ORDINANCE NO. 1406

AN ORDINANCE REPEALING (18) AND REPUBLISHING (18) OF THE SOLANO COUNTY CODE ENTITLED OFFENSES--MISCELLANEOUS

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.

Chapter 18 of the Solano County Code entitled "Offenses--Miscellaneous," is hereby republished to read as follows:

CHAPTER 18.

OFFENSES--MISCELLANEOUS.

Article I. In General.

§ 18-12. Same--Speed limit in Snug Harbor.
§ 18-13. Canals--Certain uses, etc., prohibited.
§ 18-14. Disturbing the peace.
§ 18-15. False reports, etc., to county agencies, etc.
§ 18-16. Repealed.
§ 18-17. Gambling.
§ 18-18. Loitering or communicating with inmates--Juvenile hall.
§ 18-19. Same--County homes for juveniles.
§ 18-20. Picketing, etc.
§ 18-21. Seditious language, breach of peace, etc.
§ 18-23. False burglar alarms.

Article II. Adult Reading Material.

§ 18-30. Legislative findings.
§ 18-32. Display of adult reading material--Limited.
§ 18-33. Violations.
§ 18-34. Exceptions.
§ 18-35. Public nuisance.
§ 18-36. Uniformity.
Offenses--Miscellaneous

ARTICLE I. IN GENERAL.

Sec. 18-10. Boats and vessels.--Speed limit in Steamboat Slough.

Pursuant to general state law and section 660 of the Harbors and Navigation Code, for the purpose of limiting the speed of motor boats and other vessels, both documented and undocumented vessels, no person shall operate any motor boat or other vessel at a speed in excess of five miles per hour on that part of the waters of Steamboat Slough within the county from eight hundred feet north to eight hundred feet south of the cable ferry crossing at Howard Landing, State Route 220. (Ord. No. 821.)

Sec. 18-11. Same--Speed limit in Cache Slough. REPEALED: The Cache Slough Ferry and cable crossing were discontinued several years ago, and this ceases to be a navigational hazard.

Sec. 18-12. Same--Speed limit for Snug Harbor.

(a) In the vicinity of Martin's Island, commonly known as Snug Harbor, a speed zone, restricted to five miles per hour, is hereby established. This speed zone will commence at the southernmost mouth of what is commonly known as Back Harbor, proceed north for 6/10 miles, and end at the area where Snug Harbor intersects with East Ryer Island Road.

(b) The wording and appropriate location of speed signs as necessitated by this section will be approved by the county sheriff or as provided herein subject to review by the planning department, and appropriate state and federal agencies.

(c) The county will fund the provisions and upkeep of the speed signs.

(d) The provisions of this ordinance creating a speed zone shall become effective upon the location of signs designating such a zone.

(e) Unless otherwise provided, the sheriff shall enforce the provisions of the section.

(f) This chapter does not apply to any vessel being used by a peace officer of any Federal, State or local agency which engaged in law enforcement activities for which the use of a motorboat is reasonably necessary, or vessels operated by the State or any other official agency, including the Coast Guard Auxiliary, in the performance of official duties.

(g) The violation of the speed zone provision of this section constitutes a misdemeanor.

Sec. 18-13. Canals--Certain uses, etc., prohibited.

(a) No person shall swim, wade, bathe, play or fish in any canal, or throw, place or cause to be placed in any canal rock,
Offenses--Miscellaneous

dirt, rubbish or any other material or thing not reasonably necessary to the use, operation or maintenance of such canal.

(b) No person shall enter, be, loiter or play on any canal bank or structure used to control water within the canal; provided, that this subsection shall not apply to persons and their duly authorized agents, servants and employees operating, maintaining, repairing or inspecting such canal, engaged in the lawful removal of water therefrom or engaged in enforcing the provisions of this section.

(c) For the purposes of this section, the word "canal" means any artificial open watercourse operated and maintained by a public agency within the county used for the transportation of water. (Ord. No. 564, §§ 1 to 3.)

Sec. 18-14. Disturbing the peace.
No person shall maliciously and wilfully disturb the peace and quiet of any neighborhood or person by loud or unusual noise or by tumultuous or offensive conduct or threatening, traducing, quarreling, challenging to fight or by fights. (Ord. No. 160, § 6.)

Sec. 18-15. False reports, etc., to county agencies, etc.
No person shall knowingly falsify or conceal any fact, or make any false or fraudulent statement or misrepresentation, in any matter or proceeding within the jurisdiction of any department or agency of the county.
No person shall knowingly use any false or misleading writing or document in any manner or proceeding within the jurisdiction of any department or agency of the county.
Written statements submitted by applicants/recipients to welfare department personnel and required to establish eligibility or the amount of eligibility or to maintain monthly eligibility or the amount of eligibility shall contain a declaration under penalty of perjury that the facts declared are true and correct and said declarations shall be dated and signed by the applicant/recipient, and shall be in the following form:

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Date) (Signature)

(City and State where signed)
Offenses--Miscellaneous

The foregoing, submitted under penalty of perjury to welfare department personnel, apply to the following documents which are required to establish or maintain eligibility and shall be on forms prescribed by the county welfare department:

General assistance application, form 48-70-58;
Statement of need to pay rent, form 48-70-30;
General assistance job search report, form 48-70-12;
(Ord. No. 423, §§ 1, 2; Ord. No. 1145, § 1.)

Sec. 18-16. Repealed.

Sec. 18-17. Gambling. No person shall, within the unincorporated area of the county, deal, play, or carry on, open or cause to be opened, or conduct, either as owner or employee, whether for hire or not, any game played with cards, dice or any device, for money, checks, or credit, as the result of any such game. (Ord. No. 416, § 1.)

Sec. 18-18. Loitering or communicating with inmates--Juvenile hall.
No person shall, without the express permission of the chief probation officer of the county, or the chief probation officer's authorized deputy:
(a) Communicate with any minor detained or sheltered in the county juvenile hall, or
(b) Bring to or take from, for or on behalf of any such minor, any written matter, weapon, instrument, drug, tobacco or alcoholic beverage.

No person shall loiter, prowl or wander in or about the juvenile hall or the grounds belonging to or adjacent thereto.
Every person who violates any provision of this section is guilty of a misdemeanor. (Ord. No. 670, §§ 1 to 3.)

Sec. 18-19. Same--County homes for juveniles.
No person shall, without the express permission of the chief probation officer of the county, or the chief probation officer's authorized deputy:

1 For state law as to gambling and gaming, see Penal Code §§ 330 et seq.
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(a) Communicate with any minor detained or sheltered in any receiving home, or other home, maintained or supervised by the county for the care of juveniles, or
(b) Bring to or take from, for or on behalf of any such minor, any written matter, weapon, instrument, drug, tobacco or alcoholic beverage.

No person shall loiter, prowl or wander in or about any receiving home, or other home, maintained or supervised by the county for the care of juveniles.

No person shall visit or go upon the grounds of any such receiving home, or other home, except during visiting hours, or during regular business hours as set forth in the order of the chief probation officer relating to such establishment.

Every person who violates any provision of this section is guilty of a misdemeanor. (Ord. No. 671, §§1 to 4.)

Sec. 18-20. Picketing, etc.

No person shall picket the premises of any employer where any persons are employed or seek employment, or any place or approach thereto, where such employee or persons seeking employment lodges or resides, for the purpose of inducing such employee, or persons seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to quit that person's employment or to refrain from seeking or freely entering employment.

No person in association or agreement with one or more persons shall assemble, congregate or meet together in the vicinity of any premises where other persons are employed, or seek employment, or upon the streets adjacent thereto for the purpose of inducing such employees or persons seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence or fear to quit that person's employment or to refrain from seeking or freely entering into contracts of employment.

No person shall utter to, or within the hearing of another, any derogatory, indecent, opprobrious language or epithets, or make any loud or unusual noise or tone or cry out or proclaim or use any gestures for the purpose of inducing any person by means of compulsion, coercion, intimidation, threats, acts of violence or fear to quit that person's employment or to refrain from seeking or freely entering into employment.

Nothing contained in this section shall be deemed or held to prohibit peaceable picketing, nor to prohibit labor from attempting to accomplish its aims in trade disputes by other peaceable means, including collective bargaining. (Ord. No. 160, §§3, 4, 5, 8.)
Offenses--Miscellaneous

Sec. 18-21. Seditious language, breach of the peace, etc.
No person shall utter, publish or use any seditious language, words, remarks, epithets, or to address to another any such language, words, remarks, or epithets which create or provoke or intend to create or provoke, a breach of the peace. (Ord. No. 160, § 1.)

Sec. 18-22. Weapons--Discharge of firearms.²
It shall be unlawful for any person to discharge or fire any firearm on or into the highways and other public places in the County, except for the immediate apprehension of fugitives from justice and the preservation of the public peace. (Ord. No. 168, §2.)

Sec. 18-23. False burglar alarms.
Any individual, firm, or business having three or more separate and distinct false burglar alarms in any three-month period will have violated this section as having excessive false alarms. A violation of this section will result in penalties as set forth below.

"False burglar alarm," as used in this section, means an alarm signal necessitating a response by the county sheriff's department where an emergency situation does not exist.

A three-month trial period shall be granted for any new burglar alarm system.
False alarms caused as a result of power failures, power surges, or acts of nature shall not be considered as a false burglar alarm.

Three or more separate and distinct false alarms in a three-month period will result in the following penalties:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First violation</td>
<td>$25.00</td>
</tr>
<tr>
<td>Second violation</td>
<td>$50.00</td>
</tr>
<tr>
<td>Third violation</td>
<td>$100.00</td>
</tr>
<tr>
<td>Fourth or more violations</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

(Ord. No. 1314, § 1.)

ARTICLE II. ADULT READING MATERIAL.

Sec. 18-30. Legislative findings.
The county board of supervisors does find that there exists and has existed the display of adult reading material at grocery

² For state law as to discharge of firearms, see Penal Code §246. See also Penal Code §374c.
stores, convenience stores, drug stores, newsracks, and other retail outlets within the unincorporated areas of the county. Said adult reading material has been displayed within the open view of children and maybe easily accessible to them. The board finds and declares that it is necessary to restrict the display of adult reading material to juveniles and to adopt the following regulations so that the adverse impact upon the welfare of the children from this sexually explicit material is kept to a minimum.

Sec. 18-31. Definitions.
As used in this Article II of this chapter, the following words and phrases shall have the following meanings:

Adult reading material means any magazine or newspaper which contains on the cover any photograph, picture, drawing, or depiction of any of the following which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to:

(a) The exposure of the entire nipple area or entire areola area of any female breast, except those of infants.
(b) The exposure of the entire genitalia or buttocks of either male or female, except those of infants.

This definition of "adult reading material" does not include any of the following types of publications, which the board finds by their context or pervasiveness do not present a similar public problem with respect to children:

(a) Any art or photograph publication which devotes at least 25% of the lineage of each edition to articles and advertisements dealing with the subjects of art or photography;
(b) Any news periodical which reports or describes current events, and which, from time to time, publishes photographs of nude or semi-nude persons in connection with dissemination of the news;
(c) Publications which describe and report on different cultures, and which may, from time to time, publish photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the publication; or
(d) Medical publications or bona fide educational publications.

Person means any individual, partnership, firm, association, corporation, or other legal entity.

Display shall mean 1) exhibiting for sale from newsracks, newstands, or shelves, located on or in the public right-of-way, in a manner which exposes to public view adult reading material; or 2) exhibiting for sale from racks or shelves in the immediate vicinity of a checkout counter or a cash register of any grocery store, convenience store, drug store, or similar general retail store in a manner which exposes adult reading material to customers waiting to pay for retail items purchased at the store.
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Sec. 18-32. Display of adult reading material--Limited.
No person shall display adult reading material, or permit, or allow the display of adult reading material, except as follows: The shelf, rack, stand or ledge upon which adult reading material is displayed for sale shall have an opaque screen or border of sufficient height so that only the title of any adult reading material is visible.

Sec. 18-33. Violations.
Any violation of the provisions of section 18-30 through 18-32 shall be unlawful and subject to punishment as a criminal offense, as provided under Chapter 1, Section 1-7 of the Solano County Code. Every day any violation of the sections shall continue shall constitute a separate offense.

Sec. 18-34. Exceptions.
Section 18-32 shall not apply to any establishment or portion thereof where, in fact, the entry of any person under 18 years of age is prohibited, and which has notice posted accordingly.

Sec. 18-35. Public nuisance.
In addition to the criminal penalty provisions provided by the provisions of the Solano County Code, violation of any section or sections of this article II is declared to be a public nuisance, and may be abated by the county.

Sec. 18-36. Uniformity.
It is the intention of the board of supervisors that the provisions of this article shall be consistent with the provisions of similar ordinances adopted by the various cities in the county. This uniformity is necessary to insure that the merchants located in the adjoining unincorporated and incorporated areas of the county are subject to the same limitations, and neither are at a competitive disadvantage. (Ord. No. 1384, § 1.)

SECTION II.
Pursuant to provisions of Government Code Section 25124(b)(1), a summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after
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adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the Office of the Clerk of the Board of Supervisors, at least FIFTEEN (15) DAYS after adoption of the ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST;

LINDA TERRA, Clerk to the
Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 3rd day of December, 1991.

On the motion of Supervisor Simmons and the Second of Supervisor Caddle, this Ordinance was adopted at a regular meeting of said Board on the 17th day of December, 1991, by the following vote:

AYES: SUPERVISORS Caddle, Carroll, Simmons, Stewart and Chairman Davis

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS None
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WITNESS my hand and the Seal of said Board this 17th day of December, 1991.

LINDA TERRA, Clerk to the Board of Supervisors

By Linda Terra