

## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

- 8.04 Explosives**
- 8.08 Fireworks**
- 8.12 Grass, Weeds, Debris or Hazardous Material**
- 8.16 Brush, Lawn Clippings and Leaves**
- 8.20 Nuisances**
- 8.22 Graffiti**
- 8.24 Alarm Systems**
- 8.26 Coasting Devices**
- 8.28 Mining in City Waterways**
- 8.30 Emergency Services**
- 8.35 Medical Marijuana Dispensaries**
- 8.40 Fire Hazard Severity Zones**

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NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

Chapter 8.04

EXPLOSIVES<sup>1</sup>

Sections:

- 8.04.010 Receiving, keeping and storing—Restrictions.
- 8.04.020 Gunpowder.
- 8.04.030 Gasoline.
- 8.04.040 Storage of inflammable substances.
- 8.04.050 Permission to blast.
- 8.04.060 Violation—Penalty.

**8.04.010 Receiving, keeping and storing—Restrictions.**

No person, firm or corporation, shall receive, keep, store or have or permit in any one building, at any one time, within the city, more than fifty pounds of either gunpowder, blasting powder or black powder; nor more than fifty pounds of dynamite, giant powder, hercules powder, or similar compound of explosive force; provided, that no more than fifty pounds of nitroglycerine powder be kept at any one time in any one building, nor more than one thousand giant powder caps, or detonating caps of similar kind. (Ord. 23 § 1, 1901.)

**8.04.020 Gunpowder.**

All gunpowder shall be kept in airtight metallic vessels, and in a place near a rear or front entrance of a building capable of being easily removed to the open street, and each said vessel marked in large Roman letters with the words "Gunpowder." (Ord. 23 § 2, 1901.)

**8.04.030 Gasoline.**

A. It is unlawful for any person, firm or corporation to store or keep, for personal use or sale, or permit to be kept for personal use or sale, or stored in a larger quantity than one gallon, which shall be kept always in an approved metallic container painted red with the word "Gasoline" painted thereon, in white letters not less than one inch in height, on

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any one premises or in any one building any refined products of petroleum or hydrocarbon liquids or any liquids emitting an inflammable vapor.

- B. All gasoline and refined products of petroleum or hydrocarbon liquids in excess of one gallon shall be buried in the ground in a metallic container having not less than three feet of earth over same and said liquid shall be drawn from said container by means of a pump.
  - C. All appliances and uses permitted by the National Board of Fire Underwriters are excepted from this section.
  - D. Coal oil is excepted from this section.
- (Ord. 120, 1929; Ord. 23 § 3, 1901.)

### 8.04.040 Storage of inflammable substances.

All inflammable substances and any of them named in Section 8.04.030 of this chapter, shall not at any time be allowed to remain in the sunlight or in any exposed place, but shall be properly stored within a building and under cover. (Ord. 23 § 4, 1901.)

### 8.04.050 Permission to blast.

The city council may permit any person, firm or corporation to use blasting powder, dynamite and other explosive substances for the purpose of blasting, at such times, in such places, and under such supervision and conditions as the city council may fix and prescribe, upon granting such permission. No such permission shall be granted unless the person in immediate control of such blasting operations is qualified, by experience and training, to properly direct and supervise blasting operations. Permission so granted may be revoked by order of the city council. (Ord. 153 § 4, 1937.)

### 8.04.060 Violation—Penalty.

Any person, firm or corporation, who violates or neglects or refuses to comply with any provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not to exceed one hundred dollars or be imprisoned,

not to exceed thirty days in the county jail, or by both said fine and imprisonment, at the discretion of the court. Every day during which any violation of this chapter continues shall be considered as constituting a new offense and be punished as in this section provided. (Ord. 23 § 5, 1901.)

**Chapter 8.08**

**FIREWORKS<sup>2</sup>**

**Sections:**

- 8.08.010**      **Definitions.**
- 8.08.020**      **Possession, storage and discharge.**
- 8.08.030**      **Selling or soliciting for the sale of fireworks.**
- 8.08.040**      **Exceptions—Permission of the chief of police.**
- 8.08.050**      **Violation—Penalty.**
- 8.08.060**      **Disposal.**

**8.08.010**      **Definitions.**

“Fireworks” mean any of various combinations of explosives and combustibles used to generate colored lights, smoke, and noise for amusement or as defined in Health and Safety Code Section 12505. (Ord. 731 (part), 1997.)

**8.08.020**      **Possession, storage and discharge.**

It is unlawful for any person, firm, group (profit or nonprofit) or corporation to possess, store, transport, manufacture, sell, or discharge, set off or explode within the city limits any dangerous fireworks as defined in Health and Safety Code Section 12505, or any substance of an explosive nature or any fireworks sold legally in the state of California (Safe and Sane), or any other type of commercially manufactured fireworks. (Ord. 731 (part), 1997.)

**8.08.030 Selling or soliciting for the sale of fireworks.**

It is unlawful for any person, firm, group (profit or nonprofit) or corporation to sell, give away, canvass or solicit for the sale of any type of fireworks as defined in Health and Safety Code Section 12505, or any substance of an explosive nature or any fireworks sold legally in the state of California (Safe and Sane), or any other type of commercially manufactured fireworks. (Ord. 731 (part), 1997.)

**8.08.040 Exceptions—Permission of the chief of police.**

It is unlawful for any person, and also unlawful for any parent, guardian or other person having the legal care and custody of any child under the age of eighteen years to allow, permit or suffer such child to fire, shoot, discharge, set off or explode within the city, any fireworks as defined in Health and Safety Code Section 12505, or any substances of an explosive nature or any fireworks sold legally in the state of California (Safe and Sane), or any other type of commercially manufactured fireworks, without a written permit authorized by the chief of police. Any violation is guilty of a misdemeanor. (Ord. 731 (part), 1997.)

**8.08.050 Violation—Penalty.**

Any person, firm, group (profit or nonprofit) or corporation, who or which violates any of the provisions of this chapter is guilty of a misdemeanor, and shall upon conviction thereof, be punished by a fine of not to exceed one thousand dollars or imprisonment in the county jail for a period not to exceed one year, or both such fine and imprisonment.

Any person, firm, group (profit or nonprofit) or corporation, who or which violates any of the provisions of this chapter and injury is sustained by any person is guilty of a felony, and shall upon conviction thereof, be punished by a fine, imprisonment or by both such fine and imprisonment. (Ord. 731 (part), 1997.)

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### **8.08.060 Disposal.**

Whenever any fireworks, explosives or other like property come into the custody of the Sonora police department, whether by finding, confiscation on public or private property, or otherwise, such property shall be disposed of in a manner according to law. (Ord. 731 (part), 1997.)

## Chapter 8.12

### GRASS, WEEDS, DEBRIS OR HAZARDOUS MATERIAL<sup>3</sup>

#### Sections:

- 8.12.010 Definitions.
- 8.12.020 Removal required—Period of high fire hazard.
- 8.12.030 Failure to comply—Removal by city.
- 8.12.040 Removal required—Exceptions.
- 8.12.050 Removal—Contract with city.
- 8.12.060 Removal fees.
- 8.12.070 Removal required—Alternate plan.
- 8.12.080 Fire permit.
- 8.12.090 Hazardous waste disposal.

## GRASS, WEEDS, DEBRIS OR HAZARDOUS MATERIAL

### **8.12.010 Definitions.**

- A. "Fire chief" means the chief engineer of the city fire department.
- B. "Pasture, grazing or unoccupied land" means any area one acre or greater in size used primarily for grazing or keeping livestock or poultry.
- C. "Semivacant lot" means a lot occupied in part by buildings, the unoccupied portion of which is uncultivated.
- D. "Vacant lot" means a lot unoccupied by buildings.
- E. "Hazardous waste" includes any waste material or mixture of wastes which is toxic, corrosive or flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such waste or mixture of wastes may cause substantial personal injury, serious illness or harm to humans, domestic animals or wildlife, as proximate result of any disposal of such waste or mixture of wastes as defined in Article 2, Chapter 6.5, Section 25117 of the Health and Safety Code. The terms "toxic," "corrosive," "flammable," "irritant," and "strong sensitizer" shall be given the same meaning as in the California Hazardous Substance Act (Chapter 13, commencing with Section 28740 of Division 21 of the Health and Safety Code).

(Ord. 814, § 5, 12-17-2012; Ord. 597 (part), 1985; Ord. 250 § 1, 1954.)

### **8.12.020 Removal required—Period of high fire hazard.**

Every owner of vacant or semivacant lots in the city shall keep said lots free and clear of all grass and weeds over two inches tall, and all debris, rubbish and inflammable matter which from any cause whatever might have accumulated upon said property, and which is capable of spreading fire to adjoining property or is injurious to the health or welfare of residents of the city, during that season of each year between April 1st and December 1st, declared and published by the fire chief in a newspaper of general circulation, to be a period of high fire hazard. (Ord. 250 § 2, 1954.)

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### 8.12.030 Failure to comply—Removal by city.

Upon the failure of any owner of any such lots to dispose of such grass, weeds, debris or other inflammable material as required in Section 8.12.020, such owner or owners shall be notified by the fire chief to remove same within a period of fifteen days, by written or printed notice, describing said property by city tax roll parcel number or legal description, by United States mail addressed to such owner or owners at their address shown on the last tax rolls of the city, or by personal service of such notice. A similar notice shall be posted in a conspicuous place on said property for a period of fifteen days. If, at the end of said fifteen days, such owner or owners fail to comply with said notice, the fire chief shall cause such grass, weeds, debris or other inflammable material to be removed from said property by controlled burning or other lawful means, and shall charge the costs fixed in Section 8.12.060 to such owners of said property. Upon completion of such work of removal, the fire chief shall notify the owner or owners of such

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lot or lots in writing of the costs and charges for the work of eradication or removal as prescribed in Section 8.12.060. If such owner or owners fail to pay the amount of such costs within fifteen days after the date of the mailing of said notice of charges, such payment to be made to the city, the said amount shall be certified by the fire chief to the city clerk who shall record in a book to be kept for the purpose, the name or names of the owner or owners of the property so cleared, a description of the property or the parcel number thereof sufficient for identification, and the amount of the costs charged against the owner or owners of said property. From and after the date that said entry is so made, the amount charged against the owner or owners of said property shall be a lien thereon, and shall be collected by an appropriate action brought on behalf of said city to foreclose said lien against said property upon which said lien has been so imposed, and said lien may be enforced by a sale of the said property as provided by law. (Ord. 250 § 3, 1954.)

### 8.12.040 Removal required—Exceptions.

Nothing contained in this chapter shall be construed to require the removal from any such lots of any ornamental trees, shrubs, plants or lawns of a reasonable growth, provided the same are not in any manner obstructions to the free use of the sidewalks or streets in front of or along said property. (Ord. 250 § 4, 1954.)

### 8.12.050 Removal—Contract with city.

Nothing contained in this chapter shall prevent owners of lots in the city from making agreements or contracts with the city for the elimination or eradication of such grass, weeds, debris or other hazardous inflammable material, through the fire chief, should said property owners and said city so desire; provided, that any such eradication or removal of such grass, debris or hazardous inflammable material shall be done by the city in its governmental capacity under any such contract, and not in any sense in its proprietary capacity, and such contract shall be in writing, and subject to this provision whether

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mentioned therein or not. Payment for such removal by the city, under contract, shall be made by said owner or owners to the city within fifteen days after demand of the charges for such removal, elimination or eradication, of such fire hazard, grass or weeds aforesaid, of the charges specified in Section 8.12.070. In the event such property owners, after entering into said contract, and after performance of the terms thereof by the city, fail or refuse to pay for said work of removal by the city, within said fifteen days, the charges prescribed by Section 8.12.060 shall be applicable thereto, and shall become a lien on said property and collected in the manner provided for in Section 8.12.030, as though said contract had not been made, and such contract shall specify this provision therein. (Ord. 250 § 5(a), 1954.)

### 8.12.060 Removal fees.

- A. Once each year, the fire chief will establish a rate schedule for the removal of weeds and debris from vacant lots. This schedule shall take into account the size of the lot and the manner of weed removal. The city clerk shall approve this schedule and a copy shall be on file with the city clerk.
- B. In some cases, where it is necessary to contract with others for weed removal, the fire chief will be authorized to so contract and the property owner shall pay the full cost of weed removal.
- C. All reference in this chapter to the fees established in this section shall be deemed to apply either to the fee schedule established by the fire chief or to the cost of an outside contract.

(Ord. 498, 1976: Ord. 250 § 5(b), 1954.)

### 8.12.070 Removal required—Alternate plan.

Any owner or owners of a lot, pasture, grazing area, or unoccupied land within the city, in excess of twenty thousand square feet, may, in lieu of disposing of grass, weeds, debris or other hazardous inflammable material, within the time required by Section 8.12.030, after the notice and posting required in said section, offer to the fire chief, in writing, an alternate or

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substitute plan on said hazard abatement on such lot, pasture, grazing area or unoccupied land, acceptable to said fire chief. If not acceptable to the chief as an adequate protection against spread of fire to adjacent property the fire chief shall proceed as prescribed by Section 8.12.030. (Ord. 250 § 6, 1954.)

### **8.12.080 Fire permit.**

Use of fire to dispose of grass, weeds, debris or other inflammable material required to be disposed of under this chapter, shall be done under permit from the fire chief or his duly authorized representative, as required by law, and subject to the duties and liabilities otherwise required by law. (Ord. 250 § 7, 1954.)

### **8.12.090 Hazardous waste disposal.**

It is a violation of the ordinance codified herein for any person to dispose of hazardous wastes, as defined in Section 8.12.010, in the city limits of Sonora. (Ord. 597 (part), 1985.)

## Chapter 8.16

### BRUSH, LAWN CLIPPINGS AND LEAVES

#### Sections:

- 8.16.010 Definitions.**
- 8.16.020 Brush removal.**
- 8.16.030 Lawn and leaf debris.**
- 8.16.040 Dumping in streets and alleys declared nuisance—Penalty.**
- 8.16.050 Partial invalidity.**

## BRUSH, LAWN CLIPPINGS AND LEAVES

### 8.16.010 Definitions.

As used in this chapter:

- A. "Brush" means branches of trees and shrubs and bushes.
- B. "Lawn clippings" means lawn materials, grass, leftover cuttings.
- C. "Dirt" means any artificial accumulation of earth of a size, shape, or composition to constitute a hazard to the health and safety of the community.
- D. "Leaves" means foliage produced from plants, shrubs and trees.
- E. "Private premises" means any dwelling, house building or other structure, designed or used either wholly or in part thereof for private purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling, house building or other structure.
- F. "Public place" means any and all property owned by the city of Sonora: such as streets, sidewalks, alleys, or other public ways and any and all spaces, grounds and buildings.

(Ord. 665 § 1 (part), 1991.)

### 8.16.020 Brush removal.

The accumulation of brush on private premises shall hereby be disposed of as follows:

- A. Remove said brush by private means within a responsible time to the local landfill or cogeneration facility.
- B. Pay the appropriate fee to the city to remove said brush by contacting City Hall either in writing or in person to authorize the pick up of brush. Said brush must be deposited at the residents/proprietors curb line or at the side of an alley and said brush will be removed within three working days, upon receipt of payment.

A load of brush will constitute the following: brush, trimmings and limbs cut and stacked in piles that do not exceed eight feet in length, four feet in width and four feet in height. Notification of an illegal pile will be the responsibility of the public works superintendent. (Ord. 665 § 1 (part), 1992.)

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### **8.16.030 Lawn and leaf debris.**

It is the duty of the city public works department to pick up all lawn and leaf debris, as defined in this chapter, at no cost to the resident, providing that these materials are properly placed in piles/windrolls and are located at the curb line or at the side of an alley and not creating a public safety hazard. (Ord. 665 § 1 (part), 1991.)

### **8.16.040 Dumping in streets and alley declared nuisance— Penalty.**

It is hereby declared to be a nuisance and subject to penalty under Chapter 8.20 of the Sonora Municipal Code, to deposit or allow to remain in any street, alley, public park or other public-owned property any of the following: discarded boxes, cartons, earth, concrete, bricks, waste construction materials, tin or metal cans, bottles, glass, rags, paper and any and all like items which have been discarded or are no longer desired by the owner thereof. (Ord. 665 § 1 (part), 1991.)

### **8.16.050 Partial invalidity.**

If any section, subsection, sentence, or clause, or phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this chapter. The city council hereby declares that it would have adopted this chapter and each section, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions were to be declared invalid or unconstitutional. (Ord. 665 § 1 (part), 1991.)

NUISANCES

**Chapter 8.20**

**NUISANCES<sup>1</sup>**

**Sections:**

<b>8.20.010</b>	<b>Defined.</b>
<b>8.20.020</b>	<b>Violation—Penalty.</b>
<b>8.20.030</b>	<b>Nuisance—Continuance after notice to abate—Separate offenses each day.</b>
<b>8.20.040</b>	<b>Construction noise.</b>

**8.20.010 Defined.**

Anything which is injurious to health, or is indecent or offensive to the senses, or which interferes with the comfortable enjoyment of life or property by others is a public nuisance. (Ord. 544 (part), 1980.)

**8.20.020 Violation—Penalty.**

Every person who maintains or commits any public nuisance, or who fails to abate the same after notice to do so, is guilty of a misdemeanor and shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the county jail for a period not to exceed three months, or by both such fine and imprisonment. (Ord. 544 (part), 1980.)

**8.20.030 Nuisance—Continuance after notice to abate—Separate offense each day.**

Every person who maintains, permits or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice from the city attorney, in writing, to remove, discontinue, or abate the same has been served upon such person, is guilty of a mis-

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demeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense and the city attorney shall prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed. (Ord. 544 (part), 1980.)

### **8.20.040 Construction noise.**

Construction noise is considered to be a nuisance under the provisions of this chapter. Unless otherwise approved by the community development director, the operation and use of construction equipment powered by internal combustion engines, the use of impact equipment, or other construction operations that would result in disturbance to adjacent properties will be limited to the hours between seven a.m. and seven p.m., Monday through Friday; eight a.m. and five p.m. on Saturday; ten a.m. and three p.m. on Sunday and federal holidays. Along with the penalties as provided by this chapter, the building official may, in writing, suspend or revoke a permit issued under the provisions of this code if such construction noise is generated in violation of this section. (Ord. 768 § 1, 2004.)

## Chapter 8.22

### GRAFFITI

#### Sections:

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|-----------------|---|
| <b>8.22.010</b> | <b>Graffiti defined.</b>  |
| <b>8.22.020</b> | <b>Findings.</b>  |
| <b>8.22.030</b> | <b>Graffiti prohibition.</b>  |
| <b>8.22.040</b> | <b>Reward for information on persons injuring property with graffiti.</b> |
| <b>8.22.050</b> | <b>Removal of graffiti.</b>   |

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### **8.22.060 Violation—Penalty.**

### **8.22.010 Graffiti defined.**

“Graffiti,” as used in this chapter, means crude drawing, inscription, scratching, scrawling or otherwise marking by any person on any wall, fence, stucco, plaster, signs, vehicles, roadways or other hard surface not his own, written or drawn

so as to be seen by the public. (Ord. 652 (part), 1990.)

**8.22.020 Findings.**

The city council finds and declares that graffiti on public or private property creates a condition tending to reduce the value of such property, and promotes blight and deterioration of surrounding property inviting further vandalism and loss of pride in affected neighborhoods, and loss of business to neighboring commercial enterprises. (Ord. 652 (part), 1990.)

**8.22.030 Graffiti prohibition.**

It is unlawful for any person to paint, chalk, or otherwise apply graffiti on public or privately owned surfaces located on public or privately owned real property within the city. (Ord. 652 (part), 1990.)

**8.22.040 Reward for information on persons injuring property with graffiti.**

Pursuant to Section 53069.5 of the Government Code, the city does hereby offer a reward of one hundred dollars for information leading to the arrest and conviction of any person maliciously injuring or destroying property, not his own, by the use of graffiti, as defined in Section 8.22.010. (Ord. 652 (part), 1990.)

**8.22.050 Removal of graffiti.**

A. Any person applying graffiti within the city shall have the duty to remove the same within twenty-four hours after notice by the city or the public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation of this chapter. Where graffiti is applied by juveniles, the parent or parents shall be responsible for such removal or for the payment therefor. The chief of police or his/her designated representative will order the individual(s) to comply with the twenty-four-hour notice.

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B. If removal has not commenced within the twenty-four-hour period, the chief of police or his/her designated representative will activate Section 8.22.060.

(Ord. 652 (part), 1990.)

### **8.22.060 Violation—Penalty.**

Any person who or which violates any of the provisions of this chapter is guilty of a misdemeanor, Section 594, of the California Penal Code and shall, upon conviction thereof, be punished by a fine of not to exceed one thousand dollars, or by imprisonment in the County Jail for a period not to exceed six months, or by both such fine and imprisonment. If the extent of damages exceeds five thousand dollars (materials, labor) it carries a sentence of up to one year in jail, a one thousand dollar fine or both. (Ord. 652 (part), 1990.)

## Chapter 8.24

## ALARM SYSTEMS

### Sections:

- 8.24.010 Findings.
- 8.24.020 Definitions.
- 8.24.030 Purpose.
- 8.24.040 Registration of alarm business.
- 8.24.050 Registration of alarm agents.
- 8.24.060 Alarm system standards.
- 8.24.070 Alarm systems—Regulation.
- 8.24.080 Alarm system—Installation and maintenance.
- 8.24.090 False alarms—Prohibited.
- 8.24.100 False alarms—Penalties.
- 8.24.110 Right to appeal.

**8.24.010 Findings.**

The city council finds that the regulation of the sale and installation of alarm systems and the control of false alarms is necessary to promote the health, welfare and safety of the people. The sale and installation of substandard alarm equipment and false alarms arising therefrom constitute a hazard to the safety of peace officers and the public in general. False burglary, robbery and theft alarms enhance the dangers of vehicle collisions enroute to burglary, robbery and theft alarms, and substantially increase peace officer man hour costs and divert police resources from regularly assigned duties. (Ord. 664 §1(part), 1991.)

**8.24.020 Definitions.**

For the purposes of this chapter, unless otherwise apparent from the context, the following words and phrases as used in this chapter are defined as follows:

- A. "Alarm agent" means any person who is employed, either directly or indirectly, by an alarm business whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, removing, or installing on any building, place or premises, any alarm system.
- B. "Alarm business" means any person, partnership, corporation or other entity that sells, leases, maintains, installs, services, repairs, replaces, alters, removes, moves, or monitors a police or fire alarm system in or on any building, place or premises within the city of Sonora.
- C. "Alarm Company Act" shall refer to Section 7590-7599 of the Business and Professions Code regulating the alarm business in California.
- D. "Alarm system" means an assembly of equipment and devices which is designed or used for the detection of an unauthorized entry, or attempted unauthorized entry on premises or for alerting others of the commission of an unlawful act, or both, and emits a sound, light, or transmits a signal or message.

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- E. "Alarm user" means any person whose business, place or premises has an alarm system, regardless if it is monitored by a central monitoring system.
  - F. "Automatic calling device" means any device used in conjunction with an alarm system which generates a telephone message for the purposes of eliciting an emergency response from the police.
  - G. "Central monitoring system" means a system that automatically receives, records, maintains, and supervises alarm signals at a central location by observers or operators who are required, upon receipt of an alarm signal, to notify the police.
  - H. "Audible alarm" means an alarm which is not serviced by an alarm business.
  - I. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
  - J. "Silent alarm" means a device designated for the detection of unauthorized entry and transmits a signal by wire or radio wave to a central station.
  - K. "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. Such terminology does not include alarms caused by natural violent conditions, telephone line malfunction, or other causes which are beyond the control of the owner or lessee of the alarm system.
- (Ord. 664 § 1 (part), 1991.)

### **8.24.030 Purpose.**

This chapter is enacted pursuant to Section 7592.8 of the Business and Professions Code of the state. The purpose of this chapter is to establish rules and regulations concerning the use of alarms in residential and commercial locations in the city to enhance the effectiveness of such devices, and to minimize responses by city personnel to false alarms caused by the improper use or abuse of such systems.

Nothing in this chapter should be construed to limit or discourage legitimate use of theft, burglary, robbery or other alarms. Such use is in the public's interest and promotes public health and safety. Furthermore, nothing in this chapter shall prohibit the sounding of any signal necessary for the conduct of an authorized fire drill. (Ord. 664 § 2 (part), 1991.)

**8.24.040 Registration of alarm business.**

- A. It is unlawful for any person required to register as an "alarm company operator," pursuant to the Alarm Company Act, to engage in business as an alarm business within the city without first filing a copy of their state identification card.
- B. All alarm businesses operating within the city must possess a valid city business license. A copy of the business license shall be presented to the police department at the time of registration. (Ord. 664 § 3 (part), 1991.)

**8.24.050 Registration of alarm agents.**

Every person engaged in the business of selling, repairing, servicing, altering, replacing, removing or installing an alarm system shall carry on his person, at all times while so engaged, a valid alarm agent permit issued by the state and shall display such permit to any police or fire officer upon request. It is unlawful for any person required to register as an alarm agent, pursuant to the Alarm Company Act, to act as an alarm agent within the city without first registering his name and filing a copy of his state identification card with the chief of police. (Ord. 664 § 4 (part), 1991.)

**8.24.060 Alarm system standards.**

- A. All alarm systems, devices or components thereof, installed within the city shall be substantially equivalent to, or exceed, the applicable Underwriters Laboratory, Inc. alarm testing standards.

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- B. The applicant shall have the burden of establishing that the non-Underwriters Laboratory, Inc. alarm system, device or component is substantially equivalent to or exceeds, the applicable Underwriters Laboratory, Inc. alarm testing standards.
  - C. The chief of police may require the applicant to present documentation and certification from a qualified authority to make the above exception determination.
- (Ord. 664 § 5 (part), 1991.)

### 8.24.070 Alarm systems—Regulation.

- A. Prohibited Sound. No alarm system shall be installed or used which emits a sound which is similar to that of an emergency vehicle siren or a civil defense warning system.
- B. Automatic Deactivation. Every audible alarm system shall be equipped with a device which will automatically deactivate the exterior sounding device not more than fifteen minutes after the alarm has been activated. If the audible system will not shut off after fifteen minutes, and/or a responsible party cannot be located to shut it off within fifteen minutes of activation, the police department may call an alarm service company to shut off the alarm. The alarm user will be billed and shall pay for any expense incurred.
- C. Notification. A user shall cause the police department to be notified prior to any service, test, repair, maintenance, alteration, or installation of an alarm system which might produce a false alarm.
- D. Repairs. After three false alarms caused by a malfunction of an alarm system, or unknown cause, the user or agent shall cause the alarm system to be repaired and certification of the repair shall be presented to the police department.
- E. Power Supply. Alarm systems installed in the city shall be equipped with a power supply in such a manner that the failure or interruption of normal utility electricity will not activate the alarm system. The power supply must be capable of at least forty-eight hours of operation.

## ALARM SYSTEMS

- F. **Automated Calling Devices Prohibited.** No alarm system shall utilize an automatic calling device which places a call to any emergency or business police telephone number.  
(Ord. 664 § 6 (part), 1991.)

**8.24.080 Alarm system—Installation and maintenance.**

All electrical alarm systems shall be installed and maintained in accordance with applicable requirement of law and uniform codes.  
(Ord. 664 § 7 (part), 1991.)

**8.24.090 False alarms—Prohibited.**

No alarm user or alarm business shall give, signal, transmit, or cause or permit to be given, signaled or transmitted a false alarm.  
(Ord. 664 § 8 (part), 1991.)

**8.24.100 False alarms—Penalties.**

For purposes of this section, the penalty assessment period shall be defined as bi-annual. (every six months beginning in July and January).

- A. Alarms within the first ten days of operation of a new system or of a substantially modified system will not be counted as false alarms.
- B. There are no penalties assessed for the first three false alarm activations per alarm system during the bi-annual assessment periods.
- C. The third false alarm activation shall result in notification by the police department of the required provisions of this chapter and outline expected remedial action.
- D. Upon the fourth and subsequent false alarm, the alarm business or permittee shall be required to pay a fee specifically set forth and specified by Resolution 4-2-90-C of the city council pursuant to Administrative Policy Number 4 of the city.

(Ord. 664 § 9 (part), 1991.)

**8.24.110 Right to appeal.**

- A. Any person aggrieved by any fee or other result of this chapter shall have the right to appeal the matter to the chief of police.
    - 1. A statement setting forth fully grounds of such appeal shall be filed with the city within fifteen days.
    - 2. An informal meeting between the appellant and the chief of police or his designee shall be set within twenty days from the filing of the appeal.
    - 3. Notice of the decision of the chief of police shall be served upon the appellant, personally, or by certified mail, within ten days after the meeting.
  - B. Any person aggrieved by the decision of the chief of police with reference to any matter covered by this chapter, shall have the right to appeal to the city administrator.
    - 1. A statement setting forth fully grounds of such appeal shall be filed with the city within fifteen days after notice of the decision of the chief of police.
    - 2. An informal meeting between the appellant and the city administrator or his designee shall be set within twenty days from the filing of this appeal.
    - 3. Notice of the decision of the city administrator shall be served upon the appellant, personally, or by certified mail, within ten days after the meeting.
  - C. The decision of the city administrator may be appealed to the city council.
    - 1. A statement setting forth fully grounds of such appeal, shall be filed with the city clerk within fifteen days after notice of the decision of the city administrator has been served.
    - 2. The city council shall set a time and place for hearing on the appeal and the city clerk shall promptly give written notice of such hearing to the appellant.
  - D. The decision and order of the city council on such appeal shall be final and conclusive.
- (Ord. 664 § 10 (part), 1991.)

Chapter 8.26

COASTING DEVICES

Sections:

- 8.26.010 Definitions.
- 8.26.020 Use and operation.
- 8.26.030 Exceptions.
- 8.26.040 Penalties.
- 8.26.050 Seizure of evidence.

**8.26.010 Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meaning given herein:

“Coasting devices” shall include any skateboard, roller skates, in-line skates, scooter, coaster, bicycle, or other rolling or wheeled device propelled by human, motor or wind power.

“Shopping center” means a group of commercial establishments, planned, developed, owned or managed as a common unit with parking provided on the private property site. (Ord. 712 § 1 (part), 1996.)

**8.26.020 Use and operation.**

- A. It is unlawful for any person to use or operate a coasting device on any public park, playground or recreation area or other public property when there has been posted signs prohibiting the use of said coasting device.
- B. It is unlawful for any person to operate or use any coasting device upon any private parking lot or shopping center when signs prohibiting such activity are displayed.
- C. It is unlawful for any person to operate or use any coasting device upon a public street or alley if such operation or use interferes with the movement of vehicles thereon.

## COASTING DEVICES

- D. It is unlawful for any person who is operating any coasting device on a public sidewalk to fail to yield the right-of-way to all pedestrians within or approaching the area or to use said device in such a manner which endangers the safety of any other person or property. The use of any coasting device is strictly prohibited on streets, sidewalks, alleys, etc., as defined in Section 9.04.041 of the Sonora Municipal Code.
  - E. It is unlawful for any person to operate or use any coasting devices on or in a public skate facility located within the city unless that person is at all times wearing properly fitted and fastened protective devices consisting of a helmet, knee pads, wrist guards, and elbow pads. The only coasting devices permitted within a public skate facility are skateboards, roller skates, and in-line skates. Bicycles, coasters, scooters, or other rolling or wheeled devices are strictly prohibited.
- (Ord. 716 § 2, 1996; Ord. 712 § 1 (part), 1996.)

### **8.26.030 Exceptions.**

This chapter shall not apply in any of the following instances.

Wheeled conveyances used principally as medically assisted devices or for the aid or assistance of physically limited or disabled persons. (Ord. 712 § 1 (part), 1996.)

### **8.26.040 Penalties.**

- A. Any person violating any of the provisions of this chapter is guilty of an infraction punishable in accordance with the provisions of Section 1.08.010 of the Sonora Municipal Code.
  - B. The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this chapter, shall be jointly and severally liable with the minor for any fines imposed pursuant to this chapter.
- (Ord. 712 § 1 (part), 1996.)

## MINING IN CITY WATERWAYS

### **8.26.050 Seizure of evidence.**

Any device used in violation of any provision of this chapter shall be seized by the enforcing officers and removed, stored and reclaimed in accordance with law. (Ord. 712 § 1 (part), 1996.)

## Chapter 8.28

### MINING IN CITY WATERWAYS

#### Sections:

**8.28.010 Unlawful—Exceptions.**

**8.28.020 Violation—Penalty.**

#### **8.28.010 Unlawful—Exceptions.**

It is unlawful for any person to conduct mining operations or activities in any waterways within the city limits of the city except as follows:

- A. Written permission must first be obtained from the property owner where said waterway is located.
- B. Gold pans, hand sluices which do not exceed six feet in length and two feet in width and motorized gold dredges no more than four inches in suction size shall be allowed.
- C. All operations and activities allowed herein must be conducted at least five feet from city improvements, including but not limited to bridges, culverts, pipelines and retaining walls.
- D. All mining activities allowed herein shall be conducted only between the hours of seven a.m. to seven p.m. or dusk, whichever occurs earlier.

(Ord. 718 § 1, 1997.)

## EMERGENCY SERVICES

### **8.28.020 Violation—Penalty.**

Violation of any of the provisions of this chapter shall constitute an infraction. Each day during which a violation of any of the provisions of this chapter occurs shall constitute a separate offense. (Ord. 718 § 2, 1997.)

## Chapter 8.30

### EMERGENCY SERVICES

#### Sections:

- 8.30.010 Purpose.**
- 8.30.020 Definitions.**
- 8.30.030 Emergency services director, assistant, and coordinator—Office created.**
- 8.30.040 Line of succession.**
- 8.30.050 Declaration of state of local emergency.**
- 8.30.060 Authority, control, and management of resources during state of local emergency.**
- 8.30.070 Scope and effect of rules and orders during state of emergency.**
- 8.30.080 Responsibility for emergency services program within the city.**
- 8.30.090 Operational area committee.**
- 8.30.100 Emergency services organization.**
- 8.30.110 City of Sonora emergency service plan.**
- 8.30.120 Emergency operations center.**
- 8.30.130 Termination of state of local emergency.**
- 8.30.140 Penalties.**

## EMERGENCY SERVICES

### **8.30.010 Purpose.**

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, organizations, and affected private persons. (Ord. 710 § 1 (part), 1996.)

### **8.30.020 Definitions.**

“Council” means the city of Sonora city council.

“Disaster” means an actual or potential emergency that exceeds the capacity of either local government or the emergency services system to effectively respond and that requires immediate action in order to protect life and property.

“Disaster response” means a response by organizational units of local government exceeding mutual aid directed toward any emergency in an attempt to mitigate the effects of the emergency upon the public welfare. The effects of the emergency, either actual or potential, must be of such magnitude that available resources must be directed to the response effort.

“Emergency” means any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering, or financial loss and includes, but is not limited to, blight, contamination, disease, drought, earthquake, explosion, fire, flood, severe weather, spills or releases of oil or hazardous material, riot, sabotage, transportation or utility emergencies, volcanic activity, and war.

“Emergency response” means prompt action directed at safeguarding the public’s welfare through procedures designed to minimize danger to life, health, property loss, or related impacts. The level of response is a function of the severity of the emergency, the impact or potential impact upon persons or property, and the ability of government to respond given limitations of budget, personnel, and equipment.

## EMERGENCY SERVICES

“Emergency service agency” means an organization within a local government that performs essential services for the public’s benefit prior to, during, or following an emergency. Emergency service agencies include:

- A. Primary response organizations which are organizations within local governments that provide fire suppression, law enforcement, medical treatment and transportation, and responses to spills or releases of oil or hazardous material; and
- B. Secondary response organizations which are organizations within local governments that provide for public health, public works, and road engineering and repair.

“Incident command system (ICS)” means an all risk system enabling emergency organizations to function in a multiagency environment through the use of standardized organization, terminology, procedures, and communications. It provides a generic organizational structure with the five functional areas: command, operations, planning, logistics, and finance.

“Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to safety of persons and property within the territorial limits of a county, city and county, or city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake or other conditions which are, or likely to be, beyond the control of the services, personnel, equipment, and facilities of a political subdivision and required the combined forces of other political subdivisions to combat.

“Mutual aid” is a concept that allows resource sharing between two or more response organizations that are separately funded and whose jurisdictional areas do not overlap. Use of the resources is based upon written operational agreements (mutual aid agreements) between two or more response organizations through which resources are shared and the function of command and control have been agreed upon beforehand.

“Standardized Emergency Management System (SEMS)” is a system required by Government Code §8607(a) for managing response to a multiagency and multijurisdiction emergencies in California. SEMS incorporates the use of the incident command system, the

## EMERGENCY SERVICES

master mutual aid agreement, existing mutual aid systems, the operational area concept, and multiagency or interagency coordination.

“State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which conditions, by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

“State of war emergency” means the

“condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon the receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.”

“Unavailable” means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his/her duties. Any questions as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or any remaining available members of said body.

“Unified command” is the method by which local, state, and federal agencies will work with the incident commander to:

A. Determine their roles and responsibilities for a given incident;

## EMERGENCY SERVICES

- B. Determine their overall objectives for management of an incident;
  - C. Select a strategy to achieve agreed upon objectives; and
  - D. Deploy resources to achieve agreed upon objectives.
- (Ord. 710 § 1 (part), 1996.)

### **8.30.030 Emergency services director, assistant, and coordinator—Office created.**

- A. There is created the office of the director of emergency services. The mayor of the city shall be the director of emergency services.
- B. There is created the office of assistant director of emergency services. The city administrator shall be the assistant director of emergency services.
- C. There is created the assignment of emergency services coordinator, who shall be appointed by the assistant director of emergency services.

(Ord. 710 § 1 (part), 1996.)

### **8.30.040 Line of succession.**

If the mayor of the city is unavailable to act in the capacity as the director of emergency services, the duties and responsibilities are then transferred to the mayor pro tem of the city council. If the mayor pro tem is unavailable, the duties and responsibilities are then transferred to the assistant director of emergency services. (Ord. 710 § 1 (part), 1996.)

### **8.30.050 Declaration of state of local emergency.**

- A. The authority to declare a state of local emergency rests with the city council. If the mayor of the council finds that circumstances prohibit timely action of the council, the mayor of the council is empowered to declare a state of emergency. In the event the mayor of the council is unavailable, the authority to declare a

## EMERGENCY SERVICES

local emergency shall be performed by the following individuals in the order listed: the mayor pro tem, the next most senior member of the council, the next most senior member of the council, the fifth member of the council, and the city administrator.

- B. When, in the judgment of the person or persons authorized under subsection (A) of this section, a state of emergency exists, or when a state of emergency has been declared by the President of the United States or the Governor of California, the person or persons thus authorized may declare and publicize the existence of such state of emergency by any means that are deemed appropriate and will achieve notice throughout the city.
- C. Any declaration of a local emergency must specify the geographical area covered by the declaration and shall state the factors that necessitate such action.

(Ord. 710 § 1 (part), 1996.)

### **8.30.060 Authority, control, and management of resources during state of local emergency.**

When a state of local emergency has been declared, the mayor of the city council, or that person under Sections 8.30.040 and 8.30.050, are empowered, to the extent otherwise authorized by code, to order and enforce emergency measures, including, but not limited to, the power to:

- A. Redirect city funds for emergency use;
- B. Suspend standard city procurement procedures;
- C. Require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in the city or the existence of a state of war emergency, to command the aid of as many citizens of this city as they deem necessary in the execution of their duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
- D. Extend governmental authority to nonpublic resources (i.e. personnel and equipment) required to support regular city re-

## EMERGENCY SERVICES

- sources. When property is taken under such power, the owner of the property is entitled to reasonable compensation;
- E. Enter into mutual aid agreement and agreement with other public and private agencies for use of resources, including police and law enforcement;
  - F. Establish a curfew for the emergency area;
  - G. Evacuate persons from emergency area;
  - H. Limit the number of persons who may congregate in public within the emergency area;
  - I. Restrict and regulate vehicular and pedestrian traffic to, from, and within the emergency area;
  - J. Curtail or suspend commercial activity within the emergency area;
  - K. Direct all rescue and salvage work, and do all things deemed advisable and necessary to alleviate the immediate condition;
  - L. Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work;
  - M. Control, restrict, and regulate the distribution and use of food, feed, fuel, clothing, other commodities, materials, goods, and services by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation, or other means;
  - N. Direct activities in connection with the use, conservation, and salvage of essential materials, services, and facilities. These materials, services, and facilities may include production, transportation, power and/or communication facilities, the training and supply of labor, health, and medical care, housing, rehabilitation, education, child care, recreation, and consumer protection; and
  - O. Take any other action that may be necessary for the management of resources following an emergency.

(Ord. 710 § 1 (part), 1996.)

## EMERGENCY SERVICES

### **8.30.070 Scope and effect of rules and orders during state of emergency.**

- A. The authority to issue or promulgate rules and orders under this chapter may be exercised with respect to the entire area over which the city council has jurisdiction or to any specified part thereof.
- B. All rules and orders issued under authority conferred by this chapter shall have the full force and effect of law during a declared state of emergency. All previously existing ordinances, rules, and orders inconsistent with this chapter shall be inoperative during the period of time and to the extent such inconsistencies exist.
- C. The city administrator, on behalf of the city, shall have the authority to enter into mutual aid agreements between the neighboring cities, counties, and other government entities. These agreements may provide for the support of the activities of these other jurisdictions during a state of emergency but may not provide for the assumption of control over noncity personnel, equipment, or resources.

(Ord. 710 § 1 (part), 1996.)

### **8.30.080 Responsibility for emergency services program within the city.**

There is formed in the city an emergency services program. The city administrator, as assistant director of emergency services, has the responsibility for the organization, administration, and operation of the city emergency services program, subject to the direction and control of the director of emergency services.

The city administrator shall appoint an emergency services coordinator to administer the emergency services program. The appointed coordinator shall be responsible for the day-to-day operations of emergency services. (Ord. 710 § 1 (part), 1996.)

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### 8.30.090 Operational area committee.

The city shall participate in the operational area committee established by Tuolumne County which will consist of the following people or their designated representatives:

- A. County director of emergency services;
- B. Emergency services area coordinator;
- C. City of Sonora emergency services;
- D. California highway patrol;
- E. City of Sonora police department;
- F. Tuolumne County sheriff's department;
- G. California Department of Forestry;
- H. City of Sonora fire department;
- I. County fire department;
- J. A representative from each of the special districts included in this agreement;
- K. United States Forest Service;
- L. Medical area coordinator;
- M. Human services agency director;
- N. Prehospital medical services;
- O. A representative from the school districts; and
- P. A representative from Tuolumne General Hospital and Sonora Community Hospital.

The operational area committee will be chaired by the county director of emergency services. In his/her absence the county emergency services area coordinator will chair the committee. It will be the mission of this committee to: review and establish emergency services policies and procedures; assess and conduct cooperative training courses; and develop effective emergency communications systems.

The operational area committee will meet as often as needed to accomplish the mission and goals of the committee. (Ord. 710 § 1 (part), 1996.)

## EMERGENCY SERVICES

### **8.30.100 Emergency services organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 8.30.060, be charged with duties incident to the protection of life and property in the city during such emergency, shall constitute the emergency organization of the city. (Ord. 710 § 1 (part), 1996.)

### **8.30.110 City of Sonora emergency service plan.**

The emergency service coordinator shall be responsible for the preparation of an emergency services plan, hereinafter referred to as "plan." This plan shall be a written document detailing mitigation, preparedness, response, and recovery processes for use in dealing with actual or potential disasters, and shall provide a framework within which emergency response agencies may function to safeguard life and property. The plan is intended to be used only as a guide and does not carry the force of law. All city departments are authorized to take immediate action outside the plan when human life is threatened. (Ord. 710 § 1 (part), 1996.)

### **8.30.120 Emergency operations center.**

- A. To facilitate emergency response, an emergency operations center (EOC) may be established as needed. The EOC will be staffed and equipped to enable radio communications with field units and onsite command posts, and with the state emergency operations center, and the state office of emergency services.
- B. The EOC shall be established in one of the following locations:
  - 1. Primary - City of Sonora Fire Station;
  - 2. 1st Alternate - County EOC;
  - 3. 2nd Alternate - U.S. Forest Service, Greenley Road.
- C. The EOC shall be operated pursuant to the incident command system. The EOC director or his/her designee shall perform the

## EMERGENCY SERVICES

duty of EOC director and shall make all personnel assignments according to need. Whenever an emergency affects two or more political subdivisions, the concept of unified command shall be put into effect.

- D. The EOC will be staffed by personnel from city government and other public and private entities as needed.

(Ord. 710 § 1 (part), 1996.)

### **8.30.130 Termination of state of local emergency.**

The city council shall declare the termination of the existence of a state of local emergency. A state of local emergency shall be terminated at the earliest date conditions warrant. The council shall publicize said termination throughout the city and county. Upon such declaration of termination, all emergency rules and orders and extraordinary authority and controls allowed by this chapter shall have no further force or effect and shall cease to exist. (Ord. 710 § 1 (part), 1996.)

### **8.30.140 Penalties.**

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars, or by imprisonment for not to exceed six months, or both, for any person, during a state of war emergency, state of emergency, or local emergency, to:

- A. Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this county, or to prevent, hinder or delay the defense or protection thereof;

## EMERGENCY SERVICES

- C. Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the state.

(Ord. 710 § 1 (part), 1996.)

### Chapter 8.35

#### MEDICAL MARIJUANA DISPENSARIES

##### Sections:

- 8.35.010**     **Definitions.**
- 8.35.020**     **Establishment and operation of medical marijuana dispensaries prohibited.**
- 8.35.030**     **Public nuisance.**
- 8.35.040**     **Civil penalties.**

##### **8.35.010**     **Definitions.**

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

- A. "Medical marijuana" is marijuana authorized in strict compliance with Health and Safety Code Section 11362.5, et seq.
- B. "Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is cultivated or by any means made available to, distributed by, or distributed to two or more of the following: A qualified patient, a person with an identification card, or a primary caregiver in strict accordance with Health and Safety Code Sections 11362.5, et seq., and 11362.7, et seq.

## MEDICAL MARIJUANA DISPENSARIES

A medical marijuana dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5 et seq., and other applicable law:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
  2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
  3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
  4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
  5. A hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
- C. "Person with an identification card" shall have the meaning as set forth in Health and Safety Code Section 11362.7, and as may be amended.
- D. "Primary caregiver" shall have the meaning as set forth in Health and Safety Code Section 11362.7, and as may be amended.
- E. "Qualified patient" shall have the meaning as set forth in Health and Safety Code Section 11362.7, and as may be amended.

(Ord. 803, § 1, 8-11-2011)

### **8.35.020 Establishment and operation of medical marijuana dispensaries prohibited.**

No person shall establish, operate or permit the establishment or operation of a medical marijuana dispensary in or upon any premises in the City of Sonora.

(Ord. 803, § 1, 8-11-2011)

## MEDICAL MARIJUANA DISPENSARIES

### **8.35.030 Public nuisance.**

Any use or condition, caused, or permitted to exist, in violation of any provision of this chapter shall be; and hereby is declared to be a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731.

(Ord. 803, § 1, 8-11-2011)

### **8.35.040 Civil penalties.**

In addition to any other enforcement permitted by this chapter the city attorney may bring a civil action for injunctive relief and civil penalties pursuant to Chapter 8.20 of this code against any person or entity that violates this chapter. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

(Ord. 803, § 1, 8-11-2011)

## **Chapter 8.40**

### **FIRE HAZARD SEVERITY ZONES**

#### **Sections:**

#### **8.40.010 Fire hazard severity zones.**

#### **8.40.010 Fire hazard severity zones.**

The city council hereby designates a very high fire hazard severity zones as recommended by the director of the California Department of Forestry and Fire Protection and as designated on a map titled FHSZL\_c55\_Sonora, dated September 2, 2008 and retained on file at 94 North Washington Street, City Hall and at 201 South Shepherd Street, City's Fire Station in the incorporated City Limits.

(Ord. 783, 12-1-2008)

### **TITLE 8 FOOTNOTES**

1. For statutory provisions regarding explosives, see Health and Safety Code § 12000 et seq.

## TITLE 8 FOOTNOTES

2. For statutory provisions concerning fireworks, see Health and Safety Code § 12500 et seq.
3. For statutory provisions authorizing cities to compel property owners or controllers to remove weeds, rubbish, etc., see Gov. Code § 39501 et seq.
4. For statutory provisions authorizing cities to take such measures as may be necessary to preserve and protect public health, see Health and Safety Code § 101450; for provisions giving the city primary responsibility for solid waste management, see Gov. Code § 66730 et seq.
5. For statutory provisions authorizing cities to declare nuisances by ordinance, see Gov. Code § 38771.
6. For exceptions to this provision regarding obstruction of sidewalks, see Chapter 12.16 of this code.

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6. For exceptions to this provision regarding obstruction of sidewalks, see Chapter 12.16 of this code.