

# MORALS AND CONDUCT

## CHAPTER 20.

### MORALS AND CONDUCT.

#### ARTICLE 1. CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS.

- § 20-101. Gambling.
- § 20-102. Gambling House.
- § 20-103. Games of Skill and Science.
- § 20-104. Exhibiting Gaming Equipment in Barred Room.
- § 20-105. Visiting Barred Room Containing Gaming Equipment.
- § 20-106. Possession of Betting Markers.
- § 20-107. Possession of Pinball Games.
- § 20-108. Possession of Open Containers in Public.
- § 20-109. Public Nudity and Disrobing.
- § 20-110. Minors in Public Places After Certain Hours.
- § 20-111. Minors in Billiard Rooms or Poolrooms.
- § 20-112. Loitering by Persons of Lewd or Immoral Character in Places of Business.
- § 20-113. Section Number Reserved.
- § 20-114. Registered Sex Offenders and Youth Events.
- § 20-115. Registered Sex Offenders Prohibited as Youth Supervisors.

#### ARTICLE 2. CRIMES AGAINST PUBLIC HEALTH AND SAFETY.

- § 20-201. Discharging Petroleum Products, Tars or Dyes upon Street.
- § 20-202. Endurance Contests.
- § 20-203. Sale and Installation of Electrical Appliances, Material or Equipment.
- § 20-204. Sales of Aerosol Containers of Paint to Minors.
- § 20-205. Shooting of Bows and Arrows.
- § 20-206. Replica Firearms.
- § 20-207. Obstructing Public Sidewalks and Parkways.
- § 20-207.5. Removal of Signs.
- § 20-208. Bringing Water or Electrical Power into the City.
- § 20-209. Self-Service Gasoline Stations, Receipt Required.
- § 20-210. Section Number Reserved.

#### ARTICLE 3. CRIMES AGAINST THE PUBLIC PEACE.

- § 20-301. Demonstration Equipment Prohibited.
- § 20-302. Interfering with Parade.
- § 20-303. Picketing Private Residences.

#### ARTICLE 4. CRIMES AGAINST PUBLIC PROPERTY.

- § 20-401. Tampering with Sewer.
- § 20-402. Placing of Signs on Public Streets.
- § 20-402.1. Lost Person/Pet Signs On Public Streets.
- § 20-402.2. Temporary Residential Real Estate "Open House" Signs on Public Streets.

## **MORALS AND CONDUCT**

- § 20-403. Placing of Placards or Advertising Matter on City Vehicles.
- § 20-404. Mutilating Flood Control Work.
- § 20-405. Obstructing Flood Control Property.
- § 20-406. Obstructing Waterway.
- § 20-407. Construction Near Waterway.
- § 20-408. Removal of Sand or Other Material from Water Way.
- § 20-409. Solicitation or Sale of Merchandise on City Property.
- § 20-410. Unlawful To Be in Parks When Closed.

### **ARTICLE 5. CRIMES AGAINST PRIVATE PROPERTY.**

- § 20-501. Trespass and Unlawful Entry.
- § 20-502. Nighttime Commercial Solicitation on Private Residential Premises Without Invitation Prohibited.
- § 20-503. Unauthorized Gas Connection.
- § 20-504. Refusing To Pay Taxi Fare.
- § 20-505. Outside Lights.

### **ARTICLE 6. MALICIOUS MISCHIEF.**

- § 20-601. False Information to Police or Fire Department.

### **ARTICLE 7. CIRCULATION OF PETITIONS.**

- § 20-701. Definitions.
- § 20-702. Legislative Declaration.
- § 20-703. Requirements to Circulate Petitions or Solicit Signatures.
- § 20-704. Exceptions.
- § 20-705. Identification Card.
- § 20-706. Alteration or Transfer of Identification Card Prohibited.
- § 20-707. Display of Identification Card.
- § 20-708. Misrepresentations Prohibited.

### **ARTICLE 8. REGULATION OF DANGEROUS FIREARMS AND WEAPONS.**

- § 20-801. License To Sell Firearms at Retail.
- § 20-802. Unlawful To Sell without Prior Notice to Chief of Police.
- § 20-803. Permit To Discharge Firearms and Other Weapons.
- § 20-804. Concealed Weapons; Permit; Fee.
- § 20-805. Records of Licenses and Permits.
- § 20-806. Dangerous or Deadly Weapons.
- § 20-807. Sale of Ammunition to Minors.
- § 20-808. Possession of Firearms by Minors.

# MORALS AND CONDUCT

## ARTICLE 9. UNLAWFUL DISPLAY OF BREASTS AND PRIVATE PARTS.

- § 20-901. Legislative Authorization.
- § 20-902. Definitions.
- § 20-903. Prohibition Against the Display of Female Breasts.
- § 20-904. Prohibition Against Display of Private Parts.
- § 20-905. Accessories.
- § 20-906. Exceptions.

## ARTICLE 10. NEWSRACKS.

- § 20-1001. Purpose and Intent.
- § 20-1002. Definitions.
- § 20-1003. Newsracks Prohibited on Roadways, Parkways, and Sidewalks.
- § 20-1004. Registration of Location.
- § 20-1005. Hold Harmless.
- § 20-1006. Newsrack Identification Required.
- § 20-1007. Standards for the Installation, Maintenance and Operation of Newsracks.
- § 20-1008. Display of Certain Matter Prohibited.
- § 20-1009. Newsrack Violations.
- § 20-1010. Hearing Procedure.
- § 20-1011. Notices.
- § 20-1012. Applicability.
- § 20-1013. Abandoned Newsracks.
- § 20-1014. Unmarked Newsracks.
- § 20-1015. Blinder Racks Required for Display of All Harmful Matter.
- § 20-1016. Severability.
- § 20-1017. Enforcement Authority.

## ARTICLE 11. STARLIGHT BOWL CONTROL DISTRICT.

- § 20-1101. Purpose.
- § 20-1102. Establishment of District.
- § 20-1103. Manner of Implementation.
- § 20-1104. Unlawful for Unauthorized Persons To Enter or Remain in District; When.
- § 20-1105. What Constitutes Lawful Business or Reason.
- § 20-1106. Limitations on Entry and Right To Remain.

## ARTICLE 12. BINGO GAMES.

- § 20-1201. Authority for Enactment.
- § 20-1202. Definitions.
- § 20-1203. Bingo Games Authorized.
- § 20-1204. Permit Required.
- § 20-1205. Application for Permit.
- § 20-1206. Permit Fee.
- § 20-1207. Duration of Permit.
- § 20-1208. Section Number Reserved.

## **MORALS AND CONDUCT**

- § 20-1209. Investigation by Police.
- § 20-1210. Change in Facts Must Be Reported.
- § 20-1211. Posting of Permit and Rules.
- § 20-1212. Operation and Staffing of Games.
- § 20-1213. Bingo Manager.
- § 20-1214. Identification Badges.
- § 20-1215. Bingo Games, Where Conducted.
- § 20-1216. Games Must Be Open to Public.
- § 20-1217. Hours and Days of Operation.
- § 20-1218. Members Operating Games Shall Not Receive a Profit, etc.
- § 20-1219. Participants Must Be Physically Present.
- § 20-1220. Playing on Credit Prohibited.
- § 20-1221. Participation by Minors.
- § 20-1222. Alcoholic Beverages Prohibited.
- § 20-1223. Outside Financial Interest Prohibited.
- § 20-1224. Prize Limit.
- § 20-1225. Proceeds from Games Must Be Kept in Separate Fund.
- § 20-1226. Inspection of Premises.
- § 20-1227. Cease and Desist Orders.
- § 20-1228. Audit and Accounting Requirements.
- § 20-1229. Civil Remedies and Criminal Penalties.
- § 20-1230. Short Title.

### **ARTICLE 13. POLICE SERVICES AT PARTIES, GATHERINGS OR EVENTS ON PRIVATE PROPERTY.**

- § 20-1301. Purpose and Findings.
- § 20-1302. Definitions.
- § 20-1303. Police Services at Parties, Gatherings or Events Requiring a Second Response.
- § 20-1304. Emergency Response.
- § 20-1305. Billings.
- § 20-1306. Appeals.

### **ARTICLE 14. ADDITIONAL CITY REQUIRED DISCLOSURES RELATING TO THE TRANSFER OF RESIDENTIAL PROPERTY.**

- § 20-1401. Real Estate Disclosure Notices-Purposes.
- § 20-1402. Additional City Required Disclosures Relating to the Transfer of Residential Property.

# MORALS AND CONDUCT

## ARTICLE 1. CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS.

### Sec. 20-101. Gambling.

Except as permitted in Section 20-103 of this Code, no person shall deal, play, carry on, open, or bet at or against any game of chance or skill not mentioned in Section 330 of the Penal Code of the State, played with cards, dice or any device, for money, checks, credit, or other representative of value.

[Formerly numbered Section 20-1; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-102. Gambling House.

Except as permitted in Section 20-103 of this Code, no person shall:

(a) Keep, conduct or maintain any house, room, apartment or place, where any game of chance or skill not mentioned in Section 330 of the Penal Code of the State is played with cards, dice or any device, for money, checks, credit, or other representative of value; or

(b) Knowingly permit any house, room, apartment or place, owned by him, or under his charge or control, to be used as a place where any game of chance or skill not mentioned in Section 330 of the Penal Code of the State is played with cards, dice or any device, for money, checks, credit, or other representative of value.

[Formerly numbered Section 20-2; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-103. Games of Skill and Science.

(a) DEFINITION.

For the purpose of this section only, a "Game of Skill and Science" shall mean any game participated in by one or more players for any prize, gift or award of anything of value, where or when any charge is made by the person conducting, operating or maintaining such game, or any consideration is paid by any player for the right to play or participate in any such game, and the dominating factor in determining the result of such game is dependent upon the skill of the player or players and not upon chance; provided, that in any case where the result of such game may be dependent to some extent upon the judgment, intelligence or adroitness of the player, but nevertheless the dominating factor in determining the result of such game is chance, such a game shall not be considered a game of skill and science, but shall be considered as a game of chance. For the purposes of this section, card games are not considered to be games of skill and science.

(b) GAMES OF SKILL AND SCIENCE PROHIBITED; EXCEPTION; PERMIT REQUIRED.

No person shall operate any game of skill and science as above defined unless such person is the holder of a valid and unexpired permit then in full force and effect, issued under the provisions of this section.

(c) APPLICATION; CONTENTS OF.

All applications must be in writing, and shall be made by all parties interested therein: that is, if an individual, by the individual; if a partnership of any kind, by all members of such partnership; if by an unincorporated association or a corporation, by each and all of the officers thereof. Each application shall be verified by the oath of each and all persons signing it, such oath to be taken before a person authorized to administer oaths in the County of Los Angeles, stating that the person subscribing the same has read the application, knows the contents thereof, and that the facts stated therein are true. Such application shall be filed with the License Division and shall be made upon forms therefor prescribed by the said Division. Such application shall contain the following information, to wit:

- (1) The name and residence of each and all persons required to sign any application hereunder;
- (2) The place where such proposed game of skill and science will be operated;
- (3) The name of the game;

## MORALS AND CONDUCT

(4) A detailed description of all equipment apparatus, material or devices used in playing such game;

(5) A detailed description of the method of playing or operation;

(6) A statement that applicant, if granted a permit, will not permit, suffer or allow the game proposed to be operated to be played or operated in any mode other than as described in the application or by the use of any other equipment, apparatus or device other than as described and referred to in said application.

(7) A statement setting forth the primary business or purpose of the applicant and how long applicant has been actually engaged in such business or purpose;

(8) A statement that applicant is not organized specifically for the purpose of operating games of skill and science;

(9) A detailed statement of the anticipated cost of operating the proposed game;

(10) Such other information as may be required by the City Manager.

(d) APPLICATION TO BE SUBMITTED TO CHIEF OF POLICE.

Upon the filing of such application, the License Division shall cause the application to be forwarded to the Chief of Police for study and investigation.

(e) FINDINGS OF CITY MANAGER; GRANTING OF PERMIT.

After study and investigation as provided in this section, the application shall be submitted by the License Superintendent to the City Manager. If, from the consideration of the application and such other information as the City Manager may obtain from the report and recommendations of the Chief of Police and other sources, the City Manager finds that the granting of such permit would be in the interest of the public health, welfare, safety and morals, the City Manager shall issue the permit if the following conditions are met:

(1) That the game proposed to be operated is found to be a game of skill and science and that such game is not prohibited by the provisions of the Penal Code of the State, or any other law of the State, or the provisions of this Code, or any ordinance of the City; and

(2) That the applicant is a non-profit religious, charitable, civic, veteran, educational, or fraternal organization and that the net proceeds from such game over and above the cost of operation are to be used for religious, charitable, civic, or educational purposes; and

(3) That the estimated cost of operating the proposed game is reasonable and is not a subterfuge for diverting profits from the applicant to other persons. No permit shall be issued for in excess of five (5) successive days, and no such permit may be renewed for the same applicant and location until an intervening period of ninety (90) days has elapsed.

In determining the question of whether the game proposed is a game of skill and science as defined herein, or a game of chance, a finding by the City Manager that the dominating factor in determining the result of such game is chance, shall require that the application for a permit be denied. If the City Manager determines that such permit shall be issued, after finding that all required conditions exist, he shall so advise the License Superintendent who shall issue the permit as provided in this section.

(f) DECLARATIONS OF COUNCIL.

The Council declares that it is its intention that all of the findings above mentioned be required as a condition precedent to the issuance of any permit. The Council further declares that it would not have passed and adopted the provisions in this section providing for an exception of the prohibition against games of skill and science and the granting of a permit therefor if for any reason such exception or permit provision is invalid, and in such event any permit issued and outstanding shall be null and void.

(g) PERMITS; CONDITIONS.

Any permit issued under the provisions of this section shall be issued only to the person named in the application and shall not be assignable or transferable; subject to other provisions of this section, such permit shall be valid until revoked or suspended and shall be issued upon and subject to the following conditions:

(1) That permittee will not permit, suffer or allow the game authorized to be played in any manner other than the manner described in detail in the application;

## MORALS AND CONDUCT

(2) That no equipment, apparatus, device, material or contrivance of any kind be used in the operation or playing of such game that is not described in the application;

(3) Every permittee shall keep and maintain a full, true and complete record in writing of all monies or other consideration paid by players for participation in such game and of all expenses of operation. A report thereof, verified by the oath of all persons before a person authorized to administer oaths in the County, stating that such persons have read the report, know the contents thereof and that the facts stated therein are true, shall be filed with the City Manager within five (5) days after the expiration of the permit. Failure to keep and file records and reports as herein provided shall be a misdemeanor.

Each of said conditions shall be incorporated in and made a part of each permit issued hereunder.

No person shall operate any such game, or permit, suffer or allow the operation of any game in any manner or mode except in accordance with and in strict compliance with each and all the conditions set forth in this subsection.

(h) NO PERMIT IF PREVIOUS REVOCATION.

No person shall be issued any permit hereunder if, within one (1) year next preceding the date of filing the application for permit, any permit previously issued to applicant hereunder has been revoked.

(i) GAMES PROHIBITED BY LAW.

No permit issued by the Police Commission shall authorize the conduct of any game which is prohibited by the Penal Code of the State, or any other law of the State, or the provisions of this Code, or any other ordinance of the City, and any permit issued in violation of the provisions of this section shall be void.

(j) SUNSET PROVISION.

The provisions of this section shall terminate and become inoperative at 12:01 A.M. on July 1, 1992, and of such date is repealed unless otherwise extended by the Council through the adoption of an appropriate ordinance.

[Formerly numbered Section 20-3; amended by Ord. No. 3324, eff. 1/16/93; 3244, 3058, 2194.]

### **Sec. 20-104. Exhibiting Gaming Equipment in Barred Room.**

No person shall exhibit or expose to view, in the presence of three (3) or more persons, any faro box, roulette table, fan tan table cards, dice, dominoes, or any gambling equipment whatsoever, in a barred or barricaded house or room, or in any place built, protected or guarded against access by peace officers.

[Formerly numbered Section 20-4; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-105. Visiting Barred Room Containing Gaming Equipment.**

No person shall visit or resort to a barred or barricaded house or room, or place built, protected, or guarded against access by peace officers, in which any faro box, roulette table, fan tan table, cards, dice, dominoes, or any gambling equipment whatsoever, is exhibited or exposed to view in the presence of three (3) or more persons.

[Formerly numbered Section 20-5; renumbered by Aureate. No. 3058, eff. 2/21/87.]

### **Sec. 20-106. Possession of Betting Markers.**

No person shall have in his possession any betting marker or other memorandum, writing or record of any bet, or purported wager upon the result or purported result of any trial or purported trial or contest or purported contest of skill, speed or power of endurance of man or beast or between men, beast or mechanical apparatus or upon the result of purported result of any lot, chance, casualty, or contingent event whatsoever.

[Formerly numbered Section 20-6; renumbered by Aureate. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-107. Possession of Pinball Games.**

(a) DEFINITIONS.

The term "marble game" shall mean and include any game or device in which marbles, balls, pellets, or other moving objects are propelled, released or rolled, with the aid of a mechanical plunger or other affixed mechanical device, in such manner as to result in a score, tally, points, or other indication of relative success in the operation and playing of such marble game, whether the same be indicated by or may be computed by means of numbers, letters, lights, colors, or in any manner whatsoever. The term "marble game" shall also mean and include any game or device in which marbles, balls, pellets or other moving objects are propelled, released or rolled with the aid of a mechanical plunger or other affixed mechanical device.

(b) POSSESSION UNLAWFUL.

No person shall keep, maintain or have in his possession, or under his control, in any place of business, or in any place of public resort, either as owner or lessee, agent, employee, or otherwise, any marble game, pin games or pinball games, the use, operation or play of which is controlled, permitted or made available by placing therein any coin, plug, disc, key or token, or which is let for use, operation or play upon the payment or delivery of any thing of value therefor or upon the making of any purchase; provided that the provisions of this section shall not apply to the keeping, possession or exhibiting of any such game or machine at or in any store or place in which such games or machine are kept solely for sale or storage when members of the public are not permitted or allowed to operate, manipulate or play such games or machines, except as incident to a demonstration for the purpose of sale.

(c) SEIZURE AND DESTRUCTION.

Any article declared by this section to be a nuisance, as a result of the operation, use, keeping or maintaining of which any person has been convicted of or has pleaded guilty to any violation of this section shall be destroyed by the Police Chief after such plea of guilty or after judgment of conviction becomes final. If any article subject to destruction as herein provided for are in the custody of any court within the City, the Police Chief shall cause to be made an application to the Judge of said court for an order releasing said articles to him for the purpose of complying with this section. [The voters adopted this section at an initiative election on November 5, 1940. (See Ord. No. 657, eff. 12/10/40.)]  
[Formerly numbered Section 20-7; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-108. Possession of Open Containers in Public.**

(a) No person shall have in his or her possession any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, while on any public sidewalk, parkway or street.

(b) The foregoing section shall not apply to any business that has obtained an encroachment permit for an outdoor eating facility.

[Formerly numbered Section 20-8; renumbered by Ord. No. 3058, eff. 2/21/87; 3072.]

### **Sec. 20-109. Public Nudity and Disrobing.**

(a) No person shall appear, bathe, sunbathe, walk, change clothes, disrobe or be in any public place, place open to the public, or place open to public view in such manner that the genitals, vulva, pubis, pubic hair, buttocks, 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, is exposed to public view.

(b) This section shall not apply to persons under the age of ten (10) years.

(c) This section shall not apply to persons engaged in a live theatrical performance in a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.

[Added by Ord. No. 3143, eff. 3/11/89.]

# MORALS AND CONDUCT

## Sec. 20-110. Minors in Public Places after Certain Hours.

### (a) NIGHTTIME CURFEW ORDINANCE.

It is unlawful for any minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, public places of amusement and public eating places, between the hours of 10:00 p.m. and sunrise the following day.

### (b) EXCEPTIONS.

The provisions of subdivision (a) shall not apply when:

(1) The minor is accompanied by his or her parent or guardian or other adult person having the care and custody of the minor;

(2) The minor is on an errand directed by his or her parent or guardian or other adult person having the care or custody of the minor.

### (c) DAYTIME CURFEW PROHIBITION.

It is unlawful for any minor, who is subject to compulsory education or to compulsory continuing education, to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, public places of amusement and public eating places, between the hours of 8:30 a.m. and 1:30 p.m. of the same day on days when said minor's school is in session.

### (d) EXCEPTIONS.

The provisions of subdivision (c) shall not apply when:

(1) The minor is accompanied by his or her parent or guardian or other adult person having the care and custody of the minor;

(2) The minor is on an errand directed by his or her parent or guardian or other adult person having the care or custody of the minor;

(3) The minor's attendance at school has been excused pursuant to the provisions of California Education Code Section 48205 and Section 46014, for justifiable personal reasons, including but not limited to, medical appointments, appearances in court, and observance of a holiday or ceremony of his or her religion or participation in religious exercises or instruction of his or her religion.

(4) The minor has otherwise been excluded or exempted from compulsory education or compulsory continuing education requirements found in Division 4, Part 27, Chapters 2 & 3 of the California Education Code.

### (e) PERMITTING.

Any person, guardian, or other adult person having care or custody of a minor, who knowingly permits that minor to violate any provision of this section shall be guilty of a misdemeanor.

### (f) VIOLATION AND PUNISHMENT.

Each violation of the provisions of subdivision (c) of this section shall constitute a misdemeanor punishable, upon first conviction, by a fine no less than Fifty Dollars (\$50) nor more than One-hundred Dollars (\$100), and upon subsequent conviction by a fine of One-hundred Dollars (\$100) and a mandatory twenty (20) hours of community service to be completed during hours when school is not in session. This subdivision is not meant to exclude any other appropriate terms and conditions of probation reasonable under the circumstances of each case. Any violation of any other provision of this section shall be a misdemeanor punishable pursuant to the provisions of Section 1-105, subdivision (b) of this Code.

### (g) DEFINITIONS.

"Adult person" means any person eighteen (18) years or older.

"Compulsory education" and "compulsory continuing education" shall mean the education requirements found within Division 4, Part 27, Chapters 2 and 3, respectively, of the California Education Code.

"Loiter" means to delay, linger, or idle about without a lawful purpose for being present.

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

[Formerly numbered Section 20-15; amended by Ord. No. 3414, eff. 11/12/95; 3058.]

## MORALS AND CONDUCT

### **Sec. 20-111. Minors in Billiard Rooms or Pool Rooms.**

(a) ENTERING.

No minor under the age of eighteen (18) years shall enter, visit or remain in any billiard room or pool room required to be licensed under the provisions of this Code except as permitted in Section 5-409.

(b) ERRAND BOYS.

No person shall send a minor under the age of eighteen (18) years into any billiard room or pool room required to be licensed under the provisions of this Code, or request, engage or permit such minor to carry a package or message to or from such place, unless said minor is accompanied by his parent, guardian or other adult person having custody over him.

(c) MISREPRESENTING AGE.

No minor under the age of eighteen (18) years shall misrepresent his age to the person in charge or control of a billiard room or pool room for the purpose of gaining admission thereto or remaining therein contrary to the provisions of this section.

(d) PERMITTING TO REMAIN IN.

See Section 5-409 of this Code.

[Formerly numbered Section 2-16; renumbered by Ord. No. 3058, eff. 2/21/87; 2230.]

### **Sec. 20-112. Loitering by Persons of Lewd or Immoral Character in Places of Business.**

(a) It shall be unlawful for the owner, manager or person having supervision, charge or control of any place of business in the City to permit or allow persons of known lewd, immoral or dissolute character, sexual perverts of any type, or persons required to register as defined by Section 290 of the Penal Code of the State, to loiter, congregate in, habitually frequent or remain in such places of business.

(b) No prosecution under the provisions of Subsection (a) of this section shall be commenced except for violation thereof committed after a peace officer shall have given five (5) days' written notice to the owner, manager or a person having supervision or charge of such business that a violation of Subsection (a) hereof may be committed by permitting or allowing certain persons to loiter, congregate in, habitually frequent or remain in such places of business, stating the name and general description of the person or persons; and that the said person or persons are either known lewd, immoral or dissolute characters or known sexual perverts of any type, or are persons who are required to register under the provisions of Section 290 of the Penal Code of the State. Such notice may be served by service upon the owner, manager, manager's agent or any other person having supervision or charge of such places of business.

(c) Any violation of Subsection (a) of this section, occurring within one (1) year after the expiration of five (5) days from the service of such notice may be prosecuted without service of other or additional notice to abate.

(d) It shall be unlawful for persons of known lewd, immoral or dissolute character, sexual perverts of any type, or persons who are required to register under the provisions of Section 290 of the Penal Code of the State, to loiter, congregate in, habitually frequent or remain in any place of business after notice by the owner, manager or person having supervision or charge of such business not so to do.

(e) It shall be unlawful for any person required to register under the provisions of Section 290 of the Penal Code of the State to loiter about any place of business without any lawful business there to perform.

(f) Subsection (a) of this section shall not be construed to authorize or require violation of Sections 51 to 54, inclusive, of the Civil Code of the State.

[Formerly numbered Section 20-18; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-113. Section Number Reserved.**

[This section repealed by Ord. No. 3279, eff. 12/14/91.]

## MORALS AND CONDUCT

### **Sec. 20-114. Registered Sex Offenders and Youth Events.**

(a) LOITERING PROHIBITED.

Any person required to register under Penal Code Section 290 as a result of a conviction involving sexual acts with a person under eighteen (18) years of age shall not loiter at any youth event or be within one hundred (100) feet of the physical area where the event is occurring.

(b) DEFINITIONS.

"Youth event" means any activity conducted at a public school, private school, public park, or facility open to the public, where the participants in such activity are under eighteen (18) years of age.

"Loitering" means delay, linger, or idle about without a lawful purpose for being present.

"Lawful purpose" means attendance at a youth event where the person's child is a participant or where the person's presence is required for a demonstrable, legitimate, and reasonable purpose.

[Added by Ord. No. 3060; formerly numbered Section 20-19.1.; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-115. Registered Sex Offenders Prohibited as Youth Supervisors.**

Any person required to register under Penal Code Section 290 as a result of a conviction involving sexual acts with a person under eighteen (18) years of age is prohibited from participation as a coach or other supervisor of persons under eighteen (18) years of age in any youth events organized by the City of Burbank.

[Added by Ord. No. 3060; formerly numbered Section 20-19.2; renumbered by Ord. No. 3058, eff. 2/21/87.]

## **ARTICLE 2. CRIMES AGAINST PUBLIC HEALTH AND SAFETY.**

### **Sec. 20-201. Discharging Petroleum Products, Tars, or Dyes upon Street.**

No person shall negligently, willfully or maliciously discharge, throw or deposit petroleum, or any products or residue thereof, or any grease, acid, coal tar, oil tar, or aniline upon any street, nor permit any such substance to pass upon any street, nor place any such substance in any place where it subsequently passes upon any street.

[Formerly numbered Section 20-20; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-202. Endurance Contests.**

No person shall conduct, carry on, participate in any endurance or marathon contest not covered by Act 1638, Deering's General Laws of California, which shall require or permit the contestant, performer, spectator or participant therein to engage or participate in such contest for more than eight (8) hours during any twenty- four (24) hour period, either continuously or intermittently; provided, however, that this section shall not be deemed to apply to endurance or marathon contests, exhibitions or races of aircraft where two (2) or more persons are employed or engaged in the operation of such aircraft at all times.

[Formerly numbered Section 20-21; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-203. Sale and Installation of Electrical Appliances, Material or Equipment.**

No person shall sell, offer, display for sale, or install any electrical appliance, material or equipment, of whatsoever kind or nature, made for or intended to be used in or as part of, or connected to, the electrical circuit of any house, building, or other structure, unless such appliance, material, equipment, or other thing has been approved, listed and labeled as conforming with the standards fixed by the Underwriter's Laboratories, Inc., of the National Board of Fire Underwriters.

[Formerly numbered Section 20-22; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-204. Sales of Aerosol Containers of Paint to Minors.**

No person shall sell, furnish or dispense any aerosol container of paint or other liquid substance capable of defacing property to a minor under the age of eighteen (18) years. A violation of this section shall constitute an infraction.

[Added by Ord. No. 2786; formerly numbered Section 20-22.1; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-205. Shooting of Bows and Arrows.**

No person, other than a peace officer or animal control officer acting in the course and scope of his or her duties as such shall shoot or discharge any bow and arrow or similar device within the geographical limits of the City of Burbank, except when shooting at targets on an established public or private target range. For purposes of this section, such prohibition shall not apply to motion or still photography productions operating under a valid city-issued permit. Such prohibition shall not apply to any person who uses, shoots or discharges an arrow from a bow when necessary to destroy, kill, distract, scare or immobilize any predatory or dangerous animal which poses an immediate threat of great bodily injury or death to any person or persons, including the shooter.

[Added by Ord. No. 2847; formerly numbered Section 22.2; renumbered by Ord. No. 3058, eff. 2/21/87; amended by Ord. No. 3616, eff. 2/26/03, suspended by Reso. No. 26,441, enforced by Reso. No. 26,488.]

### **Sec. 20-206. Replica Firearms.**

#### **(a) PROHIBITION OF SALE.**

No person shall display, market for sale, or sell any replica or facsimile of a firearm in the City. The provisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.

#### **(b) BRANDISHING.**

Except in self defense, no person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry, or threatening manner, with the intent to frighten, vex, harass, or annoy any other person.

#### **(c) BRANDISHING A REPLICATED FIREARM IN PRESENCE OF A PUBLIC SAFETY OFFICER.**

No person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician, or paramedic engaged in the performance of his or her duties, and the person committing such brandishing knows or has reason to know that such police officer, firefighter, emergency medical technician, or paramedic is engaged in the performance of his or her duties.

#### **(d) DEFINITIONS.**

## MORALS AND CONDUCT

"Firearm" shall have the same meaning as the term "firearm" under the Dangerous Weapons Control Law of the State of California.

"Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal, or any other material which is a replica, facsimile, or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shot gun, rifle, machine gun, rocket launcher, or any other firearm. As used in this section, "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms, or any other device which might reasonably be perceived to be a real firearm.

(e) EFFECTIVE DATE.

The provisions of Subsection (a) of this section shall not become effective or enforceable until January 1, 1988.

[Added by Ord No. 3085; formerly numbered Section 20-23; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-207. Obstructing Public Sidewalks and Parkways.**

No person shall place or deposit upon any public sidewalk or parkway, any movable or immovable object of any character whatsoever.

(a) EXCEPTIONS.

(1) Boxes, barrels and other receptacles containing merchandise may be unloaded upon any public sidewalk or parkway in front of the place of business to which they are being delivered; provided such place of business has no entrance from the rear which can be practically used for such purposes, and further provided that such boxes, barrels or other receptacles are without delay removed from the sidewalk or parkway.

(2) This section shall not apply to receptacles containing trees, shrubs or plants placed upon sidewalks or parkways in compliance with a permit issued by the Park and Recreation Department or to garbage or waste matter receptacles placed upon sidewalks or parkways in accordance with Section 24-108.

(3) The Public Works Director upon written application therefor may grant a permit revocable by him at any time for the installation and maintenance of directional signs as approved by him in parkways in the public interest; provided such signs are not for the benefit of any individual or commercial or industrial enterprise, and the written consent of the owner of record of the property upon which the sign is to be placed is filed with said application, and not more than three (3) such signs shall be permitted any person, and such signs shall not exceed ten (10) square feet of surface area and be within two thousand (2000) feet of the building to which directed as measured along the streets, and provided further, no such permit shall be issued unless the applicant shall file a surety bond or policy of insurance which meets the requirements of Chapter 19, Article 3 of this Code, conditioned that the permittee will indemnify and save harmless the City, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the sign for which the permit is issued, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of, such installation or maintenance. The said bond or policy of insurance shall be in the sum of not less than Fifty Thousand Dollars (\$50,000) or injury to, including the death of one person, and for not less than One Hundred Thousand Dollars (\$100,000) for any one accident, and property damage in the sum of Five Thousand Dollars (\$5,000). Such bond or insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect and shall provide that the insurance carried by the City shall only be considered as excess insurance above the amounts of the said bond or insurance policy, which shall for all purposes be deemed primary insurance, and no recourse shall be had to the insurance carried by the City until after the limit of the bond or insurance required hereby is exceeded.

(4) This section shall not apply to newsracks installed, used and maintained in accordance with the provisions of Article 10 of this chapter.

## MORALS AND CONDUCT

(5) Exhibits, displays, merchandise, stands, equipment, etc., placed on public sidewalks and parkways within the area known as The Golden Mall, as such area is described and delineated in Section 1 of Ordinance No. 2051, passed and adopted on April 4, 1967, pursuant to permit issued by the Parks and Recreation Director.

(6) Benches installed and maintained under permits issued by the Public Works Director pursuant to the provisions of Article 2 (commencing with Section 26-201) of Chapter 26 of this Code.

(b) **REMOVAL.**

Any object installed, placed or deposited in violation of this section, except signs, the removal of which shall be governed by Section 20-207.5 and newsracks, shall be summarily removed by City personnel and turned over to the Public Works Director for storage. The owner, if readily ascertainable, shall be promptly notified. Upon failure of the owner to claim such object and pay the expenses of removal and storage within thirty (30) days after removal, the object shall be deemed to be unclaimed property and shall be turned over to the Police Department for disposition in accordance with the provisions of Article 4, Chapter 9 of this Code.

[Formerly numbered Section 20-24; amended by Ord. No. 3260, eff. 8/24/91; 3058, 2559, 2553, 2495, 2409, 2407, 2330, 2213.] [Former BMC 20-24(a), *California Newspaper Publishers Association v. City of Burbank* (1975) 51 Cal.App.3d 50, 52, 123 Cal.Rptr.880]

### **Sec. 20-207.5. Removal of Signs.**

Any sign installed, placed or deposited in violation of Section 20-207, Section 20-402, Section 20-402.2, may be summarily removed by City and placed in storage; provided, however, that any sign determined to have a replacement value of less than Fifty Dollars (\$50.00) may be immediately disposed of by City personnel. Upon removal, the owner, if ascertainable, of any sign determined to have a replacement value of Fifty Dollars (\$50.00) or more, shall be promptly notified verbally or in writing. Upon failure of the owner to claim such sign and pay the expenses of removal and storage within thirty (30) days after removal, the sign may be disposed of without any further notice to such owner.

[Added by Ord. No. 3260, eff. 8/24/91; amended by Ord. 3641, eff. 7/24/04.]

### **Sec. 20-208. Bringing Water or Electrical Power into the City.**

It shall be unlawful for any person other than the City to convey water by means of conduit or pipe, or to conduct, transmit, carry or bring any electrical energy or power, into the City from outside the City for use, distribution or sale within the City, except that the City Manager may in the public interest permit any building or structure adjacent to the City's boundaries to be served with water or electrical energy or power from a source located outside the City provided such permission is given in writing and is subject to revocation upon reasonable notice, and provided further that the water or electrical energy or power enters the City's boundaries at a point approximately adjacent to the building or structure to be served.

[Formerly numbered Section 20-25; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-209. Self-Service Gasoline Stations, Receipt Required.**

Any self-service gasoline station that requires payment prior to the sale of gasoline shall furnish a receipt to all customers upon such payment.

[Added by Ord. No. 2789; formerly numbered Section 20-25.1; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-210. Section Number Reserved.**

[This section relocated and renumbered Sec. 6-1107.]

# MORALS AND CONDUCT

## ARTICLE 3. CRIMES AGAINST THE PUBLIC PEACE.

### Sec. 20-301. Demonstration Equipment Prohibited.

(a) No person shall carry or possess while participating in any demonstration, rally, picket line, or other such public assembly, any length of lumber, wood, woodlath or other wood product unless:

(1) The other dimensions of such object do not exceed a thickness of one-fourth (1/4) inch and a width of two (2) inches, or if not generally rectangular in shape, such object shall not exceed three-quarters (3/4) inch in its thickest dimension; and

(2) Such object is blunt and unsharpened at its end and edge.

(b) No person shall carry or possess while participating in any demonstration, rally, picket line, or other such public assembly, any bar, shaft, rod, cable, wire, or other such length of hard metal, hard plastic, or other hard synthetic material.

[Added by Ord. No. 2777; formerly numbered Section 20-26; renumbered by Ord. No. 3058, eff. 2/21/87; 2393.]

### Sec. 20-302. Interfering with Parade.

No person shall join or participate in any parade for which a permit is required by the provisions of Chapter 29, Article 17 of this Code, nor in any manner interfere with its progress or orderly conduct, without the consent of the person holding the permit to conduct or manage such parade.

[Formerly numbered Section 20-31; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-303. Picketing Private Residences.

(a) PURPOSE.

This ordinance is enacted in order to protect and preserve the enjoyment of the citizens of Burbank in their homes and dwellings and to protect and preserve the feeling of wellbeing, tranquility, and privacy in the home. The Council finds that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants and has as its object harassing of such occupants.

(b) PICKETING OF RESIDENCES AND DWELLINGS.

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual.

[Added by Ord. No. 3206, eff. 10/27/90.]

## ARTICLE 4. CRIMES AGAINST PUBLIC PROPERTY.

### Sec. 20-401. Tampering with Sewer.

No person shall tamper with, injure or break any part or portion of the sewer system of the City or any appliance owned by the City and used in connection therewith.

[Formerly numbered Section 20-33; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### Sec. 20-402. Placing of Signs on Public Streets.

No person shall paste, paint, print, nail, tack, tie or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind upon any curb, lamppost, pole, hydrant, bridge, wall or tree in, on or over any public street, unless engaged as a public official or employee in the performance of a public duty, or required to do so by law; provided, however, that this section shall not apply to signs and/or street decorations authorized in accordance with the provisions of (a) Chapter 13, Article 2, or (b) Chapter 26, Article 6; (c) Section 20-402.1 of the Code; or (d) Section 20-402.2 of the Code. [Formerly numbered Section 20-34; renumbered by Ord. No. 3058, eff. 2/21/87; amended by Ord. No. 3641, eff. 7/24/04; 3572, 2696.]

### Sec. 20-402.1. Lost Person/Pet Signs On Public Streets.

(a) Lost Person/Pet Signs may be affixed to City lampposts and/or utility poles in the public right-of-way only in accordance with this Section. A Lost Person/Pet Sign is a sign that as its sole purpose alerts people as to a lost person or pet and indicates a method to contact someone with information regarding such lost person or pet.

(b) No person may affix a Lost Person/Pet Sign to a City lamppost and/or utility pole in the public right-of-way without obtaining a Lost Person/Pet Sign Permit from the License and Code Services Office within the time period specified in this Section. The Permit must be obtained no later than two (2) days after a person has posted a Lost Person/Pet Sign. If two (2) days after the first day of posting the sign falls on a weekend or holiday, the Permit must be obtained on the next business day after such weekend or holiday.

(c) A Lost Person/Pet Sign Permit authorizes up to fifty (50) signs to be posted for one consecutive fourteen (14) day period. Only two (2) Lost Person/Pet Sign Permits may be issued to the same address in one calendar year.

(d) A Lost Person/Pet Sign may only be one-sided and the total face area of the sign may not exceed two square feet.

(e) The Permit applicant shall remove or cause to be removed all Lost Person/Pet Signs that were the subject of the Permit and any material and/or devices used to fasten the Lost Person/Pet Signs within 2 days of the expiration of the fourteen (14) day posting period.

[Added by Ord. No. 3572, eff. 4/21/01.]

### Sec. 20-402.2. Temporary Residential Real Estate “Open House” Signs on Public Streets.

(a) Temporary Residential Real Estate Open House Signs may be placed on public right-of-way by permit and only in accordance with the restrictions on signs set forth in this section. For the purposes of this section, “Residential Real Estate Open House Sign” means a temporary sign that solely indicates that residential property, or portion thereof, is for sale, lease, or rent and provides directions to the property and “open house” information. Additionally, all signs shall provide the information required in subsection (b) 9 below.

(b) All Temporary Residential Real Estate Open House Signs are subject to the following conditions:

1. Size. The total face area of the signs shall not exceed twenty-four (24) inches by twenty-four (24) inches in size.

2. Height. The vertical distance measured from ground level to the highest point of such sign or sign structure or other support shall not exceed three (3) feet .

3. Local address. Signs shall only advertise a residence in the City of Burbank.

4. Limit. No more than four (4) signs per property for sale, lease or rent shall be posted within the public rights-of-way.

## MORALS AND CONDUCT

5. Type. Signs shall be mounted either on stakes placed in the ground or with an A-frame support of sufficient weight so that the sign remains upright when mounted. Signs and any supporting structures shall be maintained in good condition at all times and shall be constructed out of quality materials normally used in professional signage. No balloons or flags or similar devices may be affixed to the sign.

6. Location. No sign shall be placed, used or maintained:

(1) on trees, traffic signs or utility poles, nor be placed in such a manner as to obstruct the view of any official public sign.

(2) on right-of-way if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area.

(3) in any roadway area or center median area.

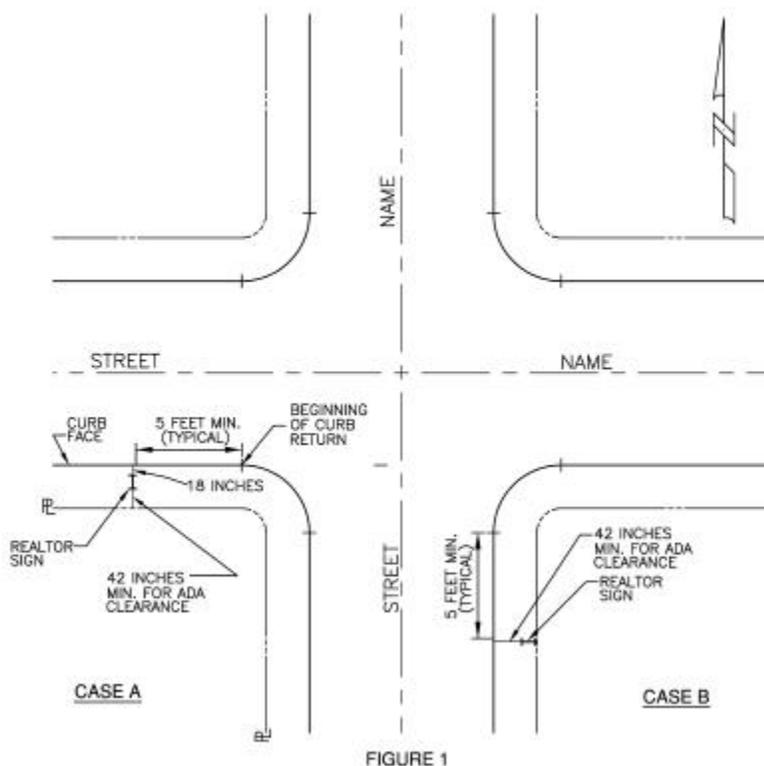
(4) at any location whereby the clear space for the passageway of pedestrians is reduced to a width that violates the American with Disabilities Act.

(5) within 18" from the face of curb.

(6) on streets undergoing construction, nor on streets with special events.

(7) within five (5) feet of the beginning of the curb return of any two intersections, whether the intersections have marked or unmarked crosswalks, as depicted in Fig. 1.

(8) within five (5) feet of any of the following: driveway; traffic signal; traffic sign; designated bus stop sign; bus bench or any other bench on the sidewalk.



7. Time. Signs shall only be displayed during the “open house” and only on Saturdays and Sundays (or federal or state holidays) not earlier than 8am and must be removed no later than dusk or 6pm, whichever is earlier. On Thursdays, signs may be displayed no earlier than 8am and removed no later than 2pm.

8. Permit. No person may place a sign in the public right-of-way without obtaining an “Open House” Real Estate Sign Permit from the Public Works Department within the time period specified in

## MORALS AND CONDUCT

this section. The fee for such permit shall be set forth in the Burbank Fee Resolution, as amended from time to time.

a. Permittee. The Permittee shall sign an application form as required by the Public Works Director whereby it agrees to comply with this section.

b. Indemnification. The Permittees shall indemnify and hold the City, its officers, employees, and representatives, harmless from all liability for damage or claims for damage for personal injury, including death, and claims for property damage, which may arise from the direct or indirect operations of the Permittees, agents, employees, or other persons acting on the Permittees' behalf for all damages and claims for damages suffered or alleged to have been suffered by reason of the obligations referred to in the Permit, regardless of whether or not the City approved plans or specifications or inspected any of the signs erected pursuant to this Permit.

c. Insurance. Permittee shall provide proof of and shall maintain in force, policies of insurance, or certificates thereof, of comprehensive public liability insurance in a combined single limit amount of at least \$1,000,000.00. Such insurance shall be procured from an insurer authorized to do business in California, shall provide primary and not excess coverage, shall name the City of Burbank as additional insured. This provision may be waived if Permittee is not a professional real estate broker or agent; receives a permit for no more than one sign per day and requests a waiver due to hardship. Lapse of valid insurance shall immediately render void any permit issued herein.

d. Annual permit. A permit may be issued on an annual basis with a term from July 1 to June 30. Permits may be issued for less than a year with a prorated permit fee.

e. Decal required. Each sign placed in the public right-of-way must have a Real Estate Open House Sign decal, which shall be displayed on each sign at all times and in accordance with rules adopted by the Public Works Director.

9. Identification required. Every person who places or maintains a Residential Real Estate Open House Sign on the streets of the City of Burbank shall have his or her name, address, and telephone number affixed to the sign in an area not to exceed 2" X 3" (business card size).

[Added by Ord. 3641, eff. 7/24/04; Sunset Provision repealed by Ord. No. 3672, eff. 7/16/05.]

### **Sec. 20-403. Placing of Placards or Advertising Matter on City Vehicles.**

No person shall place, attach, post, paint or stick any bill, sign, placard, poster card or advertising material in or upon a City-owned vehicle, except that this section shall not apply to official matter placed, attached, posted, painted or stuck in or upon any City vehicle by or on behalf of the City.

[Formerly numbered Section 20-35; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-404. Mutilating Flood Control Work.**

No person shall remove, mutilate, cut through, destroy or disturb in any manner whatsoever, any of the protection work, embankments or other flood control work, in any stream, watercourse, waterway, channel or wash; nor shall any person interfere with any rain or stream gauge nor any communication system installed in connection with any flood control work without a permit from the Council so to do. Whenever property owned or constructed by the Los Angeles County Flood Control District may be affected, no permit shall be issued by the Council unless a similar permit has first been obtained from the authority having jurisdiction and control over such Flood Control District.

[Formerly numbered Section 20-36; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-405. Obstructing Flood Control Property.**

No person shall place, or cause to be placed, upon any property over which the Los Angeles County Flood Control District has an easement for flood control purposes duly recorded in the office of the County Recorder, any wires, fence, building or other structure or any rubbish, refuse, tin cans or other matter that may impede, retard or change the direction of the flow of water in any river, stream, waterway, watercourse, channel, arroyo or wash, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the storm and flood water would carry the same downstream, to the damage and detriment of either private or public property adjacent to such river, stream, waterway, watercourse, channel, arroyo or wash.

[Formerly numbered Section 20-37; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-406. Obstructing Waterway.**

No person shall construct, or attempt to construct, any stonework, abutment, or any means to divert, alter, change or disturb the natural channel of any stream, watercourse, waterway, channel or wash, without a permit from the Council so to do.

[Formerly numbered Section 20-38; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-407. Construction Near Waterway.**

No person shall build, construct or maintain any dwelling, business structure, garage or outbuilding within a distance of thirty (30) feet from the center line of the Burbank Wash, or any other watercourse, waterway or wash without a permit of the Council so to do and approval by the Public Works Director of plans and specifications for such construction.

[Formerly numbered Section 20-39; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-408. Removal of Sand or Other Material from Waterway.**

No person shall remove any sand, gravel or material of any kind from any stream, watercourse, waterway, channel or wash.

[Formerly numbered Section 20-40; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-409. Solicitation or Sale of Merchandise on City Property.**

No person shall solicit, sell, offer to sell, take orders for, or exhibit any goods, services or merchandise for himself or on behalf of any person in any manner to any person at any time in any City building, or in or upon any property or premises under the control of the City, except any street, sidewalk or other public way, unless said sale, solicitation or exhibition is made to or for the City, any of its departments, or any association of City employees officially recognized by the City Council, or unless said sale, solicitation or exhibition is made by virtue of or under a written agreement with the City or any of its departments.

[Formerly numbered Section 20-41; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-410. Unlawful To Be in Parks When Closed.**

(a) Except to allow for the completion of any authorized recreational or permitted activity, it shall be unlawful to enter or remain in any public park, playground or other recreational facility between the hours of 10:00 p.m. and sunrise; or in Bel Aire Ballfield, Palm Ballfield, Maple Street Playground, Miller Park, Santa Anita Playlot, Stough Park or Wildwood Canyon Park from thirty (30) minutes after official sunset to sunrise.

(b) The foregoing restriction shall not apply to emergency vehicles, governmental agencies or to officers or employees of the City or any other public agency which is required or finds it necessary to enter or remain in any public park, playground or other recreational facility in the performance of its duties and during such times as entry or occupancy is permitted in writing by the Parks and Recreation Director.

[Added by Ord. No. 2521; formerly numbered Section 20-41.1; amended by Ord. No. 3421, eff. 12/9/95; 3058, 2884, 2798, 2702.]

# MORALS AND CONDUCT

## ARTICLE 5. CRIMES AGAINST PRIVATE PROPERTY.

### Sec. 20-501. Trespass and Unlawful Entry.

(a) No person shall trespass upon the real property of another where signs forbidding trespass are posted as each corner of the property; provided, however, that where such property exceeds one acre in area, signs must also be posted at intervals of three hundred (300) feet or less, on or near the boundary lines of such property. The signs herein required shall be at least one (1) square foot in area, and shall be placed at least three (3) feet above the normal level of the ground. The words forbidding trespass shall be at least two (2) inches in height and shall read as follows: "Private Property No Trespass." Other words shall be added, as may be desired, to indicate that trespassers are subject to prosecution under this section. If the letters on the sign are black or red, the background shall be white; and vice versa. This section shall have no application to any officially authorized peace officer or law enforcement agent in the execution of his official duty, nor to any person calling at the residence or place of business of another person for the purpose of visiting or of transacting legitimate business. This section is intended to supplement Section 602 of the Penal Code of the State.

(b) The provisions of Subsection (a) shall apply to any public property that is posted as provided in Subsection (a) except the words forbidding entry shall read as follows: "Restricted Entry Authorized Personnel Only."

[Formerly numbered Section 20-42; amended by Ord. No. 3325, eff. 1/23/93; 3058.]

### Sec. 20-502. Nighttime Solicitation on Private Residential Premises Without Invitation Prohibited.

It shall be unlawful for any person to go upon private residential premises between the hours of sunset and 9:00 a.m. for the purpose of engaging in any form of peddling or solicitation, unless such person has been previously requested or invited so to do by the owner or occupant of said premises.

[Added by Ord. No. 2400; formerly numbered Section 20-42.1; amended by Ord. 3437, eff. 4/20/96; 3058.]

### Sec. 20-503. Unauthorized Gas Connection.

No person except an authorized agent or employee of a person engaged in the business of furnishing or supplying gas, and whose service pipes supply or connect with the particular premises, shall turn on, connect, or reconnect gas service in or upon any premises wherein gas service is not, at the time, being rendered. This section is intended to supplement Section 498 of the Penal Code of the State.

[Formerly numbered Section 20-43; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-504. Refusing to Pay Taxi Fare.

No person, after having hired a motor vehicle regularly engaged in the business of carrying passengers for hire, which operates at scheduled rates under the direction of the person hiring the same and not over a defined route, shall refuse to pay the legal fare of such vehicle, nor shall any person hire any such vehicle with intent to defraud the person from whom it is hired of the value of such service.

[Formerly numbered Section 20-44; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### Sec. 20-505. Outside Lights.

Outdoor lighting consisting of spotlights, floodlights and similar illuminating media, shall be installed, regulated and maintained by the owner and person in control thereof, so as to reflect the light away from any adjoining residential premises and avoid disturbance, annoyance or interference to persons upon such adjoining premises. This section shall not apply to:

- (a) Street lights and other lights owned or operated by the City.
- (b) Lights used during the Christmas season only, commonly known as Christmas lights.

[Formerly numbered Section 20-45; renumbered by Ord. No. 3058, eff. 2/21/87.]

# **MORALS AND CONDUCT**

## **ARTICLE 6. MALICIOUS MISCHIEF.**

### **Sec. 20-601. False Information to Police or Fire Department.**

No person shall willfully make any false, misleading or unfounded report to the Police Department or Fire Department, or to any officer or employee thereof in the performance of his official duties, for the purpose of interfering with the operation of such department, or with intent to mislead such officer or employee.

[Formerly numbered Section 20-46; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 7. CIRCULATION OF PETITIONS.

### Sec. 20-701. Definitions.

As used in this article, unless the context otherwise clearly indicates;

(a) "Petition" shall mean any document, instrument or paper intended for presentation to any governmental agency or legislative body or intended, calculated, or expected to influence legislation or governmental action or inaction.

(b) "Circulate" shall mean present, exhibit, show, hold out.

[Formerly numbered Section 20-49; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-702. Legislative Declaration.

The Council finds that numerous persons and organizations have been and are circulating petitions and soliciting signatures thereto on the public sidewalks, streets and by house to house canvass, that in many instances inquiry is made of City officials concerning who the sponsors and circulators of various petitions are and no information is available to City officials to answer such inquiries; that claims are made that the contents, meaning and purpose of many petitions are frequently misrepresented and that citizens have been persuaded to sign petitions by fraud and misrepresentation concerning the meaning and purpose of the same; that inquiry has been made to public officials by persons signing such petitions how they could contact the circulators to have their name removed from such petitions and City officials have been unable to advise the signer who the circulator was or where he or she could be found; that there are adequate provisions of the law regulating the circulation of petitions relating to elections and the like with penalties for violation provided, but that there are no present regulations of other petitions being circulated on the public streets; that some of the petitions being circulated pertain to matters of national and local defense and by the practice of fraud and misrepresentation signatures are secured to petitions and presented to government bodies and agencies which purport to express the views of the persons signing the same but which in truth and fact would not have been signed if the true facts were known to the persons signing the said petitions; that the public safety, peace, and welfare demands the exercise of the police power of the City in the enactment of this article.

[Formerly numbered Section 20-50; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-703. Requirements to Circulate Petitions or Solicit Signatures.

It shall be unlawful for any person to circulate a petition or solicit signatures on a petition in the City without first having:

(a) Delivered three (3) copies of the proposed petition to the City Clerk not less than three (3) days before such petition is circulated or signatures solicited; and

(b) Subscribed and sworn to a statement and delivered the same to the City Clerk not less than three (3) days before such petition is circulated or signatures solicited, stating:

(1) The name and address of the person sponsoring such petition.

(2) The name and address of the person financing the cost of printing, preparation, distribution and circulation of such petition.

[Formerly numbered Section 20-51; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-704. Exceptions.**

This article shall not apply to:

- (a) A petition expressly and specifically provided for by any national, state, or local law; or
- (b) A petition relating to, required, or provided for by the zoning provisions of this Code or by street, sewer or other public improvement proceedings; or
- (c) A petition provided for by the laws relating to Initiative, Referendum and Recall; or
- (d) Any petition provided for by the State election laws;
- (e) Any petition addressed to the Council pertaining to traffic in the streets or to the making, location, removal or abandonment of a public improvement.

[Formerly numbered Section 20-52; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-705. Identification Card.**

No person shall circulate a petition without having in his possession an identification card issued by the City Clerk, which shall state:

- (a) The title or nature of the petition.
- (b) The name of the sponsor.
- (c) The name and address of the circulator.

Such card shall be issued to any person applying therefor in person at the office of the City Clerk, or may be issued in quantity at the time of compliance with Section 20-703 of this article with item (c) left blank, in which event it shall be the duty of the person to whom such cards are issued in quantity to report to the City Clerk the name and address of each person to whom such card is given, such report to be made in writing within 72 hours from the time the card is given to the circulator. All cards not used shall be returned to the City Clerk upon demand.

[Formerly numbered Section 20-53; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-706. Alteration or Transfer of Identification Card Prohibited.**

No person shall alter an identification card issued under the provisions of this article or transfer such card to another or permit another to use such an identification card in the circulation or solicitation of signatures to a petition.

[Formerly numbered Section 20-54; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-707. Display of Identification Card.**

No person shall circulate or solicit signatures to a petition unless the identification card issued by the City Clerk is affixed to the petition in clear view of the person signing the petition or is shown to the person signing the said petition.

[Formerly numbered Section 20-55; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-708. Misrepresentations Prohibited.**

No person, in the circulation of or solicitation of signatures to any petition, shall misrepresent its contents, purpose or intent. [Formerly numbered Section 20-56; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 8. REGULATION OF DANGEROUS FIREARMS AND WEAPONS.

### Sec. 20-801. License to Sell Firearms at Retail.

Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. No license shall be issued by the License Division hereunder unless first approved by the Chief of Police, in writing. Said license shall be in form as prescribed by the Attorney General and subject to the conditions prescribed by Section 12071 and amendments thereto of the Penal Code of the State of California.

[Formerly numbered Section 20-57; renumbered by Ord. No. 3058, eff. 2/21/87; 2194.]

### Sec. 20-802. Unlawful to Sell without Prior Notice to Chief of Police.

No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

[Formerly numbered Section 20-58; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-803. Permit to Discharge Firearms and Other Weapons.

No person shall fire, shoot or discharge any gun, rifle, pistol or other firearm, or any air gun, air rifle or air pistol, or any spring gun, spring rifle or spring pistol, or any carbon dioxide or other gas operated gun, rifle or pistol without first having obtained a permit from the Chief of Police so to do.

Any permit issued by the Chief of Police under this section shall state the purposes for which issued, time or times for shooting, and date of expiration. No permit shall be valid for a period in excess of seven (7) days.

The provisions of this section shall not apply to a peace officer in the performance of his duty, nor to any person:

- (a) While shooting in a municipally licensed or municipally owned or operated shooting gallery, pistol or target range; or
- (b) While shooting in any place or location approved, in writing, by the Chief of Police for target practice or shooting; or
- (c) While shooting in and as a part of an adult supervised training program or curriculum of any public or private school or club or association organized for instruction in the use of firearms; or
- (d) While lawfully defending life or property.

[Formerly numbered Section 20-59; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-804. Concealed Weapons; Permit; Fee.

No person, except a peace officer, shall wear, or in any manner carry, concealed upon his person any loaded or unloaded gun, pistol or revolver, or any other dangerous or deadly weapon without having, at the same time, actually in his possession and upon his person, a permit so to do from the Chief of Police. Such

## MORALS AND CONDUCT

permits shall be numbered, consecutively, in the order in which they are issued. No permit shall be granted for a longer period than one (1) year. Each such permit shall be in a form prescribed by the Attorney General and shall state the name, occupation, residence, and business address of the applicant, his age, height, weight, color of eyes and hair; and reason for desiring a license to carry the weapon. Such license shall, in addition, contain a description of the weapon or weapons authorized to be carried, and if a firearm give the name of the manufacturer, the serial number and the caliber. No person shall be issued a permit under this section without paying the City a registration fee of Three Dollars (\$3.00).

[Formerly numbered Section 20-60; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-805. Records of Licenses and Permits.**

The Chief of Police shall keep a record of all licenses and permits issued under this article.

[Formerly numbered Section 20-61; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-806. Dangerous or Deadly Weapons.**

#### (a) DEFINITION.

"Dangerous or deadly weapons" includes, but is not limited to: any dirk or dagger; any knife with a blade three (3) inches or more in length, and any snap blade or spring blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm; and any firearm other than one carried pursuant to a valid permit, issued by a duly authorized governmental authority, or an ordinary rifle, shotgun, or handgun lawfully carried for purposes of hunting or other lawful sport. It shall not include an Official Boy Scout knife or similar knife acquired for and used for the Boy Scouts of America program or Girl Scout program or any similar national recognized youth program.

#### (b) LOITERING WITH CONCEALED WEAPON.

No person shall while carrying concealed upon his person any dangerous or deadly weapon, loaf or loiter upon any public street, sidewalk or alley or wander about from place to place with no lawful business to perform, or hide, lurk or loiter upon or about the premises of another.

#### (c) FIGHTING WITH CONCEALED WEAPON.

No person shall, who has concealed upon his person or who has in his immediate physical possession any dangerous or deadly weapon, engage in any fight or participate in any rough or disorderly conduct upon any public place or way or upon the premises of another.

#### (d) LOITERING WITH CONCEALED WEAPON WHERE INTOXICATING LIQUOR SOLD.

No person shall, who has concealed upon his person any dangerous or deadly weapon, loiter about any place where intoxicating liquors are sold or any other place of public resort.

#### (e) CARRYING WEAPON IN AUTOMOBILE; EXCEPTIONS.

No person shall have in his possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business, or for the purpose of legitimate sport or recreation.

[Formerly numbered Section 20-62; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-807. Sale of Ammunition to Minors.**

No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, B-B shot, shot or other missile designed for use in any firearm or spring or air gun or gas operated gun of any description. Shooting galleries and ranges may furnish ammunition to persons under sixteen years of age to be expended at the gallery or range under the supervision of a responsible adult, provided the parent or guardian personally appears and consents in writing.

[Formerly numbered Section 20-63; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-808. Possession of Firearms by Minors.**

(a) No person under sixteen (16) years of age shall have in his possession any firearm, spring gun, air gun or gas operated gun, or ammunition for such weapons.

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 20-803 hereof, or when traveling to and from any of the places mentioned in Subsections (a), (b) and (c) of Section 20-803 for the purposes of shooting.

(b) OTHER DANGEROUS DEVICES.

No person under sixteen (16) years of age shall have in his possession any other device not mentioned in Subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) APPLICABILITY.

The preceding Subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

[Formerly numbered Section 20-64; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 9. UNLAWFUL DISPLAY OF BREASTS AND PRIVATE PARTS.

### Sec. 20-901. Legislative Authorization.

This article is adopted pursuant to Sections 318.5 and 318.6 of the Penal Code.  
[Added by Ord. No. 2250; formerly numbered Section 20-65; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-902. Definitions.

(a) WORDS USED IN STATE LAW.

All words used in this article which also are used in Sections 318.5 and 318.6 of the Penal Code are used in the same sense and mean the same as they are intended to mean in the said sections.

(b) THEATER.

As used in this article, and in Sections 318.5 and 318.6 of the Penal Code, the phrase "theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances" shall mean a building, playhouse, room, hall or other place having an unobstructed view of the stage, upon which theatrical or vaudeville or similar performances are given, and in which the serving of food, beverages, or both, is clearly incidental to such performances. This definition does not supersede the provisions of Subsection (a) of this section.

[Added by Ord. No. 2250; formerly numbered Section 20-66; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-903. Prohibition Against the Display of Female Breasts.

Every female is guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer:

(a) exposes any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line, or

(b) employs any device or covering, which is intended to simulate such portions of the breast or

(c) wears any type of clothing so that any portion of such part of the breast may be observed.

[Added by Ord. No. 2250; formerly numbered Section 20-67; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-904. Prohibition Against Display of Private Parts.

Every person is guilty of a misdemeanor who:

(a) Exposes his or her private parts or buttocks, or employs any device or covering which is intended to simulate the private parts or pubic hair of such person, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view, or while serving food or drink or both to any customer, or

(b) Permits, procures or assists any person to so expose himself or herself, or to employ any such device.

[Added by Ord. No. 2250; formerly numbered Section 20-68; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-905. Accessories.**

Every person is guilty of a misdemeanor who permits, counsels, or assists any person to violate any provision of this article.

[Added by Ord. No. 2250; formerly numbered Section 20-69; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-906. Exceptions.**

This article does not apply to:

(a) A theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.

(b) Any act authorized or prohibited by any state statute.

[Added by Ord. No. 2250; formerly numbered Section 20-70; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 10. NEWSRACKS.

### Sec. 20-1001. Purpose and Intent.

#### (a) FINDINGS.

The Council of the City of Burbank finds and declares that:

- (1) The uncontrolled placement and maintenance of newsracks in the public right-of-way can constitute a threat to public health, safety, and welfare.
- (2) Newsracks which display materials describing and depicting explicit sexual conduct and nudity are thrust indiscriminately on children and unwilling adults.
- (3) These factors constitute an unreasonable interference with and obstruction of the use of public rights-of-way, constitute an unwarranted invasion of individual privacy, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.
- (4) The Council recognizes, however, that the use of such rights-of-way is so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The Council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this article which is designed to accommodate such interests by regulating the time, place and manner of using such newsracks.

#### (b) PURPOSE.

The purpose of this article is to promote the public health, safety, and welfare through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way so as to:

- (1) Provide for pedestrian and driving safety and convenience.
- (2) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any place of business or from the street to the sidewalk.
- (3) Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes.
- (4) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas.
- (5) Reduce exposure of the City to personal injury or property damage claims and litigation.
- (6) Protect the right to distribute information, protected by the United States and California Constitutions, through the use of newsracks.

#### (c) PRESERVATION OF CONSTITUTIONAL RIGHTS.

It is not the intent of this article to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

[Added by Ord. No. 3108, eff. 5/21/88.]

### Sec. 20-1002. Definitions.

As used in this article, unless the context otherwise clearly indicates:

"Explicit sexual acts" means depictions of sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation, or lewd exhibition of genitals, whether any of the above conduct is depicted or described as being performed alone or between members of the same or opposite sex or between humans and animals, or other acts of sexual arousal involving any physical contact with a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

## MORALS AND CONDUCT

"Harmful matter" for purposes of this article, is as defined in Title 9, Chapter 7.6 (§313) of the California Penal Code and any subsequent amendments thereof.

"Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display, sale, or free distribution of newspapers or news periodicals.

"Parkway" means that area between the sidewalk and the curb of any street, and where there is no sidewalk that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area with a roadway which is not open to vehicular travel.

"Person" means any person or persons, or entity including but not limited to a corporation, partnership, unincorporated association or joint venture.

"Public Works Director" refers to the Public Works Director or the designee of the Public Works Director.

"Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel.

"Sexual arousal, gratification or affront" when used in this article to state the purpose or effect of statements, words, pictures or illustrations means depictions of the following subjects or acts:

(1) Sexual intercourse, oral copulation, anal intercourse, oral-anal contact, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprolagnia, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

(4) Fondling or touching of human genitals, pubic region, buttock, or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

"Sidewalk" means any surface provided for the exclusive use of pedestrians.

"Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

[Added by Ord. No. 2553; formerly numbered Section 20-71; amended by Ord. No. 3413, eff. 10/21/95; 3108, 3058, 2973.]

### **Sec. 20-1003. Newsracks Prohibited on Roadways, Parkways, and Sidewalks.**

#### (a) ROADWAY PROHIBITION.

No person shall install, use, or maintain any newsrack which projects onto, into, or over, or which rests, wholly or in part, upon any part of the roadway or parkway of any public street.

#### (b) SIDEWALK RESTRICTIONS.

No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk: 1) when such installation, use, or maintenance endangers the safety of persons or property; 2) when such site or location is used for public utility purposes, public transportation purposes, or other governmental use; 3) when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including legally parked or stopped vehicles; the ingress into or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location; 4) when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or 5) in any other manner inconsistent with or in violation of the provisions of this chapter.

[Added by Ord. No. 2553; formerly numbered Section 20-72; amended by Ord. No. 3413, eff. 10/21/95; 3108, 3058.] [Former BMC 20-24(a), *California Newspaper Publishers Association v. City of Burbank* (1975) 51 Cal.App.3d 50, 52, 123 Cal.Rptr.880]

## MORALS AND CONDUCT

### Sec. 20-1004. Registration of Location.

#### (a) REGISTRATION.

Except as provided in this article, no person shall install or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk without first registering with the Public Works Director the following:

- (1) The name, address, and telephone number of the owner of the newsrack;
- (2) The location of each newsrack to be installed or maintained in the City.
- (3) If a registered space remains vacant for two weeks at any time after registration, the registration shall be void.

#### (b) LOCATION DESIGNATION.

From the above registration information the Public Works Director shall approve the locations. He shall be guided therein solely by the standards and criteria set forth in this article. In any case where the Public Works Director disapproves of a particular location, such disapproval shall be without prejudice to the registrant designating a different location or locations.

#### (c) REMOVAL AND RELOCATION OF NEWSRACKS.

The Public Works Director's approval of a newsrack location shall not in any event constitute an easement on nor an encumbrance against the public right of way. No right, title or interest in the public property on which the newsrack is located, or any part thereof, shall vest or accrue in the owner of the newsrack by reason of the Public Works Director's approval of a newsrack location. In the event that the newsrack must be removed due to either public or private improvements of the location in which the newsrack is located, the owner of the newsrack shall bear the cost of such removal and relocation.

#### (d) SPECIAL REQUIREMENTS FOR NEWSRACKS ON SAN FERNANDO BOULEVARD.

(1) It is the intent of the City Council to strictly regulate the location of newsracks on San Fernando Boulevard between Angeleno Avenue and Magnolia Boulevard so as to not adversely impact the aesthetic nature of the area. The placement of newsracks in this area shall be restricted to locations on existing city-built low concrete landscape walls as designated by the Public Works Director per map of area maintained in the Public Works Department. The newsracks shall be bolted directly to the concrete landscape walls and not the sidewalk. Two or more newsracks stacked vertically are prohibited in this area.

(2) No person shall place or maintain a newsrack on San Fernando Boulevard between Angeleno Avenue and Magnolia Boulevard except in areas designated by the Public Works Director.

(3) The Public Works Director shall allocate the newsrack spaces available on San Fernando Road between Angeleno Street and Magnolia Boulevard to the distributors of newsrack publications on the basis of the priorities established in Section 20-1007(d).

#### (e) REGISTRATION FEE.

In order to provide for the costs of the administration of this article, there shall be imposed a non-refundable registration fee and annual renewal fee for each newsrack as established by the Burbank Fee Resolution.

(f) All persons required by Penal Code Section 313.1(c)(2) to supervise newsracks that display, sell, or offer to sell harmful matter as defined by Penal Code Section 313 shall complete an application that inquires as to whether or not the person has been convicted of any misdemeanor or felony offense specified in Penal Code Section 11105.3 (h) (1). By submitting such an application, applicants are deemed to agree to a criminal history search and shall, with the application, submit fingerprints for that purpose as provided in Penal Code Section 11105 (b) (10) and 11105(i).

[Added by Ord. No. 3108; amended by Ord. 3615, eff. 2/15/03; 3413.]

## MORALS AND CONDUCT

### **Sec. 20-1005. Hold Harmless.**

#### (a) INDEMNIFICATION.

Every owner of a newsrack who places or maintains a newsrack on a public sidewalk in the City of Burbank shall file a written agreement with the Public Works Director in a form satisfactory to the City Attorney, whereby such owner agrees to indemnify and hold harmless the City, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within the City of Burbank. The agreement will further provide that the owner of the newsrack is responsible for removal of the newsrack and repair of the sidewalk in the event the owner no longer uses the newsrack for the display, sale, or free distribution of newspapers or other periodicals.

#### (b) INSURANCE.

Every owner of a newsrack who places or maintains a newsrack on a public sidewalk in the City of Burbank shall file with the Public Works Director in a form satisfactory to the City Attorney, a certificate of insurance providing evidence that the owner is covered by public liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00). The owner shall name the City of Burbank as an additional insured on a separate endorsement to the insurance policy and provide proof of this endorsement. The endorsement shall require the insurance company to provide the City of Burbank with a minimum of ten (10) days notice prior to the cancellation of the policy. The owner of a newsrack shall keep current the insurance required by this provision.

[Added by Ord. No. 3108; amended by Ord. 3413, eff. 10/21/95.]

### **Sec. 20-1006. Newsrack Identification Required.**

Every person who places or maintains a newsrack on the streets of the City of Burbank shall have his or her name, address, and telephone number affixed to the inside transparent lid face.

[Added by Ord. No. 2553; formerly numbered Section 20-76; amended by Ord. No. 3413, eff. 10/21/95; 3108, 3058.]

### **Sec. 20-1007. Standards for the Installation, Maintenance and Operation of Newsracks.**

Any newsrack which in whole or in part rests upon, in or over any public sidewalk shall comply with the following standards:

#### (a) PLACEMENT.

(1) Newsracks shall be placed on sidewalks adjacent to the curb with the back of the newsrack to the roadway and not less than eighteen (18) inches nor more than twenty-four (24) inches from the face of the curb, unless otherwise approved by the Public Works Director.

(2) Except for those newsracks placed as provided for in Section 20-1004(d), all newsracks shall be bolted to the sidewalk.

#### (b) LOCATION.

In addition to the provision of Section 20-1003, no newsrack shall be placed, installed, used, or maintained:

- (1) Within five (5) feet of any marked crosswalk.
- (2) Within fifteen (15) feet of the curb return of any unmarked crosswalk.
- (3) Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility.
- (4) Within five (5) feet of any driveway.
- (5) Within five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop.

## MORALS AND CONDUCT

(6) Within five (5) feet of any bus bench or any other bench on the sidewalk for public convenience.

(7) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6) feet.

(8) On or within three (3) feet of any area improved with lawn, ground cover, flowers, shrubs or trees, or any treewell, or within three (3) feet of any display window of any building abutting the sidewalk or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

(9) Adjacent to any painted curb.

(10) Upon any decorative sidewalks including, but not limited to decorative tile, and colored or stamped concrete.

(11) Within five (5) feet from any power pole, street light, traffic signal, or utility pole.

(12) Within three (3) feet from any utility meter, traffic sign, manhole, catch basin, utility vault, mail box, under sidewalk storm drains, pull box for street lights and traffic signals, utility and fire hydrant shutoff valves, benchmarks, or centerline ties.

### (c) TOTAL NUMBER OF NEWSRACKS.

No more than eight (8) newsracks shall be located on any public right-of-way within a space of two hundred (200) feet in any direction within the same block of the same street; provided, however, that no more than sixteen (16) newsracks shall be allowed on any one block. Two newsracks stacked vertically shall be counted as two newsracks. As used herein "block" shall mean one (1) side of a street between two (2) consecutive intersecting streets.

### (d) PRIORITY CRITERIA.

In determining which newsracks shall be permitted to be located whenever more than eight (8) newsracks are proposed for any one location [two hundred (200) foot space] or more than sixteen (16) newsracks are proposed for any one block the Public Works Director shall be guided solely by the following criteria:

(1) First priority shall be given to newsracks used for the sale of publications which have been adjudicated to be newspapers of general circulation for Los Angeles County, pursuant to the procedure set forth in Division 7, Article 2 of the California Government Code.

(2) Second priority shall be given to newsracks used for the sale of daily publications [those published on five (5) or more days in a calendar week] which have not been adjudicated to be newspapers of general circulation for Los Angeles County.

(3) Third priority shall be given to newsracks used for the sale of weekly publications [those published on at least one (1) but less than five (5) days in a calendar week] which have not been adjudicated to be newspapers of general circulation for Los Angeles County.

(4) As between newspapers included within any single category of priority above, the Public Works Director shall also be guided by the following criteria of priorities:

(i) First priority shall be daily publications [published five (5) or more days per week].

(ii) Second priority shall be publications published two (2) to four (4) days per week.

(iii) Third priority shall be publications published one (1) day per week.

(5) Once eight racks have been established in any one location, no newsrack containing a higher priority publication may be installed. In no event shall more than two (2) newsracks be allowed in any one location for any one publication.

### (e) DIMENSIONS.

(1) No newsrack shall exceed five and one-half (5 1/2) feet in height, thirty (30) inches in width, or two and one-half (2 1/2) feet in thickness.

### (f) MAINTENANCE.

Each newsrack shall be maintained in a clean, neat and attractive condition, including, but not limited to, being free of graffiti, and in good repair at all times.

### (g) ADVERTISING.

No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical contained therein.

## MORALS AND CONDUCT

(h) All newsracks that display, sell, or offer to sell harmful matter as defined by Penal Code Section 313 shall be supervised by an adult as required by Penal Code Section 313.1(c)(2).  
[Added by Ord. No. 2553; formerly numbered Section 20-75; amended by Ord. No. 3615, eff. 2/15/03; 3413, 3108, 3058, 2704, 2622, 2566, 2561, 2557.]

### **Sec. 20-1008. Display of Certain Matter Prohibited.**

Publications offered for sale from newsracks placed or maintained on or projecting over the street or sidewalk shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:

(a) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront.

(b) Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

(c) Any picture or illustration depicting explicit sexual acts as defined in this chapter where such picture or illustration has as its purposes or effect sexual arousal, gratification, or affront.

[Added by Ord. No. 2553; formerly numbered Section 20-77; amended by Ord. No. 3108, eff. 5/21/88; 3058, 2973.]

### **Sec. 20-1009. Newsrack Violations.**

#### (a) NOTICE OF VIOLATION - TAG.

Any newsrack installed or maintained in violation of the provisions of this article shall be tagged with a "Notice of Violation" stating the violation, date of tagging, notice of intention to remove the newsrack if the violation is not corrected or a hearing requested within fifteen (15) days ("correction period"), and procedure for requesting a hearing before the Public Works Director, if desired. A timely request for a hearing shall stay any removal of the newsrack. If, however, the violation is not corrected within five (5) days after the decision at such hearing becomes final, the newsrack may be summarily removed.

#### (b) ALTERNATIVES TO TAGGING.

Notwithstanding Subsection (a), in the case of violations of this article relative to location of newsracks, restrictions upon attachments of newsracks to property other than that owned by the owner of the newsrack, to fixed objects, or to each other, the Public Works Director may, as an alternative to tagging said newsrack, move, align, remove such attachment, or otherwise move such rack or racks in order to restore them to a legal condition.

#### (c) REMOVAL.

Any newsrack which has been tagged and remains in violation of the provisions stated on the tag past the fifteen (15) day correction period, and where no hearing has been requested, shall be removed by the Public Works Director and stored in any convenient place.

#### (d) NOTIFICATION OF REMOVAL.

The Public Works Director shall notify the owner or his designate of the removal by mailing a "Notice of Removal" to the last known address of the owner/designate. Such notice shall be mailed within five (5) days after the end of the fifteen (15) day correction period and shall state: 1) the date the newsrack was removed; 2) the reasons for the removal; 3) the locations of and procedure for claiming the newsrack; and, 4) the procedure for obtaining a post-removal hearing before the Public Works Director if desired.

#### (e) RELEASE.

Any newsrack removed and stored pursuant to these provisions shall be released to the owner thereof within forty-five (45) days after the mailing of written notice of removal upon providing satisfactory proof of ownership and payment of an impound fee in an amount equal to the reasonable cost to the City of removing and storing the newsrack. If, after a hearing, the impounded newsrack is determined not to have

## MORALS AND CONDUCT

been in violation of this chapter, the newsrack shall be returned to the owner without payment of any removal and/or storage fee. If such newsrack remains unclaimed after this forty-five (45) day period, it shall be deemed to be unclaimed property in possession of the Police division and may be disposed of pursuant to the provisions of Sections 9-401 through 9-412 of this Code.

(f) **REMOVAL IN EXIGENT CIRCUMSTANCES.**

In the case of any newsrack which in violation of the provisions of this article creates an immediate danger to the health, safety or welfare of the public, which cannot be corrected by moving or otherwise repositioning the newsrack, said newsrack may be summarily removed and stored in a convenient location so as to eliminate the danger to the health, safety and welfare of the public. The Public Works Director shall notify the owner of

the removal by mailing a "Notice of Removal" to the last known address of the owner. Such notice shall be mailed within five (5) days after the removal of the newsrack and shall contain the same information as set forth in Subsection (d) above. Release of any such newsrack shall be accomplished in the same manner as set forth in Subsection (e) above.

[Added by Ord. No. 2553; formerly numbered Section 20-78; amended by Ord. No. 3108, eff. 5/21/88; 3058, 3048, 2618, 2561.]

### **Sec. 20-1010. Hearing Procedure.**

Within fifteen (15) days of the notice of violation or notice of impound of a newsrack summarily impounded, the owner may request a hearing before the Public Works Director. The request shall be in writing, shall state the basis thereof, and shall be filed with the Public Works Director.

The hearing shall be held within five (5) working days of the filing of the request before the Public Works Director. At the hearing any person may present evidence or argument as to whether the newsrack has been installed or maintained in violation of this article. Within two (2) working days after the close of the hearing, the Public Works Director shall render a decision in writing and shall give such written decision to the person who requested the hearing. The decision of the Public Works Director shall be final.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1011. Notices.**

Notices required pursuant to the provisions of this article shall be given in writing by United States mail, certified mail, return receipt requested, addressed to the person to be notified at his or her last known address. The giving of notice under this article shall be deemed to have occurred as of the date of deposit in the United States mail.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1012. Applicability.**

The provisions of this article shall apply to all newsracks, whether installed and maintained prior to or after the effective date of any of the provisions herein. Those newsracks installed prior to the effective date of any of these provisions shall be brought into compliance with these provisions within thirty (30) days of their effective date.

Any newsrack not brought into compliance within this 30-day time period shall be deemed to be in violation of this article.

[Added by Ord. No. 3108, eff. 5/21/88.]

## MORALS AND CONDUCT

### **Sec. 20-1013. Abandoned Newsracks.**

A newsrack shall be deemed abandoned when no printed material is contained therein for a period of more than fifteen (15) consecutive days. If the Public Works Director determines that a newsrack has been abandoned, he or she shall summarily impound such newsrack and, notwithstanding Section 20-1009, the newsrack shall immediately be deemed to be unclaimed property in the possession of the City and shall be disposed of according to applicable law.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1014. Unmarked Newsracks.**

Whenever the Public Works Director finds that a newsrack does not have the name, address, and telephone number of the owner thereof placed upon such newsrack, in compliance with this article, he or she shall make every reasonable effort to ascertain the owner thereof. If the Public Works Director is unable to determine ownership, he or she shall summarily impound such newsrack and, notwithstanding Section 20-1009, the newsrack shall immediately be deemed to be unclaimed property in possession of the City and shall be disposed of according to applicable law.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1015. Blinder Racks Required for Display of all Harmful Matter.**

No person shall display in a public place, other than a public place from which minors are excluded, any material which is harmful to minors unless a device such as that commonly known as a "blinder rack" is placed in front of the materials or the material is otherwise displayed so that the lower two-thirds (2/3) of the material is not exposed to view. For purposes of this section, "harmful matter" is as defined in Title 9, Chapter 7.6 (§313) of the California Penal Code and as such provisions may be amended from time to time.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1016. Severability.**

Each phrase, clause, sentence, section, and provision of this article is hereby declared to be severable. Therefore, if any phrase, clause, sentence, section, or provision of this article or application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other phrase, clause, sentence, section, provision, or application of this article.

[Added by Ord. No. 3108, eff. 5/21/88.]

### **Sec. 20-1017. Enforcement Authority.**

Except as specifically provided herein, the provisions of this article shall be enforced by the City Manager or his designee pursuant to Burbank Municipal Code Section 2-1402.

[Added by Ord. No. 3108, eff. 5/21/88.]

# MORALS AND CONDUCT

## ARTICLE 11. STARLIGHT BOWL CONTROL DISTRICT.

### Sec. 20-1101. Purpose.

When performances or other events are conducted at the Starlight Bowl unauthorized persons have entered the area in its vicinity and created nuisances and engaged in unlawful activities to the detriment of those residing in the area. To alleviate this situation it is necessary to create a district from which all unauthorized persons will be excluded, as in this article provided.

[Added by Ord. No. 2615; formerly numbered Section 20-80; renumbered by Ord. No. 3058, eff.2/21/87.]

### Sec. 20-1102. Establishment of District.

A control district, designated as the Starlight Bowl Control District, is hereby established comprising the area in and around the Starlight Bowl described as follows:

That portion of land within the City of Burbank, County of Los Angeles, State of California, described as follows: Beginning at the intersection of the northeasterly line of Bel Aire Drive and the southwesterly prolongation of the northwesterly line of Lot 1, Tract No. 16976 as shown on map recorded in Book 431, Page 47, of Maps in the office of the County Recorder of said County; thence in a general northeasterly direction along the boundary line of said tract to its intersection with the westerly line of Lot 8 of Tract No. 18903 as shown on map recorded in Book 471, Page 45, of Maps in the office of the County Recorder of said County; thence northerly along said westerly line to its intersection with Sunset Canyon Drive; thence along the southwesterly, westerly, northerly, northeasterly, and southeasterly lines of Sunset Canyon Drive to its intersection with the southeasterly line of Block 130 of the subdivision of the Rancho Providencia and Scott Tract as recorded in Book 43, Pages 47 to 59, inclusive, of Miscellaneous Records of said County; thence northeasterly along said southeasterly line to the northeasterly line of Block 129 of said tract; thence southeasterly along said northeasterly line to its intersection with the deed and agreement line as recorded in Book 10835, Page 197 of Official Records of said County; thence northeasterly along said agreement line to its intersection with the easterly line of Section 1, T1N R14W S.B.M.; thence northerly along said easterly line and its northerly prolongation to the southerly line of the land described in the deed to the City of Burbank recorded April 17, 1975, as Instrument No. 919 in Book D6621, Page 497, Official Records of said County; thence in a general westerly direction along said southerly line to the southeasterly line of the land described in the deed to the City of Burbank, recorded October 2, 1958, as Instrument No. 2403, in Book D233, Page 886, Official Records of said County; thence southwesterly along said southeasterly line to the southerly corner thereof; thence southeasterly along the southeasterly prolongation of the southwesterly line of said land to the northwesterly line of the land described in the Final Order of Condemnation, recorded December 9, 1957, as Instrument No. 3143 in Book 56212, Page 204, Official Records of said County; thence southwesterly along the northwesterly line of said land to the northeasterly boundary line of Tract No.15220 as shown on map recorded in Book 476, Pages 11 to 13, inclusive, of Maps in the office of the County Recorder of said County; thence in a general southerly direction along said boundary line to the most easterly corner of Lot 75 of said tract; thence in a directline to the most northerly corner of Lot 261, Tract No. 17034 as shown on map recorded in Book 401, Pages 26 to 30 inclusive, of Maps in the office of the County Recorder of said County; thence southeasterly along the northeasterly line of said tract to its intersection with the northwesterly line of Tract No. 23654 as shown on map recorded in Book 772, Page 76, of Maps in the office of the County Recorder of said County; thence northeasterly along said northwesterly line and its northeasterly prolongation to the northeasterly line of Bel Aire Drive; thence southeasterly along said northeasterly line to the point of beginning.

[Added by Ord. No. 2615; formerly numbered Section 20-81; renumbered by Ord. No. 3058, eff.2/21/87.]

# MORALS AND CONDUCT

## **Sec. 20-1103. Manner of Implementation.**

When a performance or other event is scheduled for the Starlight Bowl and the Chief of Police determines that the nature of the performance or event is such that control must be exercised to prevent unauthorized persons from entering the Starlight Bowl Control District, he shall cause appropriate signs to be placed at all entrances to the area, and at such other places as he deems appropriate, to give notice that only persons having lawful business or reason for entering the area may do so, and shall assign such police personnel as he deems necessary to prevent unauthorized persons from entering the area.

[Added by Ord. No. 2615; formerly numbered Section 20-82; renumbered by Ord. No. 3058, eff. 2/21/87.]

## **Sec. 20-1104. Unlawful for Unauthorized Persons To Enter or Remain in District; When.**

When signs are posted as provided in Section 20-1103, it shall be unlawful for any person to enter or remain within the Starlight Bowl Control District if he has no lawful business or reason for doing so.

[Added by Ord. No. 2615; formerly numbered Section 20-83; renumbered by Ord. No. 3058, eff. 2/21/87.]

## **Sec. 20-1105. What Constitutes Lawful Business or Reason.**

The following persons shall be deemed to have lawful business or reason for entering and remaining in the Starlight Bowl Control District:

- (1) Residents, their guests and invitees;
- (2) Persons holding admission tickets to the performance or event at the Starlight Bowl;
- (3) Persons seeking to purchase admission tickets to the performance or event at the Starlight Bowl, provided that if they are unable to obtain admission their right to remain shall thereupon terminate;
- (4) Persons participating in or employed or utilized in connection with the performance or event at the Starlight Bowl;
- (5) Officers or employees of the City, State, Federal government or any other public agency or any public utility engaged in the performance of their duties;
- (6) Persons utilizing or employed at or making deliveries to the golf courses or other facilities at the DeBell Municipal Golf Course, including the Castaway Restaurant, the Starlight Room and the adjacent banquet facility;
- (7) Persons utilizing the Wildwood Canyon area;
- (8) Such other persons as the Chief of Police or his representatives shall determine to have lawful business or reason for entering or remaining in said District.

[Added by Ord. No. 2615; formerly numbered Section 20-84; renumbered by Ord. No. 3058, eff. 2/21/87.]

## **Sec. 20-1106. Limitations on Entry and Right To Remain.**

Persons permitted to enter the Starlight Bowl Control District for any of the purposes or reasons specified in Section 20-1105 shall confine their activities to the purpose or reason for entry and shall promptly leave the area when the purpose or reason for entry has been fulfilled. Entry for any purpose shall not confer the right to enter or remain on private property without the consent of the owner or person in possession nor the right to enter or remain on City property surrounding the Starlight Bowl and its facilities without the approval of the Chief of Police or his representatives.

[Added by Ord. No. 2615; formerly numbered Section 20-85; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 12. BINGO GAMES.<sup>1</sup>

### Sec. 20-1201. Authority for Enactment.

This article is enacted pursuant to the authority contained in Article IV, Section 19 of the Constitution of the State of California and Section 326.5 of the Penal Code of the State of California.

[Added by Ord. No. 2661; formerly numbered Section 20-86; renumbered by Ord. No. 3058, eff. 2/21/87.]

### Sec. 20-1202. Definitions.

(a) "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random and announced by a caller.

(b) "Calendar week" means Monday through Sunday.

(c) "Calendar year quarter" means every three (3) months of the calendar year.

(d) "Director" means the Community Development Director or his designee.

(e) "Operated and staffed" means persons directly involved in the conduct of the game and shall include, but not be limited to, the calling of numbers, the distribution of cards, and the awarding of prizes.

(f) "Premises" means the official street address as designated by the City of Burbank Public Works Department for real property owned, leased or donated to an organization authorized to conduct bingo games pursuant to this article.

(g) "Pull-tab" means a card having numbers or symbols which are concealed and preprinted in a manner providing for the distribution of prizes.

(h) "Pull-tab Dispenser" means a device approved by the Director which dispenses pull-tabs.

(i) "Security personnel" means persons employed for the exclusive purpose of protecting persons and property at the bingo games.

[Added by Ord. No. 2661; formerly numbered Section 20-87; amended by Ord. No. 3313, eff. 10/10/92; 3154, 3058.]

### Sec. 20-1203. Bingo Games Authorized.

Nothing in this chapter shall prohibit the holding of any bingo games provided that said games are operated in compliance with the requirements of this article, conducted only by organizations exempted from payment of the Bank and Corporation Tax by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g or 237011 of the Revenue and Taxation Code and provided that the proceeds of such games are used only for charitable purposes. Pull-tabs as defined in Section 20-1202 may be used at bingo games. The Bingo Manager shall place all pull-tabs in a locked, secure area during the times that bingo games are not being played.

[Added by Ord. No. 2661; formerly numbered Section 20-88; amended by Ord. No. 3313, eff. 10/10/92, 3058.]

<sup>1</sup>State law reference: Authorized by Penal Code Section 326.5(a).

## MORALS AND CONDUCT

### **Sec. 20-1204. Permit Required.**

No organization authorized to conduct bingo games pursuant to Section 20-1203 of this Code shall conduct said games unless such organization on whose behalf such games are conducted shall obtain a permit from the Director to do so.

[Added by Ord. No. 2661; formerly numbered Section 20-89; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1205. Application for Permit.**

Applications for such permit must be in writing on a form provided by the Director. Such application shall contain the following information:

- (a) The name and address of the organization;
- (b) The names, addresses and signatures of the persons to be directly engaged in the conduct of the bingo games;
- (c) The date and place where such bingo games will be conducted;
- (d) A statement setting forth the character and extent of the charitable work being done by such organization and where such work has been or will be done;
- (e) Evidence that such organization or any other organization benefiting from such bingo games is exempted from payment of the Bank and Corporation Tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g or 23701i of the Revenue and Taxation Code;
- (f) A statement setting forth the use to which the funds derived from such bingo games will be used;
- (g) A specific statement supported by reasons and, if available, figures, showing the need for the funds to be derived from such bingo games;
- (h) A statement that the signers have read and are familiar with the provisions of this article and will require all persons involved with such bingo games to read and be familiar with all provisions of this article prior to the holding of such bingo games;
- (i) Such other information as may be required by the Director.

[Added by Ord. No. 2661; formerly numbered Section 20-90; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1206. Permit Fee.**

Applicants for a permit hereunder shall pay the maximum fee as permitted by Penal Code Section 326.5(1)(2) as amended. In the event that Penal Code Section 326.5(1)(2) is repealed the fee shall be determined by the Council of the City of Burbank and shall be set forth in the Burbank Fee Resolution.

[Added by Ord. No. 2661; formerly numbered Section 20-91; amended by Ord. No. 3154, eff. 7/1/89; 3058.]

### **Sec. 20-1207. Duration of Permit.**

The permit issued pursuant to Section 20-1205 of this Code shall expire one (1) year after date of issuance or at such time as the permittee no longer meets the requirements of this article, whichever occurs first.

[Added by Ord. No. 2661; formerly numbered Section 20-92; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1208. Section Number Reserved.**

[Repealed by Ord. No. 3154, eff. 7/1/89.]

## MORALS AND CONDUCT

### **Sec. 20-1209. Investigation by Police.**

Upon the filing of the application for a permit to conduct a bingo game, the Director shall cause the application to be forwarded to the Chief of Police for study and investigation. The Chief of Police shall conduct an investigation of all persons listed on said application including, but not limited to, any arrests or convictions the persons may have. No person may be involved in conducting a bingo game who has been convicted of embezzlement, theft of money or property, fraud or gambling. If the Chief of Police finds that all the conditions required by this article exist, he shall forward the approved application to the Director who shall issue the permit.

[Added by Ord. No. 2661; formerly numbered Section 20-94; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1210. Change in Facts Must Be Reported.**

Any changes in facts about which information is provided on the application for a permit pursuant to Section 20-1205 of this Code shall be immediately communicated to the City's Police Department.

[Added by Ord. No. 2661; formerly numbered Section 20-95; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1211. Posting of Permit and Rules.**

The bingo permit, rules and regulations provided by the Director, and the permittee's rules of bingo operation shall at all times be posted conspicuously at the public entrance to the room in which bingo is played. The posted rules shall be readable, legible and accessible to all participants.

[Added by Ord. No. 2661; formerly numbered Section 20-96; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1212. Operation and Staffing of Games.**

(a) Bingo games shall be operated and staffed only by members of the organizations authorized to hold such games and whose names are listed on the application for permit. Persons who are not members of the organization authorized to hold such games may volunteer to assist the organization but shall not be involved in the direct conduct of such game. All persons who operate, staff, or volunteer to assist in the games may not participate in the playing of bingo games or pull-tabs.

(b) Pull-tabs shall be placed in a central Pull-tab Dispenser. The Bingo Manager shall be responsible for putting the pull-tabs in the dispenser in a random fashion. Once the pull-tabs are in the dispenser players may purchase them directly from the dispenser or from floor vendors who have obtained them from the dispenser. Only those persons who are playing bingo games may use pull-tabs. The use of pull-tabs during the playing of bingo games in any manner other than as described in this sub-section is prohibited and shall result in the revocation of the bingo permit.

(c) Only the organization authorized to conduct bingo games shall operate such games, or participate in the promotion, supervision, or other phase of such games.

(d) This section does not preclude the employment of security personnel who are not members of the authorized organization at such bingo games by the organization conducting the game. Security personnel shall not be involved in the direct conduct of the game.

[Added by Ord. No. 2661; formerly numbered Section 20-97; amended by Ord. No. 3313, eff. 10/10/92; 3154, 3058.]

## MORALS AND CONDUCT

### **Sec. 20-1213. Bingo Manager.**

A member of the authorized organization whose name appears on the application for a permit shall be designated as the bingo manager. The bingo manager shall be responsible for the conduct and operation of the bingo games and for the compliance with all applicable laws, rules and regulations promulgated thereunder.

[Added by Ord. No. 2661; formerly numbered Section 20-98; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1214. Identification Badges.**

All staff members of a bingo game shall wear on their outside clothing an identification insignia or badge, no less than two and one-half by three and one-half (2 ½ x 3 ½) inches in dimension, indicating the name of the organization and the name and title of the staff member.

[Added by Ord. No. 2661; formerly numbered Section 20-99; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1215. Bingo Games, Where Conducted.**

Any bingo games authorized to be conducted under this article must be conducted only on property owned or leased by the organization authorized to hold such games, or property whose use is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized for a minimum of twenty (20) hours per week. Nothing in this section shall be construed to require that the property owned or leased by or whose use is donated to the organization be used or leased exclusively by or donated exclusively to such organization.

[Added by Ord. No. 2661; formerly numbered Section 20-100; amended by Ord. No. 3154, eff. 7/1/89; 3058.]

### **Sec. 20-1216. Games Must Be Open to Public.**

Bingo games shall be open to the public and not limited to the members of the organization authorized to hold such games.

[Added by Ord. No. 2661; formerly numbered Section 20-101; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1217. Hours and Days of Operation.**

(a) Except as provided in Section 20-1217, Subsection (b) of this article, bingo games shall be conducted between noon and midnight for a maximum of six (6) hours per each twenty-four hour day and no more than one (1) day per calendar week by any organization, nor more than two (2) days per calendar week on any premises.

(b) The Director may, on approval by the Chief of Police, issue a permit to allow bingo games to be played over any consecutive three (3) day period, and said period may include days encompassing successive calendar weeks. Grant of such permit shall be limited to once per each calendar year quarter for any organization authorized to conduct bingo games pursuant to Section 20-1203 of this Code. All requests for additional bingo days shall be made on a form provided by the Director, or his designee.

(c) In no event may there be more than forty (40) games played per day nor more than three hundred fifty (350) persons in attendance during the operation of bingo games. The use of pull-tabs at bingo games shall not count toward the number of bingo games played.

[Added by Ord. No. 2661; formerly numbered Section 20-102; amended by Ord. No. 3313, eff. 10/10/92; 3154; 3152; 3147, 3058.]

## MORALS AND CONDUCT

### **Sec. 20-1218. Members Operating Games Shall Not Receive a Profit, etc.**

No person shall receive or pay a profit, wage or salary from any bingo game authorized by this article. This section does not preclude the employment of security personnel who are not members of the authorized organization at such bingo games by the organization conducting the game.

[Added by Ord. No. 2661; formerly numbered Section 20-103; amended by Ord. No. 3154, eff. 7/1/89; 3058.]

### **Sec. 20-1219. Participants Must Be Physically Present.**

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

[Added by Ord. No. 2661; formerly numbered Section 20-104; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1220. Playing on Credit Prohibited.**

No person shall be permitted to play any game of bingo on credit.

[Added by Ord. No. 2661; formerly numbered Section 20-105; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1221. Participation by Minors.**

No minors shall be allowed to participate in any bingo games.

[Added by Ord. No. 2661; formerly numbered Section 20-106; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1222. Alcoholic Beverages Prohibited.**

No alcoholic beverage of any kind shall be served or consumed in the room where a bingo game is being conducted during or between the playing of the games or when pull-tabs are being used. Pull-tabs shall not be allowed in any room where alcoholic beverages are served or consumed.

[Added by Ord. No. 2661; formerly numbered Section 20-107; amended by Ord. No. 3313, eff. 10/10/92; 3058.]

### **Sec. 20-1223. Outside Financial Interest Prohibited.**

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

[Added by Ord. No. 2661; formerly numbered Section 20-108; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1224. Prize Limit.**

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

[Added by Ord. No. 2661; formerly numbered Section 20-109; renumbered by Ord. No. 3058, eff. 2/21/87.]

## MORALS AND CONDUCT

### **Sec. 20-1225. Proceeds from Games Must be Kept in Separate Fund.**

(a) 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. Such profits shall be used only for charitable purposes.

(b) With respect to other organizations authorized to conduct bingo games pursuant to this section, 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 are the receipts of bingo games conducted by organizations not within Subdivision (a) above. Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds, not to exceed twenty (20) percent of the proceeds before the deduction for prizes, or One Thousand Dollars (\$1,000.00) per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

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

[Added by Ord. No. 2661; formerly numbered Section 20-110; amended by Ord. No. 3154, eff. 7/1/89; 3058.]

### **Sec. 20-1226. Inspection of Premises.**

No person shall interfere with, prevent, or refuse to permit a duly authorized representative of the Director, Fire Department or any peace officer to make an examination or inspection of the premises of an applicant or permittee used for bingo games, whether or not the premises or any part thereof are being used at said time for the conduct or operation of such games.

Failure to allow the examination or inspection or interfere with same shall be grounds for revocation of the permit or denial of issuance of the permit.

[Added by Ord. No. 2661; formerly numbered Section 20-111; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1227. Cease and Desist Orders.**

An authorized representative of the Director that observes the operation of a game, and determines that bingo played under a permit issued by the Division is not being played according to the laws of the State of California, City of Burbank Bingo Ordinance or any rule or regulation promulgated thereunder, may issue an order to immediately cease and desist such violation. If the representative of the Director observes that during the operation of bingo, pull-tabs are not being used in the manner required by the City of Burbank Bingo Ordinance the representative may issue an order to immediately cease and desist such violation. Said order shall be served in writing upon the bingo manager in charge of the game at the time the violation is observed, and shall set forth the nature of the violation. Failure of the bingo manager to cease such violation upon receipt of the cease and desist order is a misdemeanor.

[Added by Ord. No. 2661; formerly numbered Section 20-112; amended by Ord. No. 3313, eff. 10/10/92; 3058.]

### **Sec. 20-1228. Audit and Accounting Requirements.**

(a) Prior to the granting of a new permit, after the organization has previously obtained a permit to conduct bingo games pursuant to this article, the organization shall, at its own expense, cause an

## MORALS AND CONDUCT

independent audit to be conducted and submit the findings of such audit to the Director showing complete compliance with this article. The audit shall follow the bingo audit guidelines established by the Management Services Director or his designee.

(b) If the organization grosses less than Ten Thousand Dollars (\$10,000.00) per year net of prizes paid before expenses through its bingo operations, the formal audit may be waived at the option of the Director. If the audit is waived, the organization shall provide a financial report which has been reviewed by an independent public accountant, and which contains all of the disclosures required by the bingo audit guidelines. The Director may determine, at his option, if any report so submitted is acceptable as to expenses and income.

(c) Any organization permitted to conduct bingo games pursuant to this article shall, as a condition of such permit, maintain complete and accurate records of income received and expenses disbursed in connection with the operation of the bingo games.

(d) The Director may at any time demand, and retains the right to inspect and examine, a complete and detailed accounting of any organization's income and expense records pursuant to Subsection (c) of this section, in addition to any further data or information pertaining to the operation of bingo games. Such right to information and inspection may include, but is not limited to, an accounting of the organization's gross and net receipts from the operation of said games over a designated period, an accounting of the number of players and number of games played over a designated period, an inspection of bingo cards, funds, equipment or any other records or documentation in connection with the operation of games over a designated period.

(e) In the event an organization fails to render an accounting or provide information pursuant to the provisions of this section within sixty (60) days after requests for such information by the Director, such organization's right to conduct bingo games pursuant to this article may be suspended by the Director until such accounting is rendered or information provided.

[Added by Ord. No. 2661; formerly numbered Section 20-113; amended by Ord. No. 3154, eff. 7/1/89; 3058.]

### **Sec. 20-1229. Civil Remedies and Criminal Penalties.**

(a) The City Attorney's Office may bring an action to enjoin a violation of this article.

(b) A violation of Section 20-1218 of this Code shall be punishable by a fine not to exceed Ten Thousand Dollars (\$10,000.00), which fine shall be deposited in the general fund of the City. A violation of any other section of this article, other than Section 20-1218, is a misdemeanor.

[Added by Ord. No. 2661; formerly numbered Section 20-114; renumbered by Ord. No. 3058, eff. 2/21/87.]

### **Sec. 20-1230. Short Title.**

This article may be cited as the City of Burbank Bingo Ordinance.

[Added by Ord. No. 2661; formerly numbered Section 20-115; renumbered by Ord. No. 3058, eff. 2/21/87.]

# MORALS AND CONDUCT

## ARTICLE 13. POLICE SERVICES AT PARTIES, GATHERINGS OR EVENTS ON PRIVATE PROPERTY.

### Sec. 20-1301. Purpose and Findings.

(a) PURPOSE.

The purpose of this article is to require the person or entity who owns the property where the party, gathering, or event takes place to be responsible for the costs of police services necessary at such party, gathering or event under certain circumstances.

(b) FINDINGS.

(1) The control of parties, gatherings or events on private property is necessary when such continued activities are determined to be a threat to the peace, health, safety or general welfare of the public.

(2) Police officers have been required to make as many as three return calls to a location of a party, gathering or event in order to disperse uncooperative participants, and the return of police officers to a location constitutes a drain of manpower and resources often leaving other areas of the City without minimal levels of police protection, all of which creates a significant hazard to the safety of the police officers and to the public in general and constitutes a public nuisance.

(3) The person responsible for the event or upon whose property the party gathering or event takes place should be responsible for the costs of police services required at that party, gathering or event.

[Added by Ord. No. 3144, eff. 3/11/89.]

### Sec. 20-1302. Definitions.

For the purposes of this article, the following definitions shall apply:

(a) "Party, gathering or event" means a group of persons who have assembled or are assembling for a social occasion or for a social activity.

(b) "Police services" means the salaries of the police officers for the amount of time actually spent in responding to or in remaining at the party, gathering or event at a rate established by City Council in the Burbank Fee Resolution; the actual cost of any medical treatment to any officers; and the cost of repairing any damage to City equipment or property.

(c) "Person responsible for the event" means the person or entity who owns the property where the party, gathering or event takes place; the person in charge of the premises; and/or the person who organized the event.

(d) "Special security assessment" means the assignment of police officers and services during a second and all subsequent calls to a location after the distribution of a written warning that the party, gathering or event violates the law.

(e) "Expense of an emergency response" means those costs incurred by the City in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to a particular incident, including but not limited to the cost of providing police, fire, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

[Added by Ord. No. 3144, eff. 3/11/89.]

### Sec. 20-1303. Police Services at Parties, Gatherings or Events Requiring a Second Response.

When a party, gathering or event occurs on private property and a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the event will be held liable for the cost of providing police services for the special security assessment.

## MORALS AND CONDUCT

The second and all subsequent responses may result in the arrest and/or citation of violators of the State Penal Code or other regulations.

[Added by Ord. No. 3144, eff. 3/11/89.]

### **Sec. 20-1304. Emergency Response.**

If a property owner or entity has been placed upon written notice by the Police Department that a specific property is a routine gathering place for groups of persons who have been involved in previous disturbances of the peace, then the property owner or entity will be held liable for the costs of any emergency response necessary at any gathering occurring at such property after the provision of the notice.

[Added by Ord. No. 3144, eff. 3/11/89.]

### **Sec. 20-1305. Billings.**

(a) The Chief of Police shall notify the Management Services Director in writing following such performance of police services or emergency response services of the name and address of the responsible person or entity, the date and time of the incident and the services performed and the cost thereof and such other information as may be required. The Management Services Director shall thereafter cause appropriate billings to be made.

(b) If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly and severally liable for the cost incurred for police services.

[Added by Ord. No. 3144, eff. 3/11/89.]

### **Sec. 20-1306. Appeals.**

Any individual aggrieved by the decision of the Chief of Police to assess costs under the provisions of this article may file an appeal pursuant to Chapter 2, Article 15 of the Burbank Municipal Code.

[Added by Ord. No. 3144, eff. 3/11/89.]

# MORALS AND CONDUCT

## **ARTICLE 14. ADDITIONAL CITY REQUIRED DISCLOSURES RELATING TO THE TRANSFER OF RESIDENTIAL PROPERTY.**

### **Sec. 20-1401. Real Estate Disclosure Notices-Purposes.**

1. The California Civil Code requires certain disclosures upon transfer of residential property, set forth in Civil Code Sections 1102 et seq., and as may be amended from time to time (the “State Disclosure Laws”).

2. Section 1102.61 authorizes a city to require special local disclosures on a form set forth in Civil Code Section 1102.6a of the State Disclosure Laws. The local disclosures set forth herein shall be disclosed by all Sellers of Real Property subject to the State Disclosure Laws.

[Added by Ord. No. 3636, eff. 5/22/04.]

### **Sec. 20-1402. Additional City Required Disclosures Relating to the Transfer of Residential Property.**

The following disclosures shall be disclosed by all Sellers of Real Property subject to the State Disclosure Laws as defined in Section 20-1401:

1. Disclosures about the amortization period of wood roofs and wood siding in accordance with and referencing Ordinance No. 3636 shall be disclosed by the Seller of any residential property as part of the State Disclosure Laws specially required in the City of Burbank.

[Added by Ord. No. 3636, eff. 5/22/04.]