

Chapter 12
OFFENSES-MISCELLANEOUS¹

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SEC. 12.1 AUCTION PROHIBITED ON SUNDAY OR LEGAL HOLIDAY

No auction shall be held or conducted nor shall any item be offered for display in the City on Sunday or any day designated as a legal holiday in the state. (Ord. No. 12 N.S., 5/34)

SEC. 12.2 CURFEW-MINOR UNDER EIGHTEEN NOT PERMITTED IN PUBLIC

1 For state law as to concealed weapons generally, see Pen. C. ' ' 12000 to 12078.

PLACES AFTER 10:00 P.M.; EXCEPTION

Every person under the age of eighteen years who loiters in or about any public street or other public place or any place open to the public in the City, between the hours of 10:00 p.m. and the time of sunrise of the following day, when not accompanied by his parent, guardian or other adult person having the legal care, custody or control of such person or spouse of such person over twenty-one years of age, is guilty of a misdemeanor. (Ord. No. 167 N.S., 6/54)

SEC. 12.3 SAME-LIABILITY OF PARENT OR GUARDIAN

Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen years who permits such person to violate any provision of the preceding section is guilty of a misdemeanor. (Ord. No. 167 N.S., 6/54)

12.3.1 Disorderly Assemblies or Congregations. It shall be unlawful for two or more persons to congregate or assemble for the purpose of engaging in any type of activity or disturbance that may result in harm to persons or property to make or endeavor or make any disturbance on any public street or other public property. (Ord. No. 237 N.S., 4/63)

SEC. 12.4 FALSE CALLS FOR POLICE PROTECTION

It shall be unlawful for any person knowingly to report or cause to be reported to the police department any false or fictitious request for protection or assistance, or any false or fictitious information indicating that a crime has been or is about to be committed, or to knowingly cause the police department to respond to any such false or fictitious report, or to request any assistance or investigation in connection with or as a result of any such false or fictitious report or false or fictitious information. (Ord. No. 135 N.S., 4/50)

SEC. 12.5 FIREARMS, ETC.²-SALES OR GIFTS TO MINORS; USE OR POSSESSION BY MINORS; EXCEPTIONS

It shall be unlawful for any person to sell or give to any minor in the City, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B-B gun, slingshot or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or

2 For state law as to firing of firearms, see Gov. C. ' 25840. As to discharge of firearms at dwelling houses, etc., see Pen. C. ' 246. As to shooting firearms from or upon public roads or highways, see Pen. C. ' 374c. As to discharge of firearms, see ' 12.24 of this Code.

organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment. (Ord. No. 82, N.S., 6/37)

12.5.1 Fortune-Telling, Etc. for Fees, Salary or Any Other Compensation. It shall be unlawful for any person to exhibit or conduct within the corporate limits of the City, for fees, salary or any other compensation, the business, art or practice of astrology, palmistry, phrenology, life reading, fortune-telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy. (Ord. No. 234 N.S., 12/62)

12.5.2 Insulting, Annoying, Etc., Remarks to or Molestation of Another in Public. It shall be unlawful for any person to make audible annoying or insulting remarks to or about or to molest in any other manner whatever, any person in, near or about a public place. (Ord. No. 237 N.S., 4/63)

SEC. 12.6 INTOXICATED PERSONS-PROHIBITED FROM BEING IN OR ABOUT ANY VEHICLE

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs to be in or about any vehicle to which he has right of access or control while such vehicle is in or upon any street or any other public place in the City, unless the vehicle is under the immediate control or operation of a person not under the influence of intoxicating liquor or narcotic drugs. (Ord. No. 163 N.S., 10/53)

SEC. 12.7 SAME-UNLAWFUL TO APPEAR IN PUBLIC PLACE

It shall be unlawful for any person to appear in any public place, or place open to public view in the City, in an intoxicated or drunken condition. (Ord. No. 162 N.S., 10/53)

SEC. 12.8 NOISE DECLARED NUISANCE

Notwithstanding any other provision of this Code, and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued or to allow any animal to make or continue to make any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Such noise is declared to be a nuisance.

12.8.1 Standards to Be Considered. The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (a) The sound level of the objectionable noise;
- (b) The sound level of the ambient noise;
- (c) The proximity of the noise to residential sleeping facilities;
- (d) The nature and zoning of the area from which the noise emanates;
- (e) The density of the inhabitation of the area from which the noise emanates;
- (f) The time day or night the noise occurs;
- (g) The duration of the noise and its tonal content;
- (h) Whether the noise is continuous, recurrent or intermittent;
- (i) Whether the noise is produced by a commercial or non-commercial activity;
- (j) The intensity of the noise;
- (k) Whether the noise is natural or unnatural;
- (l) Whether the noise is usual or unusual. (Ord. No. 512 N.S.,12/89)

12.8.2 Prohibited Noise. In addition to the prohibition described in paragraph 12.8.1, the following noise is specifically prohibited:

- (a) **Construction and Demolition.** Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition activities between the hours of 6:00 p.m. and 8:00 a.m. each day, Sunday evening through Saturday morning, and between the hours of 6:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.
- (b) **Gasoline-Powered Blower.** It shall be unlawful for any person to operate a gasoline-powered device used to blow leaves, dirt or other debris off sidewalks, driveways, lawns or other surfaces within any area of the City except that gasoline-powered leaf blowers may be used by public agencies on publicly-owned or operated facilities. (Ord. No. 517 N.S., 3/90)

12.8.3 Exceptions

- (a) **Emergency Repairs.** Emergency work conducted by public service utilities or governmental agencies shall be exempt from the provisions of this ordinance; provided that in the case of such emergency work, the public service utilities or government agencies involved shall promptly contact the Piedmont Police Department prior to or within 30 minutes after commencing such emergency work, providing the Police Department with the exact location of the work, the time anticipated to complete the work, the nature of the work to be performed, and whether any assistance from the Police Department or other City services are anticipated in connection with such emergency work.
- (b) **Other.** The City Administrator may grant temporary written exceptions to the Noise Ordinance upon the showing of good cause by the applicant. (Ord. No. 512 N.S., 12/89)

12.8.4 Violations. Violation of any provision of the Noise Ordinance shall be an infraction. The City Council shall set the fine for violations from time to time by resolution. (Ord. No. 512 N.S., 12/89)

SEC. 12.9 DEFINITIONS.

For the purposes of Sections 12.10, 12.11 and 12.12, the following definitions shall apply:

- (a) **Party, Gathering, or Event.** AParty, gathering or event@ means a group of persons who have assembled or assembling for a social occasion or for a social activity.
- (b) **Police Services.** APolice services@ means the law enforcement and crime prevention services provided by the City Police Department and include 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, the actual cost of any medical treatment to injured officers, and the cost of repairing any damaged City equipment or property.
- (c) **Person Responsible for Event.** APerson responsible for event= means the person who owns, rents, leases or otherwise has control of the premises where the party, gathering or event takes place. If the person in charge of the premises and/or the person responsible for the event is a minor, then the parents or guardians of that minor will jointly and severally liable for the costs incurred for police services pursuant to Sections 12.10, 12.11 and 12.12 of the Code; where they or either of them knew or should have known that such party, gathering or event would take place. (Ord. 608 N.S. 9/99, previous section repealed by Ord. No. 517 N.S., 3/90)

SEC. 12.10 POLICE SERVICES AT PARTIES, GATHERING OR EVENTS REQUIRING A RESPONSE

When a party, gathering or event occurs on public or 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 shall be held liable for the cost of providing police services by the police. (Ord. 608 N.S. 9/99, previous section repealed by Ord. 517 N.S. 3/90)

SEC. 12.11 POLICE SERVICES FEE.

The police services fee shall include the cost of personnel and equipment, but shall not exceed One Thousand Dollars (\$1,000) for a single incident; provided however that the City does not hereby waive its right to seek reimbursement for actual costs exceeding One Thousand Dollars (\$1,000) through other legal remedies. The amount of such fees shall be deemed a debt to the City of the person responsible for the event. Any person owing such fees shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney=s fees. (Ord. 608 N.S. 9/99, previous section repealed by Ord. 517 N.S., 3/90)

SEC. 12.12 EXCEPTIONS

An exception to the provisions of Section 12.10 and/or Section 12.11 hereof will apply to a person who make all reasonable good faith efforts to prevent the activities or situations described in Section 12.10 and/or Section 12.11, such as calling the Piedmont Police Department in timely fashion for assistance. (Ord. 608. N.S. 9/99, previous section repealed by Ord. 569 N.S., 5/97)

SEC. 12.13 REPEALED (Ord. No. 569 N.S., 5/97)

SEC. 12.14 WATER-DIVERTING OF STORM OR SURFACE WATER³

It shall be unlawful for any person owning or having control of any premises in the City to divert, direct or drain storm or surface water, by means of the use of a ditch, conduit, trough, pipe or subdrain, to empty into or upon any portion of that area between the property line of such premises and the street curb immediately adjacent to the property line of such premises. (Ord. No. 95 N.S., 5/41)

SEC. 12.15 NUMBERING BUILDINGS

3 In connection with this section, see ' 18.6.

The owners and occupants of each house in the City shall install and maintain the street number thereof, either on such house or on some other structure or a plaque located between the house and the street. Such number shall be located and maintained so that it will be clearly visible from the street in front of such house at all times and shall be in contrast with the color of the background upon which it appears. A number painted or affixed to the curb, although not illegal, shall not meet the requirements of this section. (Ord. No. 215 N.S., 10/60)

SEC. 12.16 PICKETING

12.16.1 Picketing Prohibited. It is unlawful for any person to picket in front of or about the residence or dwelling of any individual in the City of Piedmont. A separate offense shall occur for each day of picketing.

12.16.2 Picketing Defined. "Picketing" is defined as posting one or more persons for a demonstration or protest which is focused on and taking place in front of or about a particular residence or dwelling, without invitation from the resident or residents.

12.16.3 Violation of a Misdemeanor. Violation of this prohibition against picketing is a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or imprisonment for a term not to exceed six months, or by both such fine and imprisonment for each offense. (Ord. No. 509, N.S., 3/89)

SEC. 12.17 REPEALED BY ORDINANCE NO. 266 N.S.

SEC. 12.18 WILD OR VICIOUS ANIMALS⁴-KEEPING, ETC., PROHIBITED

No person shall have, keep, maintain or have in his possession or under his control, within the City, any elephant, bear, hippopotamus, rhinoceros, lion, tiger, leopard, wolf, ape, cheetah or chimpanzee, or any poisonous reptile or serpent, or any wild animal or reptile commonly considered dangerous, or any wild animal or reptile of wild or vicious or dangerous propensities. (Ord. No. 262 N.S., 3/66; Ord. No. 263 N.S. 6/66)

SEC. 12.19 SAME-RUNNING AT LARGE

No person owning or having charge, custody, control or possession of any animal known by such person to be vicious or dangerous, or commonly so known, shall permit or allow the same to run at large upon any highway, street, lane, alley, court, park or other public place, or upon any private property, or on or within the premises of such person or organization in such manner as to endanger the life or limb of any person lawfully entering such premises. Domesticated dogs are specifically excluded from this section. (Ord. No. 263 N.S., 6/66)

4 As to animals generally, see Chapter 4 of this Code.

SEC. 12.20 SAME-ANIMALS CAUSING NOISE, OFFENSIVE ODORS, ETC.

No person shall have, keep, possess, maintain or control within the City any animal not mentioned in Sections 12.18 and 12.19 in such a manner as to cause or permit the making of excessive noise or offensive odors, damage to property, or a clear or present danger to the public health, safety and general welfare. (Ord. No. 263 N.S., 6/66)

SEC. 12.21 SAME-DISPOSITION OF ANIMALS IN VIOLATION OF SECTIONS 12.18 to 12.20

Any animal whose presence in the City is in violation of Sections 12.18, 12.19, and 12.20 may be taken into custody by a police officer or any other agency or agent authorized by the police department or the City. Any such animal taken into custody may be disposed of by the City by such means as are reasonable under the circumstances. (Ord. No. 263 N.S. 6/66)

SEC. 12.22 CORPUS VIOLATIONS

Any unauthorized person who willfully and maliciously obtains personal data from the Criminal Oriented Records Production Unified System (CORPUS) is guilty of a misdemeanor.

Any person who willfully and maliciously provides or has provided personal data from the Criminal Oriented Records Production Unified System (CORPUS) to any unauthorized person is guilty of a misdemeanor. (Ord. No. 327 N.S., 4/75)

SEC. 12.23 PROHIBITING POSSESSION OF ALCOHOLIC BEVERAGES ON THE PUBLIC STREETS AND SIDEWALKS

No person shall drink or have in his possession an open container of any alcoholic beverage (1) on any public street, sidewalk or other public way; (2) within fifty (50) feet of any public way while on private property open to public view without the express permission of the owner, his agent, or the person in lawful possession thereof. This ordinance shall be enforced by the issuance of citations by law officers, and fines for the violation of this ordinance shall be as follows:

First offense	\$25.00
Second offense	\$40.00
Third offense or more	\$50.00

Bail for violations shall be \$25.00. Exemptions to the provisions of this ordinance may be provided by resolution of the City Council. (Ord. No. 386 N.S., 6/79)

SEC. 12.24 DISCHARGE OF FIREARMS-PROHIBITED

No person shall discharge or fire any firearm within the City of Piedmont, except as otherwise provided herein. For purposes of this Section 12.24, "firearm" is defined as a gun, pistol, revolver, rifle, shotgun, BB gun, air gun, pellet gun, or any other weapon of a similar nature designed to discharge a projectile propelled by the expansion of a gas or a spring.

- a) Exceptions. The provisions of Section 12.24 shall not apply to the following:
1. To police officers, sheriffs, constables, marshals or other police officers, or any person summoned by any such officers to assist in making arrests or preserving the peace, or persons who are members of the armed services of the United States, or in the National Guard, while such persons are acting in the lawful discharge of their duties.
 2. To persons using firearms in the lawful defense of self, third persons, or the user's property.
 3. To persons discharging or firing such firearms or causing them to be discharged or fired at a firing, shooting or target range authorized, established or maintained by a governmental entity with the consent of the operator and under supervision of a person qualified to be in charge of such range. (Ord. No. 402, N.S. 7/80)
- (b) Violation a misdemeanor. Violation of this Section 12.24 is a misdemeanor and shall be punishable by a fine not exceeding \$1,000.00 or imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment for each offense, or such maximum fine or such maximum term of imprisonment as may be established from time to time by the State legislature for a misdemeanor offense. (Ord. No. 578 N.S., 9/96)