

Title 10

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 10.04 FRAUDULENT MISREPRESENTATION**
- 10.10 CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER**
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Chapter 10.32.065 Trespass – Willows Airport Rifle, Pistol and Trap Range was repealed by Ordinance 1209 adopted April 2009.

Chapter 10.46 Delivery of Marijuana, Including Marijuana for Medical Purposes, in the Unincorporated Area of Glenn County was repealed by Ordinance 1261 adopted June 27, 2017.

Chapter 10.04

FRAUDULENT MISREPRESENTATION

Sections:

10.04.010 *Misrepresentation of fact.*

10.04.020 *Violation -- penalty.*

10.04.010 Misrepresentation of fact.

No person shall knowingly make, by any means, any material misrepresentation of fact, on the person's own behalf or on behalf of another person, with respect to any application for employment with the County or continued employment by the County, or with respect to any permit, license, or other entitlement granted or issued by the County. (Ord. 1060 § 45, 1995.)

10.04.020 Violation -- penalty.

- A. Every person who violates any provision of this chapter is guilty of an infraction.
- B. Notwithstanding subsection A, every person who violates any provision of this chapter when the person has executed an oath or statement under penalty of perjury, or has otherwise acknowledged or verified that the information in question was or is true, is guilty of a misdemeanor.
- C. Nothing in this chapter shall be deemed or construed to preclude the prosecution and conviction of any person for perjury, in lieu of prosecution under this chapter, when there is reasonable cause to believe that the person has committed perjury in any circumstance or proceeding to which this chapter would otherwise apply.
- D. A violation of any provision of this chapter, whether or not prosecuted as such or as perjury, may also be punished by denial, revocation or rescission of approval of any county permit, license, or other entitlement to which the violation relates.
- E. Any violation of this chapter by any applicant for county employment or for transfer from one position to another position within county employment, is grounds to deny employment to the applicant or to impose disciplinary action, including termination of employment, upon the county employee.

(Ord. 1060 § 45, 1995.)

Chapter 10.10

CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINERS ALONG SPECIFIED PORTIONS OF THE SACRAMENTO RIVER

Sections:

- ARTICLE II Offenses Regarding Public Consumption of Alcohol or Possession of Alcoholic Containers Along Specified Portions of the Sacramento River*
- 10.10.010** *Definitions.*
- 10.10.020** *Sacramento River*
- 10.10.030** *Violation an Infraction*

**ARTICLE II
Offenses Regarding Public Consumption of Alcohol or Possession of Alcoholic Containers
Along Specified Portions of the Sacramento River**

10.10.010 Definitions.

For the purpose of Chapter 10.10, the following terms shall have the following meanings:

- A. "Container" means a bottle, can, or other receptacle.
- B. "Person" shall include: Any natural person, association, corporation, cooperative, partnership, collective, limited liability company, or any other social or business entity.
- C. "Labor Day holiday weekend" means the period of time beginning at 12:01 a.m. of the Saturday proceeding the first Monday in September of each and every year through 11:59 p.m. of the first Monday in September of each and every year. (Ord. 1249 §2, 2014; Ord. 1242 §2, 2013)

10.10.020 Sacramento River.

Consumption of alcoholic beverages and possession of alcoholic beverage containers prohibited along specified portions of the Sacramento River.

- A. It shall be unlawful for any person to consume an alcoholic beverage or possess an open alcoholic beverage container during the Labor Day holiday weekend in the following designated areas along the Sacramento River within Glenn County.
 - 1. Those areas extending from the edge of the water upland for a distance of fifty feet on the bank of the river, beginning at the upstream edge of the Highway 32 Bridge traversing the Sacramento River between Butte and Glenn Counties and ending at the mouth of Big Chico Creek:
 - 2. This prohibition includes all bridges and pipeline crossings not otherwise exempted herein.
- B. As a result of Section 10.10.020 A.1. and 2., it shall further be unlawful for a person in a vessel, as defined by Section 651 of the Harbors and Navigation Code, or a bather, as defined by Section 651.1 of the Harbors and Navigation Code, from having in his/her possession a container with an alcoholic beverage, whether opened or closed, during the afore-described Labor Day holiday weekend. (See Business and Professions Code Section 25608.12)
- C. These prohibitions shall only apply during the Labor Day holiday weekend, as defined in Section 10.10.010. (Ord. 1249 §2, 2014; Ord. 1242 §2, 2013)

10.10.030 Violation an Infraction.

Every person who violates any of the provisions of this chapter is guilty of an infraction. (Ord. 1249 §2, 2014; Ord. 1242 §2, 2013)

Chapter 10.20

CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

Sections:

- ARTICLE III Offenses Against Public Decency*
- 10.20.010** *Hamilton City Park.*
- 10.20.020** *Violation a misdemeanor.*

ARTICLE III Offenses Against Public Decency

10.20.010 Hamilton City Park.

The drinking or consumption of beer, wine or any alcoholic beverage by any person in the county park bounded on the north by Third Street, on the south by Second Street, on the west by Los Robles Avenue and on the east by Broadway in the town of Hamilton City is prohibited. (Ord. 627, 1975.)

10.20.020 Violation a misdemeanor.

Every person who violates any of the provisions of this chapter is guilty of an infraction. (Ord. 1060 § 46, 1995; Ord. 741 § 1, 1980.)

Chapter 10.25

(RESERVED)

Sections:

- ARTICLE IV OFFENSES AGAINST PUBLIC PEACE*
- 10.25.010** *(Reserved).*

ARTICLE IV OFFENSES AGAINST PUBLIC PEACE

10.25.010 (Reserved).

Chapter 10.32

TRESPASS

Sections:

	<i>ARTICLE V Offenses Against Property</i>
<i>10.32.010</i>	<i>Trespass upon private property prohibited.</i>
<i>10.32.020</i>	<i>Trespass--Fenced areas.</i>
<i>10.32.030</i>	<i>Trespass--Swimming pools.</i>
<i>10.32.040</i>	<i>Trespass--Parking lots.</i>
<i>10.32.050</i>	<i>Trespass--Public buildings.</i>
<i>10.32.060</i>	<i>Trespass on public property--Nighttime.</i>
<i>10.32.070</i>	<i>School trespass--Daytime.</i>
<i>10.32.080</i>	<i>Application--Exceptions.</i>
<i>10.32.090</i>	<i>Severability clause.</i>

ARTICLE V Offenses Against Property

10.32.010 Trespass upon private property prohibited.

- A. No person shall remain on any private property or business premises after being notified to leave by the owner, lessee or other person in charge.
- B. No person, without permission, express or implied, of the owner, lessee or other person in charge, shall enter upon private property or business premises after being notified by the owner, lessee or other person in charge to keep off or keep away therefrom.
- C. Notification by the owner, lessee or other person in charge, as provided in subsections A and B above, may be satisfied by direct verbal or written communication by such person or his or her agent, including a peace officer or private patrolman, or by sign conspicuously posted on the property or premises giving notice of the prohibition of the particular form of trespass involved.

(Ord. 1269 § 10, 2018; Ord. 810 § 1 (part), 1984; Ord. 647 (part), 1976.)

10.32.020 Trespass--Fenced areas.

- A. It is unlawful for a person, without the permission of the owner, person in charge, or his or her authorized representative, to enter public or school property that is surrounded by a locked or barred fence or wall, or to enter private residential or business property surrounded by a fence, wall, hedge, or combination thereof.
- B. This section shall not apply to persons who enter unlocked fenced areas for the purpose of a social or business visit with the occupant of the property.

(Ord. 1269 § 10, 2018; Ord. 810 § 1 (part), 1984; Ord. 647 (part), 1976.)

10.32.030 Trespass--Swimming pools.

It is unlawful for a person to enter or use a public or private swimming pool without the permission of the owner, person in charge, or his or her authorized representative. (Ord. 1269 § 10, 2018; Ord. 810 § 1 (part), 1984; Ord. 647 (part), 1976.)

10.32.040 Trespass--Parking lots.

It is unlawful for a person other than an owner, employee, person in charge, agent thereof, or with permission of the owner or person in charge, to enter or be present upon a public or private off street parking lot or parking facility between the hours of ten p.m. and five a.m. This section shall not apply to a twenty-four-hour rest area or during such hours that a parking lot or facility is specifically held open to the public by an owner, employee, person in charge, or agent thereof. (Ord. 810 § 1 (part), 1984; Ord. 647 (part), 1976.)

10.32.050 Trespass--Public buildings.

It is unlawful for a person to enter or remain in public building or school building without the permission of the building superintendent, his or her authorized representative, or an employee supervisor, when such building is closed to the public. (Ord. 1269 § 10, 2018; Ord. 810 §1 (part), 1984.)

10.32.060 Trespass on public property--Nighttime.

A. It is unlawful for a person other than an employee on business and those with the permission of administrative personnel or an agent thereof, to enter or be present upon school or public park property between ten p.m. and five a.m., not in response to a function to which members of the public are invited, and without obtaining permission to be on the property from administrative personnel in charge of the property.

B. This section shall not apply to any public park specifically held open on a twenty-four-hour basis. (Ord. 810 § 1 (part), 1984.)

10.32.070 School trespass--Daytime.

A. It is unlawful for a person who is not a teacher, student, or employee at the school, to enter or be present upon the school grounds on a school day between eight-thirty a.m. and four p.m., not in response to a school function to which members of the public are invited, and without obtaining permission to be on the grounds from administrative or teaching personnel, and to refuse to leave the grounds immediately when ordered to do so by an administrative or teaching staff member or an agent thereof, or to leave and return without permission and not in response to a school function to which members of the public are invited, after having been ordered to leave.

B. This section is not intended to limit the right of any parent, relative or member of the general public, in a nondisruptive manner, to enter school property and observe classes and school functions not open to the public, provided that such person has announced his or her presence to administrative personnel upon entry of the school grounds and receives permission to do so. A reasonable request for access shall not be denied.

(Ord. 1269 § 10, 2018; Ord. 810 § 1 (part), 1984.)

10.32.080 Application--Exceptions.

None of the provisions of this chapter shall apply when any of the following circumstances exists:

- A. The provision violates a federal or state civil rights act or any other provision of law relating to the prohibited discrimination against any person on account of color, race, religion, creed, ancestry or national origin;
- B. The provision results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;
- C. The provision results in an interference with or inhibition of peaceful, lawful labor picketing or other lawful labor activities;
- D. The provision results in an unlawful interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech;
- E. The person who is upon another's property is there under reasonable claim or color of legal right.

(Ord. 810 § 1 (part), 1984.)

10.32.090 Severability clause.

If any section, part, clause or phrase of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. (Ord. 810 § 1 (part), 1984.)

Chapter 10.36

YOUTH PROTECTION CURFEW

Sections:

- 10.36.010** *Definitions.*
- 10.36.020** *Prohibition.*
- 10.36.030** *Exemptions.*
- 10.36.040** *Enforcement procedure.*
- 10.36.050** *Parent responsibility.*

10.36.010 Definitions.

The following words and phrases, when used in this chapter, have the meanings or usage indicated below:

- A. "Curfew hours" mean the hours from 10:00 p.m. to 6:00 a.m. of the following day;
- B. "Emergency" means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life, such as a fire, natural disaster, or automobile accident, or any similar situation requiring such immediate action;
- C. "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or recreation;
- D. "Guardian" means:
 - 1. A person who, under court order, is the guardian of the person of a minor; or
 - 2. A public or private agency with whom a minor has been placed by a court; or
 - 3. A person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- E. "Loiter" means to stand idly about or linger aimlessly;
- F. "Minor" means any person under 18 years of age;
- G. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor;
- H. "Public place" means:
 - 1. Any out-of-door area to which the public or a substantial group has access, including, but not limited to, streets, highways, sidewalks, alleys, parks, playgrounds, or other public grounds; and
 - 2. The common areas of establishments, including, but not limited to, entry ways lobbies, reception areas, waiting areas and parking lots.
- I. "Remain" means to:
 - 1. Linger or stay; or
 - 2. Fail to leave a public place when requested to do so by an enforcing officer or the person in control of the public place.
- J. "Serious bodily injury" means that bodily injury defined in Penal Code Section 243(f)(5) or any successor statute.

(Ord. 1060 § 49, 1995.)

10.36.020 Prohibition.

It is unlawful for any minor to loiter or remain in any public place within the county during curfew hours, except as provided in Section 10.36.030. (Ord. 1060 § 49, 1995.)

10.36.030 Exemptions.

A minor does not violate this chapter if, at the time the minor was stopped by an enforcing officer, the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the minor's parent or guardian, without detour or stop;
- C. In a motor vehicle involved in interstate travel;
- D. Engaged in a lawful employment activity, or going to or returning home from a lawful employment activity, without detour or stop;
- E. Acting in response to an emergency;
- F. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;

- G. Returning directly home, without detour or stop, from (1) a school, cultural, sports, amusement, entertainment, or recreation activity, or (2) any organized rally, demonstration, meeting or similar activity protected by the First Amendment to the United States Constitution;
 - H. Waiting at a bus stop for transportation;
 - I. Emancipated in accordance with the California Family Code or other applicable State law.
- (Ord. 1060 § 49, 1995.)

10.36.040 Enforcement procedure.

- A. Before taking any enforcement action, an enforcing officer shall ask the apparent offender’ s age and reason for being in the public place.
 - B. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that no exemption under Section 10.36.030 applies.
- (Ord. 1060 § 49, 1995.)

10.36.050 Parent responsibility.

Every minor who violates any provision of this chapter and every parent, guardian, or other person having the legal care, custody, or control of any minor who solicits, induces or allows that minor to violate any provision of this chapter is guilty of an infraction. (Ord. 1060 § 49, 1995.)

Chapter 10.38

TRUANCY/LOITERING ON SCHOOL DAYS

Sections:

- 10.38.010 Purpose.*
- 10.38.020 Prohibited Acts.*
- 10.38.030 Valid Excuses.*
- 10.38.040 Enforcement Procedure.*
- 10.38.050 Infraction - Penalty.*
- 10.38.060 Hearing Requirement – Parental Obligation to Attend.*
- 10.38.070 Severability.*

10.38.010 Purpose.

The purpose of this Ordinance is to protect the health, safety and welfare of both the community and unsupervised truants and to address those problems minors create when they are not in school without valid excuse during school hours. Because of their lack of maturity and experience, unsupervised students may involve themselves in unsafe activities resulting from being absent from school, some unsupervised students may engage in criminal activity to the detriment of the community; and some unsupervised students may become a burden on police who must return them to school, wait for parents to pick them up, and/or investigate any and all criminal activity related to the students truancy. Truant minors also lose educational opportunities and their unexcused absences result in a loss of State and Federal funding to the detriment of all students. As a result, therefore, the Board of Supervisors of the County Glenn finds and determines that a special need exists for the adoption of an anti-loitering/truancy ordinance. (Ord. 1206 § 2, 2009)

10.38.020 Prohibited Acts.

- A. Minors. It is unlawful for any minor under the age of 18 years, who is subject to compulsory education or to compulsory continuation education, to loiter, idle, wander, stroll or play in or upon public street, highway, road, alley, park, playground, parking area, public place or public building, place of amusement or eating place, vacant lot, or any place open to the public, or to refuse the specific direction of a parent, guardian, or other adult person having care and custody of the minor, to leave his or her place of residence for the purpose of attending school, in the County of Glenn, State of California, during those hours that his or her school is in session.
- B. Parents/Guardians. It is unlawful for the parent or guardian of any minor to knowingly permit or by insufficient control to allow the minor to be in violation of subsection 10.38.020 (A) above.

(Ord. 1206 § 2, 2009)

10.38.030 Valid Excuses.

The provisions of this ordinance shall not apply when the minor has one or more of the following valid excuses:

- A. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
- B. The minor is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor.
- C. The minor is going directly to or returning directly from his or her place of school-approved employment and the minor has in his or her possession verification of employment;
- D. The minor is going directly to or returning directly from a medical appointment and has in his or her possession verification of such medical appointment;
- E. The minor has permission to leave campus and has in his or her possession a valid, school-issued off-campus permit;
- F. The minor is attending, going directly to or returning directly from a school sponsored activity, such as a sporting event, field trip, movie or play and the minor has in his or her possession verification of such school sponsored activity; or
- G. The minor is going directly to or returning directly from an event or activity that is directly related to any medical condition of a parent, guardian or other adult person having the care and custody of the minor.

(Ord. 1206 § 2, 2009)

10.38.040 Enforcement Procedure.

- A. Upon any violation of section 10.38.020 (A), a peace officer or designated school official may issue a citation to the minor and may also do one of the following:
 - 1. Detain the minor until he or she can be placed in the care and custody of his or her parent, guardian or other adult person having the care and custody of the minor.
 - 2. Transport the minor to his or her home;
 - 3. Transport the minor to the school from which the minor is absent.
- B. Upon the minor's second and subsequent citations for violation of section 10.38.020 (A), a peace officer may also issue a citation to the minor's parent or guardian for violation of section 10.38.020 (B).

(Ord. 1206 § 2, 2009)

10.38.050 Infraction—Penalty.

- A. Violation of section 10.38.020 (A) shall constitute an infraction and may be punishable by a fine not to exceed \$250.00 and/or by a requirement to perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than the minor's hours of school attendance or employment.
- B. Violation of section 10.38.020 (B) shall constitute an infraction and may be punishable by a fine not to exceed \$250.00.

(Ord. 1206 § 2, 2009)

10.38.060 Hearing Requirement—Parental Obligation to Attend.

- A. A minor cited for an infraction under this ordinance shall attend a court hearing on the infraction and shall be accompanied at the hearing by his or her parent, legal guardian, or other adult person having the legal care or custody of the minor. If any such parental or custodial person fails to attend the hearing with the minor, and unless the interests of justice would otherwise be served, the court shall continue the hearing and shall issue a citation to the parental or custodial person, directing him or her to appear at the continued hearing with the minor.
- B. At the hearing the minor's parent or guardian shall be advised that the minor was cited for a violation of section 10.38.020 (A). The parent or guardian shall be warned of his or her responsibility and liability under section 10.38.020 (B).

(Ord. 1206 § 2, 2009)

10.38.070 Severability.

If any section, subdivision, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid, preempted or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Glenn hereby declares that it would have adopted this ordinance and each section, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subdivision, sentence, clause, phrase or portion may be declared invalid, preempted or unconstitutional. (Ord. 1206 § 2, 2009)

Chapter 10.40

WEAPONS

Sections:

- ARTICLE VII Weapons*
- 10.40.010** *Possession of loaded firearm--Unlawful where.*
- 10.40.020** *Loaded firearm described.*
- 10.40.030** *Chapter Applicability.*
- 10.40.040** *Violation a misdemeanor.*

ARTICLE VII Weapons

10.40.010 Possession of loaded firearm--Unlawful where.

It is unlawful for any person to possess a loaded firearm or to discharge or use any pistol, shotgun, rifle, air-gun, sling, bow or other device for throwing stones, shafts, shot or metal slugs from, upon, over or across any property within the unincorporated limits of the county in areas where such use of firearms is prohibited by signs posted by order of the Glenn County board of supervisors. (Ord. 617 § 1, 1974.)

10.40.020 Loaded firearm described.

A firearm shall be deemed to be loaded for the purpose of this chapter when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in or attached in any manner to the firearm, including but not limited to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder. (Ord. 617 § 2, 1974.)

10.40.030 Chapter Applicability.

This chapter shall not be applicable to duly authorized peace officers while acting in the course and scope of their duties and employment or to persons or agencies operating under a license or permit duly issued by the Glenn County board of supervisors. (Ord. 617 § 3, 1974.)

10.40.040 Violation a misdemeanor.

Every person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 1060 § 50, 1995; Ord. 617 § 4, 1974.)

Chapter 10.42

DISCHARGE OF FIREARMS ON COUNTY PROPERTY

Sections:

- 10.42.010 Unlawful where.*
10.42.020 Chapter applicability.
10.42.030 Violation a misdemeanor.

10.42.010 Unlawful where.

It is unlawful for any person to discharge any firearm within the unincorporated area of the county as follows:

- A. Upon or across any public road or highway;
- B. Upon or across lands owned, leased, controlled or maintained by the county, including, but not limited to, road or highway rights-of-way, road shoulders, drainage ditches adjacent to county roads or highways, borrow pits, parking strips or parking areas;
- C. Upon or across drainage ditches, which are owned, leased or controlled by the county, passing through private property and not adjacent to county roads or highways, unless the permission of all the adjacent property owners is obtained.

(Ord. 834 § 2 (part), 1985.)

10.42.020 Chapter applicability.

This chapter shall not be applicable within the boundaries of the Mendocino National Forest within the county. (Ord. 834 § 2 (part), 1985.)

10.42.030 Violation a misdemeanor.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor. (Ord. 1060 § 51, 1995; Ord. 834 § 2 (part), 1985.)

Chapter 10.44

AUTHORITY TO ENFORCE THE CALIFORNIA HARBORS AND NAVIGATION CODE

Sections:

- 10.44.010** *Purpose.*
- 10.44.020** *Safety*
- 10.44.030** *Authority.*
- 10.44.040** *Enforcement.*
- 10.44.050** *Written Notice to Appear.*
- 10.44.060** *Civil Liability.*

10.44.010 Purpose.

There is a significant need for Sheriff's County Services Officers to have the ability to cite for violations of the Harbors and Navigation Code. During times of significant traffic on the County's waterways they, as public officers, provide critical assistance to the Sheriff's Marine Unit. Upon adoption of this ordinance they will have the ability to enforce boating laws while on waterways. (Ord. 1214 § 3, 2009)

10.44.020 Safety.

Sheriff's County Services Officers shall be allowed to cite violators under the Harbors and Navigation Code for illegal actions and improve the safety of the general public while engaging in waterways activities. (Ord. 1214 § 3, 2009)

10.44.030 Authority.

Pursuant to Section 836.5 (a) of the Penal Code, public officers, when authorized by ordinance, may arrest a person without a warrant whenever the officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer that is a violation of a statute or ordinance that officer has the duty to enforce. (Ord. 1214 § 3, 2009)

10.44.040 Enforcement.

- A. Sheriff's county services officers shall have and are vested with the authority of a public officer. Each sheriff's services officer has the power and duty, in the performance of his duties, to enforce the California Harbors and Navigation Code.
- B. Pursuant to Section 836.5 of the Penal Code, any of them may arrest a person without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of the Harbors and Navigation Code of the State of California. In that capacity, they shall be empowered to make arrests for violations of that code and may release the arrested person upon the issuance of a citation as provided in Section 853.6 of the Penal Code.

(Ord. 1269 § 10, 2018; Ord. 1214 § 3, 2009)

10.44.050 Written Notice to Appear.

If a person arrested pursuant to this chapter does not demand to be taken before a magistrate, the public officer making the arrest shall require the arrestee to provide satisfactory evidence of his or her identity, prepare a written notice to appear and release the person if he or she promises to appear, as prescribed by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority. (Ord. 1269 § 10, 2018; Ord. 1214 § 3, 2009)

10.44.060 Civil Liability.

Pursuant to Section 836.5 of the Penal Code, there shall be no civil liability on the part of, and no cause of action shall arise against, any public officer acting pursuant to this chapter and within the scope of his or her authority for false arrest or false imprisonment arising out of any arrest which is lawful or which the public officer, at the time of the arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose the right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance. (Ord. 1269 § 10, 2018; Ord. 1214 § 3, 2009)