

ORDINANCE NO. 810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON, CALIFORNIA, ELEVATING PENALTIES IN TITLE 8 OF THE ANDERSON MUNICIPAL CODE FROM INFRACTION TO MISDEMEANOR

THE COUNCIL OF THE CITY OF ANDERSON DOES ORDAIN AS FOLLOWS:

The following Sections of Title 8 of the Anderson Municipal Code shall be amended to change the penalty from infraction to misdemeanor and hereafter read as follows:

CHAPTER 8.12 ABANDONED CHESTS

Section 8.12.010 - Prohibited when.

No chest or box with more than one and one-half cubic feet in capacity, with an attached latch, shall be discarded or abandoned, including refrigerators and iceboxes. A violation of any of the provisions of this section shall constitute a misdemeanor as set forth in Section 1.20.100 of this code.

CHAPTER 8.16 ABANDONED VEHICLES

Section 8.16.180 - Failure to Remove Abandoned Vehicle.

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable.

Section 8.16.190 - Abandoning Vehicle.

It is unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving, of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property within the city for a period in excess of thirty days unless such vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard.

Chapter 8.17 PANHANDLING

Section 8.17.030 – All Solicitations Prohibited at Specific Locations and/or in the Following Manner.

Any person who solicits in the following manner or at the following specific locations is guilty of a misdemeanor.

- A. No person shall solicit, ask, or beg within fifty feet of any bank, savings and loan association, credit union, or cashing business during its business hours or within fifty feet of any automated teller machine or cash dispensing machine during the time it is available for customer(s) use. However, when an automated teller machine is located within an automated teller facility, such distance shall be measured from the entrance/exit of the automated teller machine facility.
- B. No person shall solicit, ask, or beg within an automated teller machine or cash dispensing machine facility where a reasonable person would or should know that he or she does not have the permission to do so from the owner or other person lawfully in possession or control of such facility.
- C. No Person shall approach an operator or occupant of a motor vehicle for the purpose of soliciting, asking, or begging while such vehicle is located in any public place or private property open to public use.
- D. No person shall solicit, ask, or beg in any parking lot or structure at any time from one half-hour after sunset to one half-hour before sunrise.
- E. No person shall solicit, ask, or beg in any transportation vehicle.
- F. No person shall solicit, ask, or beg at any bus or transportation stop.
- G. No person shall solicit, ask, or beg while seated on or leaning against any public bench, planter, monument, or other public property.
- H. No person shall solicit, ask, or beg within three feet of the person solicited, until that person has indicated that he or she wishes to make a donation.
- I. No person shall solicit, ask, or beg by blocking the path or free movement of the person being solicited, or other pedestrians, along a sidewalk or path.
- J. No person shall solicit, ask, or beg by soliciting in a group of two or more persons.
- K. No person shall solicit, ask, or beg while under the influence of an alcoholic beverage or any illegal narcotic or controlled substance.

Section 8.17.040 - False or Misleading Solicitation Prohibited.

Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of a misdemeanor. False or misleading representations include but are not limited to the following:

- A. Stating the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that information to the person being solicited;
- B. Stating the donation is needed to meet a need which does not exist;
- C. Stating the solicitor is from out of town and stranded when that is not true;
- D. Stating the solicitor is from out of town, when he or she is not;
- E. Stating the solicitor is soliciting on behalf of an organization which the solicitor is not authorized to seek donations or soliciting on behalf of an organization which does not exist or;
- F. Any person who knowingly solicits a donation stating the funds are needed for a specific purpose and then spends the funds received for a different purpose.

In addition to the mentioned municipal code violations, any person(s) who knowingly makes false or misleading representation(s) in the course of soliciting a donation under false pretenses may be subject to prosecution under Penal Code Section 532(a).

CHAPTER 8.21 URINATION AND DEFECATION

8.21.010 Prohibited.

It is unlawful for any person to urinate or defecate in a public place other than a restroom, or in a place open to public view, or upon the private property of another without the consent of the property owner or person in lawful possession of the property.

Section 8.21.020 - Penalties.

Any person violating this section is guilty of a misdemeanor.

CHAPTER 8.24 - ILLEGAL DUMPING

Section 8.24.010 - Prohibited

No person shall place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any garbage, swill, cans, bottles, papers, ashes, dirt, sand, rock, cement, glass, metal, carcass of any dead animal, offal, refuse, plants, cuttings or trash or rubbish of any nature whatsoever, or any nauseous, offensive matter, in or upon any public or private road, highway, street, alley, public way or any public or private property of any kind whatsoever.

Section 8.24.020 - Penalties

Any person violating this Chapter is guilty of a misdemeanor.

CHAPTER 8.25 - SLEEPING IN PUBLIC

Section 8.25.010 Sleeping in public and certain private places prohibited.

Within the City of Anderson, it shall be unlawful for any person to sleep:

- A. In or on any public right-of-way, including any street, alley, roadway, easement, median, irrigation canal, or embankment;
- B. In or on any public park or trail or upon the grounds of any public facility or property, whether improved or unimproved;
- C. Upon any unimproved private lot unless such use is with the permission of the owner and permissible under the City of Anderson's zoning ordinance or;
- D. Upon the premises of any private, commercial, or industrial property unless such use is with the permission of the owner and permissible under the City of Anderson's zoning ordinance."

Section 8.25.020- Penalties

Any person violating this chapter is guilty of a misdemeanor.

CHAPTER 8.26 – CAMPING IN PUBLIC

Section 8.26.010 - Camping In Public and Certain Private Places Prohibited.

Within the City of Anderson, it shall be unlawful for any person to sleep or camp:

- A. In or on any public right-of-way, including any street, alley, roadway, easement, median, irrigation canal, or embankment;
- B. In or on any public park or trail or upon the grounds of any public facility or property, whether improved or unimproved;
- C. Upon any unimproved private lot unless such use is with the permission of the owner and permissible under the City of Anderson's zoning ordinance or;
- D. Upon the premises of any private, commercial, or industrial property unless such use is with the permission of the owner and permissible under the City of Anderson's zoning ordinance.

Section 8.26.020 - Camp Defined.

As used herein, "camp" shall mean an outdoor place or vehicle for eating, cooking, or sleeping, and includes, but is not limited to: (a) the use of camping facilities such as tents, tarpaulins, or temporary shelters or makeshift structures; (b) the use of sleeping bags, cots, beds, or hammocks; (c) the use of park benches, recreation equipment or similar structures; (d) the use of any parked vehicle, including an automobile, bus, truck, camper,

trailer, or recreational vehicle; or (e) the use of any outdoor place for storage of personal belongings evidencing an intent to eat, cook or sleep, or otherwise use such place for living accommodation purposes.”

Section 8.26.030 – Penalties.

Any person violating this chapter is guilty of a misdemeanor.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the City Council on September 19, 2017, and duly adopted at a regular meeting of the City Council held on October 3, 2017, by the following vote:

AYES: Councilmembers Hunt, Neutze, Baugh, Comnick, and Mayor Browning.
NOES: None.
ABSTAIN: None.
ABSENT: None.


Baron Browning, Mayor

ATTEST:


Juanita Barnett, City Clerk