

ORDINANCE NO. 9970(N.S.)

AN ORDINANCE AMENDING TITLE 3 OF THE SAN DIEGO COUNTY CODE
RELATING TO PUBLIC SAFETY, MORALS AND WELFARE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Amend Title 3, Division 1, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. EMERGENCY SERVICES ORGANIZATION

SEC. 31.101. PURPOSE.

The purpose of this chapter is to provide for the preparation and execution of plans designed to protect persons and property in the unincorporated area of the County during a state of war emergency, state of emergency or local emergency. Because State law provides that in the event of an emergency each County is an operational area that includes all political subdivisions within a county, this chapter also provides for coordination of emergency services with the incorporated cities within the San Diego County Operational Area. All County expenditures made in connection with emergency services activities, including mutual aid activities, shall be deemed to be for the direct protection and benefit of all the inhabitants and property in the San Diego County Operational Area.

SEC. 31.102. DEFINITIONS.

As used in this chapter:

(a) "State of war emergency", "state of emergency" and "local emergency" have the same definitions as provided in Government Code section 8558.

(b) "Operational area" has the same definition as provided in Government Code sections 8559 and 8605.

(c) "San Diego County Operational Area Emergency Plan" means the comprehensive plan prepared and agreed to by the County and the incorporated cities in the County who are participating in a joint powers agreement, to deliver emergency services to the entire San Diego County geographic area in the event of a multi-jurisdictional emergency.

(d) "Disaster service worker" has the same definition as provided in Title 19 CCR section 2570.2.

(e) "Unavailable" has the same definition as provided in Government Code section 8636.

SEC. 31.103. EMERGENCY SERVICES.

(a) The County has entered into a joint powers agreement with the incorporated cities in San Diego County to provide for unified emergency services in the San Diego County Operational Area in the event of a multi-jurisdictional emergency. The joint powers agreement provides for the establishment of the Unified San Diego County Emergency Services Organization (USDCESO) and a Unified Disaster Council (UDC).

(b) Emergency services shall be conducted in the unincorporated area of the County as follows:

(1) The emergency services organization of the unincorporated area shall be as provided in the San Diego County Operational Area Emergency Plan, as adopted by the Board of Supervisors (Board).

(2) The UDC may serve as the disaster council for the unincorporated area.

(3) The County Chief Administrative Officer (CAO) shall be the Director of Emergency Services of the unincorporated area and be responsible for the operational response to an emergency. In the event the CAO is unavailable to serve as Director, the person(s) designated as the CAO's successor in the San Diego County Operational Area Emergency Plan shall serve as Director.

(4) The Director of Emergency Services is empowered to:

(A) Control and direct the efforts of the emergency services organization of the unincorporated area and to implement the San Diego County Operational Area Emergency Plan.

(B) Request the Board proclaim the existence or threatened existence of a countywide local emergency if the Board is in session or proclaim a local emergency if the Board is not in session, subject to ratification by the Board within seven days.

(C) Direct the coordination and cooperation between public and private agencies located in the unincorporated area and staff of the emergency services organization and resolve questions of authority and responsibility that may arise among them.

(5) Whenever a state of war emergency exists, the Governor or the Director of the State Office of Emergency Services proclaims a state of emergency or a local emergency

is proclaimed in the unincorporated area, the Director of Emergency Services is empowered to:

(A) Make and issue rules and regulations on matters within the County's police power, provided the rules and regulations are confirmed by the Board at the earliest possible time.

(B) Obtain vital resources for the protection of life and property and bind the County for the fair market value of the resources and if necessary, commandeer the resources for public use.

(C) Require emergency services of any County officer or employee and to command the aid of as many citizens as may be necessary. Any person required to serve under this paragraph shall be entitled to all privileges, benefits and immunities as are provided by State law for registered disaster service workers.

(D) Requisition necessary personnel or material of any County department or agency.

(E) Execute all of the special powers conferred by this chapter or by resolution adopted pursuant to this chapter, all powers conferred by any statute or agreement approved by the Board or any other lawful authority and to exercise all police powers vested in the County by the State Constitution and general laws.

SEC. 31.104. DIRECTOR OF THE COUNTY OFFICE OF EMERGENCY SERVICES.

The Director of the County Office of Emergency Services (OES) is authorized to proclaim a local emergency when the Board is not in session and the CAO and other officers designated in the line of succession are unavailable to proclaim an emergency, provided that the Board ratifies the proclamation within seven days. When a local emergency or state of emergency has been proclaimed or a state of war emergency exists, the Director of County OES shall manage and operate the County Emergency Operations Center.

SEC. 31.105. VIOLATIONS.

It shall be unlawful for any person, during a state of war emergency, state of emergency or local emergency, to:

(a) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon him or her as provided by this chapter.

(b) Perform any act forbidden by lawful rule or regulation issued pursuant to this chapter if the act is likely to give assistance to the enemy, imperil the lives or property of inhabitants of this County or prevent, hinder or delay the defense or protection of lives and property.

(c) Wear, carry, or display, without authority, any insignia or other means of identification that identifies the person as someone authorized to perform emergency or law enforcement services.

Section 2. Amend Title 3, Division 1, Chapter 3 of the San Diego County Code to read as follows:

CHAPTER 3. CURFEW DURING EMERGENCY

SEC. 31.301. DECLARATION OF CURFEW.

(a) In the event: (1) a local emergency is proclaimed as provided in section 31.103, (2) the Governor or the Director of the State Office of Emergency Services proclaims a state of emergency or (3) there exists in any part of the unincorporated area of the County a condition of extreme peril to the safety of persons and property caused by a condition such as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake, the actual occurrence of an earthquake or other condition, other than a condition resulting from a labor controversy, the Sheriff may impose a curfew for up to 48 hours. The curfew shall only be extended by a Board of Supervisors resolution. The curfew whether imposed by the Sheriff or extended by the Board shall only be imposed for the length of time during which the condition of extreme peril exists.

(b) If a curfew is imposed under this section the curfew shall be limited to those portions of the unincorporated areas of the County where the official imposing the curfew determines it is necessary to preserve the safety of persons and property. The terms of the curfew shall be in writing and shall be publicized to the extent possible, considering the circumstances of the emergency.

SEC. 31.302. CURFEW.

It shall be unlawful for any person in the unincorporated area of the County, to violate the terms of any curfew imposed under this chapter, imposed by the Board under its authority under Government Code section 8634 or imposed by any authorized State or federal official.

Section 3. Amend Title 3, Division 1, Chapter 4 of the San Diego County Code to read as follows:

CHAPTER 4. LOCAL EMERGENCY CAUSED BY GASOLINE SHORTAGE

SEC. 31.401. PROCLAMATION OF LOCAL EMERGENCY CAUSED BY GASOLINE SHORTAGE.

(a) Government Code section 8630 provides that a local governing body or local official designated by ordinance may proclaim a local emergency whenever the governing body or designated official determines that a condition of disaster or of extreme peril to the safety of persons and property within the jurisdiction exist which is likely to be beyond the control of the services, personnel, equipment and facilities of the jurisdiction and require the forces of other political subdivisions to combat. This chapter establishes procedures that shall go into effect if there is a gasoline shortage emergency proclaimed by the Board of Supervisors or a designated County official.

(b) If the Board is not in session when a condition exists that constitutes a local emergency due to a gasoline shortage the Chief Administrative Officer (CAO) is authorized to proclaim a local emergency. If the CAO is unavailable, within the meaning of Government Code section 8636, the Assistant CAO, a Deputy CAO or the Director of the Office of Emergency Services (all of whom shall be referred to as the CAO in this chapter when acting for the CAO when the CAO is unavailable) may proclaim an emergency. Whenever the CAO proclaims a local emergency under this chapter it shall remain in effect for no more than seven days unless the Board ratifies the CAO's proclamation and extends the proclamation of the local emergency.

(c) Whenever a local emergency due to gasoline shortage is proclaimed, the Board shall review the need for continuing the proclaimed emergency at its regularly scheduled meetings until the emergency is terminated, but no less frequently than 21 days after its previous review. If, however, the emergency is proclaimed during a period of time when the Board is meeting weekly, the Board shall review the need for continuing the emergency at least every 14 days.

SEC. 31.402. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Local emergency" has the same definition as provided in Government Code section 8558(c).

(b) "Retail" means selling small quantities of a product directly to the ultimate consumer.

(c) "Retailer" means a person who sells at retail and includes an employee or contractor of the owner, operator, franchisee or lessee of a retail business.

(d) "Sell" means to deliver, offer to deliver, trade, offer to trade, transfer or offer to transfer, with or without payment.

SEC. 31.403. PROMULGATION OF ORDERS AND REGULATIONS.

During a local emergency caused by a gasoline shortage the Board may promulgate orders and regulations it determines are necessary to protect life and property. Whenever the Board issues an order or regulation or rescinds an order or regulation under this chapter the order or regulation shall be in writing and shall be publicized in a manner designed to give notice to as many persons as possible.

SEC. 31.404. REGULATIONS TO BE IMPOSED UNDER SPECIFIED CONDITIONS.

If the Board or CAO proclaims a local emergency caused by a gasoline shortage pursuant to this chapter the following regulations shall immediately take effect in the unincorporated area of the County and it shall be unlawful for any person to violate any of these regulations:

(a) Except as provided in this section, no retailer shall sell gasoline to a person and no person shall obtain gasoline at a retail facility that is dispensed into a vehicle with a license plate whose last or only digit is an odd number (1, 3, 5, 7 and 9) on odd numbered days of the month, such as the first, third, fifth, seventh and so on. An environmental license plate that contains letters only shall be equivalent to the digit 1. The following are examples of a license plate whose last digit is an odd number:

SAM 123

123 SAM

MARTHA

KAM 2345

12345J

J12345

(b) Except as provided in this section, no retailer shall sell gasoline to a person and no person shall obtain gasoline at a retail facility that is dispensed into a vehicle with a license plate whose last or only digit is an even number (0, 2, 4, 6 and 8) on even numbered days of the month, such as the second, fourth, sixth, eighth, tenth and so on. A vehicle without a permanent registration, such a as a newly purchased vehicle, shall be considered to have a license whose last digit is an even number. The following are examples of license plates whose last digit is an even number:

SAM 132

132 SAM

DAVE 2

2 MARY

KMA 3456

01234J

J01234

W6ABC

(c) For any calendar month in which there are 31 days, a sale or purchase may be made on the thirty-first day of the month without regard to the last digit on the license plate of the vehicle.

(d) Except as provided in this section, no retailer shall sell gasoline to a person and no person may obtain gasoline at a retail facility to be dispensed into any vehicle that has more than one-half tankful of gasoline. When requested by the gasoline retailer the customer shall allow inspection of the fuel gauge with the ignition key in the "on" position.

(e) Except as provided in this section, no gasoline retailer shall sell and no person shall obtain from a gasoline retail facility, more than 20 gallons of gasoline in a single transaction, to be dispensed into a vehicle. No gasoline retailer shall impose any other maximum limit on the purchase of gasoline unless authorized by these regulations. This subsection shall not apply to the sale of gasoline to a person with a truck that (1) has a California Public Utilities Commission permit or certificate, (2) is hauling agricultural products or (3) the gasoline retailer determines in good faith is legally hauling products for a commercial purpose.

(f) No gasoline retailer shall refuse to sell gasoline to any person on an appropriate odd or even day, except to refuse to sell gasoline to a person with a vehicle with more than one-half of a tankful of gasoline. Except as provided in subsections (m) and (n) a retailer shall not sell gasoline on a preferential basis, such as an appointment system.

(g). A gasoline retailer shall post legible signs visible from off the premises of the facility that show the anticipated days and hours when gasoline will be sold.

(h). A gasoline retailer shall remain open to sell gasoline the same hours and days that the gasoline retailer previously was open to sell gasoline prior to the date the County declared the emergency, provided that the retailer is not out of gasoline supplies.

(i) A gasoline retailer shall prominently display a complete copy of these regulations in a location accessible to customers or prospective customers. A gasoline retailer shall also post a sign that is visible and legible from all pumps at the facility that states, "It is unlawful during the gasoline shortage emergency for any person to dispense gasoline into a vehicle that has more than one-half tankful of gasoline or to obtain more than 20 gallons of gasoline in any single transaction unless exempt from these limitations as provided by County regulations."

(j) A gasoline retailer shall manage its monthly fuel allocation so that the gasoline supplies will last through the month and at least one-sixth of its weekly supply is available for sale on weekends.

(k) A gasoline retailer shall indicate its gasoline supply by a flag of at least 18 inches square readily visible from off the premises using the following system:

(1) Green flag, to signify gasoline is available for the general public on appropriate odd and even numbered days for appropriate license plates. If the gasoline retailer only has some grades of gasoline available, the flag shall be accompanied by a legible sign visible from off the premises indicating what grades are not available.

(2) Yellow flag, to signify gasoline is only available for emergency vehicles.

(3) Red flag, to signify that gasoline is not available for sale or the facility is closed.

(l) Subsections (a) and (b) above shall not apply to the following vehicles:

(1) A bus, taxi or other public transportation vehicle regularly used to transport passengers for a fee or to a rental vehicle rented for less than 30 days.

(2) A vehicle with a commercial vehicle registration issued by the State of California.

(3) A U.S. Postal Service vehicle.

(4) A vehicle operated by a handicapped person operating a vehicle with any of the following license plate letters:

CP 00000--99999

DV 00000--99999

(5) A vehicle displaying a disabled person placard issued by the California Department of Motor Vehicles showing an expiration date at the bottom of placard and accompanied by an occupant I.D. card issued in conjunction with the placard.

(6) A vehicle with an out-of-state license plate.

(m) The regulations in this chapter shall not apply to the following vehicles:

(1) An authorized emergency vehicle as defined in Vehicle Code section 165.

(2) A motorcycle, scooter, moped or other similar two-wheel vehicle.

(n) No gasoline retailer shall sell and no person may obtain more than one gallon of gasoline from a retail facility to be dispensed into a separate container.

(o) The Board may amend these regulations by urgency ordinance during the time the local emergency is in effect. Any amendment shall take effect immediately after adoption.

(p) Subsections (i) and (k) above shall not take effect until three days after the Board or CAO proclaims the local emergency.

(q) The regulations in subsections (a), (b) and (e) above shall not apply to a gasoline retailer or a person obtaining gasoline from a gasoline retailer that operates a full service car wash regulated by Business and Professions Code section 13411 (section 13411), provided that a transaction involving gasoline also involves the purchase of car wash services that meet all the conditions of section 13411(b).

(r) If a gasoline retailer orders gasoline in accordance with its monthly allocation and the gasoline retailer's supplier cannot deliver the retailer's monthly allocation of gasoline within forty-eight hours after the order was placed, the supplier shall immediately notify the retailer. The notice shall include a firm delivery date and time for the gasoline and shall provide the reasons for the delay.

SEC. 31.405. CHIEF ADMINISTRATIVE OFFICER MAY ISSUE EMERGENCY ORDER TO PROTECT LIFE AND PROPERTY.

During the gasoline shortage emergency, the CAO may issue an emergency order necessary to protect life and property that interprets, clarifies, supplements or supplants the regulations in section 31.404. An emergency order the CAO issues pursuant to this section, which constitutes a change (i.e., any added, deleted or revised text) to any regulation in section 31.404, shall be presented as a proposed ordinance amendment to the Board within 30 days at a regularly noticed public hearing for the Board to consider for adoption.

SEC. 31.406. COOPERATION WITH OTHER PUBLIC ENTITIES.

The CAO may negotiate and enter into agreements with officials of other public entities within San Diego County to cooperate in enforcing regulations that apply in the unincorporated area of the County or within an incorporated city in San Diego County. An agreement negotiated under this section may provide for:

(a) Sharing County resources with an incorporated city in San Diego County.

(b) A County employee to work within an incorporated city or an employee of an incorporated city to work in the unincorporated area of the County, when necessary to enforce this chapter or a comparable city law or regulation.

Section 4. Amend the division name for Title 3, Division 2 of the San Diego County Code to read as follows:

**DIVISION 2. POLICE REGULATIONS AND OFFENSES
AGAINST THE PUBLIC**

Section 5. Amend Title 3, Division 2, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. FIREWORKS

SEC. 32.101. PURPOSE.

California Health and Safety Code sections 12500 et seq. regulate fireworks and pyrotechnic devices and authorize local jurisdictions to require permits for the manufacture, possession, sale or discharge of fireworks. This chapter establishes fireworks regulations for the unincorporated area of the County in addition to those

regulations contained in the County Fire Code and 19 California Code of Regulations, Chapter 6.

SEC. 32.102. COUNTY SHERIFF IS THE ISSUING OFFICER.

The County Sheriff shall be the issuing officer for any permit required by this chapter.

SEC. 32.103. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Fireworks" has the same meaning as the term "fireworks" in Health and Safety Code section 12511. The term "fireworks includes, but is not limited to, devices designated by the manufacturer as fireworks, blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, sky-rockets, Roman candles, rockets, daygo bombs, sparklers, snap caps, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs and fireworks kits. "Fireworks" does not include auto flares, paper caps that do not contain in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of these caps.

(b) "Fireworks kit" has the same meaning as the term "fireworks kit" in Health and Safety Code section 12512 and means any assembly of materials or explosive substances, which is designed and intended by the seller to be assembled by the person receiving the material or explosive substance and when assembled, comes within the definition of "fireworks," above.

(c) "Sell" means to sell, offer to sell, solicit the sale of, take orders for, give away, offer to give away, distribute or deliver.

SEC. 32.104. PERMITS REQUIRED FOR MANUFACTURE, POSSESSION, SALE AND DISCHARGE OF FIREWORKS.

(a) It shall be unlawful for any person to manufacture, possess, sell or distribute fireworks in the unincorporated area of the County without a permit issued by the Sheriff.

(b) An application for a permit to manufacture, possess, or sell fireworks shall be submitted on a form provided by the Sheriff and accompanied by the fee required in section 21.1901. The permit shall expire one year from the date it is issued and may be renewable.

(c) A person to whom a permit has been issued under this chapter may apply for a public display permit by submitting an application to the Sheriff at least 30 days before

the event for which a permit is requested. No person shall be granted a public display permit unless the display will be handled by or under the supervision of a State licensed pyrotechnic operator. A public display permit shall only be valid for a single event.

SEC. 32.105. LIABILITY INSURANCE FOR FIREWORKS DISPLAY REQUIRED.

No public display permit may be granted unless the applicant provides a certificate of public liability insurance that meets the minimum requirements of the State Fire Marshall under Health and Safety Code section 12610 and California Code of Regulations section 19.993. The certificate shall name the County of San Diego as an additional insured for damages claimed for personal injury or damage to any property, which arise from or are caused by any fireworks display. The County may require additional amounts of insurance as it deems necessary based upon the circumstances.

SEC. 32.106. DISPOSAL OF UNUSED FIREWORKS.

A person to whom the Sheriff issues a fireworks display permit under this chapter shall immediately and safely dispose of fireworks that remain unused after a public fireworks display. Fireworks shall be disposed of in compliance with all federal, State and County laws and regulations.

SEC. 32.107. EXCEPTIONS.

No permit shall be required under this chapter for:

(a) A railroad or other transportation agency regulated by the United States, the State of California or a local public entity using fireworks for signaling or for illumination.

(b) The sale or use of blank cartridges for theatrical purposes or for signaling or ceremonial purposes at an athletics event.

(c) Use by the United States Armed Forces.

SEC. 32.108. SEIZURE OF ILLEGAL FIREWORKS.

The Sheriff shall seize, take, remove or cause to be removed at the expense of the owner, all fireworks being manufactured, offered for sale, possessed or being discharged in violation of this chapter.

Section 6. Amend Title 3, Division 2, Chapter 2 of the San Diego County Code to read as follows:

CHAPTER 2. PROHIBITION OF REGISTERED SEX OFFENDER LOITERING

SEC. 32.201. PURPOSE.

This chapter bars registered sex offenders from loitering within 300 feet of schools and other facilities for children, when children are present. Sex offenders who prey on children frequently loiter in areas where children gather. The purpose of this chapter is to protect children from sex offenders who intend to engage in illegal sexual acts with children by preventing registered sex offenders from loitering in close proximity to children.

SEC. 32.202. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Registered sex offender" means an individual who is currently required by law to register with a governmental entity as a sex offender.

(b) "Loiter" or "loitering" means to remain, linger or wander in a public or private place for the purpose of engaging in any lewd, lascivious or otherwise illegal conduct, including but not limited to committing offenses specified in Penal Code sections 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 288.3, 289, 311.1, 311.2, 311.4 or 311.11 or for the purpose or intent of engaging any person in any sexual act of any kind or for the purpose or intent of soliciting any person to engage in any sexual act of any kind.

(c) "Child" or "children" means any person who has not reached his or her eighteenth birthday.

(d) "Child care and development facility" has the same meaning as the term "child care and development facility" in California Education Code section 8208.

(e) "County park" has the same meaning as the term "County park" in section 41.101(b) of this code.

SEC. 32.203. PROHIBITION AND ENFORCEMENT.

It shall be unlawful for a registered sex offender to loiter in a public or private place located in the unincorporated area of the County that is on or within 300 feet of a public or private school for children, a child care and development facility, a park, recreation facility, playground or arcade, when children are present. Each distinct and separate

instance in which a registered sex offender loiters in violation of this section shall constitute a separate offense.

SEC. 32.204. EXCEPTIONS.

(a) This chapter does not restrict the right of any person to travel to or from any place as long as the person does not loiter as defined by section 32.202 (b) above.

(b) This chapter shall not restrict access to public parks for the purpose of exercising First Amendment rights under the United States Constitution, nor any other constitutional rights under either the United States Constitution or the California State Constitution, so long as the activity does not constitute loitering as defined in section 32.202.(b)

(c) This chapter does not apply to restrict a registered sex offender's place of residence when the residency is regulated by State law.

Section 7. Amend Title 3, Division 2, Chapter 3 of the San Diego County Code to read as follows:

**CHAPTER 3. SOCIAL HOST LIABILITY FOR CONSUMPTION
OF ALCOHOLIC BEVERAGES BY MINORS**

SEC. 32.301. FINDINGS AND INTENT.

The Board of Supervisors makes the following findings concerning minors' consumption of alcoholic beverages:

(a) Minors often obtain, possess or consume alcoholic beverages at parties held on private property under the control of a person who knows or should know of the conduct but fails to stop it.

(b) Underage consumption of alcoholic beverages poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors, physical altercations, violent crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism and excessive noise disturbance, all of which may require intervention by local law enforcement.

(c) Law enforcement responses to disturbances involving underage consumption of alcoholic beverages at private parties frequently require the use of extensive resources. Further, when law enforcement personnel respond to disturbances at private parties it limits their ability to respond to other service calls in the community, thereby placing the community at increased risk. Law enforcement is not currently reimbursed for its expenses when called to a private party.

(d) The prohibitions found in this chapter are reasonable and expected to deter consumption of alcoholic beverages by minors by holding persons responsible who encourage, are aware of or should be aware of the illegal consumption of alcoholic beverages by minors, but fail to prevent it. In addition, it is the intent of this chapter that the revenue the County receives from enforcement of this chapter after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community.

SEC. 32.302. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Alcoholic beverage" has the same meaning as the term "alcoholic beverage" in Business and Professions Code section 23004.

(b) "Enforcement services" means the actual amount of time spent by law enforcement personnel in responding to, or in remaining at, a party, gathering or event at which a minor obtains, possesses or uses alcoholic beverages including, but not limited to, the salaries and benefits of these personnel, the actual cost of medical treatment incurred by these personnel, administrative costs attributable to the incident, the cost of repairing or replacing any damaged County property, and any other allowable costs related to the enforcement of this chapter.

(c) "Family gathering" means a gathering where each minor present is supervised by the minor's parent or legal guardian.

(d) "Legal guardian" means a person who is legally vested with the power and charged with the duty of taking care of a minor.

(e) "Minor" means any person under the age of 21 years.

(f) "Parent" means any person who is a natural parent, an adoptive parent or a foster parent.

(g) "Party" means a gathering or event at which a group assembles for a social occasion or activity on private property.

(h) "Private property" means any privately-owned land or building in the unincorporated area of the County and includes vacant land as well as residential, commercial, business or farm property.

SEC. 32.303. PREVENTING MINORS FROM CONSUMING ALCOHOLIC BEVERAGES ON PRIVATE PROPERTY.

(a) A person who owns or has control of private property and knowingly hosts or allows a party on the property shall take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the party. Reasonable steps include, but are not limited to: (1) controlling access to alcoholic beverages, (2) controlling the quantity of alcoholic beverages, (3) verifying the age of each person attending the party by inspecting a each person's driver's license or other government-issued identification card and (4) supervising the activities of minors at the party. It is unlawful for a person to fail to take reasonable steps to prevent a minor from consuming an alcoholic beverage at a party the person hosts or allows on private property the person owns or controls.

(b) It is unlawful for any person who owns or has control of private property to knowingly host or allow a party on the property to continue when the person knows, or reasonably should know, if the person had taken all reasonable steps as required in subsection (a) above, that a minor has obtained, possesses or is consuming an alcoholic beverage.

(c) This section shall not apply to a parent or legal guardian who provides an alcoholic beverage at a family gathering to a minor under the parent or legal guardian's care or to any person who provides an alcoholic beverage to a minor as part of a legally protected religious activity.

SEC. 32.304. PRIMA FACIE EVIDENCE.

Whenever a person having control of private property is present at that property during a party when a minor obtains, possesses or consumes any alcoholic beverage, it shall be prima facie evidence that the person knew or should have known that the minor obtained, possessed or consumed an alcoholic beverage at the party.

SEC. 32.305. SEPARATE VIOLATION FOR EACH INCIDENT.

Each incident in violation of section 32.303 shall constitute a separate offense.

SEC. 32.306. ENFORCEMENT AUTHORITY.

The District Attorney and the Sheriff are authorized to administer and enforce this chapter. The District Attorney and the Sheriff may exercise any enforcement powers provided by law to enforce this chapter.

SEC. 32.307. ENFORCEMENT REMEDIES.

In addition to being subject to criminal prosecution for violating State law and section 32.303 a person who violates section 32.303 shall also be liable to the County for any enforcement services the County incurs as a result of the violation.

Section 8. Amend Title 3, Division 2, Chapter 4 of the San Diego County Code to read as follows:

CHAPTER 4. RACE DISCRIMINATION

SEC. 32.401. DISCRIMINATION SIGNS PROHIBITED.

It shall be unlawful for any person to display any sign or notice in a place of public accommodation which attempts to discourage patronage by persons because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status or sexual orientation.

Section 9. Amend Title 3, Division 2, Chapter 5 of the San Diego County Code to read as follows:

CHAPTER 5. LIMITS ON PURCHASES OF PRODUCTS CONTAINING EPHEDRINE

SEC. 32.501. FINDINGS AND INTENT.

The Board of Supervisors of the County of San Diego finds:

(a) In addition to its legal uses, ephedrine is used in the illegal manufacture of methamphetamine because illicit drugs manufacturers extract ephedrine from various over-the-counter products that contain ephedrine or pseudoephedrine as an ingredient.

(b) Southern California generally and San Diego County specifically has become known to narcotics officers and drug enforcement agents for its high incidence of illicit manufacture, sale and use of methamphetamine.

(c) There is a current and immediate threat to the public health, safety and welfare in that the manufacture, processing, transportation, possession and sales of illicit narcotics and drugs are inherently dangerous and the chemicals, compounds, substances, byproducts and wastes associated with the manufacture of illicit narcotics and drugs threaten the health, welfare and safety of the citizens of the County.

(d) There has been an increase in the purchases and thefts of over-the-counter products that contain ephedrine, pseudoephedrine, ephedrine hydrochloride,

pseudoephedrine hydrochloride or pseudoephedrine sulfate, as well as other products associated with the manufacture of methamphetamine. Regulating the quantities of these products that consumers may purchase or acquire in the unincorporated area of the County is necessary to curtail illegal manufacture of methamphetamine.

(e) The limitations found in this chapter on the quantity of products containing ephedrine that may purchased or acquired by a consumer on a single day will assist the County in its efforts to combat illegal methamphetamine manufacturers in the County and will not unduly restrict legitimate businesses or consumers.

SEC. 32.502. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Count" means the number of pills, tablets, capsules or other individual units of a substance contained within a package.

(b) "Consumer" means any person who purchases or acquires products at retail.

(c) "Ephedrine" means any drug, substance or compound, whether legal or illegal, that contains ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride or pseudoephedrine sulfate. "Ephedrine" does not mean naturally occurring ephedra alkaloids unless they are spiked with synthetic ephedrine or pseudoephedrine.

(d) "Package" means any bottle, box, blister pack or other container in which products containing ephedrine are sold to consumers.

SEC. 32.503. LIMITS ON THE PURCHASE OF EPHEDRINE PRODUCTS.

It is unlawful for any consumer in the unincorporated area of the County to purchase or acquire on any single day:

(a) More than three packages of any product containing ephedrine.

(b) Products containing ephedrine where the total count exceeds 100.

SEC. 32.504. SEPARATE VIOLATION FOR EACH INCIDENT.

Each purchase or acquisition of a product containing ephedrine in violation of section 32.503 shall constitute a separate offense.

SEC. 32.505. ENFORCEMENT AUTHORITY.

The District Attorney and the Sheriff are authorized to administer and enforce this chapter. The District Attorney and the Sheriff may exercise any enforcement powers provided by law to enforce this chapter.

SEC. 32.506. ENFORCEMENT REMEDIES.

In addition to any criminal prosecution under this chapter the District Attorney or the County Counsel may also obtain injunctive relief in a civil action against any person who violates or proposes to violate this chapter.

SEC. 32.507. STRICT LIABILITY OFFENSE.

A violation of this chapter shall be treated as a strict liability offense.

Section 10. Amend Title 3, Division 2, Chapter 6 of the San Diego County Code to read as follows:

CHAPTER 6. FORTUNE-TELLING

SEC. 32.601. PURPOSE.

The purpose of this chapter is to regulate fortune-tellers, psychics and other similar practitioners. Because vulnerable individuals may fall prey to unscrupulous practitioners or persons pretending to be practitioners, the County needs to regulate these practices to protect the public.

SEC. 32. 602. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Consideration" means a payment, fee, reward, donation, loan or anything having monetary value.

(b) "Fortune-telling" means predicting the future or reading the past, using psychic power, clairvoyance, phrenology, consulting with spirits, reading tea leaves, tarot cards or any other object or device, crystal gazing, palm reading, mind reading, telepathy, astrology, necromancy or any other type of purported occult or supernatural powers. It also includes casting spells, providing love potions, good or bad luck charms, placing or removing curses, claiming to enhance or change the course of businesses, finances, relationships or luck, claiming to find hidden property or effect the disposition of property. Fortune-telling also includes pretending to perform fortune-telling.

SEC. 32.603. FORTUNE-TELLING.

It shall be unlawful for a person to engage in or offer to engage in fortune-telling for any type of consideration, in the unincorporated area of the County, without a license from the Issuing Officer. The Sheriff shall be the Issuing Officer for a fortune-telling license. A fortune-telling license shall only be issued to an individual.

SEC. 32.604. EXCEPTIONS.

This chapter shall not apply to any:

(a) Priest, minister, rector or other accredited representative of a bona fide church or religion where the priest, minister, rector or accredited representative holds a certificate of credit, commission or ordination under the ecclesiastical laws of a religious corporation incorporated under the laws of any state or territory of the United States of America or any voluntary religious association and who fully conforms to the rites and practices prescribed by the supreme conference, convocation, convention, assembly, association or synod of the system or faith with which the representative is affiliated. Any church or religious organization organized for the primary purpose of conferring certificates of commission, credit or ordination for a price and not primarily for the purpose of teaching and practicing a religious doctrine or belief shall not be deemed to be a bona fide church or religious organization.

(b) Person who engages in an activity defined in section 32.602(b) in a public place for the purpose of entertaining the public by giving a demonstration of fortune-telling.

SEC. 32.605. APPLICATION.

An application for a fortune-telling license shall be made to the Sheriff on a form provided by the Sheriff and shall be accompanied by the fee provided in section 21.1901.

SEC. 32.605. LICENSING PROCEDURE.

A fortune-telling license shall be subject to this chapter and to sections 21.101-21.117 of this code.

Section 11. Amend Title 3, Division 2, Chapter 7 of the San Diego County Code to read as follows:

CHAPTER 7. DAYTIME LOITERING OF JUVENILES ON SCHOOL DAYS

SEC. 32.701. PURPOSE AND FINDINGS.

The purpose of this chapter is to reduce the incidence of juvenile truancy that plagues our schools and creates a burden upon the health, safety and welfare of the community. Students who are absent from school are denied an education and unexcused absences result in a loss of State and federal funding, to the detriment of all students. Unsupervised students may involve themselves in unsafe activities by loitering in residential neighborhoods, business districts or industrial centers. Some unsupervised students may also engage in criminal activity to the detriment of the community and may become a burden on police who must return them to school, wait for parents to pick them up and investigate criminal activity related to the student's truancy. Thus, a special need exists for a County ordinance to prohibit juvenile truancy and impose appropriate criminal sanctions against any juvenile or parent who violates this chapter.

SEC. 32.702. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Juvenile" means any person under 18 years of age.
- (b) "Parent" means a person who is the natural or adoptive parent of a juvenile or a court appointed guardian or other person 18 years of age or older authorized by the juvenile's parent, by a court order or by a court appointed guardian to have the care and custody of a juvenile.
- (c) "Emergency" includes but is not limited to fire, natural disaster, automobile accident or requirement for immediate medical care for another person.
- (d) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, office buildings, transport facilities, shopping centers and malls.
- (e) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

SEC. 32.703. DAYTIME LOITERING OF JUVENILES IN PUBLIC PLACES ON SCHOOL DAYS.

(a) It is unlawful for any juvenile who is subject to compulsory education or to compulsory continuation education to loiter, idle, wander or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings or the premises of any establishment, vacant lots or any unsupervised place between the hours of 8:30 a.m. and 1:30 p.m. on any day when school is in session for that juvenile.

(b) It is a defense to prosecution under this chapter if:

- (1) The juvenile is accompanied by the juvenile's parent.
- (2) The juvenile is on an emergency errand directed by the juvenile's parent.
- (3) The juvenile is going directly to or coming directly from the juvenile's place of school-approved employment.
- (4) The juvenile is going to or coming directly from a medical appointment.
- (5) The juvenile has permission to leave the school campus for lunch and possesses a valid, school-issued, off-campus permit.
- (6) The juvenile is going directly to or coming from a compulsory alternative education program activity.
- (7) The juvenile is attending or, without any detour or stop, going to or returning from an official school, religious, government-sponsored activity or other recreational activity supervised by adults.
- (8) The juvenile is attending or, without detour or stop, going to or returning from an event or activity directly related to the medical condition of a parent.
- (9) The juvenile is officially enrolled in home schooling.
- (10) The juvenile has passed a general educational development test and received a California high school equivalency certificate.

SEC. 32.704. RESPONSIBILITY.

It is unlawful for the parent of any juvenile to knowingly allow or by insufficient control allow the juvenile to violate section 32.703(a).

SEC. 32.705. ENFORCEMENT PROCEDURE.

(a) If a peace officer determines a violation of section 32.703(a) has occurred, the peace officer may issue a citation to the juvenile and may detain the juvenile until the juvenile can be placed in the care and custody of the juvenile's parent or may transport the juvenile to the juvenile's home or to the school from which the juvenile is absent. If the peace officer issues a citation the juvenile and a parent shall appear in court as directed in the citation. The peace officer shall advise the juvenile's parents that the juvenile was cited for a violating section 32.703(a) and shall warn the parents of their responsibility and liability under this chapter. The first citation to a juvenile under this chapter shall be an infraction. Any subsequent violation by a juvenile after a conviction for an infraction shall be charged as a misdemeanor if the offense is committed within 36 months of the conviction for an infraction.

(b) After a parent has been previously warned as set forth in subsection (a) above a peace officer may issue a citation for an infraction to the parent if a juvenile over whom they have care and custody commits a subsequent violation of section 32.703. If both parents have been warned the peace officer may issue a citation to both parents.

(c) After a parent has previously been convicted of an infraction charged under subsection (b) above, a peace officer may issue a citation for a misdemeanor to the parent if a juvenile over whom the parent has care and custody commits a subsequent violation of section 32.703(a) within 36 months of the date of the conviction for an infraction under subsection (b) above. If both parents have been convicted of an infraction, a peace officer may issue a citation for a misdemeanor to both parents.

SEC. 32.706. PENALTIES.

(a) A juvenile convicted under this chapter may be punished by a fine or by a requirement to perform County, city or school-approved work projects or community service or both. If a juvenile is required to perform a project, the total time for performance shall not exceed 20 hours over a period not to exceed 60 days, and shall be during times other than the juvenile's hours of school attendance or the juvenile's hours of employment.

(b) Any parent convicted under this chapter may be punished as provided in section 11.116 of this code.

Section 12. Amend Title 3, Division 2, Chapter 8 of the San Diego County Code to read as follows:

CHAPTER 8. PROHIBITION OF AIDS DISCRIMINATION

SEC. 32.801. FINDINGS.

The Board of Supervisors finds as follows:

(a) The medical condition described as Acquired Immune Deficiency Syndrome, commonly known as AIDS, is a deadly disease which has the potential to affect every segment of the County's population.

(b) AIDS was first recognized in 1981 by the United States Public Health Service's Center for Disease Control and Prevention based on the study of a pattern of unusual illnesses among young, single males reported by the medical centers associated with University of California at Los Angeles and New York University.

(c) AIDS/HIV, in the opinion of the scientific and medical community, is caused by a virus known as HIV (Human Immunodeficiency Virus) which attacks and cripples the body's immune system and neurological system, thereby leaving the body vulnerable to opportunistic infections, certain cancers and neurological diseases.

(d) A person afflicted with AIDS suffers a variety of bacterial, viral and/or fungal caused illnesses, cancers, protozoan and neurological conditions which debilitate the body resulting in a high mortality rate within several years after HIV infection.

(e) Transmission of the virus has occurred through transfer of blood, blood by-products and body organs, through intimate sexual contact, through sharing contaminated hypodermic needles or perinatally.

(f) No evidence exists to indicate the spread of the virus through casual contact, such as contact at work or at school, through the air or water or through the handling of food by persons having the AIDS virus.

(g) Medical studies of family groups in which one or more persons have been diagnosed with AIDS/HIV show no spread of the virus other than through sexual intimacy or through the exchange of blood, such as mother to infant or needle sharing.

(h) A public health danger represented by the HIV virus and its subsequent manifestation as AIDS is exacerbated by the lengthy incubation period during which an apparently healthy but infected individual may spread the disease to other persons

through the transfer of blood, blood by-products, body organs, semen or vaginal/cervical secretions, perinatally or through sharing HIV contaminated hypodermic needles.

(i) AIDS/HIV has been recognized as a national public health emergency with a large proportion of the cases diagnosed in California.

(j) AIDS/HIV, in the opinion of the scientific and medical community, will continue to increase at a significant rate within the County for the foreseeable future.

(k) Persons with AIDS/HIV face potential discrimination and this potential for discrimination is sufficient to justify a County ordinance to prohibit discriminatory practices which are not adequately regulated by federal and State law.

SEC. 32.802. PUBLIC POLICY.

It is the County's public policy that it is necessary to protect and safeguard the rights and opportunities of persons with AIDS/HIV from discrimination in employment, housing, business establishments, testing and the use and enjoyment of County facilities and services.

SEC. 32.803. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "AIDS" means Acquired Immune Deficiency Syndrome, a disease complex which occurs when an important part of the human immune system is destroyed by the action of a human immune deficiency virus known as HIV and as defined by the United States Public Health Services Center for Disease Control and Prevention. AIDS is manifested by infections, cancers or neurological diseases.

(b) "HIV infection" means infection with the Human Immunodeficiency Virus which, although separate and distinct from a diagnosis of AIDS, is a precursor to an AIDS diagnosis.

(c) "Business establishment" includes any entity, however organized, which furnishes goods or services, including health and dental care services, mortuary services, educational services or accommodations to the general public. An otherwise qualifying entity which has membership requirements is considered to furnish services to the general public if its membership requirements: (1) consist only of payment of fees or (2) consist of requirements under which a substantial portion of the residents of the County could qualify.

(d) "Employee" means a person who works for another person for pay.

(e) "Employer" means a person who regularly employs one or more persons or a person acting as the employer's agent.

(f) "Employment agency" means a person, who for compensation, regularly helps employees find jobs or assists employers in finding employees to fill positions and includes an agent of the person.

(g) "Housing accommodation" includes any improved or unimproved real property, or portion of the property, which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more persons.

(h) "Housing services" means services provided by the owner of any housing accommodation to persons renting or leasing the housing accommodation, including but not limited to, utilities such as light, heat, water and telephone, ordinary repairs or replacement and maintenance, including painting, elevator services, laundry facilities and privileges, the use of common recreational facilities, janitorial services, resident manager, waste removal, furnishings, food service, parking and any other benefits, privileges or facilities provided.

(i) "Labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection.

(j) "Owner" includes the lessee, sublessee, assignee, managing agent, real estate broker or salesman or any person having any legal or equitable right of ownership or possession or the right to rent or lease housing accommodations.

SEC. 32.804. HOUSING ACCOMMODATIONS AND HOUSING SERVICES.

(a) It shall be unlawful for the owner of any housing accommodation in the unincorporated area of the County to discriminate against any person because the person has AIDS/HIV.

(b) It shall be unlawful for the owner of any housing accommodation in the unincorporated area of the County to deny or limit the housing services offered or provided to a tenant because the tenant has AIDS/HIV

(c) Nothing in this section shall:

(1) Apply to any housing accommodation in which the owner or any member of the owner's family occupies the same housing accommodation in common with the

prospective tenant. This exception shall not apply where the owner occupies a separate apartment, condominium or other housing unit in a multiple-unit complex.

(2) Allow or require the rental or occupancy of any housing accommodation prohibited by law.

(3) Interfere with the right of an owner to evict a person from any housing accommodation for just cause or allow the delay of any unlawful detainer action.

(4) Require an owner to rent any housing accommodation reserved for student housing to a non-student with AIDS/HIV.

SEC. 32.805. BUSINESS ESTABLISHMENTS.

It shall be unlawful for a person in the unincorporated area of the County to deny another person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any business establishment because the person has AIDS/HIV.

SEC. 32.806. TESTING.

(a) It shall be unlawful for any person in the unincorporated area of the County to require another person to take any test or undergo any medical procedure designed to determine that a person has AIDS/HIV.

(b) Nothing in this section shall:

(1) Prohibit any testing or medical procedure authorized by the laws of the United States, the State of California or the County of San Diego or any testing or medical procedure required by the County Department of Health Services to protect the public health.

(2) Apply to any employer who can show that the absence of AIDS/HIV is a bona fide occupational qualification.

SEC. 32.807. COUNTY FACILITIES AND SERVICES.

(a) It shall be unlawful to deny any person the full and equal enjoyment of or to impose less advantageous terms or restrict the availability of the use of any County facility or participation in any County funded or supported service or program because the person has AIDS/HIV.

(b) Nothing in this section shall:

(1) Apply to any facility, service or program which does not receive any assistance from the County and which is generally not open to or provided to the public.

(2) Restrict services or programs specifically designed for persons with AIDS/HIV.

SEC. 32.808. EMPLOYMENT.

(a) It shall be unlawful in the unincorporated area of the County for an employer, because a person has AIDS/HIV, to:

(1) Fail or refuse to hire the person, discharge the person or discriminate against the person with respect to the person's compensation or terms, conditions or privileges of employment.

(2) Limit, segregate or classify an employee or an applicant for employment in any way which would deprive or tend to deprive the person of employment opportunities or to adversely affect the person's status as an employee in any other way.

(b) It shall be unlawful in the unincorporated area of the County for an employment agency, because a person has AIDS/HIV to fail or refuse to refer the person for employment or otherwise to discriminate against the person.

(c) It shall be unlawful in the unincorporated area of the County for a labor organization, because a person has AIDS/HIV to:

(1) Exclude or to expel the person from its membership or discriminate against the person in any other way.

(2) Limit, segregate or classify a member or applicant for membership or fail or refuse to refer the person for employment in any way which would deprive or tend to deprive the person of employment opportunities or that would limit the person's employment opportunities or in some other manner adversely affect the person's status as an employee or as an applicant for employment.

(3) Cause or attempt to cause an employer to discriminate against the person in violation of this section.

(d) It shall be unlawful in the unincorporated area of the County, for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including an on-the-job training program, to discriminate

against a person, because the person has AIDS/HIV regarding admission to or employment in any program established to provide apprenticeship or other training.

(e) Nothing contained in this section shall be deemed to prohibit selection or rejection based upon a bona fide occupational qualification. In an action brought under this chapter, however, if a party asserts that discrimination is justified as a bona fide occupational qualification, that party shall have the burden of proving: (1) the discrimination is a necessary result of a bona fide occupational qualification and (2) there exists no less discriminatory means of satisfying the occupational qualification.

(f) Notwithstanding any other provision in this chapter, it is not unlawful for an employer to:

(1) Apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that the differences are not the result of an intent to discriminate against a person because the person has AIDS/HIV.

(2) Give and to act upon the results of any professionally developed ability test provided that the test and its administration or action upon the results of the test is not designed, intended or used to discriminate against a person because the person has AIDS/HIV.

SEC. 32.809. ADVERTISING.

It shall be unlawful in the unincorporated area of the County to make, print, publish, advertise or disseminate or cause to be made, printed, published, advertised or disseminated, any notice, statement, sign, advertisement, application or contract which indicates an intent to engage in any practice made unlawful by this chapter.

SEC. 32.810. EXCEPTIONS FOR PUBLIC HEALTH AND SAFETY.

(a) Nothing in this chapter shall be construed to prohibit any act authorized by the laws of the United States, the State of California or the County of San Diego or any act required by the County Department of Health Services to protect the public health.

(b) Nothing in this chapter shall prohibit any act which is necessary to protect the health or safety of the general public. If a party to any action brought under this chapter asserts that a discriminatory practice is justifiable because it is necessary to protect the health or safety of the general public that party shall have the burden of proving that:

(1) The discrimination is a necessary result of a necessary course of conduct pursued to protect the health or safety of the general public; and

(2) There is no less discriminatory means to protect the health or safety of the general public.

SEC. 32.811. LIABILITY AND DAMAGES.

Any person who violates this chapter or who aids another person in violating this chapter is liable for each and every violation, for damages up to a maximum of three times the amount of actual damages, for punitive damages as may be determined by a jury or a court sitting without a jury and for costs, including reasonable attorney's fees, as may be determined by the court.

SEC. 32.812. ENFORCEMENT.

(a) Any aggrieved person may enforce this chapter by means of a civil action.

(b) Any person who commits or proposes to commit an act in violation of this chapter may be enjoined from that conduct by a court of competent jurisdiction.

(c) An action seeking injunctive relief under subsection (b) above may be brought by an aggrieved person or by any interested person who will fairly and adequately represent the interests of the aggrieved person or class of persons on whose behalf relief is sought.

(d) Nothing in this chapter shall preclude any aggrieved person from pursuing any other remedy provided by law.

(e) An action arising under this chapter shall not be rendered moot because of the death or physical or mental incapacity of the person who was the subject of the claimed discrimination.

(f) Notwithstanding any provision of law, no criminal penalties shall attach for any violation of this chapter.

SEC. 32.813. PREEMPTION.

This chapter shall not apply to any act of discrimination that is regulated by federal or State law.

Section 13. Amend Title 3, Division 2, Chapter 10 of the San Diego County Code to read as follows:

CHAPTER 10. PUBLIC NUDITY

SEC. 32.1001. PURPOSE AND INTENT.

The presence of persons who are nude and exposed to public view in or on public rights of way, public parks or any other public land or in or on any private property open to public view from any public right of way, public park or other public land is offensive to members of the general public unwillingly exposed to these persons. The purpose of this chapter is to secure and promote the public health, morals and general welfare of all persons in the unincorporated area of the County.

SEC. 32.1002. NUDITY DEFINED.

When used in this chapter "nude" means devoid of an opaque covering which covers the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region or pubic hair region of any person or any portion of the breast at or below the upper edge of the areola of any female person.

SEC. 32.1003. PUBLIC PLACE DEFINED.

When used in this chapter "public place" means any place open to the public, including public property, a public right of way or any private property that is open to the public. "Public place" also means any area from which the public can view a person or any part of a person on any property, public or private.

SEC. 32.1004. PUBLIC NUDITY PROHIBITED.

It shall be unlawful for any person in the unincorporated area of the County to appear nude in a public place or to allow a minor in his or her custody who is six years old or older to appear nude in a public place.

SEC. 32.1005. CHAPTER NOT APPLICABLE TO THEATRICAL PERFORMANCES.

This chapter shall not apply to a person engaged in a live theatrical performance in a theater, concert hall or similar establishment which is predominantly devoted to theatrical performances.

SEC. 32.1006. CHAPTER NOT APPLICABLE TO ACTS AUTHORIZED OR PROHIBITED BY STATE LAW.

Nothing contained in this chapter shall be construed to prohibit any act which is authorized or prohibited by the State law.

Section 14. Amend Title 3, Division 2, Chapter 11 of the San Diego County Code to read as follows:

CHAPTER 11. MISCELLANEOUS OFFENSES

SEC. 32.1101. UNAUTHORIZED USE OF BADGES RESEMBLING COUNTY BADGES.

It shall be unlawful for any person, without authorization, to knowingly carry wear, display or use any badge, insignia, emblem or other form of identification which resembles any official badge, insignia, emblem or other form of identification issued to an officer or employee of the County of San Diego.

SEC. 32.1102. WEAPONS AT PUBLIC ASSEMBLIES PROHIBITED.

It shall be unlawful for any person, while participating in any demonstration, rally, picket line or other public assembly, to possess any object made of wood, metal, plastic or rubber, that is more than one-quarter inch thick or more than two inches wide. If the object is not generally rectangular in shape, the object shall not exceed one-half inch in its thickest dimension.

Section 15. Amend the division name for Title 3, Division 3 of the San Diego County Code to read as follows:

DIVISION 3. FIREARMS AND EXPLOSIVES

Section 16. Amend Title 3, Division 3, Chapter 2 of the San Diego County Code to read as follows:

CHAPTER 2. POSSESSION AND STORAGE OF EXPLOSIVES

SEC. 33.201. PURPOSE AND INTENT.

Explosives are extremely hazardous and if not properly manufactured, transported, used, stored or handled, may threaten the health and safety of persons and property in the County. Explosives are regulated by State law, but require a permit from a local issuing authority having responsibility for the area where explosives will be manufactured,

possessed, used, stored or handled. The issuing authority for the permit may impose reasonable restrictions or conditions which the authority finds necessary for the prevention of fire and explosion, the preservation of life, safety or control and security of the explosives within the authority's jurisdiction. State law also authorizes the issuing authority to suspend or revoke a permit if the person to whom the permit was issued manufactures, uses, stores or handles the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property. This chapter implements State law.

SEC. 33.202. DEFINITIONS.

(a) "Direct dial device" means a device which is connected to a telephone line and upon activation of an alarm system automatically dials a predetermined telephone number and transmits a message or signal indicating a need for an emergency response.

(b) "Type 1 explosives magazine" means a permanent magazine for the storage of explosives as defined in 27 CFR 555.203(a) and that meets all the requirements of 27 CFR 555.206 and 27 CFR 555.207.

SEC. 33.203. EXPLOSIVES PERMIT REQUIRED.

It shall be unlawful for any person to manufacture, handle, deliver, transport, use, store or possess explosives without a permit from the issuing authority. The Sheriff shall be the issuing authority in the unincorporated area of the County for any permit required by Health and Safety Code section 12101.

SEC. 33.204. ALARM REQUIRED FOR TYPE 1 EXPLOSIVES MAGAZINE.

(a) When a permit issued by the Sheriff pursuant to Health and Safety Code section 12101 requires the explosives to be stored in a Type 1 explosives magazine, the magazine shall be equipped with an alarm system that has a direct dial device that upon activation will transmit an alarm or signal to an alarm company operator licensed by the State of California and registered with the Sheriff. The alarm system shall be located in either the magazine or on a perimeter fence. The permittee shall notify the Sheriff immediately if the permittee changes the alarm company operator who will be monitoring the alarm system.

(b) No direct dial device shall when activated transmit or send a signal directly to the Sheriff.

SEC. 33.205. REVOCATION OF A PERMIT.

Failure to comply with any condition of the permit, any requirement of this chapter, any State law requirement or any State Fire Marshall regulation pertaining to explosives, or engaging in any conduct which creates an unreasonable hazard to life and property shall be grounds for revocation of the permit. The Sheriff shall inform the permittee in writing of the grounds for revocation of the permit. If however, the Sheriff determines that there is an immediate threat to the health and safe of any person or property the Sheriff may revoke the permit immediately and notify the permittee of the grounds for revocation within five days. In that case the Sheriff may, if necessary, seize the explosives until such time as the permittee demonstrates compliance or if the permittee is unable demonstrate compliance the Sheriff may dispose of the explosives as provided by law.

SEC. 33.206. RIGHT TO APPEAL.

A person denied a permit or whose permit is revoked may appeal the Sheriff's decision to the Appellate Hearing Board pursuant to section 16.101 et seq. of this code.

Section 17. Amend Title 3, Division 4, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. BOOKING FEES FOR COUNTY JAILS

SEC. 34.101. PURPOSE.

Government Code section 29550 (section 29550) authorizes a county to impose a fee upon various local government entities for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested and brought to the county jails for booking or detention by employees of the local government entities when the State appropriates less than \$35,000,000 to reimburse counties, cities and counties and cities who operate Type One detention facilities. If the State appropriates less than the \$35,000,000 a county may charge local government entities a fee, adjusted pursuant to Government Code section 29551(e)(section 29551(e)), in proportion to the amount appropriated that is less than \$35,000,000. This chapter implements sections 29550 et seq.

SEC. 34.102. FEE IMPOSED.

(a) Whenever the State does not appropriate, \$35,000,000 for the purposes of Government Code section 29552 (section 29552), the County may recover from every city, special district, school district, community college district, college or university in San Diego County a fee equal to the actual administrative costs as defined in section

29550(e), including applicable overhead costs, incurred by the County in booking or other processing of persons arrested and brought to any county jail by an employee of the specified entities for booking or detention. If the State makes an appropriation pursuant to section 29552 that is less than \$35,000,000, the County may recover a fee from the specified entities up to a rate, adjusted pursuant to section 29551(e), in proportion to the amount appropriated that is less than \$35,000,000. For purposes of this section an "employee" shall include any person making an arrest on behalf of an entity specified above, regardless of whether the person is an employee of the specified entity for worker's compensation, employee benefits, tort liability or any other purpose.

(b) The fee shall be payable in respect to a booking of a person at a County jail on and after April 1, 1991.

(c) The fee shall not apply to a re-booking. A re-booking occurs when an additional charge is filed against a person already booked and in custody in a County jail.

(d) The fee shall not apply to a booking that occurs after an arrestee has been arraigned and ordered by a court to be remanded to the custody of the Sheriff, if the arrestee was detained in a city jail or holding facility prior to arraignment.

(e) The fee shall not apply to a self-booking.

(f) The fee shall not apply to a booking resulting from an arrest made by an employee of a local governmental entity on a warrant issued on behalf of the County or the Sheriff for alleged criminal activity in the unincorporated area of the County.

(g) A city or other local government entity, to which this section applies, may satisfy its obligation to the County for booking fees by entering into a contractual agreement with the County.

SEC. 34.103. FEE AMOUNT.

The amount of the fee imposed pursuant to section 34.102 is \$154 for each person booked at a County jail. The specified fee is equal to the administrative costs, including applicable overhead costs as permitted by Federal Circular A-87 standards, incurred by the County in booking or other processing of arrested persons in County jails.

SEC. 34.104. FEE COLLECTION.

(a) The Sheriff shall quarterly in arrears submit an invoice to each local government entity responsible for paying a fee imposed by this chapter, notifying it of the total fee due for the preceding quarter. The responsible local government entity shall pay the fee to the Sheriff within 30 days of the date of the invoice.

(b) Fees which remain unpaid in whole or in part after 30 days shall bear interest at the legal rate established pursuant to Code of Civil Procedure section 685.010 on the unpaid balance.

(c) In addition to any other remedy available to it, the County may offset any delinquent fees, plus accrued interest, against any amount reciprocally owing as provided by Government Code section 907. The Auditor-Controller is authorized and directed to offset the delinquent fees pursuant to Government Code section 907.

SEC. 34.105. MULTI-AGENCY ARRESTS.

Where two or more governmental entities, including local, State and federal entities, are responsible for an arrest and subsequent booking, each participating local government entity specified in section 34.102 shall only be billed for its pro rata share of the fee. The pro rata share shall be determined by dividing the total fee by the total number of local, State or federal governmental entities participating in the arrest and booking.

SEC. 34.106. REGULATIONS.

The Chief Administrative Officer shall prepare necessary rules and regulations pursuant to Government Code section 29551 governing the application and administration of the fee imposed by this chapter. These rules and regulations shall become effective upon approval of the Board of Supervisors by resolution.

Section 18. Amend the Division name Title 3, Division 5 of the San Diego County Code to read as follows:

DIVISION 5. MINORS

Section 19. Amend Title 3, Division 5, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. CURFEW FOR MINORS

SEC. 35.101. PURPOSE AND INTENT.

The Board of Supervisors is concerned with the level of juvenile violence, juvenile gang activity and juvenile crime in the unincorporated areas of the County. The crimes being committed by juveniles include serious offenses such as murders, drive-by shootings, drug-related crimes and other gang-related activities. Juveniles are particularly susceptible to participate in unlawful and gang-related activities and to be victims of older perpetrators of crimes, due to their lack of maturity and experience.

Recent local statistics regarding juvenile crime and victimization indicate that enforcement of a curfew for juveniles decreases the percentage of juvenile victimization and increases the number of arrests for violent crimes during curfew hours. The Board believes that having an enforceable juvenile curfew is critical to preserving the public health, safety and welfare.

SEC. 35.102. DEFINITIONS FOR CURFEW PROVISIONS.

The following definitions shall apply to this chapter:

(a) "Curfew hours" means the period from 11:00 p.m. until 5:00 a.m. the following day.

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

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

(d) "Guardian" means (1) a person who, pursuant to court order, is the guardian of the person of a minor or (2) a public or private agency with whom a minor has been placed by the court.

(e) "Minor" means any person under 18 years of age.

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

(g) "Public place" means any place to which the public or a substantial group of the public has access to and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

(h) "Responsible adult" means a person at least 18 years of age, authorized by a parent or guardian to have the care and custody of a minor.

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

SEC. 35.103. CURFEW RESTRICTIONS.

(a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the unincorporated area of the County of San Diego during curfew hours unaccompanied by a parent, guardian or responsible adult.

(b) It is unlawful for any parent or guardian of a minor to knowingly or by insufficient control allow, the minor to be present in any public place or on the premises of any establishment within the unincorporated area of the County of San Diego during curfew hours unaccompanied by a parent, guardian or responsible adult.

(c) It is a defense to prosecution under subsections (a) or (b) above that the minor was:

(1) On an errand at the direction of the minor's parent, guardian or responsible adult, without any detour or stop.

(2) In a motor vehicle involved in interstate travel.

(3) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.

(4) Involved in an emergency.

(5) On the sidewalk abutting the minor's residence.

(6) Attending an official school, religious or recreational activity supervised by one or more adults and sponsored by the County of San Diego, a civic organization or other similar entity that assumes responsibility for the minor or going to or returning home from, without detour or stop, an official school, religious or other recreational activity supervised by one or more adults and sponsored by the County of San Diego, a civic organization or another similar entity that assumes responsibility for the minor.

(7) Exercising First Amendment rights protected by the United States Constitution.

(8) Emancipated pursuant to law.

(d) Before taking any enforcement action under this section, a deputy sheriff shall determine the apparent offender's age and reason for being in a public place or on the premises of the establishment during curfew hours. If a minor is accompanied by an adult not the minor's parent or guardian, the deputy shall verify whether or not the person has authority from the parent or guardian to have care and custody of the minor.

Section 20. Amend Title 3, Division 5, Chapter 2 of the San Diego County Code to read as follows:

CHAPTER 2. INTIMIDATION FREE ZONES

SEC. 35.201. PURPOSE.

There have been numerous instances of bullying of minors that have caused significant mental and emotional injuries to minors. The purpose of this chapter is to regulate and discourage bullying from occurring on or near County parks, schools, playgrounds and other publicly owned property in the unincorporated area of the County.

SEC. 35.202. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Course of conduct" means two or more acts evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) "Credible threat" means a verbal or written threat or a threat implied by conduct or a combination of verbal or written statements and conduct with the intent and apparent ability to carry out the threat so as to cause the minor who is the target of the threat to reasonably fear for his or her safety or the safety of his or her immediate family.

(c) "Harass" means to engage in a knowing and willful course of conduct directed at a minor that seriously alarms, annoys, torments or terrorizes the minor and serves no legitimate purpose. As defined in this section the harassing course of conduct is such as would cause a reasonable minor of the same age and maturity as the one against whom the harassing conduct is directed to suffer substantial emotional distress and actually causes the minor to suffer severe emotional distress.

(d) "Immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(e) "Intimidate" means to place a person in reasonable apprehension of bodily harm to himself, herself or to another.

SEC. 35.203. UNLAWFUL TO INTIMIDATE OR THREATEN A MINOR.

(a) It shall be unlawful for any person in a park, on school property, on any public property utilized for organized and supervised after-school recreational activities or on any public property within 1,000 feet of the boundary of a park, school property or public property utilized for recreational activities in the unincorporated area of the County, to willfully and maliciously intimidate or harass a minor or make a credible threat against a minor.

(b) This section shall not apply to conduct that occurs during labor picketing.

Section 21. Amend the Division name of Title 3, Division 6 of the San Diego County Code to read as follows:

DIVISION 6. CONDUCT DISTURBING COMMUNITY HARMONY

Section 22. Amend Title 3, Division 6, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. GRAFFITI ABATEMENT

SEC. 36.101. DECLARATION OF PURPOSE.

Defacing property with graffiti or other inscribed material is illegal and a violation of the California Penal Code. Allowing graffiti to remain on property where it can be seen by members of the community has a detrimental effect on property values in a community and encourages the placement of more graffiti. The purpose of this chapter is to provide a procedure to promptly remove graffiti to reduce blight and deterioration within the unincorporated areas of the County and to protect the public health and safety. Another purpose of this chapter is for the County to recover its abatement costs when the County removes the graffiti.

SEC. 36.102. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Abatement and related administrative costs" has the same meaning as the term "administrative and related administrative costs" in Government Code section 38773.2.

(b) "Director" means the Director of the County Department of Planning and Land Use and any person appointed or hired by the Director to administer or enforce this chapter.

(c) "Graffiti" has the same meaning as the term "graffiti or other inscribed material" in Government Code section 38772(d)(2).

(d) "Legal guardian" means a person who is legally vested with the power and charged with the duty of taking care of a minor.

(e) "Minor" has the same meaning as the term "minor" in Government Code section 38772(d)(3).

(f) "Other person" has the same meaning as the term "other person" in Government Code section 38772(d)(3).

(g) "Parent" means a person who is a natural parent, an adoptive parent or a foster parent.

SEC. 36.103. AUTHORITY TO ADMINISTER AND ENFORCE.

The Director is authorized to administer and enforce this chapter.

SEC. 36.104. GRAFFITI IS A PUBLIC NUISANCE.

Graffiti located on property in the unincorporated area of the County, that is visible from a public or private road or right-of-way or from any other property, is declared to be a public nuisance. It is unlawful for the owner of any property to maintain graffiti or allow graffiti to remain on property in the unincorporated area of the County that is visible from a public or private road or right-of-way or from any other property.

SEC. 36.105. ABATEMENT AUTHORITY AND PROCEDURES.

Whenever the Director determines that a public nuisance exists because of graffiti located on property in the unincorporated area of the County the Director may proceed under the County Public Nuisance Abatement Procedure in sections 16.201 et seq. of this code.

SEC. 36.106. AUTHORITY TO REMOVE GRAFFITI.

(a) A County employee or a private contractor retained by the County may enter property subject to the County's jurisdiction and abate graffiti that the Director has determined is a public nuisance. The Director may follow the procedures for abating a public nuisance in sections 16.201 et seq.

(b) As an alternative to abatement, the Director may enter into an agreement with a property owner for the County to remove graffiti at the property owner's expense. The

agreement shall include the property owner's consent for the County's entry onto the property for graffiti removal and a waiver of liability in the event of any damage caused by the County in removing graffiti.

SEC. 36.107. STANDARDS FOR GRAFFITI REMOVAL.

When the Director orders a property owner to remove graffiti or be subject to the County's abatement procedure the property owner shall remove the graffiti or cover it completely in a manner that renders it inconspicuous. When graffiti is painted over, the color used to paint over the graffiti shall match the original color of the surface or the surface shall be completely repainted with a new color which is aesthetically compatible with existing colors and architecture. The removal shall not leave shadows and shall not follow the pattern of the graffiti such that letters or similar shapes remain apparent on the surface after graffiti markings have been removed. If the surface area is heavily covered with graffiti the entire surface shall be repainted. The Director shall be the sole judge of whether the graffiti has been removed or covered satisfactorily.

SEC. 36.108. GRAFFITI ABATEMENT COST RECOVERY.

(a) When the Director abates graffiti on property pursuant to this chapter the Director shall follow the cost recovery procedures in sections 16.201 et seq. If the Director elects to place a special assessment against property from which it removed graffiti the Director shall follow the procedures in Government Code section 38773.5, including sending notice to the property owner by certified mail at the time the assessment is imposed. The notice shall state that the property may be sold after three years by the County Tax Collector for unpaid delinquent assessments.

(b) In lieu of placing a special assessment on property to recover its graffiti abatement costs, the Director may enter into an agreement with a property owner to recover the costs.

SEC. 36.109. LIABILITY OF MINOR OR OTHER PERSON AND PARENT OR LEGAL GUARDIAN OF MINOR.

(a) When the County ascertains the identity of a minor or other person responsible for placing graffiti on property the Director may proceed to abate the nuisance as provided in section 36.106. In that case, however, the Director, pursuant to Government Code section 38773.6, may make the abatement and related administrative costs a special assessment against property owned by the minor or other person or property owned by any parent or legal guardian having custody and control of the minor, by following the procedures in sections 16.212 through 16.216. The assessment shall be collected at the same time and in the same manner as County taxes are collected and shall be subject to

the same penalties and the same procedure and sale in case of delinquency as provided for with County taxes.

(b) If the County determines a minor or other person or the parent or legal guardian of a minor is responsible for the County's abatement and related administrative costs the Director may bill each person responsible, as provided in section 16.212(b). If the County's bill is not paid within 15 days the County may proceed as provided in sections 16.213 through 16.216.

(c) If the County has previously placed a special assessment against the property owned by the person on whose property the graffiti was placed, the County may remove the special assessment against that property after a special assessment has been placed against the property of a minor or other person or the parent or legal guardian of the minor. If the original property owner has already paid the County for the abatement and related administrative costs, the County shall issue a refund to that property owner for any amount the County recovers from the minor or other person or the parent of legal guardian of the minor.

(d) This section is not intended to limit the County's right or any property owner's right to pursue a legal remedy under Civil Code section 1714(b).

Section 23. Amend Title 3, Division 6, Chapter 2 of the San Diego County Code to read as follows:

CHAPTER 2. LIMITATIONS ON ALCOHOLIC BEVERAGE CONSUMPTION IN PUBLIC PLACES

SEC. 36.201. PURPOSE.

The purpose of this chapter is to prohibit consumption of alcoholic beverages in certain public places in the unincorporated area of the County. This chapter also prohibits open containers of alcoholic beverage on the premises of certain retail package off-sale alcoholic beverage licensees in the unincorporated area. This chapter is not intended to limit consumption of alcoholic beverages or possession of open containers of alcoholic beverages at an event for which the both the County and the California Department of Alcoholic Beverage Control have issued permits.

SEC. 36.202. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Alcoholic beverage" has the same meaning as the term "alcoholic beverage" in Business and Professions Code section 23004.

(b) "Open container of an alcoholic beverage" means any bottle, can or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents of which have been partially removed.

(c) "Posted premises" means those premises, located in designated areas of the County regulated by this chapter, which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk that the possession of an open container of an alcoholic beverage on the premises, the parking lot and the adjacent sidewalk is prohibited by law.

(d) "Public place" means any public street, sidewalk, walkway, alley or other public property, but does not include a County park unless the park is specifically referred to in this chapter by name and does not include a restaurant, bar or other business licensed to sell alcoholic beverages to the public at an outdoor cafe.

SEC. 36.203. ALCOHOLIC BEVERAGE REGULATIONS IN THE JULIAN AREA.

(a) It shall be unlawful for a person to consume an alcoholic beverage:

(1) In a public place within the following limits in the Julian area:

Starting at the intersection of Third and "C" Streets and proceeding southwest on "C" Street to its intersection with Fourth Street, then northwest on Fourth Street to its intersection with Washington Street, then northeast on Washington Street to its intersection with Third Street and then southeast on Third Street to the point of beginning. The area designated above shall include all sidewalks along its outer perimeter.

(2) While on any of the following streets and adjoining sidewalks in the Julian area:

(A) A Street.

(B) Main Street between Washington Street and A Street.

(C) Farmer's Road between A Street and Winola Road.

(D) Old Cuyamaca Road.

(E) Coleman Circle.

(F) Porter Drive.

(G) Payson Drive.

(H) Lot "A" Road.

(I) Desert View Park.

(3) While on or within the property boundary of the area governed by the Julian Cemetery District, commonly known as the Julian Cemetery, which property boundary is bordered by Farmer's Road on the northeast boundary, by "A" Street on the southeast boundary and by barbwire fencing on the southwest and northwest boundaries.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a)(1),(2) and (3) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a)(1),(2) and (3) above.

SEC. 36.204.ALCOHOLIC BEVERAGE REGULATIONS IN THE FALLBROOK AREA.

(a) It shall be unlawful for a person to consume an alcoholic beverage, in a public place within the following limits in the Fallbrook area:

Starting at the intersection of East Mission Road and Iowa Street and proceeding south on Iowa Street to its intersection with Ivy Street, then west on Ivy Street to its intersection with Orange Avenue, then south on Orange Avenue to its intersection with Hawthorne Avenue, then west on Hawthorne Avenue to its intersection with Vine Street, then south on Vine Street to its intersection with Fig Street, then east on Fig Street to its intersection with Old Stage Road, then south on Old Stage Road to its intersection with Elder Street; then easterly on Elder Street to its intersection with Elbrook Drive, then south on Elbrook Drive to its intersection with Fallbrook Road, then west on Fallbrook Road to its intersection with Old Stage Road, then south on Old Stage Road to its intersection with South Mission Road, then northeast on South Mission Road to its

intersection with O'Hearn Road, then west on O'Hearn Road to its intersection with Hill Avenue, then north on Hill Avenue to its intersection with Clemmens Lane, then easterly on Clemmens Lane to its intersection with South Mission Road and then north and east on South Mission Road, North Mission Road, West Mission Road and East Mission Road to the point of beginning. The area designated above shall include all sidewalks along its outer perimeter.

(b) It shall also be unlawful for a person to consume an alcoholic beverage on the following streets and adjoining sidewalks in the Fallbrook area:

- (1) East Mission Road between Old Stage Road and Air Park Road.
- (2) Davis Drive.
- (3) Laurine Lane.
- (4) Palomino Road between Old Stage Road and Beaman Lane.
- (5) Markell Lane.
- (6) Clemmens Lane between Hill Avenue and Alturas Road.
- (7) Alvarado Street between Vine Avenue and Brandenburg Lane.
- (8) Brandenburg Lane.
- (9) Mission Road between Iowa Avenue and Santa Margarita Drive.
- (10) Ivy Street from Iowa Avenue to its most easterly point.

(c) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsections (a) and (b) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(d) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsections (a) and (b) above.

SEC. 36.205. ALCOHOLIC BEVERAGE REGULATIONS IN THE RAINBOW AREA.

(a) It shall be unlawful for a person to consume an alcoholic beverage on the following streets and adjoining sidewalks in the Rainbow area:

- (1) Rainbow Valley Boulevard.
- (2) Second Street between Interstate15 and Huffstatler Street.
- (3) Fifth Street between Interstate15 and Rainbow Valley Boulevard.
- (4) Huffstatler Street between Second Street and Rainbow Valley Boulevard.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.206. ALCOHOLIC BEVERAGE REGULATIONS IN OLD IRONSIDES COUNTY PARK.

It shall be unlawful for a person to consume an alcoholic beverage or possess an open container of an alcoholic beverage at any location within the perimeter of Old Ironsides County Park, including all parking areas and all walkways adjacent to the outer perimeter of the park. Old Ironsides County Park is bordered by Noakes Street on the north, a private fence line on the south, Harbison Canyon Road on the west and Silverbrook Drive on the east.

SEC. 36.207. ALCOHOLIC BEVERAGE REGULATIONS IN THE NANCY JANE COUNTY PARK.

It shall be unlawful for any person to consume an alcoholic beverage or possess an open container of an alcoholic beverage at any location within the perimeter of Nancy Jane County Park including all parking areas and walkways adjacent to the outer perimeter of the park. Nancy Jane County Park is bordered by North Park Drive on the

north, Park Boulevard on the south, Eucalyptus Drive on the west and La Cresta Boulevard on the east.

SEC. 36.208. ALCOHOLIC BEVERAGE REGULATIONS IN THE BORREGO SPRINGS AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in any public place within the following limits of the Borrego Springs area:

(1) Starting at the intersection of Digiorgio Road and Palm Canyon Drive and proceeding west on Palm Canyon Drive to and including Christmas Circle, including cul de sacs Nordeste and Sureste and then west on Palm Canyon Drive to its intersection at County Club Road and Ocotillo Drive. The area designated above shall include all sidewalks along its outer perimeter.

(2) On or within the property boundaries of the area covered by the Borrego Springs Youth Center, which is adjacent to Circle J Drive on the southern boundary of the property and Cahuilla Road on the northern boundary. The area designated above shall include all sidewalks along its outer perimeter.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.209. ALCOHOLIC BEVERAGE REGULATIONS IN THE LA PRESA AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in a public place within the following limits of the La Presa area:

Starting at the intersection of Jamacha Road and Sweetwater Road and proceeding east on Jamacha Road to Grand Avenue, then east on Apple Street to the intersection of Sangamon Avenue, with Omega Street to the intersection of Omega Street and Jamacha Boulevard, then west to the intersection of Jamacha Boulevard and San Diego Street, then along San Diego Street southwest on a line that connects San Diego Street with San

Carlos Street, then west along a line that follows San Carlos Street to the intersection of Paradise Valley Road and Sweetwater Road and then north to the intersection of Jamacha Road and Sweetwater Road. The area designated above shall include all sidewalks along its outer perimeter.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.210. ALCOHOLIC BEVERAGE REGULATIONS IN THE CASA DE ORO AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in a public place within the following limits of the Casa de Oro area:

Starting at the intersection of Campo Road and Rogers Road and proceeding north along Rogers Road to the intersection of Rogers Road and Conrad Drive, then along a line connecting the intersection of Rogers Road and Conrad Drive with the intersection of Fury Lane and Avocado Boulevard, then south along Avocado Boulevard, to Highway 94, then west along the north side Highway 94 point directly south of the intersection of Campo Road and Rogers Road and then north to the beginning point. The area described above shall include all sidewalks along its outer perimeter.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.211. ALCOHOLIC BEVERAGE REGULATIONS IN THE VALLEY CENTER AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in a public place within the following limits of the Valley Center area:

Starting at the south side of eastbound Pala Road (County Route 76) where it intersects with the eastern boundary of Interstate 15, then east along Pala Road (County Route 76) to the intersection of Rice Canyon Road, then north on Rice Canyon Road to the intersection of Rainbow Valley Boulevard, then north on Rainbow Valley Boulevard to the Riverside County boundary line, then east along the Riverside County boundary line until it intersects with County Route 79, then south along County Route 79 to the intersection of Highway 76, then west on Highway 76 to the intersection of Valley Center Road, then south on Valley Center Road to the intersection of Lake Wolford Road, then south on Lake Wolford Road to the intersection of Valley Center Road, then south on Valley Center Road to the intersection of Valley Parkway, then west on Valley Parkway to the intersection of the eastern boundary of Interstate 15 and then north along the eastern boundary of Interstate 15 to the starting point. The area designated above shall include any sidewalks on its outer perimeter. The designated area shall not include any land located on the Pala Indian Reservation, the Pauma Indian Reservation, the Rincon Indian Reservation, the La Jolla Indian Reservation, the San Pasqual Indian Reservation, the Las Coyotes Indian Reservation, the Santa Ysabel Indian Reservation, the Mesa Grande Indian Reservation, the Cleveland National Forest, Palomar Mountain State Park, the incorporated City of Escondido, any County park property and any District park property.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the bounded area designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the area designated in subsection (a) above.

SEC. 36.212. ALCOHOLIC BEVERAGE REGULATIONS IN THE RAMONA AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in a public place within the following limits of the Ramona area:

(a) Main Street (Highway 67) between the eastern curb of 3rd Street west to the western curb of Ramona Street and one block to the north and to the south of Main Street, north being the northern curb of "B" Street between the east curb of 3rd Street to 12th Street and extending in an imaginary line west to the western curb of Ramona Street and south being the south curb of "D" Street between the east curb of 3rd Street west to the western curb of 3rd Street west to the western curb of 16th Street. The area designated above shall include all sidewalks on its outer perimeter.

(b) The area bordered by "D" Street and the south curb of "I" Street between the west curb of 9th and the east curb of 8th Streets. The area designated above shall include all sidewalks on its outer perimeter.

(c) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) and (b) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(d) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsections (a) and (b) above.

SEC. 36.213. ALCOHOLIC BEVERAGE REGULATIONS IN THE FAIRBANKS RANCH AREA.

(a) It shall be unlawful for any person to consume an alcoholic beverage in any public place within the following limits of the Fairbanks Ranch area:

Starting at the intersection of Circo Diegueno Road and Rancho Diegueno Road and proceeding northerly along Rancho Diegueno Road to San Dieguito Road, then proceeding easterly on San Dieguito Road to the end of San Dieguito Road and then proceeding northerly from the intersection of San Dieguito Road and El Apajo to the end of El Apajo. The area designated above shall include all sidewalks on its outer perimeter.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of

an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.214. ALCOHOLIC BEVERAGE REGULATIONS IN THE BONSTALL AREA.

(a) It shall be unlawful for any person to consume any alcoholic beverage, as defined in California Business and Professional Code, Section 23004, upon any public street, sidewalk, alley, plaza, parking lot or uninhabited area within the following limits in the Bonsall area:

(1) Within 500 feet either side of Highway 76, starting at the East Vista Way extending northerly to Sweetgrass Lane.

(2) Within 500 feet either side of Olive Hill Road from the intersection with Highway 76 westerly one quarter of a mile.

(3) Within 500 feet either side of West Lilac Road from the intersection with Highway 76 easterly one quarter of a mile.

(4) Within 1,000 feet either side of South Mission Road from the intersection with Highway 76 northwesterly one quarter of a mile.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

**SEC. 36.215. ALCOHOLIC BEVERAGE REGULATIONS IN THE KENWOOD/
BANCROFT AREA.**

(a) It shall be unlawful for any person to consume an alcoholic beverage in any public place within the following limits in the Kenwood/Bancroft area:

Starting at the intersection of Kenwood Drive and Campo Road proceeding west along Campo Road to the intersection of the County portions of Broadway and Sweetwater Road, then south along Sweetwater Road to the intersection of Sweetwater Road and Valencia Street, then east along Valencia Street to the intersection of Valencia Street and Bancroft Drive, then north along Bancroft Drive to the intersection of Bancroft Drive and Rosedale Drive, then east along Rosedale Drive to the intersection of Rosedale Drive and Helix Drive, then south along Helix Drive to the intersection of Helix Drive and Montemar Drive, then east along Montemar Drive to the intersection of Montemar Drive and Lamar Street, then north along Lamar Street to the intersection of Lamar Street and Upland Drive, then east along Upland Drive to the intersection of Upland Drive and Kenora Drive, then north along Kenora Drive to the intersection of Kenora Drive and Kenwood Drive and then north to the beginning point. The area designated above shall include all sidewalks along its outer perimeter.

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that state that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

**SEC. 36.216. ALCOHOLIC BEVERAGE REGULATIONS IN THE LAKESIDE
AREA.**

(a) It shall be unlawful for any person to consume an alcoholic beverage or to have in his or her possession an open container of an alcoholic beverage in the following public places in the Lakeside area:

Channel Road
Lakeside Avenue between Channel Road and Riverside Drive
Lakeside Avenue between Channel Road and Highway 67
Riverside Drive between Lakeside Avenue and Riverford Road

Riverford Road between Highway 67 and El Nopal Road
El Nopal Road from Riverford Road, east, to the dead-end of El Nopal
Palm Row
Woodside Avenue between Riverford Road and Vine Street (boundary of Lindo Lake Park)
Chestnut Street between Vine Street and Lindo Lane
Lindo Lane between Chestnut Street and Caraway Street
Cactus Street
Vine Street
Maine Avenue
Laurel between River Street and Beachtree Street
River Street
Parkside Street
Petite Lane between Julian Avenue and Lakeshore Drive
Lakeshore Drive between Channel Road and Petite Lane
Julian Avenue between Channel Road and Lake Jennings Park Road
Industry Road between Channel Road and Winter Gardens Boulevard
Winter Gardens Boulevard between Industry Road and Pepper Drive
Mapleview Street
Lake Jennings Park Road
Old Highway 80/Business Interstate 8 between Aurora Drive and Dunbar Lane
Los Coches Road between Maine Avenue and Camino Canada
Willows Road east from Highway 67, to and including 13145 Willows Road
Ashwood Street between Willows Road and Laurel Street

(b) A licensee issued a retail package off-sale alcoholic beverage license by the California Department of Alcoholic Beverage Control located in the areas designated in subsection (a) above shall post the licensed premises and the immediate adjacent parking lot with notices clearly visible to patrons of the licensee and the parking lot and to persons on any adjacent public sidewalk that states that possession of an open container of an alcoholic beverage on the licensed premises, in the adjacent parking lot or the adjacent public sidewalk, is prohibited by law.

(c) No person who has in his or her possession an open container of an alcoholic beverage shall enter, be or remain on any posted premises located within the areas designated in subsection (a) above.

SEC. 36.217. EXEMPTIONS.

This chapter shall not apply to any person participating or attending an event for which a license to serve alcoholic beverages has been issued by the County and the California Department of Alcoholic Beverage Control, and the person is at the location

where the event is occurring and is following the conditions, limitations and restrictions imposed by the licensing authorities.

SEC. 36.218. VIOLATION AN INFRACTION.

A violation of this chapter is an infraction.

Section 24. Amend Title 3, Division 6, Chapter 3 of the San Diego County Code to read as follows:

CHAPTER 3. RESTRICTIONS ON TARGETED RESIDENTIAL PICKETING

SEC. 36.301. FINDINGS AND INTENT.

The Board of Supervisors of the County of San Diego finds:

(a) The preservation and protection of the right to privacy in the home and the enjoyment of tranquility, well-being and sense of security in the home are in the public interest and are uniquely and critically important to the public health, safety and welfare.

(b) Picketing that is targeted at the occupants of a particular residence or household whose occupants do not welcome such activity may harass and intimidate the occupants, is inherently and unreasonably offensive to and intrusive upon the right to privacy in the home and may cause the occupants of the home to experience great emotional distress.

(c) Unwelcome and targeted picketing creates a "captive audience" because the occupants of a residence or household cannot readily move to another residence or household in order to avoid the unwelcome picketing being directed at them in their home.

(d) This "captive audience" situation and the protection of the right to privacy in the home requires the enactment of a reasonable time, place and manner restriction upon unwelcome picketing that is targeted at a particular residence or household.

(e) This chapter is intended to establish time, place and manner restrictions that reconcile and protect the First Amendment rights of picketers to peacefully communicate and express their ideas and opinions with the rights of persons to enjoy the right to privacy in their homes.

(f) This chapter is not intended to preclude the right to picket in a residential area generally and in such a manner that does not target or focus upon a particular residence or household.

(g) Existing law does not adequately protect the right to privacy in the home against targeted picketing.

SEC. 36.302. DEFINITIONS.

- (a) "Picketing" means the posting of a person or group for a demonstration or protest.
- (b) "Targeted picketing" means picketing that is directed at an occupant of a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.
- (c) "Residential dwelling" means any permanent building being used by one or more occupants solely for nontransient residential uses.

SEC. 36.303. PROHIBITION.

No person shall engage in targeted picketing activity within 300 feet of a residential dwelling in the unincorporated areas of the County. This section does not and shall not be interpreted to bar picketing in a residential area that is not targeted at a particular occupant of a residential dwelling.

Section 25. Amend Title 3, Division 6, Chapter 5 of the San Diego County Code to read as follows:

CHAPTER 5. SECURITY ALARM SYSTEMS

SEC. 36.501. PURPOSE AND INTENT.

The purpose of this chapter is to regulate security alarm systems in the unincorporated area of the County. False alarms waste law enforcement resources because law enforcement officers responding to false alarms are not available to respond to other service calls. False alarms also waste tax dollars. The regulations in this chapter are intended to reduce the number of false alarms and promote the public health and safety of the residents of the County.

SEC. 36.502. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "Alarm system" means any device which when activated, emits a signal or message to which the Sheriff is expected to respond that indicates there has been an unauthorized entry on property or the commission of an unlawful act. An "alarm system"

also includes a device which emits a signal within a protected property only and is supervised by the proprietor of the property.

(b) "Alarm agent" has the same meaning as the term "alarm agent" in Business and Professions Code section 7590.1(o).

(c) "Alarm company operator" has the same meaning as the term "alarm company operator" in Business and Professions Code section 7590.2.

(d) "Alarm user" means any person who owns, leases, rents, uses or makes available for use by the user's agents, employees, representatives or immediate family an alarm system in the unincorporated area of the County.

(e) "Audible alarm" means a device designed to emit an audible sound outside of protected property to signal the occurrence of an unauthorized entry on property or the commission of an unlawful act.

(f) "False alarm" means the activation of an alarm system due to a cause other than an unauthorized intrusion on the property or the commission or attempted commission of an unlawful act, which the alarm system is designed to detect. An activation of an alarm system caused by any malfunction of telephone line or power line circuits or violent atmospheric or geologic conditions does not constitute a false alarm. A false alarm shall also not include the accidental tripping of an alarm if the Sheriff is not dispatched to the scene.

(g) "Nuisance alarm system" means a system with five or more false alarm activations within a six month period or three or more within each of two consecutive six month periods.

SEC. 36.503. LICENSED OPERATORS, AGENTS AND PERMITS.

(a) No person shall engage in business or accept employment as an alarm company operator in the unincorporated area of the County unless the person has filed with the Sheriff a copy of a valid alarm company operator's license issued by the State of California.

(b) No person shall operate or be employed as an alarm agent in the unincorporated area of the County unless the person has filed with the Sheriff a copy of a valid alarm agent's identification card issued by the State of California.

(c) No person shall own, possess, install, lease or use an alarm system in the unincorporated area of the County without an alarm user permit issued by the Sheriff. A separate permit shall be required for each alarmed building or facility and for each alarm

system. A permit issued under this chapter shall only be valid for the location for which it was issued and may not be transferred to another location or alarm user.

(d) An application for an alarm user permit shall be filed with the Sheriff on a form provided by the Sheriff. The application shall include that name of the alarm company operator who will monitor the alarm or the names, residence addresses and telephone numbers of at least two persons who have 24 hour access to the alarm system and who will respond to the alarm when the alarm has been activated. The Sheriff shall issue a permit if the applicant submits a completed application and pays the permit fees, unless the Sheriff finds good cause exists to deny the permit. Good cause to deny a permit includes, installing an unreliable or otherwise faulty alarm system, the applicant's failure to pay any overdue fees on any system used or operated by the applicant or the existence of facts which demonstrate that the public health or safety would be endangered by issuing the permit.

(e) An alarm permit shall be valid for an indefinite period. If the alarm user at a location changes, an alarm user moves the alarm system to a new location or modifies or replaces an existing alarm system, the existing permit shall expire and a new permit is required.

(f) Whenever an alarm permit is revoked pursuant to this chapter a new permit application is required before the alarm may be activated. A permit for an alarm system permit that has previously been revoked may be granted if the applicant provides reliable evidence that the conditions causing the revocation have been corrected.

(g) The fee for an alarm permit shall be as provided in section 21.1901.

SEC. 36.504. ALARMS THAT SIMULATE EMERGENCY SIRENS AND NUISANCE ALARM SYSTEMS PROHIBITED.

(a) It shall be unlawful to install or modify an alarm system which when activated, emits a sound similar to a siren used on an emergency vehicle or used for civil defense purposes.

(b) It shall be unlawful to continue to knowingly operate a nuisance alarm system without instituting corrective measures to eliminate the generation of false alarms.

SEC. 36.505. FALSE ALARM PREVENTION FEE.

(a) Any person who uses an alarm system regulated by this chapter which has caused more than two false alarms in a six month period to be transmitted to the Sheriff, either by direct communication from an alarm agent, an alarm company operator or from a

person responding to an audible alarm, shall pay a false alarm prevention fee to the County General Fund as provided in subsection (b) below.

(b) The Sheriff shall notify the alarm user in writing after the occurrence of the second false alarm that any additional false alarms within six months of the first false alarm will result in the following fees being assessed:

Third false alarm, \$50.00
Fourth false alarm, \$100.00
Fifth false alarm, \$150.00
Each additional false alarm, \$200.00

(c) The County shall issue a monthly bill for any unpaid fees accrued during any monthly billing period and any prior periods. The bill shall be due and payable within 30 days after the billing date.

(d) A 15% late penalty shall be added to the fees imposed by this section for any fees not paid by the due date.

(e) The amount of any fee and late penalty shall be deemed a debt to the County. The County may commence an action in any court of competent jurisdiction for the unpaid debt.

SEC. 36.506. ALARM SYSTEM STANDARDS.

(a) No alarm system shall be installed unless the alarm user has entered into a written service agreement with a licensed alarm company operator to monitor the alarm system or has designated a person who will respond to the site of an activated alarm with the ability to deactivate the alarm.

(b) All alarm systems shall be supplied with an uninterruptible power supply so that the failure or interruption of the normal utility electric service will not activate the alarm system. The back up power supply shall be capable of at least four hours of continuous operation.

(c) An audible alarm system shall terminate the emission of its audible signal within 15 minutes of being activated. Any deputy Sheriff may terminate any activated alarm system when responding to the site of the alarm.

(d) No alarm system shall be equipped with a device or equipment which when activated will automatically transmit an alarm or signal directly to the Sheriff's Department.

(e) All burglary detection alarm systems, excluding alarm systems that are activated with a "key" device or which only generate an audible alarm, shall include a device which will provide a thirty-second delay before the alarm system transmits a signal indicating that the alarm has been activated. During the delay period the alarm system shall emit a signal perceptible to a person lawfully entering, leaving or occupying the alarmed property to provide an opportunity for a person having lawful control of the alarm system to terminate its operation after activation, prior to the transmission of an alarm.

SEC. 36.507. NO ALARM SYSTEMS ALLOWED WITHOUT A PERMIT.

No alarm agent or alarm company operator shall install, maintain, alter, replace, repair, service, move, monitor or respond to any alarm unless the alarm user has an alarm system permit issued by the Sheriff.

SEC. 36.508. ALARM USER STANDARDS AND RESPONSIBILITIES.

A person issued an alarm user permit under this chapter shall:

(a) Notify the Sheriff within five business days if any of the information required by the permit application has changed.

(b) Be responsible to maintain the alarm system covered by the permit to insure the alarm system functions properly.

(c) Notify the Sheriff within 48 hours that the alarm user has moved from a location where an alarm system has been wired into a building or structure.

(d) Disconnect the alarm system annunciator when the alarm user becomes aware that an alarm system malfunction has caused a false alarm and repair the alarm system promptly.

(e) Contact the alarm company operator prior to any service, test, repair, maintenance, alteration or installation of an alarm system which might produce a false alarm. An alarm activated when prior notice has been given shall not constitute a false alarm.

SEC. 36.509. FALSE ALARM DETERMINATION.

The determination of whether a false alarm occurred shall be the sole province of the Sheriff's Department.

SEC. 36.510. REVOCATION OF PRIVILEGE TO USE ALARM SYSTEM.

(a) The Sheriff may revoke an alarm user's permit if the Sheriff determines that the alarm user is violating or has violated this chapter, is using an alarm system improperly, has not repaired a defective or faulty system, has failed to pay an overdue false alarm prevention fee or is operating a nuisance alarm system. The notice of revocation shall be served pursuant to section 11.112 of this code. If the notice is served personally the revocation shall take effect immediately. If the notice is served by mail the revocation shall take effect three business days after the notice is mailed. The notice shall state the reasons for the revocation, advise the permit holder that there is a right to appeal the notice of revocation and that continued use of the alarm system is unlawful even if the permit holder files an appeal.

(b) It shall be unlawful to continue to use an alarm system after the effective date of the notice of revocation. Filing an appeal does not stay the revocation order.

SEC. 36.511. APPEALS.

An alarm user may appeal a permit revocation by filing an appeal with the Sheriff within 15 days of the date of the notice of revocation by filing the appeal in person at any Sheriff's station or by U.S. mail. If the alarm user files the appeal by mail the appeal shall be postmarked within 15 days of the date of the notice of revocation. The appeal shall be assigned to an employee of the Sheriff's Department who has not been involved in any determination that the permit should be revoked. A hearing on the appeal shall be scheduled no more than 30 days and no less than 15 days after the Sheriff's Department receives the appeal request. The Sheriff's Department shall notify the appellant in writing of the date, time and location of the appeal hearing. Following the hearing the person assigned to hear the appeal shall send a written decision to the appellant within 15 days of the hearing. The decision on the appeal shall be final.

SEC. 36.512. LIMITATIONS OF LIABILITY.

Neither the County of San Diego nor any of its employees shall be under a duty or obligation to a permittee or any other person by reason of any provision of this chapter. Nothing in this chapter shall impose any liability, obligation or duty upon the County or any of its employees, including administering or enforcing this chapter, responding to alarms or transmitting an alarm message to any other person or entity.

SEC. 36.513. OTHER ALARM SYSTEMS.

This chapter does not apply to an alarm system used by Federal Deposit Insurance Corporation insured institution or an alarm system that only emits an audible alarm for an

automobile, boat, boat trailer, recreational vehicle or aircraft. The chapter also does not apply to any personal medical alarm system.

SEC. 36.514. GOVERNMENTAL ENTITIES.

This chapter does not apply to a municipal, county, State or federal agency or other governmental entity.

Section 26. Amend Title 3, Division 6, Chapter 6 of the San Diego County Code to read as follows:

CHAPTER 6. SOLICITING PERSONS IN VEHICLES

SEC. 36.601. SOLICITING PERSONS IN MOVING VEHICLES PROHIBITED.

It shall be unlawful for any person to distribute any printed or advertising matter to another person who is riding in or on a vehicle while the vehicle is in motion on a public highway in the unincorporated area of the County.

SEC. 36.602. STOPPING VEHICLES TO SOLICIT PROHIBITED.

It shall be unlawful for any person to attempt to stop or to stop another person who is riding in or on any vehicle while the vehicle is in motion on a public highway in the unincorporated area of the County for the purpose of soliciting business or for the purpose of distributing any printed or advertising matter.

Section 27. Amend Title 3, Division 7, Chapter 1 of the San Diego County Code to read as follows:

CHAPTER 1. GAMBLING

SEC.37.101. PURPOSE.

State law prohibits most forms of gambling in the State of California. State law also allows a local entity to authorize or prohibit certain forms of gambling not illegal under State law. Other than bingo and casino parties conducted by qualified nonprofit corporations pursuant to this code, the County public policy is prohibit all other gambling. This chapter implements County public policy.

SEC. 37.102. GAMBLING PROHIBITED.

(a) It shall be unlawful for any person in the unincorporated area of the County to play, deal, conduct, carry on or participate in any game, event, operation or transaction in which anything of value is wagered on the outcome.

(b) This section does not prohibit bingo or casino parties for which a permit has been issued pursuant to this code.

(c) This section is not intended to regulate any activity that is regulated by State law.

SEC. 37.103. LEASING OR SELLING PROPERTY FOR GAMBLING PROHIBITED.

It shall be unlawful for any person to lease, sublease, license or sell any property or any portion of any property in the unincorporated area of the County the person owns, manages or controls, knowing that another person intends to use the property, in whole or in part, to engage in activity prohibited by section 37.102.

SEC. 37.104. USING PROPERTY FOR GAMBLING PROHIBITED.

It shall be unlawful for any person to use any property or allow another person to use any property in the unincorporated area of the County for any activity prohibited by section 37.102.

Section 28. Amend Title 3, Division 7, Chapter 2 of the San Diego County Code to read as follows:

CHAPTER 2. BINGO

SEC. 37.201. BINGO AUTHORIZED.

Article IV, section 19 of the California Constitution provides that the Legislature may by statute authorize counties to provide for bingo games for charitable purposes. The Legislature adopted Penal Code section 326.4, which authorizes counties to adopt an ordinance to allow bingo. The purpose of this chapter is to authorize bingo in the unincorporated area of the County under the terms and conditions provided below.

SEC. 37.202. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Bingo" has the same meaning as the term "bingo" in Penal Code section 326.5(o).

(b) "Bingo manager" means a person designated by an applicant for a bingo license who will be responsible for the operation and management of any bingo game conducted pursuant to a license issued under this chapter. An applicant may designate more than one bingo manager for a bingo game.

(c) "Minor" means a person under the age of 18 years.

(d) "Mobilehome park" has the same definition as the term "mobilehome park" in Civil Code section 798.4.

(e) "Mobilehome park association" means an organization of individuals with at least five dues-paying members, organized and operated exclusively for residents of mobilehome parks to offer recreational and social activities to its members.

(f) "Qualified organization" means (1) an organization exempted from the payment of bank and corporation tax by Revenue and Taxation Code sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701 and 23701l, (2) a mobilehome park association or (3) a senior citizen organization.

(g) "Senior citizen organization" means an organization of individuals 50 years of age and older, with at least five dues paying members, offering recreational and social activities exclusively for its members.

SEC. 37.203. LICENSE REQUIRED.

It shall be unlawful for a person to operate a bingo game in the unincorporated area of the County without a valid license issued by the Sheriff. A license to operate a bingo game under this chapter shall only be issued to a qualified organization.

SEC. 37.204. APPLICATION FOR A LICENSE TO OPERATE A BINGO GAME.

(a) An application for a license to operate a bingo game shall be filed on a form provided by the Sheriff, at least 30 days before the proposed date of any bingo game. The application shall be accompanied by: (1) proof the applicant is a qualified organization, (2) the applications of all proposed bingo managers, (3) the applications of

all members of the organization who intend to staff the bingo game and (4) the application fee required by section 21.1901.

(b) A person who intends to serve as a bingo manager or staff for a qualified organization's bingo game shall submit an application on a form provided by the Sheriff and submit to a background check. No person shall serve as a bingo manager or staff for a bingo game until approved by the Sheriff.

SEC. 37.205. TERMS OF LICENSE.

(a) A bingo license issued under this chapter shall be valid for one year.

(b) As a condition of the license, the licensee shall be required to have at least one bingo manager present whenever a bingo game is being operated. Failure to have a bingo manager present while a bingo game is being operated shall be grounds for revocation or suspension of the license. The bingo manager(s) shall be responsible for: (1) operating the bingo game pursuant to the terms of the license and this chapter, (2) supervising the conduct of members of the licensee operating a bingo game and (3) accounting for all receipts, disbursements for expenditures and distributions of money for charitable purposes.

SEC. 37.206. PROPERTY USED FOR BINGO GAMES.

(a) A bingo game shall only be conducted in the unincorporated area of the County on property that a licensed qualified organization has owned or leased or on property whose use has been donated to and used by the organization, for at least 12 consecutive months immediately preceding the filing of an application to conduct bingo.

(b) The property in subsection (a) above shall only qualify if it is also the location at which the qualified organization maintains its business records or has its principal place of business. If a qualified organization ceases using the location at which it is licensed to conduct bingo to maintain its business records and as its principal place of business, the bingo license shall become void.

(c) This section shall not require that the property in subsection (a) be owned, leased or used exclusively by the qualified organization.

37.207. RULES FOR OPERATING BINGO GAMES.

All bingo games shall be subject to the following rules:

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

(b) All bingo games shall be open to the public, not just to the members of the licensee.

(c) A bingo game shall be only be operated and staffed by members of the licensee who have been approved by the Sheriff. Those members operating or staffing a bingo game shall not receive a profit, wage or salary from any bingo game. Only members of the licensee shall operate a bingo game or participate in the promotion, supervision or any phase of the game. The licensee may, however, employ security personnel who are not members of the organization.

(d) If after the Sheriff has issued a license under this chapter, the licensed qualified organization submits additional names to the Sheriff for approval, the application for approval shall be accompanied by a fee of five dollars for each additional name, no part of which shall be refundable, to defray the Sheriff's cost to investigate the additional individuals for whom approval is requested.

(e) During operation of any bingo game, approved members of the licensee shall wear on their outside clothing, in plain view, at chest height, a laminated identification card issued by the Sheriff. The card shall include a 1 inch by 1-1/4 inch photo which the member shall provide.

(f) Approved members of the licensee shall not participate as a player in any bingo game operated by the licensee on any date that the member is managing, supervising or otherwise assisting with a bingo game.

(g) No individual, corporation, partnership or other legal entity except the licensee shall hold a financial interest in the conduct of a bingo game.

(h) With respect to organizations exempt from payment of the bank and corporation tax by Section 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 charitable purposes.

(i) With respect to all other organizations licensed to conduct bingo games, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The proceeds shall be used only for charitable purposes, except as follows:

(1) The proceeds may be used for prizes.

(2) A portion of the proceeds, not to exceed 20% of the proceeds before the deduction for prizes or \$2,000 per month, whichever is less, may be used for the rental of

property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.

(3) The proceeds may also be used to pay license fees. Within 30 days after each bingo game is held the licensee shall file with the Sheriff full and complete financial statements of all monies collected, disbursed and the amount remaining for charitable purposes. The statements shall be on forms provided by the Sheriff.

(j) The licensee shall maintain and keep on file at any location at which it operates a bingo game, a record of all donations and sales of bingo playing cards, along with the financial statements required by subsection (i)(3) above, for a period of three years, for inspection purposes.

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

(l) All disbursements from the bingo account shall be by consecutively numbered checks signed by two authorized officers of the licensee and shall be made payable to a specific individual or organization. The memo portion of each check shall contain a brief description of the expenditure for which the check is drawn. No check shall be drawn to a fictitious payee.

(m) All bingo cards presented for winnings shall be verified by at least two approved members of the licensee. The verification shall be made before the beginning of the next bingo game.

(n) No bingo manager or approved member managing, supervising or assisting during the bingo game shall knowingly allow a person who is intoxicated to be present during a bingo game.

(o) It shall be unlawful to call or post any bingo letter or number unless the letter or number on the object drawn is displayed in a manner so that it is visible to all participants in a bingo game.

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

(q) No bingo game shall be conducted between the hours of midnight and 8:00 a.m.

(r) A licensee shall not conduct bingo on more than three days during any seven day period. Once during each year, however, the Sheriff may authorize a licensee to conduct bingo games for more than three days during a seven day period, provided that the

authorization shall be limited to bingo games which are conducted in conjunction with an established annual event regularly held by the licensee.

(s) It is unlawful for any person to receive a profit, wage or salary from any bingo game authorized by this chapter.

SEC. 37.208. INSPECTION.

(a) Any peace officer shall have the right to inspect any bingo game licensed under this chapter. The licensee shall have the bingo license and list of approved staff available for inspection at all times during any bingo game.

(b) The licensee shall maintain full and complete accounting records supported by properly executed contracts, leases, receipts and other related documents which pertain to all: (1) monies or other receipts collected in connection with any of its bingo games, (2) disbursements for expenditures, (3) distributions for charitable purposes and (4) any remaining funds. The records shall be clearly identified and made available for inspection by representatives of the Sheriff within two days following a demand to inspect the records.

Section 29. Amend Title 3, Division 7, Chapter 3 of the San Diego County Code to read as follows:

CHAPTER 3. GAMES OF CHANCE

SEC. 37.301. PROHIBITED GAMES.

It shall be unlawful for any person to set up, manage, conduct or maintain any game, machine, device or enterprise in which all of the following are present:

- (a) A person pays something of value to play or participate.
- (b) A prize is awarded to a player or participant based upon skill or by any combination of skill and chance.
- (c) A person plays or participates in the game, machine, device or enterprise concurrently with or in conjunction with a lottery or other game of chance.

SEC. 37.302. FREE GAMES AS ENTICEMENT PROHIBITED.

It shall be unlawful for any person to set up, manage, conduct or maintain any combination of games, machines, devices or enterprises in which games of chance and

games of skill are alternated or played in any sequence with each other so that free games are used to entice or lure a player or participant to pay to play or participate.

Section 30. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the _____ newspaper of general circulation published in the County of San Diego

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 10th day February, 2009.