

Galt Code

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.08 TRESPASSING**
- 9.12 CURFEWS**
- 9.16 DISCHARGING WEAPONS**
- 9.20 ALCOHOLIC BEVERAGES--USE IN PUBLIC PLACES**
- 9.24 PROTECTION OF POLICE DOGS**
- 9.28 OBSTRUCTION OF SIDEWALKS**
- 9.32 MISCELLANEOUS PROVISIONS**
- 9.36 USE OF SKATEBOARDS, SCOOTERS, ROLLER SKATES, ROLLER BLADES,
OR IN-LINE SKATES ON PROPERTY WITHIN THE CITY**
- 9.37 SKATEBOARD AND SKATING AREAS**
- 9.38 SPECIAL EVENTS**
- 9.39 SEX OFFENDERS PROXIMITY TO CHILDREN'S FACILITIES**

Chapter 9.08

TRESPASSING

Sections:

- 9.08.010** **Trespass on private property prohibited.**
- 9.08.015** **No soliciting--Sign placement.**
- 9.08.020** **Exception--Generally.**
- 9.08.030** **Exception--Claim of right.**
- 9.08.040** **Violation.**

Section 9.08.010 **Trespass on private property prohibited.**

A. No person shall remain upon any private property or business premises after being notified by the owner or lessee or other person in charge thereof to remove himself therefrom.

B. No person, without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises, shall enter upon such private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom. (Ord. 80-13 § 1 (part): prior code § 10904)

Section 9.08.015 **No soliciting--Sign placement.**

No person shall enter upon or remain upon any private property or business premises where a "No Soliciting," "No Solicitation," "No Trespassing," or other similar sign is affixed at the entrance to the property or upon the door or other entrance to a building. (Ord. 90-23 § 2)

Section 9.08.020 **Exception--Generally.**

Sections 9.08.010 and 9.08.015 shall not apply in any of the following instances:

A. Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

B. Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

C. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

D. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as, but not limited to, peaceful expressions of political or religious opinions, not involving offensive personal conduct. (Ord. 90-23 § 3: Ord. 80-13 § 1 (part): prior code § 10905)

Section 9.08.030 **Exception--Claim of right.**

Sections 9.08.010 and 9.08.015 shall not apply where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable, but not limited to, the following types of situations involving disputes wherein the participants have available to them practical and effective civil remedies:

A. Marital and post-marital disputes;

Galt Code

- B. Child custody or visitation disputes;
- C. Disputes regarding title to or rights in real property;
- D. Landlord-tenant disputes;
- E. Disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute;
- F. Employer-employee disputes;
- G. Business-type disputes such as those between partners;
- H. Debtor-creditor disputes; and
- I. Instances wherein the person claims rights to be present pursuant to order, decree or process of a court. (Ord. 90-23 § 4: Ord. 80-13 § 1 (part): prior code § 10906)

Section 9.08.040 Violation.

Violation of any of the provisions of this Chapter shall be a misdemeanor, punishable pursuant to section 21.01.050. (Ord. 92-04 § 20: Ord. 90-23 § 5: Ord. 80-13 § 1 (part))
(Ord. 2006-07, Amended, 06/06/2006)

Chapter 9.12

CURFEWS

Sections:

- 9.12.010 Violation of curfew by minors prohibited.**
- 9.12.020 Permitting minors to violate curfew prohibited.**
- 9.12.025 City parks curfew.**
- 9.12.030 Violation.**

Section 9.12.010 Violation of curfew by minors prohibited.

Minors for the use of this section shall exclude those minors who are emancipated as described in the Government Code. It is unlawful for any persons under the age of eighteen years to be, remain, loiter or stroll in, upon or about the streets, sidewalks, public parks or other public places within the city at nighttime after the hour of ten p.m., unless such minor is accompanied by a parent, guardian or other adult person having the control and custody of such minor, or is in the performance of an errand or duty directed by such parent or guardian, or is engaged in an employment which makes it necessary for such minor to be in or upon the streets, sidewalks, or public places within the city during the nighttime after such specified hours. (Ord. 87-5 § 1: Ord. 23 § 1, 1950: prior code § 10900)

Section 9.12.020 Permitting minors to violate curfew prohibited.

It is unlawful for any parent, guardian or other person having the care, custody and control of any person under the age of eighteen years to allow or permit such minor to go upon or be upon any street, sidewalk, or any public park, or any other public place within the city unaccompanied by a parent, guardian or other adult person having the custody and control of such minor, during the nighttime after the hour of ten p.m. unless there exists a reasonable necessity thereof. (Ord. 87-5 § 2: Ord. 23 § 2, 1950: prior code § 10901)

Section 9.12.025 City parks curfew.

A. Except as otherwise provided by this section, all city parks shall close at ten pm and

reopen at six am. This curfew is established for the safety and welfare of the citizens of the community, and also to provide adequate time for the maintenance of city park facilities. Violators of the city park curfew will be instructed to leave. Persons refusing to leave the park after being instructed to do so will be subject to arrest or citation.

B. From time to time, the City Council may issue a permit waiving the curfew imposed by this section for overnight youth or adult groups. Any such permit issued by the City Council shall be on file in the police department for the duration of the event.

C. The City Council may, by resolution, establish that an individual city park shall close at dusk, instead of ten pm. In the event that such earlier close time is established by the City Council, the Department of Parks and Recreation shall immediately post signs at the affected city park clearly stating that the park shall close at dusk. (Ord. 2009-15, Amended, 11/09/2009; Ord. 87-5 § 3)

Section 9.12.030 Violation.

Violation of any of the provisions of this Chapter shall be a misdemeanor, punishable pursuant to section 21.01.050. (Ord. 2006-07, Amended, 06/06/2006; Ord. 92-04 § 21: Ord. 87-5 § 4: Ord. 23 § 3, 1950)

Chapter 9.16

DISCHARGING WEAPONS

Sections:

- 9.16.010 Prohibited.**
- 9.16.020 Exceptions.**
- 9.16.030 Violation.**

Section 9.16.010 Prohibited.

No person, or persons, firm, company, corporation or association shall fire or discharge any gun, rifle, pistol, air rifle, BB gun, or slingshot, or sell or offer for sale, give away, possess, use or discharge any dangerous fireworks as herein defined in the city, as provided in this chapter. (Ord. 30 § 1, 1951: prior code § 10902)

Section 9.16.020 Exceptions.

Section 9.16.010, as to the use of firearms, shall not apply to peace officers in discharge of their official duties, using reasonable care, nor to persons using firearms in necessary self-defense, or in any careful manner, for the purpose of destroying noxious animals from the land owned or supplied by them, or to bona fide shooting galleries, or to persons using firearms in a careful manner in bona fide shooting galleries, nor to public fireworks display, provided a permit therefor is secured from the fire chief. (Ord. 30 § 2, 1951: prior code § 10903)

Section 9.16.030 Violation.

Violation of any of the provisions of this Chapter shall be a misdemeanor, punishable pursuant to section 21.01.050.(Ord. 92-04 § 22: Ord. 30 § 5, 1951)
(Ord. 2006-07, Amended, 06/06/2006)

Chapter 9.20

ALCOHOLIC BEVERAGES--USE IN PUBLIC PLACES

Sections:

- 9.20.010** **Definitions.**
- 9.20.021** **Alcoholic beverages.**
- 9.20.025** **Exemptions.**
- 9.20.030** **Violation.**

Section 9.20.010 **Definitions.**

A. "Alcoholic beverage" means alcohol, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

B. "Public places" means public parks, streets, roads, highways, alleys, sidewalks, paths or other public ways, or any private property on which the prohibited conduct is carried on in public view, within fifty feet of any public way and without the permission of the owner, owner's agent or the person in lawful possession thereof. (Ord. 87-5 § 5: Ord. 84-19 § 1 (part))¹
(2006-04, Amended, 05/16/2006)

Section 9.20.021 **Alcoholic beverages.**

A. A person shall not enter, be, or remain in any public place while in possession of any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed. This section does not apply when the possession is within a public place for which a license has been issued pursuant to Division 9 of the California Business and Professions Code, or when the possession of any can, bottle, or other receptacle containing any alcoholic beverage is confined to a picnic or barbeque area or paved area commonly used for the consumption of food within a public park, or when otherwise permitted pursuant to this Chapter.

B. The City Council may, by resolution, prohibit the possession of any can, bottle, or other receptacle containing any alcoholic beverage in any specified area otherwise exempt under subsection (A). The Department of Parks and Recreation shall post signs in such designated locations notifying the public that possession of open alcoholic beverage containers is prohibited and punishable by law.

C. This section does not apply to persons in possession of an alcoholic beverage container, left or discarded by others, for the purpose of its removal or deposit in an approved trash or recycling receptacle. (Ord. 2006-04, Amended, 05/16/2006; Ord. 2003-12, Repealed and Replaced, 11/04/2003)

Section 9.20.025 **Exemptions.**

If the City Council determines that it will not be detrimental to the public health, safety, peace and welfare, it may from time to time exempt certain public places from the prohibitions of this Chapter at specified times and may exempt all public places from the prohibitions of this Chapter during specified public holidays, events, celebrations, parades, or festivals. Such exemptions shall be set forth by resolution of the City Council and filed with the city clerk. (Ord. 87-5 § 7: Ord. 84-19 § 1 (part))
(Ord. 2006-04, Amended, 05/16/2006)

¹ Editor's Note: There were two Sections number " 5" in Ord. 87-5.

Section 9.20.030 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations shall be punished as provided by Chapter 21.01 of Title 21.(Ord. 92-04 § 23: Ord. 87-5 § 8: Ord. 84-19 § 1 (part)) (Ord. 2006-07, Amended, 06/06/2006; Ord. 2006-04, Amended, 05/16/2006)

Chapter 9.24

PROTECTION OF POLICE DOGS

Sections:

9.24.010 Unlawful activity.

9.24.020 Penalty.

Section 9.24.010 Unlawful activity.

It is unlawful for any person to wilfully or maliciously torture, tease, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department while any such dog is in the performance of the functions or duties of the police department, or to wilfully interfere with any such dog while it is being used in the performance of any of the functions or duties of the police department. (Ord. 84-35 § 2 (part))

Section 9.24.020 Penalty.

Any person violating the provisions of this Chapter is guilty of a misdemeanor and shall be punished as provided in Chapter 21.01 of Title 21 of this code.

(Ord. 84-35 § 2 (part))

(Ord. 2006-07, Amended, 06/06/2006)

Chapter 9.28

OBSTRUCTION OF SIDEWALKS

Sections:

- 9.28.010 Sidewalk obstructions restricted.**
- 9.28.015 Exceptions.**
- 9.28.020 Violation.**

Section 9.28.010 Sidewalk obstructions restricted.

It shall be an infraction to obstruct or cause to be obstructed any part of, or any part of the public use of any public street, highway, avenue, sidewalk, space between sidewalk and street, crosswalk, wharf or bridge. Obstructions shall include but not be limited to any person, vehicle or animal sitting, standing or otherwise physically remaining on or in the path of the public ways, without necessity, which act or acts impede or impair the passage of the public or of any person, vehicle or animal lawfully passing over, on or along said ways. (Ord. 88-27 § 1)

Section 9.28.015 Exceptions.

Sidewalk cafes, as regulated through uncodified Chapter 18.85 of the municipal code, shall reserve a four-foot unobstructed linear pathway on all public sidewalks for pedestrian transit. (Ord. 94-14 § 1)

Section 9.28.020 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations shall be punished as provided by Chapter 21.01 of Title 21.(Ord. 92-04 § 24)
(Ord. 2006-07, Amended, 06/06/2006)

Chapter 9.32

MISCELLANEOUS PROVISIONS

Sections:

- 9.32.010 Public urination.**
- 9.32.020 Public defecation.**
- 9.32.030 Violation.**

Section 9.32.010 Public urination.

It is unlawful for any person to discharge, release or otherwise cause to be placed, human urine in any place open to the public, upon any street, alleyway, walkway, gully, telephone booth, park or other public way, in or upon any parking lot to which the public has access, in or upon any premises, public property, or vacant lot or in any water or waterway upon levees, or tanks adjacent thereto except in toilets, portable toilets, or other receptacles designated for the purpose of urination. (Ord. 88-28 § 1 (part))

Section 9.32.020 Public defecation.

It is unlawful for any person to discharge, release or otherwise cause to be placed, human feces or other materials from the human bowels in any place open to the public, upon any street, alleyway, walkway, gully, telephone booth, park or other public way, in or upon any parking lot to which the public has access, in or upon any premises, public property, or vacant lot or in any water or waterway upon levees, or tanks adjacent thereto except in toilets, portable toilets, or other receptacles designated for the purpose of defecation. (Ord. 88-28 § 1 (part))

Section 9.32.030 Violation.

Violation of any of the provisions of this Chapter is unlawful and an offense. Such violations shall be punished as provided by Chapter 21.01 of Title 21(Ord. 92-04 § 25: Ord. 88-28 § 1 (part))
(Ord. 2006-07, Amended, 06/06/2006)

Chapter 9.36

USE OF SKATEBOARDS, SCOOTERS, ROLLER SKATES, ROLLER BLADES, OR IN-LINE SKATES ON PROPERTY WITHIN THE CITY

Sections:

- 9.36.010** **Activities prohibited.**
- 9.36.020** **Definitions.**
- 9.36.030** **Public parks.**
- 9.36.040** **Application to public property.**
- 9.36.050** **Applications to private property.**
- 9.36.060** **Signs.**
- 9.36.070** **No attaching to motorized vehicles.**
- 9.36.080** **Right-of-way.**
- 9.36.090** **Penalty for violation.**

Section 9.36.010 **Activities prohibited.**

No person shall ride, propel, or in any manner operate a skateboard, scooter, roller skate(s), in-line skate(s), or roller blades(s) upon any public street, public sidewalk, public alley or public gutter located within:

- A. the Galt downtown area as defined herein,
- B. on public parks as set forth herein,
- C. on public property which has posted sign(s) prohibiting such activity, consistent with this Chapter, or
- D. on private property, which has posted sign(s) prohibiting such activity, consistent with this Chapter
- E. Lyonia Pedestrian Bridge.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.020 **Definitions.**

- A. **Downtown area** means the following:
 - 1. C Street, between Fourth Street and Highway 99,
 - 2. Lincoln Way, from Wendy Hope to Chabolla,
 - 3. Fourth Street, between B Street and D Street,
 - 4. Fifth Street, between B Street and D Street,
 - 5. Sixth Street, between B Street and D Street,
 - 6. Seventh Street, between B Street and D Street.
- B. **Pedestrian walkway**: means that area of a shopping center which is open to the general public exclusively for persons who are walking or otherwise afoot or in wheelchairs.
- C. **Privately owned roadways and parking areas**: means those areas of a shopping center which are open to the general public for vehicular traffic and parking, and for persons who are walking or otherwise afoot or in wheelchairs.
- D. **Roller skate, in-line skate, or roller blade**: means a shoe or similar device worn on the foot that has wheels or a cylindrical device affixed to its sole and which would enable the wearer to skate or propel oneself in sidewalks, gutters, streets, or other hard surfaces.
- E. **Scooter**: means a platform or footboard mounted between two wheels controlled by an upright steering handle and which is propelled by human power.

Galt Code

F. Shopping center: means the privately owned real property upon which a business/commercial development is situated, which development is open to the general public and primarily devoted to retail sales and services from shops and stores situated therein, although it may also contain some offices and eating places, as well as other accessory uses compatible with a retail sales shopping area.

G. Sidewalk and street: refers to any public sidewalk or street.

H. Sign: means a board, placard, cart, or similar device not less than twelve (12) inches by eighteen (18) inches in size with lettering not less than one (1) inch in height, upon which appears the words “use of skateboards, scooters, roller skates, in-line skates, or roller blades is prohibited” and a reference to Chapter 9.36 of the Galt Municipal Code.

I. Skateboard: is a mechanism on wheels, often resembling wheels on roller skates, which are fastened to a platform, commonly constructed to accommodate a standing person. Skateboards are normally propelled by the operator pushing off the ground with one foot or by force of gravity.

J. Specified public property: is defined as such public property owned by the city, or a portion thereof, to which section 9.36.010 has been made applicable by following the procedures set forth in section 9.36.040.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.030 Public parks.

The provisions of section 9.36.010 shall apply to all public parks within the city, excluding any bike or pedestrian paths which are designated and posted for bike and/or pedestrian activity.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.040 Application to public property.

A. The provisions of section 9.36.010 shall apply to public property, other than that defined in sections 9.36.020A. and 9.36.030, only if the city department head for the department that has oversight responsibility for the public property does each of the following:

1. Determines that the interest of public safety or the need to protect public property requires that section 9.36.010 be made applicable to the public property or a portion thereof.

2. Posts a sign, as described in section 9.36.060, at the perimeters of the specified public property and in plain view of pedestrians and motorists. Additional signs as described in section 9.36.060 may be posted upon or along the public property. The city will continually maintain these signs. If the department head determines to apply section 9.36.010 to only a portion of the property and/or only during specific hours, the sign shall describe the portion of the property and/or the specific hours to which section 9.36.050 applies.

3. Delivers a written notice to the chief of police and the city council, not less than twenty-four (24) hours prior to posting the signs described herein, that invokes the provisions of this Chapter as of a certain date which shall be specified in the notice.

B. The department head may withdraw the specified public property from the provisions of this Chapter by removing the signs referenced herein and notifying in writing the city manager and the chief of police of such withdrawal.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.050 Applications to private property.

The provisions of section 9.36.010 shall also apply to pedestrian walkways, privately owned roadways, or parking areas situated within a shopping center only if the person in charge of the shopping center has completed each of the following:

A. Posted a sign, as described in section 9.36.040, along each exterior entrance to the shopping

Chapter 9.37

SKATEBOARD AND SKATING AREAS

Sections:

- 9.37.010 Intent and purpose.**
- 9.37.020 Definitions.**
- 9.37.030 Designated skateboard and skating areas.**
- 9.37.040 Regulations for use.**
- 9.37.050 Notice.**
- 9.37.060 Penalties for violations.**
- 9.37.070 Negligence.**
- 9.37.080 Records.**

Section 9.37.010 Intent and purpose.

It is the intent of this Chapter to designate, and to establish regulations for the safe use of, public skateboarding and skating areas within the City of Galt.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.020 Definitions.

As used in this Chapter, the terms "skateboard", "roller skate", "in-line skate", and "roller blade" shall have the same meanings as defined in section 9.36.020 of this code. "Skates" shall include roller skates, in-line skates, and roller blades.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.030 Designated skateboard and skating areas.

The public areas designated within the City of Galt for skateboarding and skating pursuant to this Chapter are:

A. The skateboard park located at 630 Chabolla Avenue in the City of Galt, north of the Gora Aquatic Center.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.040 Regulations for use.

Notwithstanding the provisions of Chapter 9.36 of this code, no person shall use, or permit a minor for whom he or she is responsible to use, a designated skateboarding and skating area unless the person or minor, while riding a skateboard or using skates, is wearing proper safety equipment including at least a helmet,

elbow pads, and knee pads. Use of designated skateboarding and skating areas shall also be subject to additional regulations adopted by resolution of the City Council.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.050 Notice.

The City shall cause a sign or signs to be posted at all designated skateboarding and skating areas providing reasonable notice of the provisions of section 9.37.040 of this Chapter and any other regulations adopted by resolution of the City Council, and stating that any person failing to comply with those provisions will be guilty of an infraction and subject to citation.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.060 Penalties for violations.

Violation of any provision of section 9.37.040 or other regulations adopted by resolution of the City Council shall be an infraction, with penalties as set forth in section 21.01.040 of this code. The City reserves the right to remove any person from the designated skateboarding and skating area who is acting in an inappropriate manner.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2003-05, Added, 04/15/2003)

Section 9.37.070 Negligence.

Any person who fails or refused to comply with the provisions of Section 9.37.040 or other regulations adopted by resolution of the City Council, and who is injured while using a designated skateboarding and skating area, shall be deemed negligent.

(Ord. 2003-05, Added, 04/15/2003)

Section 9.37.080 Records.

The City shall maintain a record of all known or reported injuries incurred by persons using a designated skateboarding and skating area, as well as a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the City. No later than January 30 of each year, copies of those records shall be filed annually with the Judicial Council of California.

(Ord. 2003-05, Added, 04/15/2003)

Galt Code

center, which is in plain view of pedestrians and motorists. Additional signs as described below may be required by the chief of police to be posted within the interior of the shopping center. The shopping center's management shall continually maintain these signs.

B. Delivered a written notice to the chief of police, not less than twenty-four hours prior to posting the signs described in section 9.36.060, that invokes the provisions of this Chapter as of a certain date which shall be specified in the notice.

C. The person in charge of a shopping center may withdraw the center from the provisions of this chapter by removing the signs required by this section and notifying the city chief of police in writing of such withdrawal.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.060 Signs.

The signs described in section 9.36.040 shall state: "Use of skateboards, scooters, roller skates, in-line skates, or roller blades are prohibited", and below that state: "Galt Municipal Code Chapter 9.36".

(Ord. 2002-09, Add, 09/26/2002)

Section 9.36.070 No attaching to motorized vehicles.

No person riding, propelling or in any manner operating a skateboard, scooter, roller skate(s), in-line skate(s), or roller blade(s), shall attach himself or herself to a moving car, truck, motorcycle, golf cart or other such motorized vehicle.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.080 Right-of-way.

Any person using a skateboard, scooter, roller skates, in-line skates, or roller blades must yield the right-of-way to:

A. any pedestrian whether the pedestrian is on the sidewalk, in a marked crosswalk, or in an unmarked crosswalk and

B. any vehicle approaching on a roadway.

(Ord. 2002-09, Added, 09/17/2002)

Section 9.36.090 Penalty for violation.

The penalty for violating this Chapter shall be an infraction, with penalties as set forth in section 21.01.040 of this code.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2002-09, Added, 09/17/2002)

Chapter 9.38

SPECIAL EVENTS

Sections:

- 9.38.010 Special events.**
- 9.38.020 Additional definitions.**
- 9.38.030 Permits required - exemptions.**
- 9.38.040 Application procedure.**
- 9.38.050 Contents of application form.**
- 9.38.060 Action on application.**
- 9.38.070 Grounds for denial of application for a permit.**
- 9.38.080 Permit conditions.**
- 9.38.090 Appeal procedure-waivers.**
- 9.38.100 Permit issuance.**
- 9.38.110 Indemnification agreement.**
- 9.38.120 Insurance.**
- 9.38.130 Public service fees.**
- 9.38.140 Cleanup deposits for certain special events.**
- 9.38.150 Duties of permittee.**
- 9.38.160 Unlawful to sponsor, authorize or participate in event without permit or notice.**
- 9.38.170 Unlawful to exceed scope of permit.**
- 9.38.180 Revocation of permit.**
- 9.38.190 Violation - penalty.**

Section 9.38.010 Special events.

As hereinafter mentioned in this Chapter, special event means, including but without limitation, any assembly or congregation of persons, display, entertainment or demonstration, that is likely to meet any one or more of the following criteria:

- A. Be attended by one hundred (100) or more people or charges admission to the general public;
- B. Obstruct, delay or interfere with the normal flow of pedestrian or vehicular traffic, or otherwise fail to comply with traffic laws and controls; or
- C. Can be reasonably expected to become a hazard to the public peace, health, safety or general welfare as determined by either the chief of police or designee, fire chief or designee, or the parks and recreation director or designee.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.020 Additional definitions.

Applicant means any person requesting a permit to conduct or sponsor an event governed by this Chapter. Applicants must be eighteen (18) years of age or older.

Category one, two or three notice means the notice submitted to the city's parks and recreation department pursuant to section 9.38.030 that notifies the city of an upcoming event.

Category one event means any special event that is reasonably expected to attract from one hundred (100) to four hundred ninety-nine (499) people.

Category two event means any special event that is reasonably expected to attract from five hundred (500) to three thousand (3,000) people.

Galt Code

Category three event means any special event that is reasonably expected to attract more than three thousand (3,000) people.

Chief of police means the chief of the City of Galt's police department and includes the chief of police's designee.

Fire chief means the chief of the fire district for Galt and includes the fire chief's designee.

Organizer means any person who is conducting, sponsoring or organizing a special event.

Parade means a special event in which the assembly moves along a pre-established route on city streets but may also be attended by spectators.

Parks and Recreation Director means the City of Galt's director of the parks and recreation department and includes the director's designee.

Participant means a spectator, fan, supporter or any other person attending for the purpose of watching and/or participating in the special event.

Permit means a special event permit granted pursuant to this Chapter.

Permittee means any person or organization that has been issued a permit by the City of Galt.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Right-of-way means the dedicated portion of any street or road within the City of Galt.

Street closure means a special event that is stationary or a parade, generally limited to one or more specific streets of city blocks that requires them to be closed off to vehicle traffic.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.030 Permits required - exemptions.

Except as otherwise provided herein, all special events occurring within the City of Galt shall be prohibited unless a permit, properly issued by the parks and recreation department, has first been obtained.

A. Exemptions. A permit is not required for the following:

1. Governmental agencies acting within the scope of their authorized function;
2. Special events held at private residences.
3. Any parade or assembly of pedestrians organized for the purpose of exercising First Amendment rights and involving a procession of persons walking on sidewalks and obeying all traffic and other laws.

B. Category one events. A permit may not be required for category one events held:

1. On City of Galt property, excepting in the public right-of-way. In the case of category one events in the public right-of-way, organizers shall submit an application in accordance with section 9.38.040; or

2. At a private facility that was constructed for the purpose of conducting the type of activities that are contemplated for special events for less than five hundred (500) participants.

C. Category one notice. For category one events held at private facilities as described in section 9.38.030 B.2, above, the owner of the facility, or the occupants making it available, shall submit a category one notice to the Parks and Recreation Department. Such notices shall be filed no later than thirty (30) days before the special event. Category one notices shall include the name, telephone number and address of the organizer, the time, date, location and brief description of the event and the projected attendance. The Parks and Recreation Director or designee shall review all category one notices. If the special event is deemed a category one event, no further action shall be required. If however, the special event is deemed a category two or category three event, the organizer shall be required to submit a permit application and be reviewed by the city council pursuant to section 9.38.060.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.040 Application procedure.

A. Except as otherwise provided herein, all applications for category one or two permits shall be filed with the parks and recreation department no less than thirty (30) days before the scheduled event.

B. Except as otherwise provided herein, all applications for category three permits shall be filed with the parks and recreation department no less than sixty (60) days before the scheduled event.

C. Notwithstanding the foregoing, the Parks and Recreation Director or designee shall consider an application that is filed after the filing deadline if:

1. The event involves an activity primarily in exercise of First Amendment rights;
2. A waiver is granted by the city council; or
3. A category one notice was timely filed but the event was later characterized as a category two or category three event by the Parks and Recreation Director or designee.

D. The Parks and Recreation Director or designee shall, for good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police and other City of Galt services for the event. Good cause may be demonstrated by showing that the circumstances that gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.050 Contents of application form.

A. The application for a permit shall include the following information set forth below:

1. Written proof of consent by the owners of the property where the special event is to be held;
2. The name, address, and telephone number of the applicant and an alternative contact person;
3. The location of the event, including its boundaries and site plan drawings;
4. If the proposed event is sponsored by an organization, the name, address, and telephone number of the organization, and the authorized representative of the organization;
5. The nature and purpose of the event, including a list of all planned activities that are contemplated for the special event;
6. The name, address, and telephone number of the person(s) who will be present and in charge of the event on the day of the special event;
7. Date and estimated starting and ending times of the special event including set-up and clean-up actions;
8. The estimated number of participants/attendees of the special event;
9. The type and estimated number of vehicles, animals, and structures which will be used at the special event;
10. A description of any sound-amplification equipment and the times during which such equipment will be used at the special event, and a sound plan that describes measures to be taken by the applicant to ensure compliance with all applicable City of Galt laws, rules and regulations regarding amplified sound and music;
11. Whether any food or non-alcoholic beverages will be sold or consumed at the special event and, if so, proof of compliance with all applicable local, state and federal laws, rules and regulations, including proof that the applicant has obtained all necessary permits;
12. Whether any alcoholic beverages will be sold or consumed at the event and, if so, proof of compliance with all applicable laws, rules and regulations of the California Department of Alcoholic Beverage Control;
13. Parking requirements for the special event;
14. The plan for clean-up after the special event, including any contracts to effectuate the clean-up;
15. Proof of liability and property insurance as required by section 9.38.120;

Galt Code

16. A description of the sanitary facilities to serve the participants of the special event.

17 Supplemental Information. Any supplemental information that, under the particular circumstances of the special event application, the Parks and Recreation Director or designee finds reasonably necessary to determine whether to approve or conditionally approve a permit shall be provided.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.060 Action on application.

A. The Parks and Recreation Director or designee, shall approve, conditionally approve, or deny all category one applications no later than ten (10) calendar days after receiving a complete application. Denials shall be based on one or more of the grounds specified in section 9.38.070. In the event of special circumstances, as determined by the Parks and Recreation Director or designee, the time limits for such a determination may be reasonably extended.

B. The Parks and Recreation Director or designee, upon concurrence of the chief of police or designee and fire chief or designee, shall approve, conditionally approve, or deny a category two application no later than fifteen (15) calendar days after the Parks and Recreation Director or designee receives a complete application. Denials shall be based on one or more of the grounds specified in section 9.38.070. In the event of special circumstances, as determined by the Parks and Recreation Director or designee, the time limits for such a determination may be reasonably extended.

C. The Parks and Recreation Director or designee, upon concurrence of the chief of police or designee and fire chief or designee, shall approve, conditionally approve, or deny a category three application no later than thirty (30) calendar days after the Parks and Recreation Director or designee receives a complete application. Denials shall be based on one or more of the grounds specified in section 9.38.070. In the event of special circumstances, as determined by the Parks and Recreation Director or designee, the time limits for such a determination may be reasonably extended.

D. In order to estimate the necessary level of public services necessary for each special event, the Parks and Recreation Director or designee shall characterize each event as provided in this section. The following categories shall apply to special events:

1. A category one event is generally any special event that is reasonably expected to attract from one hundred (100) to four hundred ninety-nine (499) people.

2. A category two event is generally any special event that is reasonably expected to attract from five hundred (500) to three thousand (3,000) people.

3. A category three event is generally any special event that is reasonably expected to attract more than three thousand (3,000) people.

E. Notwithstanding the general guidelines set forth above, in determining the appropriate category of a proposed event, the Parks and Recreation Director or designee may also take into consideration the nature of the event; the past history of the event; the applicant, the special event sponsors and/or participants; and/or other relevant available information. Based on this analysis, the Parks and Recreation Director or designee may upgrade or downgrade the special event's characterization or otherwise conditionally approve or deny the special event as is necessary to ensure the health, safety and welfare of the special event's participants and local residents.

F. If the application is denied the Parks and Recreation Director or designee shall inform the applicant of the grounds for denial in writing and of the right of appeal. If the application is conditionally approved, the Parks and Recreation Director or designee shall inform the applicant of any permit conditions at the time the application is approved, and of the right of appeal from the permit conditions. If the Parks and Recreation Director or designee refuses to consider a late application, the Parks and Recreation Director or designee shall inform the applicant of the reason for the refusal, and of the applicant's right of appeal.

G. The written determination shall further state that the applicant has the option of appealing the decision directly to the Galt City Council.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.070 Grounds for denial of application for a permit.

A. The Parks and Recreation Director or designee shall approve an application for a permit unless he/she determines, from a consideration of the application and other pertinent information, that:

1. Information contained in the application, or supplemental information requested from the applicant, is false in any material details;

2. The application is incomplete or the applicant failed to complete the application after having been notified of the additional information or documents required.

3. The applicant undertook a prior special event without a required permit or otherwise in violation of this section;

4. The applicant failed to pay the additional costs of a prior special event charged pursuant to section 9.38.130 C.;

5. Another permit application has been received prior in time, or has already been approved, to hold another event at the time and place requested by the applicant, or so close in time and/or place as to cause undue traffic congestion, or the City of Galt's police department is unable to meet the needs for police services for both events;

6. The concentration of persons, animals, and vehicles at the site of the event, or the assembly and disbanding areas around the event, will either prevent proper police, fire or emergency medical services to areas contiguous to the event or will exceed the capabilities of the police, fire or emergency medical services needed to adequately protect the participants from the conduct of others;

7. The size of the event will require diversion of so great a number of City of Galt police officers and other public employees to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the City of Galt. Nothing herein authorizes denial of a permit when additional peace officers or approved private security forces to supplement these peace officers or approved private security forces would be available to the City of Galt, if requested by the City of Galt in advance of the event. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event;

8. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the City of Galt streets or a previously granted encroachment permit;

9. The event will occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof;

10. Given the nature of the special event, and/or the past history of the applicant, sponsors and/or participants, the Parks and Recreation Director or designee reasonably determines that the event presents a substantial risk to the health, safety and welfare of the participants and/or local residents that cannot be adequately mitigated using available public resources; or

11. The applicant failed to comply with the California Fire Code and/or the State Fire Marshal requirements during previous special events.

B. When the grounds for denial specified in the above section can be corrected by altering either the staffing for, or the date, time, duration, route, or location of the event, the Parks and Recreation Director or designee shall, instead of denying the application, conditionally approve the application upon the applicant's written acceptance of conditions for permit issuance. The conditions imposed pursuant to this section shall provide for only such modifications of the applicant's proposed event as are necessary to achieve compliance with this section.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.080 Permit conditions.

The Parks and Recreation Director or designee may condition the issuance of a permit by imposing reasonable restrictions on the time, place, and manner of conducting the event as are necessary or appropriate to protect persons and property, and to control traffic, provided that such restrictions shall not unreasonably interfere with the right of free speech. Such conditions may include, but are not limited to, the following:

- A. Alteration of the staffing for, or the date, time, route or location of the event;
 - B. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
 - C. Requirements for provision of first aid and sanitary facilities, including the presence of emergency medical services personnel for all category two or three special events;
 - D. Requirements for use of event monitors and providing notice of permit conditions to event participants;
 - E. Approval of any proposed private security forces;
 - F. Restrictions on the number and type of vehicles, animals or structures at the event;
 - G. Compliance with animal protection ordinances and laws;
 - H. Requirements for use and provision of garbage containers, cleanup, and restoration of City of Galt property;
 - I. Restrictions on the time and use of amplified sound;
 - J. Permit applications for street closure permits may be conditioned on notice and approval by at least fifty percent of the residents on the affected street(s) except parades and must be approved by City Council;
 - K. Compliance with any relevant ordinance or law, and obtaining any legally required permit or license;
 - L. Adequate proof of payment of the public service fees pursuant to section 9.38.130; and
 - M. Adequate proof of compliance with the cleanup requirements set forth in section 9.38.140.
- (Ord. 2005-05, Added, 07/05/2005)

Section 9.38.090 Appeal procedure-waivers.

A. The applicant may appeal to the city council the denial or conditional approval of a permit, any condition imposed on a permit not required by state or federal law, or a determination that the applicant's insurance coverage does not comply with the requirements specified in section 9.38.120.

B. The applicant may request a waiver from the city council regarding the amount of fees imposed pursuant to section 9.38.130, cleanup deposits imposed pursuant to section 9.38.140, or the indemnification/bond requirement imposed pursuant to section 9.38.110 if the special event is sponsored by a non-profit organization or co-sponsored by the City of Galt or other public agency, or if the primary purpose of the event is First Amendment expression and the cost of paying the fee, posting a bond, or entering into an indemnification agreement is or may be so financially burdensome that it would constitute an unreasonable burden on the exercise of rights protected by the First Amendment.

C. Appeals and/or requests for waivers shall be conducted pursuant to this Chapter.

D. Notwithstanding this Chapter, all appeals and/or requests for waivers shall be filed with the city clerk no later than five days following the notice of decision by the Parks and Recreation Director or designee.

E. Any hearing before the council shall be held, and final decision rendered, no later than fifteen (15) calendar days following the appeal filing.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.100 Permit issuance.

A. The Parks and Recreation Director or designee shall issue the permit after the application has been approved, the applicant has agreed in writing to comply with all of the terms and conditions of the permit, and the requirements of this article respecting indemnification, insurance, police, traffic control, fees, and cleanup deposits have been fully satisfied.

B. Notwithstanding subsection A., the Parks and Recreation Director or designee shall not withhold the issuance of a permit if the applicant has requested a waiver from the city council pursuant to section 9.38.090 for a special event in which the primary purpose is First Amendment expression. In such cases, a permit shall be issued that is conditioned on the applicant's compliance with the city council's fee determination prior to the event.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.110 Indemnification agreement.

Prior to the issuance of a permit, the applicant shall execute an agreement to reimburse the City of Galt for all the costs and expenses incurred by the City of Galt as a result of the event, insofar as permitted by law. The Parks and Recreation Director or designee may also require the applicant to post a cash bond in an amount to be determined by the Parks and Recreation Director or designee, sufficient to satisfy this reimbursement obligation. The agreement shall provide that the applicant shall defend, indemnify and hold harmless the City of Galt and its officers and employees from any liability to any persons or property resulting from any damage or injury occurring in connection with the permitted event, insofar as permitted by law.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.120 Insurance.

A. The permittee of an event must possess or obtain public liability insurance to protect against liability for personal injury and property damage arising from the event. Coverage shall be a comprehensive general liability insurance policy. Minimum limits required:

1. One million dollars for each occurrence combined single limit bodily injury and property damage;
2. If food or nonalcoholic beverages are to be sold or served at the event, the policy must also include an endorsement for products liability in an amount of not less than five hundred thousand dollars; and
3. If alcoholic beverages are to be sold or served at the event, the policy must also include an endorsement for liquor liability in an amount not less than five hundred thousand dollars.

B. Insurance required pursuant to this section shall be maintained for the duration of the event and shall:

1. Name the City of Galt, its officers, employees and agents on the policy or by endorsement as additional insureds;
2. Be a primary policy and not contributory or in excess of any policy of City of Galt; and
3. Declare all deductibles on the policy.

C. All deductibles on the policy shall be approved by the Parks and Recreation Director or designee.

D. The requirement as to types, limits, and the City of Galt's approval of insurance coverage to be maintained by permittee are not intended to, and shall not in any manner, limit or qualify the liabilities and obligations assumed by permittee pursuant to this Chapter.

E. A copy of the policy or a certificate of insurance, together with all necessary endorsements, must be filed with the Parks and Recreation Director no less than ten (10) days before the date of the event, unless the Parks and Recreation Director or designee, for good cause, waives the filing deadline. The permit shall not be issued by the Parks and Recreation Director or designee until after the insurance

Galt Code

policy or certificate of insurance, together with all necessary endorsements, have been filed with the City of Galt and approved by the Parks and Recreation Director or designee.
(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.130 Public service fees.

A. Upon approval of an application for a permit, the Parks and Recreation Director or designee shall provide the applicant with a statement of the estimated cost of providing police, fire, emergency medical services and other City of Galt employees for public safety at the event. The cost of such services shall be solely borne by the applicant and shall be paid to the City of Galt and any appropriate agency no later than five days before the special event.

B. The public service fees will be established by resolution of the city council for each category two or three special event category as described in section 9.38.060. The amount of such fees shall be based on the City of Galt's or appropriate agency actual cost of providing the required number of police, fire and/or other City of Galt officials necessary to ensure the safety of both the special event's participants and the community.

C. If the actual cost of public services for the event is less than the estimated cost pursuant to subsection B., the applicant will promptly be refunded the difference by the City of Galt or appropriate agency. If the actual cost for public services is more than the estimated cost pursuant to subsection (a), the difference shall become due and payable to the City of Galt or appropriate agency upon the permittee's receipt of a statement of the cost.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.140 Cleanup deposits for certain special events.

A. The applicant of an event in public facilities or on public property or rights-of-way involving the sale of food or beverages, erection of structures, horses or other large animals shall be required to provide a cleanup deposit prior to the issuance of a permit. As an alternative to such deposit, the applicant may provide a written contract for event cleanup.

B. The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.

C. If the public facilities, property or rights-of-way used by the participants of the special event have not been fully cleaned or restored, the permittee shall be billed for the actual cost for cleanup and restoration, and the cleanup deposit, or a portion thereof, shall be applied toward payment of the bill. If the permittee disputes the bill, the permittee may appeal to the Parks and Recreation Director or designee within five days after receipt of the bill. Should there be any unexpected balance on deposit after completion of the work, this balance shall be refunded to the permittee/sponsor. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the City of Galt upon the permittee's receipt of the bill.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.150 Duties of permittee.

A. Each permittee shall comply with all terms and conditions of the permit.

B. Each permittee shall ensure that the person in charge of any special event shall carry the permit on his/her person or otherwise have the permit immediately available upon demand.

C. Each permittee shall ensure the area used for the permitted event is immediately cleaned and restored to the same condition as existed prior to the event.

D. Each permittee shall comply with all applicable local, state and federal laws, rules and regulations, including, but not limited to, this article, the California Fire Code and all State Fire Marshal requirements.

(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.160 Unlawful to sponsor, authorize or participate in event without permit or notice.

It is unlawful for any person to sponsor or conduct a special event requiring a permit under section 9.38.030, unless a permit has been issued for the event. It is unlawful for any person to sponsor, authorize or conduct a special event requiring a category one notice unless such notice is timely provided to the Parks and Recreation Director or designee. It is unlawful for any person to participate in a special event with the knowledge that the sponsor of the event has not been issued the required permit.
(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.170 Unlawful to exceed scope of permit.

The permit authorizes the permittee to conduct only the event(s) described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and conditions of the permit, or for any event participant with knowledge thereof to willfully violate the terms and conditions of the permit.
(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.180 Revocation of permit.

A. The Parks and Recreation Director or designee, chief of police or designee, and/or the fire chief or designee may revoke a permit upon a finding that any term, condition, restriction or limitation of such permit has not been complied with, including the timely payment of all required deposits; or if he/she finds that, as a result of changed circumstances, any one or more of the grounds for denial specified in section 9.38.070 are present. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by registered mail. Appeal to the city council from any such revocation may be taken as specified in section 9.38.090.

B. The Parks and Recreation Director or designee, chief of police or designee, and/or the fire chief or designee may revoke a permit and close a special event prior to the expiration of the permit in the event of the occurrence of a riot, major disorder or serious breach of the peace or a violation of the permit when, in their opinion, it is necessary to prevent injury to persons and/or to property.
(Ord. 2005-05, Added, 07/05/2005)

Section 9.38.190 Violation - penalty.

All violations of the provisions of this Chapter are misdemeanors, punishable as set forth in this Chapter.
(Ord. 2005-05, Added, 07/05/2005)

Chapter 9.39

SEX OFFENDERS PROXIMITY TO CHILDREN'S FACILITIES

Sections:

- 9.39.010 Purpose.**
- 9.39.020 Definitions.**
- 9.39.030 Prohibitions.**
- 9.39.040 Exceptions.**
- 9.39.050 Violations.**

Section 9.39.010 Purpose.

Sex offenders pose a threat to the children residing in or visiting the community. Because convicted sex offenders are more likely than any other type of offender to reoffend for another sexual assault, the City Council of the City of Galt desires to impose safety precautions in furtherance of the goal of protecting the children. The purpose of this Chapter is to reduce the potential risk of harm to children of the community by impacting the ability for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by children, namely, the grounds of public or private schools for children, centers or facilities that provide day care or children's services, video arcades, public and private playgrounds and play facilities, parks, youth sports facilities, skate parks, libraries and public swimming pools. The City of Galt desires to add location restrictions to such offenders where the state law is silent.

(Ord. 2006-11, Amended, 07/18/2006; Ord. 2006-10, Added, 07/05/2006)

Section 9.39.020 Definitions.

- A. Sex offender means an individual who is currently required by law to register with a governmental entity as a sex offender under California Penal Code section 290.
- B. Loitering means remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.
- C. Child, children, or minor means any person under the age of eighteen (18) years of age.
- D. Child care and development facility shall have the meaning ascribed by California Education Code section 8208.

(Ord. 2006-11, Amended, 07/18/2006; Ord. 2006-10, Added, 07/05/2006)

Section 9.39.030 Prohibitions.

Sex offenders are prohibited from loitering around or within three hundred (300) feet of a public or private school for children, a child care and development facility, a park or recreation facility, library, public and private playgrounds and play facilities, youth sports facilities, skate parks, public swimming pools, video arcade, amusement center, or bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

(Ord. 2006-11, Amended, 07/18/2006; Ord. 2006-10, Added, 07/05/2006)

Galt Code

Section 9.39.040 Exceptions.

A. Notwithstanding Section 9.39.030, this Chapter shall not apply to restrict incidental proximity not amounting to loitering as defined by Section 9.39.020(b).

B. This Chapter does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such activity does not amount to loitering as defined in Section 9.39.020(b).

C. This Chapter does not apply to a sex offender's place of residence as regulated by state law.

D. This Chapter does not apply to single trips while traveling past a location specified in Section 9.39.030 while en route to another destination.

E. This Chapter does not apply to sex offenders waiting at any of the locations listed in Section 9.39.030 for the legitimate purpose of picking up, dropping off, or attending to a child related to that person, except that any sex offender to which this exception is applicable must first obtain a permit from the police department authorizing his or her proximity to locations listed in Section 9.39.030 and the providing the child's name for which the sex offender is exempt. Thereafter, the sex offender must carry the permit at all times in which he or she would otherwise be in violation of this Chapter as well as photographic identification of the child listed on the permit, which must be presented to police officers immediately upon request.

(Ord. 2006-11, Amended, 07/18/2006; Ord. 2006-10, Added, 07/05/2006)

Section 9.39.050 Violations.

Violation of any of the provisions of this Chapter shall be a misdemeanor, punishable pursuant to Section 21.01.050.

(Ord. 2006-11, Amended, 07/18/2006; Ord. 2006-10, Added, 07/05/2006)