, bow and arrow, crossbow, or other deadly or dangerous weapon anywhere within or over those unincorporated areas of the County of Yuba described in this Chapter. (#808 as amended by #855)

8.80.015 Definitions.

(a) “Designated areas” are defined to refer to those areas designated by a public entity or by a lessee of a public entity on which are allowed certain of the activities provided by this chapter. (#845)

8.80.020 Parks. Except in designated areas, the restrictions of 8.80.010 shall apply to the following parks and park like areas and any future parks or recreation areas under the jurisdiction and control of the county.

a. Hammon Grove Recreation Area.

That portion of the north ½ of Section 22, Township 16 North, Range 5 East, Mount Diablo Base and Meridian, beginning at a point on the southerly right of way line of California State Highway. Yuba 15-A, from which point the west quarter corner of said Section 22 bears S 74° 10’ 50” W, 1622.47 feet; thence from said point of beginning along a curve to the right from a tangent that bears S 88° 39’ 04” E with a radius of 4450 feet, through an angle of 3° 20’ 34” a distance of 259.62 feet (the chord of which bears S 86° 58’ 47” E, 259.61 feet); thence along the southerly right of way line of said State Highway S 85° 18’ 30” E, 766.98 feet; thence S 23° 51’ 15” W, 74.98 feet; thence S 52° 02’ 45” W, 559.05 feet; thence S 69°12’ 30” W, 309.70 feet; thence N 23° 41’ 30” W, 653.92 feet to the point of beginning, containing 7.87 acres more or less. (#808 as amended by #855) and Lots 5 and 8 of Section 22, Township 16 North, Range 5 East, M.D.M. according to Dependent Resurveys by the United States Department of the Interior, Bureau of Land Management, accepted July 24, 1997. (Ord. #1237, #1419)

b. West Linda Park. That County-owned park located between Cottonwood Avenue and Alicia Avenue.

c. East Linda Park. That County-owned park located between Grove Avenue and Fernwood Drive.

d. Star Bend.

PARCEL 1:

Portion of Lot 1 in Block 1 and a portion of Lot 16 in Block 36, as shown upon the map entitled, “Arboga Colony No. 2,” on file in the office of the County Recorder of the County of Yuba, State of California, in

Book 2 of Maps, page 15 and being more particularly described as follows:

Beginning at a point on the line between Lots 15 and 16 in said Block 36, which point is South 184.5 feet from an iron pin at the Northwest corner of the Southwest quarter of said Lot 16; thence South 49 degrees 30' East 1006.1 feet, thence South 24 degrees 19' 30" West 281.4 feet to the Northerly bank of the Feather River; thence upstream along said Northerly bank to the intersection of the Westerly line of said Lot 1 thence North along the westerly line of said Lot 1 and Lot 16, a distance of 850 feet, more or less, to the point of beginning, containing 9 acres, more or less.

PARCEL 2:

An easement 50 feet in the width for public use and access over and across the following described parcel which is located in Lot 1 of Block 1 hereinbefore referred to:

Beginning at the Southeast corner of Lot 16, Block 36; thence West 766.97 feet along South line of Lot 16 to a square iron stake; thence South 45 degrees 10' 30" East 361.68 feet to the true point of beginning; thence South 56 degrees 57' 30" East 137.55 feet; thence South 33 degrees 02' 40" West 26.89 feet to an iron pipe; thence South 33 degrees 02' 40" West 200 feet, more or less, to the Northerly bank of Feather River; thence Northerly along the high water line of the Feather River, a distance of 185 feet, more or less; thence North 24 degrees 19' 30" East 111.43 feet; thence South 81 degrees 51' East to the point of beginning. (Ord. #808 as amended by #943, #1419)

8.80.030 Urban Areas. Except in designated areas, and except that the shooting of a bow and arrow is allowed on private property at a targeted backstop consisting of at least 3 bales of straw, or the equivalent thereof, with the permission of the owner or tenant and providing that the shooting of an arrow upon, over or across any adjoining property without the permission of the owner or tenant is prohibited, the restrictions of 8.80.010 shall apply to the following urban areas:

- a. Linda-Olivehurst Area. The urban area described as follows:

Beginning at the section corner common to Sections 27, 28, 33 and 34 of Township 15 North, Range 4 East, M.D.B. & M.; thence from said point of beginning westerly one quarter of a mile to the southwest corner of the east ½ of the east ½ section 28 of said Township and Range; thence northerly along the west line of said east ½ of the east ½ of the southeast ¼ of said Section 28 to the northwest corner of said east ½ of the east ½ of the southeast ¼ of said Section 28; thence, westerly along the east west center Section lines of Sections 28 and 29 to the west ¼ corner of said Section 29; thence, southerly along the west line of said Section 29 to the intersection with the southwesterly right of way line of Southern Pacific Railroad right of way; thence, southeasterly along said Southern Pacific right of way line approximately three and one third miles to the intersection with the Section line common to Sections 9 and 10 of Township 14 North; Range 4 East, M.D.B. & M.; thence, southerly along said Section line and the Section line common to Sections 15 and 16 of said Township and Range approximately three quarters of a mile to the North 1/16 corner between said Sections 15 and 16; thence, approximately 1.5 miles westerly along a line parallel with and 1,000 feet southerly of the northerly Section line of Sections 16 and 17 to the point of intersection with the westerly right of way line of the Western Pacific Railroad right of way; thence, southerly along said westerly right of way line approximately 400 feet to the northeast corner of Parcel 1 of Parcel Map #4.58 recorded in Book 18 of Maps at page 2, Yuba County Records; thence, westerly along the northerly line of said Parcel Map and its westerly extension approximately six-tenths of a mile to the easterly right of way line of the Sacramento Northern Railroad right of way; thence, northwesterly along said right of way line 2.1 miles more or less to the intersection with the north 1/16 line of Section 6; Township 144 North; Range 4 East; M.D.B. & M.; thence,

westerly along said North 1/16 line of said Section 6 and its westerly prolongation approximately 1,000 feet to a point on a line which lies 250 feet westerly of an parallel with the westerly line of Feather River Boulevard, a Yuba County Road; thence northerly along said parallel line approximately 2,000 feet to a point on the south line of lot 40 of "Eliza Bend Acres No. 2" as shown on the map recorded in Book 4 of Maps at Page 28, Yuba County Records; thence westerly to the southwest corner of Lot 33 of said tract; thence, northerly to the northwest corner of Lot 15 of "Eliza Bend Acres" as shown on the map recorded in Book 4 of Maps at Page 6, Yuba County Records; thence easterly along the northerly boundary of said last mentioned tract and its easterly extension to the intersection with the northwesterly prolongation of the westerly right of way line of the Sacramento Northern Railroad right of way; thence northwesterly along the northwesterly prolonged line of said right of way approximately 3,000 feet to the intersection with the existing levee; thence, along said levee along the westerly and northerly sides of the Linda District approximately four and ¼ miles to its intersection with the easterly right of way line of Dantoni Road; thence southerly along said easterly right of way line of Dantoni Road to the northerly right of way line of Hammonton-Smartville Road; thence northeasterly along the northerly right of way line of Hammonton-Smartville Road into its intersection with the West 1/16 line of Section 22, Township 15 North; Range 4 East, M.D.B. & M.; thence, northerly approximately 1,000 feet to the northerly line of said Section 22; thence, easterly along the northerly line of said Section 22, one quarter mile to the north quarter corner of said Section 22; thence, southerly ½ mile to the center of said Section 22; thence, easterly along the east-west centerlines of Sections 22 and 23, 1 mile to the center of Section 23 of the said Township and Range; thence southerly ½ mile to the south quarter corner of said Section 23; thence, easterly ½ mile to the Section corner common to Sections 23, 24, 25 and 26 of said Township and Range; thence, southerly along the east line of Section 26 ½ mile to the east ¼ corner thereof; thence, westerly on the east-west centerlines of said Sections 26 and 27, 1 ½ miles to the center of said Section 27; thence southerly along the north-south centerlines of Sections 27 and 34, 1 ¼ miles to the center north 1/16 corner of said Section 34; thence, westerly along the north 1/16 line of said Section 34 ½ miles to the north 1/16 corner common to Sections 33 and 34 of the aforementioned Township and Range; thence, northerly ¼ mile along the Section line common to said Sections 33 and 34 to the corner common to Sections 27, 28, 33 and 34 of Township 15 North; Range 4 East, M.D.B. & M., said corner also being the Point of Beginning. (#815)

8.80.040 Hallwood. Except in designated areas, the restrictions of 8.80.010 shall apply to the following described property, except that the shooting of shotguns and bows and arrows shall not be restricted in such area:

Commencing at the intersection of the centerlines of the City of Marysville levee and the Western Pacific Railroad crossing the Yuba River in Yuba County, California; thence, along the centerline of the City of Marysville levee in a northeasterly direction to its intersection with the centerline of State Route 20; thence, northeasterly along the centerline of State Route 20 to its intersection with the centerline of the access road to Daguerra Point Dam located near the Section line common to Section 29 and 30, T16N, R5E; thence, southerly along the centerline of Daguerra Point Dam access road to the intersection with the projection of the centerline of the crest to Daguerra Point Dam. Thence, southerly along the centerline crest of Daguerra Point Dam to southern abutment; thence, from the southern abutment of Daguerra Point Dam due south to the intersection of the contact between the dredger tailings and the undisturbed land in Section 5, T15N, R5E; thence westerly on the contact between the dredger tailings and the undisturbed land in Section 5, T15N, R5E to its intersection with the centerline projection of the southern Yuba River

levee in Section 11, T15N, R4E; thence, westerly along the centerline of the southern Yuba River Levee in Section 11, T15N, R4E to its intersections with the centerlines of the Western Pacific Railroad; thence, northerly on along the centerline of the Western Pacific Railroad to its intersection with the City of Marysville Levee, said point of intersection also being the point of beginning. (#828)

8.80.050 Hammon Grove Residential Area. Except in designated areas, the restrictions of 8.80.010 shall apply to the following described property:

All that portion of Sections 22 and 23, Township 16 North, Range 5 East, M.D.B. & M. described as follows:

Beginning at a point where the center line of State Highway 20, as shown on Sheet 4 of 10 of the Right of Way Plans for said highway dated May 22, 1962, on file in the Yuba County Public Works Department, intersects the east 1/16 line of Section 23 of said Township and Range and thence from said Point of Beginning, south along said 1/16 line of Section 23 to intersection with the Official Meander line of the Right Bank of the Yuba River; thence, along said meander line of the right bank of the Yuba River westerly and southwesterly through Sections 23 and 22 to the intersection with the south line of Section 22; thence westerly along said south line 565.6 feet more or less to the southwest corner of said Section 22; thence, northerly along the westerly line of said Section 22 to the west ¼ corner of said Section; thence, continuing northerly along the westerly line of said Section 22, a distance of 211.80 feet more or less to the intersection with centerline of State Highway 20; thence, easterly along said centerline 2897 feet more or less to Station 4 + 11.19 as shown on the aforementioned right of way map for State Highway 20 thence, leaving said centerline N 4 41' 30" E - 50.00 feet to the southwest corner of parcel No. 1 of parcel map #2.16 filed in Book 13 of Maps at page 49 Yuba County Records, thence following the northerly boundary of said parcel map the following courses and distances:

N7355'43"E - 367.56 feet

N8834'13"E - 196.13 feet

N6904'16"E - 351.37 feet

S7107'14"E - 268.35 feet

N7524'56"E - 901.55 feet

N7258'43"E - 233.24 feet

S3539'40"E - 395.63 feet to the westerly line of Section 23; thence continuing S3539'40"E - 500 feet more or less to the centerline of State Highway 20, thence easterly along the centerline of said State Highway 20, 3689 feet more or less to the point of beginning and there terminating.

Excepting from the above, the portion thereof lying within the boundaries of "Hammon Grove Recreation Area" being a portion of Section 22, Township 16 North, Range 5 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the southerly right of way line of California State Highway, Yuba-15-A, from which point the west quarter corner of said Section 22 bears S7410'50"W, 1622.47 feet; thence from said point of beginning along a curve to the right with a radius of 4450 feet, through an angle of 320'34" a distance of 259.62 feet (the chord of which bears S8658'47"E, 259.61 feet); thence along the southerly right of way line of said State Highway S8518'30E, 766.98 feet; thence S2351'15"W, 74.98 feet; thence S5202'45"W 559.05 feet; thence S6912'30"W 309.70 feet; thence N2341'30"W 653.92 feet to the point of beginning. (#855)

8.80.060 Highways. Pursuant to the authority of Government Code 25840, the restrictions of 8.80.010

shall apply to the firing and discharge of firearms on or into the following described highways of this County. The term “highways” as used in this section shall mean a way, street or road of whatever nature within the unincorporated area of the County publicly maintained and opened to the use of the public and which is included in a 100 foot wide strip measuring 50 feet from both sides of the centerline of such highway. “Highway” shall not include any such way under the jurisdiction of the Federal Government.

- a. Ramirez Road, from Tanabe Road north to the Butte County Line.
- b. Fruitland Road, from Ramirez Road easterly to Honcut Road.
- c. Iowa City Road, for its entire length from Fruitland Road easterly to Loma Rica Road.
- d. Old Loma Rica Road, for its entire length.
- e. Loma Rica Road, from Old Loma Rica Road north to Oak Creek Drive.
- f. Honcut Road from its intersection with Fruitland Road north to Butte County line.
- g. Ellis Road from its intersection with Highway 70 east to its intersection with Jack Slough Road. (#949 as amended by #951, #1021 and #1120)

CHAPTER 8.90 BURGLARY AND ROBBERY ALARM SYSTEMS

Sections

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 - 8.90.020 Permit Required**
 - 8.90.030 Application for Permit**
 - 8.90.040 Fees**
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 - 8.90.090 Suspension and Revocation of Permit**
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 - 8.90.130 Confidentiality**
 - 8.90.140 Applicability to Existing Alarm Systems**
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8.90.010 Definitions. For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

(a) Alarm System: The phrase “alarm system” means any mechanical or electrical device designed to detect, or enable a person to notify others of, an unauthorized intrusion onto certain premises, and which emits a sound or transmits a signal or message when activated. The following devices shall not constitute alarm systems within the meaning of this section:

- (1) Devices which do not register alarms that are audible, visible, or perceptive outside the protected premises;
- (2) Devices which are not installed, operated or used for the purposes of reporting an emergency to the Sheriff’s Office;
- (3) Alarm devices affixed to motor vehicles; and,

(4) Alarm devices installed on a temporary basis by the Sheriff's Office.

(b) Answering Service: The phrase "answering service" means a telephone answering service providing among its services the receiving on a continuous basis through trained employees of emergency signals from alarm systems, and the subsequent immediate relaying of said messages by live voice to the communication center of the Sheriff's Office.

(c) Automatic Dialing Device: The phrase "automatic dialing device" means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

(d) Central Station. The phrase "central station" means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or servicemen are maintained continuously to investigate signals.

(e) Direct Line: The phrase "direct line" means a telephone line leading directly from a central station to the communication center of the Sheriff's Office, where said line is used only to report emergency signals on a person-to-person basis.

(f) Emergency: The word "emergency" means the commission or attempted commission of a robbery or burglary.

(g) False Alarm: The phrase "false alarm" means the activation of an alarm system which results in a response by the Sheriff's Office where an emergency does not exist. False alarms which fall into the following two categories shall not be counted against a permittee under §8.90.090(a)(2) for the purposes of suspension or revocation of an alarm system permit:

(1) False alarms which the permittee can demonstrate, in accordance with the provisions of §8.90.090(a)(2) of this chapter, were approximately caused by hurricanes, tornadoes, earthquakes, or other violent acts of nature;

(2) False alarms which the permittee can demonstrate, in accordance with the provisions of §8.90.090(a)(2) of this chapter, were actually caused by the act of some person other than:

(i) The permittee: For the purpose of this subsection, the "permittee" shall include officers, agents, employees, independent contractors, and any other persons subject to the direct or indirect control of the permittee;

(ii) The person who installed, connected, operated, maintained or serviced the alarm system;

(iii) The manufacturer of the alarm system, including the manufacturer's officers, agents, employees, independent contractors and any other persons subject to the direct or indirect control of the manufacturer.

(h) Interconnect: The phrase "interconnect" means to connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(i) Modified Central Station: The phrase "modified station" means an office to which alarm systems are connected, where operators supervise the circuits but where guards are not maintained to

investigate alarm signals.

(j) Permittee: The word “permittee” shall mean the person to whom an alarm system permit is issued.

(k) Person: The word “person” shall include natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity. “Person” shall not include the County of Yuba.

(l) Primary Trunkline: The phrase “primary trunkline” means a telephone line leading directly into the communication center of the police department for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company, covering the service area within the Sheriff’s Office jurisdiction.

(m) Siren: The word “siren” means any audible noise similar to that which must be sounded by an authorized emergency vehicle under the conditions set forth in §21055 of the California Vehicle Code.

(n) Special Trunkline: The phrase “special trunkline” means a telephone line leading into the communication center of the Sheriff’s Office and having the primary purpose of handling emergency signals or messages originating through a central station, modified central station or answering service. (#764)

8.90.020 Permit Required. No person shall install, connect, operate or maintain, or cause to be installed, connected, operated or maintained, an alarm system upon any property of which such person is in possession without first obtaining an alarm system permit therefor in accordance with the provisions of this chapter. Any such person who installs, connects, operates or maintains, or who causes to be installed, connected, operated or maintained an alarm system without first obtaining a permit as required by this section or who, after having a permit revoked or suspended, fails to disconnect an audible alarm or, in the case of a silent alarm, continues to relay emergency signals to the Sheriff’s Office, shall be in violation of this chapter. (#764)

8.90.030 Application for Permit.

(a) All applications for alarm system permits shall be filed with the Sheriff’s Office on such forms as the Sheriff may prescribe. Such applications shall contain the name, address and telephone number of the person who will respond to an alarm, or render day or night and such additional information as the Sheriff shall reasonably deem necessary for evaluation and proper processing of the permit application.

(b) Any person who operates or maintains more than one alarm system upon any particular property may, at his or her option, apply for a single permit for that particular property or for separate permits for each alarm system operated or maintained; provided, however, that if such a person chooses to secure a separate permit for each alarm system, a separate permit fee shall accompany each such application. (#764)

8.90.040 Fees.

(a) Every application for an alarm system permit shall be accompanied by a non-refundable permit fee in an amount set by resolution of the Board of Supervisors. The fee is established to cover part of the cost of processing the applications and permits and shall be in addition to any other permit fee imposed by the County of Yuba.

(b) Every applicant shall be given a receipt for the aforesaid permit fee at the time such fee is paid. The

receipt shall serve as a temporary alarm system permit for a period not to exceed forty-five (45) days from the date on which said permit fee was paid, and shall be of no force or effect after the forty-five day period expires, or after the alarm system permit is issued by the Sheriff, whichever event occurs sooner. (#764)

8.90.050 Issuance of Permit. Alarm system permits shall be issued to the person who is in possession of the property which the alarm system is designed to protect. (#764)

8.90.060 Expiration of Permit. Each alarm system permit that is issued shall expire three (3) years after the date of issuance. The date of issuance shall be the date shown on the alarm system permit issued by the Sheriff. Upon expiration of an alarm system permit, a new permit shall be secured in the manner specified by §8.90.070 of this chapter for a new permit. (#764)

8.90.070 Renewal Fees. The fee for the renewal of an alarm system permit for each successive three year period shall be set by resolution of the Board of Supervisors. (#764)

8.90.080 Transferability of Permit. Any alarm system permit issued in accordance with the provisions of this chapter shall be valid only for the permittee named on the permit, and only for the particular alarm system or systems specified on the permit. No alarm system permit shall in any manner be transferred or assigned without the written consent of the Sheriff. Any request to transfer an alarm system permit shall be made upon such form as the Sheriff may prescribe and shall be accompanied by a non-refundable fee of \$2.00. Transfer of an alarm system permit shall in no way affect the date of expiration of said permit. False alarms previously charged to the transferor shall not be charged to the transferee; provided, however, that the Sheriff may deny any request to transfer an alarm system permit where, after reasonable investigation, it appears that the transfer is requested for the purpose of allowing the transferor to evade responsibility for prior false alarms. (#764)

8.90.090 Suspension and Revocation of Permit.

(a) **Grounds.** The following shall constitute the exclusive grounds for suspension or revocation of an alarm system permit:

(1) The violation of any of the provisions of this chapter.

(2) Where an alarm system actuates excessive false alarms. An alarm system shall be deemed to actuate excessive false alarms where there are three false alarms within 30 consecutive days, five false alarms within 90 consecutive days or six false alarms within 180 consecutive days. If a permittee presents sufficient proof that a particular false alarm was caused by an event or act specified in §8.90.010(a)(1) and (2) of this chapter, said false alarm shall not be counted against the permittee in determining whether the permittee's alarm system actuated excessive false alarms.

(i) If the Sheriff, or his or her representative, determines that an alarm system has generated excessive false alarms, the permittee responsible for such alarm system shall have his or her permit suspended for fifteen (15) days. On the sixteenth day following such a suspension, the suspended permit shall be restored by operation of law.

(ii) If the Sheriff, or his or her representative, determines that an alarm system has generated excessive false alarms, and if the Sheriff further finds that the permittee responsible for such alarm system has had his or her permit suspended during the twelve months prior to the date on which the hearing is held, the permittee shall have his or her permit revoked.

(3) The violation of any condition imposed by the Sheriff upon an alarm system permit issued

in accordance with §8.90.100 of this chapter.

(b) Hearings. Any such suspension or revocation shall be effective and shall begin 5 days following the mailing of notice of such suspension or revocation or the personal service thereof, unless the permittee requests a hearing before the Sheriff in writing within the 5 day period. The above notice shall also notify the permittee of the right to such hearing, as well as a brief statement of the grounds relied upon for suspending or revoking such permit. Any such hearing shall be held within 10 days of such request.

(c) Appeals. Any permit holder aggrieved by the decision of the Sheriff in suspending or revoking an alarm system permit may appeal such decision to the Board of Supervisors.

Notice of appeal shall be filed in writing with the Clerk of the Board not later than ten (10) days after said suspension or revocation. During the pendency of said appeal to the Board of Supervisors the permit shall remain in effect.

The Board of Supervisors shall conduct a hearing on said appeal within thirty (30) days of the filing of said appeal. (#764, #1405)

8.90.100 Reapplication after Revocation. Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with the procedures set forth in this section.

(a) Reapplication: All reapplications shall be submitted directly to the Sheriff's Office, on such forms as may be prescribed.

(b) Fees: Every reapplication for an alarm system permit shall be accompanied by a non-refundable permit fee in the sum of \$25.00. The fee is established to cover part of the cost of processing the reapplications and permits and shall be in addition to any other permit fee imposed by the County of Yuba.

(c) Investigation: The Sheriff's Office shall investigate each reapplication to determine whether the grounds for the prior revocation have been eliminated, or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on-site investigation of the alarm system; an examination of the alarm system and any specifications, diagrams, or descriptions pertaining thereto; and a prescribed test period of reasonable duration.

(d) Issuance of permit: If, after investigation and in the Sheriff's sole discretion, the Sheriff determines that the grounds for the prior revocation have been eliminated, or that such grounds are not likely to occur again in the future, an alarm system permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The Sheriff may attach such conditions to an alarm system permit as he or she deems reasonably necessary to insure that the permittee will comply with the provisions of this chapter.

(e) Appeals: Any person whose reapplication for an alarm system permit is denied by the Sheriff may appeal such denial to the Board of Supervisors, in accordance with the procedure set forth in section 8.90.090(c) of this chapter. (#764)

8.90.110 Regulations, Requirements and Duties.

(a) Audible alarm system requirements: Any alarm system which is installed or connected on or after the date this chapter becomes effective and which, when activated, generates an audible sound on the

premises, shall have as part of the system an automatic shut-off that will deactivate the audible portion of the system within 30 minutes after it is first activated. Any alarm system which is installed and in operation prior to the date this chapter becomes effective and which, when activated, generates an audible sound on the premises, shall have such an automatic shut-off device installed and in operation within two years after the date this chapter becomes effective.

(b) Display of alarm system permit: Every alarm system permit shall be kept on the premises where the alarm system is located.

(c) Automatic dialing device regulations:

(1) No automatic dialing device shall be interconnected to a primary trunkline of the Sheriff's Office after the effective date of this chapter.

(2) Within 90 days after the effective date of this chapter, all automatic dialing devices interconnected to a primary trunkline shall be disconnected therefrom. The owner or lessee of such device shall be responsible for having the device disconnected within the 90-day time period.

(3) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- (i) A central station; or
- (ii) A modified central station; or
- (iii) An answering service.

(4) The relaying of messages to the Sheriff's Office by a modified central station or an answering service shall be over a special trunkline unless the special trunkline is unavailable; the relaying of messages by a central station may be over a direct line.

(5) No automatic dialing device may be interconnected to the telephone company operator.
(#764)

8.90.120 Violation of Chapter.

(a) Penalties: Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars or imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment.

(b) Enforcement: The conviction or punishment of any person for violation of the provisions of this chapter or for failing to secure a permit as required by this chapter shall not relieve such person from paying the permit fee due and unpaid at the time of such conviction, nor shall payment of any permit fee prevent criminal prosecution for violation of any of the provisions of this chapter. All remedies shall be cumulative and the use of one or more remedies by the County shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. The amount of any permit fee shall be deemed a debt to the County. An action may be commenced in the name of the County in any court of competent jurisdiction for the amount of any delinquent permit fee. All permit fees shall be deemed delinquent thirty (30) days after they are due and payable. (#764)

8.90.130 Confidentiality. The information furnished and secured pursuant to this chapter shall be confidential in character, shall not be subject to public inspection, and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of the chapter. It is hereby declared that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information. (#764)

8.90.140 Applicability to Existing Alarm Systems. The provisions of this chapter shall apply to all alarm systems which were installed, connected, operated or maintained on or prior to the date on which this chapter becomes effective; provided, however, that the permits required for such alarm systems under section 8.90.020 shall be obtained within one hundred and eighty (180) days from and after the date on which this chapter becomes effective. (#764)

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