



MEMORANDUM

Office of the City Attorney

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TO: Public Safety Committee
FROM: City Attorney
SUBJECT: Municipal Ordinance Prosecution

DATE: August 17, 2006

Violations of the City's open container and public urination ordinances (Gainesville City Ordinance Sections 4-4 and 17-8, respectively) are prosecuted in the criminal divisions of the Alachua County Court. The maximum penalties for violations of these ordinances are imprisonment for a term not to exceed 60 days and a fine not to exceed \$500.00. Additionally, alleged violators receive an arrest record as a result of violating the open container or public urination ordinances.

Violations of various other City ordinances, such as Chapter 15 noise violations, are enforced through issuance of civil citations. An alleged violator who receives a civil citation has the option of paying a fine or appearing in court for an administrative hearing to determine guilt. The civil penalty increases with each subsequent violation of the same ordinance, but may not exceed \$500.00 per violation. Civil citations are processed similarly to civil traffic infractions, and there is no arrest record resulting from receiving a civil citation.

ISSUES PRESENTED

The City's Code of Ordinances could be amended to allow enforcement of code violations by civil citation as an alternative to enforcement in the criminal courts. Several considerations would be impacted by such amendments.

1) Issue: Arrest powers are still available to curb the violations at issue.

This proposal does not require that law enforcement agencies abandon any present tools to enforce City ordinances, it is merely suggests that there is an alternative way of handling open container and public urination cases. There are two important considerations that must be weighed in deciding to opt for civil enforcement rather than criminal-type enforcement of these violations. First, when arresting or issuing a notice to appear (NTA) in lieu of arrest, an officer has the ability to search the alleged violator incident to the arrest, primarily to ensure officer safety. Occasionally, a lawful search may lead to additional evidence, or evidence of other crimes. Second, when arresting an alleged violator, by definition, the officer removes the alleged violator

from the scene of the offense, and, therefore, causes an immediate cessation of the violation.

Regardless of the form of enforcement, valid identification must be produced by an alleged violator. Otherwise, an arrest will be necessary. As for other evidence that may be discovered during the course of a search, open containers of alcohol and public urination cases are not likely to be enhanced by additional evidence obtained through a search. While there are situations in which a person is found to have evidence of another crime, such as possession of drugs or drug paraphernalia, the number of cases where a defendant is charged with a municipal ordinance violation and other criminal activity is rather low. Nevertheless, the officer still has the discretion to arrest an alleged violator if he feels that the violator's conduct or other non-discriminatory circumstances arise that in any way endangers the safety of the officer or members of the public.

Open container and public urination typically are not crimes that would necessitate a removal of the alleged violator from the scene. This is more reserved for crimes that require removal in order to cease the activity from occurring, such as disorderly conduct and trespassing in a public park after hours. However, the police could still issue a Notice to Appear (in criminal court) in circumstances that are warranted.

2) Issue: The civil citation process is less "cumbersome, time consuming, and resource intensive."

Issuing civil citations is nothing new to local law enforcement agencies, as revealed by the large number of noise ordinance citations written each month. With regards to process, issuing a civil citation is no more time consuming than issuing an NTA, and it utilizes less resources than a physical arrest. The only procedural distinction between a civil citation and an NTA is whether a violator has been previously noticed before receiving a civil citation. For example, under Chapter 15, a person accused with a violation of the noise ordinance is warned by an officer, and is cited only if another violation occurs 90 days after the initial notice.

Florida Statutes state that an initial warning is not necessary for issuance of civil citations when the, "officer has reason to believe that the violation presents a serious threat to the public health, safety or welfare, or if the violation is irreparable or irreversible." F.S. §162.21(3)(b). There are hazards associated with open containers in public areas, as well as sanitary concerns of public urination. With the appropriate presentation of evidence and testimony, the City Commission would likely find that violations of these ordinances could be appropriately enforced with civil citations absent prior personal notice. This would in turn eliminate the administrative burden of keeping track of past warnings. This Office in conjunction with GPD could make such a recommendation to the Commission.

3) Issue: Penalties for ordinance violations should fit the crime.

There is concern that people who violate the City's ordinances should face a more substantive penalty than a civil citation. What is the appropriate penalty for violating the City's open container and public urination ordinances? The perpetrators fall into three broad categories: college students and young adults; out-of-towners visiting for University-related events; and homeless individuals. An arrest record is a far more serious matter for the violators than the penalties assessed.

The majority of open container and public urination cases are committed by first time offenders, and the penalties for them are typically much less severe in the criminal courts than those that result from civil citations. The City has created a pre-trial diversion system, which is consistent with and based on a policy the State Attorney's Office utilizes in prosecuting misdemeanor criminal cases. Defendants who have little or no criminal history are offered, and overwhelmingly accept, a deferred prosecution agreement in which they agree to refrain from new violations of law for ninety days and pay a sum to defray the cost of prosecution within sixty days. Under the agreement, if all of the terms have been met, the City will dismiss the charges. Defendants who choose to go before the court or to whom pretrial-diversion is not offered, if found guilty, are sentenced by the Court. The penalties imposed by the Court are similar to those of 2nd degree misdemeanor cases, which are typically less than a person would receive as a result of a civil citation or traffic citation.

CITY STAFF RESOURCES

The prosecution of open container and public urination ordinance violations consumes a lot of staff time. An attorney and a staff assistant are required to attend every arraignment and pre-trial conference scheduled in each of the three misdemeanor divisions, plus at all hearings contesting the charges. This amounts to at least nine court appearances per month, plus additional dockets that are added on an occasional basis. Each case is called before the judge regardless of whether it is disposed of by pre-trial diversion, plea, or trial.


Civil citations only require court appearances if the defendant challenges the citation, or if it is the defendant's third or more violation of the same offense. Similar to traffic offenses, the case is typically presented by the officer who issues the citation, but assistance is available by the City Attorney's Office in matters where unusual defenses are raised, or at the reasonable request of an officer.

CONCLUSION

The enforcement of open container and public urination ordinances by civil citation may be a more efficient, effective, and equitable approach while still allowing the officer at the scene the authority to effectuate an arrest when necessary. The removal of open container and public urination cases from the criminal division docket would leave other municipal ordinance violations in the criminal courts (including trespassing in a park after hours, aggressive panhandling, discharging a firearm in the city, etc) where the arrest and removal of the alleged violator would be necessary to ascertain identity or ensure the cessation of the violation. The use of civil citations would also reduce the number of cases in the criminal justice system and, in a small way, reduce the pressures on the over-crowded County jail. This proposal will add to the enforcement mechanisms available to the City and law enforcement.

A summary of the number and types of municipal ordinance cases handled by this office between January and June, 2006, is attached for your information. Additionally, a draft of the proposed code amendments that would effectuate this change is attached for consideration and discussion.

Prepared by:



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Prepared and
Submitted by:



Marion J. Radson
City Attorney

January - June 2006 Municipal Prosecution Summary

# MO Cases Handled TOTAL	574
# MO Cases Pled @ 1st App. (no CAO involvement) TOTAL	59
MO arrests	31
FTA/capias/VOP arrests	28
# Cases Nolle'd (other than compliance) TOTAL	47
1I (Insufficient Evidence as to Defendant), 1D, 2B, No Info	13
1J/1Y (Defendant Pled to/Sentenced on Other Charges)	14
2G (Case Transferred to Misdemeanor Division)	17
3B (Individual Did Not Commit Crime as Alleged)	1
2A (Essential Witness/Defendant Deceased)	2
# DPs TOTAL (incl. UF DPs)	219
#UF DPs TOTAL (no allowance for Community Service hrs)	35
# Revocations TOTAL	28
# DPs Paid TOTAL	112
# DP Cases where Defendant performed Community Service (17.5 hrs ea.)	10 (175 hrs)
# MO Cases Pled at or post-Arrestment TOTAL	213
# Capias' Issued	115
# MO Cases Tried (NJT's)	2 (verdicts:Not Guilty)
Pled Not Guilty	31
# Cases with Homeless/Transient Defendants TOTAL	125 (incl. 12 unknowns)
# Students Charged TOTAL	153
# UF Students Charged TOTAL	116
On UF Campus	56
# SFCC Students Charged TOTAL	30
On UF Campus	8
# Students - other Charged TOTAL	7 (2 on UF prop.)
# MO Violations on UF Campus TOTAL	84
Non-student (UF) Offenders	18
# Charges Issued (through 06/30/06) TOTAL	577
GPD	481
UPD	96
# Charges Per Type	
17-4 Disorderly Conduct	7
17-8 Public Urination	182
17-11 Interfere w/ Police Horse	1
17-33(a) Sexual Predator/Offender Residency Requirement	1
18-19 Trespass in Park	28
19-80 Panhandling	9
4-4(a) (&18-20) Possess Alcohol in Park	48
4-4(b) Open Container	301

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

(a) The definitions contained in the beverage law of the state, as defined in F.S. § 561.01 and interpreted by the courts of this state and the state director of the division of alcoholic beverages and tobacco of the department of business and professional regulation, shall apply to the terms in this chapter.

(b) *Open container* shall mean any bottle, can, glass, cup or other vessel, other than the original unbroken sealed container or a bottle of wine resealed pursuant to F.S. § 564.09, containing an alcoholic beverage; provided however, that if a bottle of wine resealed pursuant to F.S. § 564.09 is transported in a motor vehicle, the resealed bottle shall be considered an open container unless it is placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(Code 1960, § 4-1; Ord. No. 3307, § 1, 12-15-86; Ord. No. 3311, § 1, 1-5-87; Ord. No. 4067, § 1, 3-27-92; Ord. No. 050369, § 1, 10-24-05)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 4-2. Hours of sale.

(a) *Alcoholic beverages by the package, other than packaged beer and unfortified wine.* No beverage licensee, or employee or agent of such licensee, permitted under state law to sell alcoholic beverages by the package, bottle or original container shall sell, offer for sale, serve or deliver such a product (other than packaged beer and unfortified wine) for consumption either on or off the premises during the following hours (time is local time):

(1) Any time Sunday, except if December 31 occurs on a Sunday, sales will be permitted between 6:00 p.m. that day and 2:00 a.m. the following day.

(2) 11:00 p.m. to midnight Monday through Saturday.

(3) Midnight to 7:00 a.m. Monday through Saturday.

(b) *All other alcoholic beverages.* No beverage licensee, or employee or agent of such licensee, shall sell, offer for sale, serve, or permit to be sold or served or consumed, any alcoholic beverage not regulated under subsection (a) in a place operating under the beverage license, for consumption either on or off the premises, during the following hours (time is local time):

(1) 2:00 a.m. to 7:00 a.m.

(2) 7:00 a.m. to 1:00 p.m. on Sunday.

(3) 11:00 p.m. Sunday to 2:00 a.m. the following day, except if December 31 occurs on a Sunday, this restriction shall not apply on that day.

(Code 1960, § 4-5; Ord. No. 4067, § 2, 3-27-92; Ord. No. 970042, § 1, 9-8-97; Ord. No. 990443, § 1, 11-8-99; Ord. No. 990797, § 1, 12-13-99)

State law references: Authority to regulate hours of sale, F.S. §§ 562.14(1), 562.45(2).

Sec. 4-3. Schools; distance restrictions.

(a) *Schools.* No sale of alcoholic beverages shall be made where the place of business is within 400 feet of a public or a private school, duly accredited and offering any of the grades from kindergarten through the 12th grade, which measurements shall be by a

straight line from the main entrance of the building of the licensed premises of the applicant to the nearest part of the school grounds normally and regularly used in connection with the school program.

(b) *Existing licenses.* Those licensees previously issued beverage licenses under the terms of F.S. § 561.34(1) (now F.S. § 563.02(1)), permitting sale of malt beverages containing alcohol of 0.5 percent or more by volume for consumption on the premises and having a beverage license for the year 1962--1963 may continue to sell alcoholic beverages at the same premises only and as vendors only under F.S. § 563.02(1), notwithstanding the provisions of subsection (a). Should such license be suspended, revoked, transferred to a different licensed premises, or not be renewed and kept continuously valid, this exemption shall no longer apply, and the provisions of subsection (a) shall be enforced on those premises.

(c) *Applicability.* The prohibitions and distance restrictions contained in this section shall not apply to licenses issued pursuant to and for the classification described in F.S. § 563.02(1)(a) (sale of malt beverages containing alcohol of 0.5 percent or more by volume, only for consumption off the premises) and F.S. § 564.02(1)(a) (sale of brewed beverages containing malt, wines, and fortified wines, only for consumption off the premises).

(Code 1960, § 4-7; Ord. No. 970296, § 1, 10-27-97)

Cross references: Land development regulations relating to alcoholic beverage establishments, § 30-105.

State law references: Authority to regulate location of alcoholic beverage business, F.S. § 562.45(2).

Sec. 4-4. Consumption, sale and consumption, possession generally.

(a) *Parks, similar areas.* It shall be unlawful for any person to consume or to have in his/her possession any alcoholic beverages in a publicly owned park or recreation area, or on any public school property, or at any municipally owned and operated recreation centers or swimming pools, or at the stadium located near Waldo Road, commonly known as Citizens Field. The foregoing prohibitions shall not apply in the following areas on the occasions stated as to any type of alcoholic beverage:

(1) The airport terminal facility when being dispensed by a person duly licensed under the ordinances of the city and the statutes of the state;

(2) The Thomas Center, the Thelma Bolton Center and Boulware Springs, upon approval of the city manager or designee for consumption, not sale, of alcoholic beverages;

(3) The municipal golf course facility when being dispensed by a person duly licensed under applicable ordinances and state statutes;

(4) The Downtown Plaza, upon approval of the city manager or designee for consumption on the premises, or sale and consumption on the premises, of alcoholic beverages associated with a special event. Sale and consumption of alcoholic beverages shall be limited to beer and wine, and permitted by the city manager or designee only under the following conditions:

a. The special event shall be produced by the city. The city manager or designee shall select an organization qualified under section 501(c)(3) of the Internal Revenue Code and registered pursuant to F.S. Ch. 496 to sell alcoholic beverages at a designated location or

locations on the Plaza. Selection of the nonprofit organization and sales of beer and wine shall be pursuant to policy developed by the city manager.

b. The nonprofit organization and persons responsible for the sale or dispensing of the alcoholic beverages shall comply with all local, state and federal laws related to the sale, dispensing and consumption of alcoholic beverages, including, but not limited to, procuring a license to sell alcoholic beverages from the state.

c. All sales of alcohol shall take place during the event as specified by the city manager or designee, and only between the hours of 9:00 a.m. and 11:00 p.m. on Friday and Saturday, 1:00 p.m. and 10:00 p.m. on Sunday, 9:00 a.m. New Year's Eve and 1:00 a.m. New Year's Day, and 9:00 a.m. and 10:00 p.m. on any other day.

d. The organization and persons responsible for the sale or dispensing of the alcoholic beverages shall stop such sale or dispensing upon determination of the city manager or designee that continued sale and consumption of alcohol creates a clear and present danger of a riot or other general public disorder, and substantial injury to persons or to property.

e. The organization shall indemnify the city, its elected and appointed officers, employees, agents, and attorneys from any claim for personal injury, including death, or property damage, including destruction, associated with the special event. This indemnification shall be in the form of an insurance policy that names the city as an additional insured and is endorsed to provide a separate aggregate of \$1,000,000.00 for the event for which the person or organization is making application.

f. The organization shall present an accounting of the revenues and cost of sales of alcohol to the city manager or designee within ten days after the event. The city shall charge the organization for the cost of the event in excess of the cost the city would have incurred if no alcohol was sold (for example, the cost of extra police or signs).

(b) *Other areas generally:*

(1) It shall be unlawful for any person to consume or have in his/her possession any alcoholic beverages in any open container on any public street, thoroughfare, sidewalk (except in a licensed sidewalk cafe, or within the defined area of a properly issued boundary extension permit issued by the city manager/designee and operated in strict accordance with the regulations established therefor), or on any public or semi-public parking facility in the city (except in a properly licensed facility located in the retail space of the city parking garage located at 105 SW 3rd Street, Gainesville, Florida, provided the alcoholic beverage is dispensed by a person duly licensed under the ordinances of the city and the laws of the state). It shall be unlawful for any person to have in his/her possession any alcoholic beverages in any open container while in or on any motor vehicle on any public or semi-public parking facility in the city. The term "semi-public parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building or multiple-family residential building. Pursuant to a special event permit approved by the city manager, the dispensing and consumption of beer, as defined in F.S. § 563.01, and/or wine, as defined in F.S. § 564.01, will be permitted in semi-public parking facilities under the following conditions:

a. The special event permitted shall be jointly sponsored by the city, with the requirement that a sufficient number of off-duty law enforcement officers, as shall be

determined by the city, be employed by the noncity sponsoring agency to provide security and crowd control for the special event.

b. The special event shall occur on semi-public parking facilities of an establishment which is not licensed for the sale and/or consumption of alcoholic beverages either by state statute or city ordinance.

c. The special event permit shall have a duration of no longer than two days (48 hours); however, the number and hours during which the dispensing of the alcoholic beverage(s) may occur each day shall be determined by the city manager.

d. The persons responsible for dispensing the alcoholic beverages permitted shall comply with all local, state and federal laws related to the dispensing and consumption of the permitted alcoholic beverages.

e. No more than one permit for any 12-month period will be issued to any corporation, company, association, organization or group of any type.

(2) In addition to the prohibitions contained in subsection (b)(1), no person shall consume or have in his/her possession any alcoholic beverages in an open container on any other privately owned property, except as a lawful guest and with the consent of the owner or person in charge of such privately owned property.

(3) No more than six boundary extension permits shall be issued by the city manager during any calendar year.

(c) *Florida Field*. Except in the section commonly known as the executive suite boxes, it shall be unlawful for any person to consume or to have in his/her possession any alcoholic beverages within the stands, stadium or grounds of Florida Field, which is the stadium located on the campus of the University of Florida. This prohibition shall apply at any place within the gates of the stadium whether the same be in the stands, under the stands, on the grounds, in the aisles, or at any other place in the stadium.

(Code 1960, § 4-11; Ord. No. 3066, § 1, 10-8-84; Ord. No. 3373, § 1, 9-21-87; Ord. No. 3762, § 1, 4-20-92; Ord. No. 3784, § 1, 7-20-92; Ord. No. 970260, § 1, 10-27-97; Ord. No. 980349, § 1, 10-26-98; Ord. No. 981162, § 1, 4-26-99; Ord. No. 002382, § 1, 9-23-02; Ord. No. 040669, § 1, 1-10-05)

Cross references: Streets, sidewalks and other public places, Ch. 23.

Sec. 4-5. Consumption on certain premises prohibited during certain hours.

(a) It is unlawful for any person to consume or to permit the consumption of any alcoholic beverages in bottle clubs or on premises open to the public, catering to the sale and/or consumption of alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m. immediately following on Tuesday, Wednesday, Thursday, Friday, or Saturday, or between the hours of 2:00 a.m. and 1:00 p.m. on Sunday, or between the hours of 11:00 p.m. on Sunday and 7:00 a.m. immediately following on Monday. All time is Eastern standardtime or Eastern daylight saving time, whichever is in effect.

(b) The provisions of this section shall apply whether the premises holds a valid beverage license or not and shall apply within or without any improvements located thereon.

(Code 1960, § 4-11.1; Ord. No. 3311, § 2, 1-5-87)

Sec. 4-5.1. Warning of the dangers of alcoholic beverage consumption for pregnant women, to be posted.

All vendors of alcoholic beverages shall have posted in a conspicuous place in their premises a sign which is clearly visible and readable to all persons entering the premises which shall warn of the dangers of consuming alcoholic beverages during pregnancy. This sign shall read as follows:

WARNING
TO PREGNANT WOMEN
The consumption of alcohol
may be hazardous
during your pregnancy
(especially during the first 13 weeks)

The warning sign is to be of the same dimensions as the vendor's alcoholic beverage license. The phrase "Warning to Pregnant Women" is to be printed in 36-point type. The words "The Consumption of Alcohol May be Hazardous During Your Pregnancy (Especially During the First 13 Weeks)," are to be printed in 18-point type. (Ord. No. 3317, § 1, 1-26-87)

Editor's note: Ord. No. 3317, § 1, adopted Jan. 26, 1987, added provisions to the 1960 Code which have been designated as § 4-5.1 hereof at the editor's discretion.

Sec. 4-6. Violations.

~~Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be subject to the penalties of section 1-9.~~

The provisions of this article may be enforced by civil citation or by criminal citation. Any person not in compliance with this article shall, upon conviction, be subject to the penalties designated in section 1-9 or section 2-339. Each violation shall be considered a separate offense, which can be prosecuted separately.
(Code 1960, § 4-12)

Sec. 4-7. Findings and intent.

(a) The consumption, possession, or sale of alcoholic beverages as prohibited by this article presents a serious threat to the public health, safety, or welfare, including vandalism, violence, litter, trespassing, graffiti and the destruction of public and private property

(b) It is the intent of this article to protect and preserve the health, safety, and welfare of the citizens of Gainesville by prohibiting the consumption, possession, or sale of alcohol as specified herein.

(c) Pursuant to section 2-339(c) and F.S. section 162.21(3)(b), a code enforcement officer shall not be required to provide a reasonable time period to correct a violation of this article prior to issuing a citation to a person who has committed a violation.

Secs. 4-78--4-20. Reserved.

Sec. 17-8. Urinating or defecating.

(a) *Prohibitions and exceptions.* It shall be unlawful for any person to urinate or defecate in, or in view of, a public place other than one set aside and designated for that particular purpose.

(b) *Public place defined.* Any place where the conduct may reasonably be expected to be viewed or could be viewed by others is a public place.

(c) *Penalty for violation.* ~~Any person who violates the provisions of this section shall be punished as provided in section 1-9 of this Code.~~

The provisions of this section may be enforced by civil citation or by criminal citation. Any person not in compliance with this section shall, upon conviction, be subject to the penalties designated in section 1-9 or section 2-339. Each violation shall be considered a separate offense, which can be prosecuted separately.

(d) *Findings and intent.*

(1) Urination or defecation in an undesignated, public place as prohibited by this section presents a serious threat to the public health, safety, or welfare, including vandalism, disease transmission, litter, trespassing, and the destruction of public and private property

(2) It is the intent of this section to protect and preserve the health, safety, and welfare of the citizens of Gainesville by prohibiting urination and defecation in undesignated, public places as specified herein.

(3) Pursuant to section 2-339(c) and F.S. section 162.21(3)(b), a code enforcement officer shall not be required to provide a reasonable time period to correct a violation of this section prior to issuing a citation to a person who has committed a violation.

(Ord. No. 020480, § 1, 11-12-02)

Editor's note: Ord. No. 020480, § 1, adopted November 12, 2002, created § 17-8 pertaining to urinating or defecating. Formerly § 17-8 pertained to drunkenness and was repealed by Ord. No. 950187, § 1, adopted June 26, 1995. The repealed provisions derived from Code 1960, § 18-11.

Sec. 2-339. Applicable codes and ordinances.

The following ordinances are enforceable by the procedures described in this division:

TABLE INSET:

Section	Description	Class	Penalty
2-67(b)	Declaration of water emergency imposing water use restrictions	I	\$50.00
<u>Article I of Chapter 4</u>	<u>Possession, consumption and sale of alcoholic beverages</u>	<u>II</u>	<u>\$125.00</u>
Chapter 5 except as provided below	Animal control	I	\$50.00
5-2(c)	Animal molesting or biting pedestrian or bicyclist	IV	\$200.00
6-3	104.1.1 of adopted Standard Building Code, as amended Building, electrical, plumbing, gas, and/or mechanical work within a required permit	II	\$75.00
6-183(1)	False advertising	III	\$125.00
6-185	Acting as a contractor without a valid contractor certificate	IV	\$200.00
6-186(b)(2)	No journeyman or certified craftsman on the job site	II	\$75.00
Article IX of Chapter 6	Downtown minimum property standards	I	\$50.00
Chapter 10	All adopted fire prevention & protection codes, except NFPA 101 Chapters 5, 6, 7 and SFPC Chapters 6, 8, 31 and 42	II	\$75.00
10-38(a)	Failure to register--fire alarm contracting or monitoring company	III	\$125.00
10-38(d)	Failure to maintain records for one year	III	\$125.00
10-39	Fire alarm verification calls required	III	\$125.00
10-40(a)	Failure to register--fire alarm system contractor	III	\$125.00

10-40(b)	Fire alarm system contractor status required	III	\$125.00
10-40(c)	Identification cards required	I	\$50.00
10-40(d)	Failure to meet UL or NVPA 72 standards	III	\$125.00
10-40(e)	Activating or servicing unpermitted alarm system	III	\$125.00
Chapter 10	NFPA 101 Chapters 5, 6, 7 SFPC Chapters 6, 8, 31 and 42	IV	\$200.00
11.5-1	Availability of potable water	I	\$50.00
Article III of Chapter 13	Commercial building code	II	\$75.00
13-171	Insects, storage, trash and yard maintenance	I	\$125.00
13-181	Hazardous conditions on residential property	I	\$125.00
Article II of Chapter 14.5	Merchandising of tobacco products	II	\$75.00
Article III of Chapter 14.5	Towing from certain private property	II	\$125.00
14.5-1	Not having landlord permit	II	\$125.00
Chapter 15	Noise violations	I	\$125.00
16-19	Dangerous buildings/hazardous lands	I	\$125.00
17-2	Fliers on utility poles or other fixtures	I	\$50.00
<u>17-8</u>	<u>Urinating or defecating in public</u>	<u>II</u>	<u>\$125.00</u>
17-34	Knowingly rent or let a residence to a sexual offender or sexual predator to use as a temporary or permanent residence contrary to the Sexual Predator Ordinance	II	\$125.00
19-2	Violation of regulations for peddling in Downtown Plaza	I	\$50.00
19-34	Violation of permit requirements for commercial peddlers, solicitors, or canvassers	I	\$50.00
19-52	Unauthorized solicitation of alms or financial	I	\$50.00

	assistance		
19-53	Unauthorized sale or transfer of goods and services; religious and charitable organizations soliciting for contributions without a permit	I	\$50.00
19-55	Violation of restrictions and requirements for permitted soliciting	I	\$50.00
19-96	Operation of mobile food cart in prohibited area	I	\$50.00
19-97	Violation of regulations on permitted mobile food cart	I	\$50.00
Chapter 5 except as provided below	Animal control	I	\$50.00
19-112	Unauthorized soliciting of funds	I	\$50.00
19-127	Violation of prohibition on throwing or distributing handbills upon property displaying a "No Handbills" sign	I	\$125.00
21-53(b)(6)	Non-permitted, revoked or suspended alarm system	IV	\$200.00
21-58(a)	Failure to register alarm monitoring company	II	\$125.00
21-58(c)	Failure to maintain records	II	\$125.00
21-59	Failure to make alarm verified call	II	\$125.00
21-60(a)	Failure to register--Alarm system contractors	II	\$125.00
21-60(b)	Maintenance, repair, alter or service of system for compensation by noncontractor	II	\$125.00
21-60(c)	Failure to issue ID	I	\$50.00
21-60(d)	Use of equipment or methods below minimum standards	II	\$125.00
21-60(e)	Activation/servicing non-permitted alarm	II	\$125.00
21-60(f)	Causing false alarm during servicing	II	\$125.00
21-60(g)	Failure to provide blank alarm permit application	I	\$50.00

21-61(a)	Operating automatic dialing device	II	\$125.00
21-61(b) 21-61(c)	Failure to remove non-permitted features	I	\$50.00
21-62	Operating alarm system without auxiliary power	II	\$125.00
Chapter 22	Secondhand Goods Secondhand Dealers	III	\$125.00
26-137	Abandoned vehicles	I	\$125.00
27-73	Solid waste violations except (4), (8) and (9)	I	\$125.00
27-76(b)(1)b	Improper use of cart	I	\$50.00
27-79(a) and (f)	Commercial franchise violations	IV	\$200.00
Chapter 28	Taxicab regulation	I	\$50.00
30-45	Prohibited use in zoning district	I	\$125.00
30-51(c)	Permitted uses in single family districts	II	\$125.00
30-56(b) and (c)	Residential parking	I	\$125.00
30-59(c)	Permitted uses in office districts	I	\$50.00
30-61(c)	Permitted uses in general business district	I	\$50.00
30-62(c)	Permitted uses in automotive oriented business district	I	\$50.00
30-63(c)	Permitted uses in tourist-oriented business district	I	\$50.00
30-64(e)	Permitted uses in mixed use low intensity district	I	\$50.00
30-65(c)	Permitted uses in mixed use medium intensity district	I	\$50.00
30-66(c)	Permitted uses in central city district	I	\$50.00
30-67(g)	Illegal outdoor storage and sales	I	\$50.00
30-68(c)	Permitted uses in warehousing and wholesaling district	I	\$50.00
30-69(c)	Permitted uses in limited industrial district	I	\$50.00

30-70(c)	Permitted uses in general industrial district	I	\$50.00
30-86	Use, parking, storage and keeping of recreational vehicles	I	\$50.00
30-315 et seq.	Violation of sign regulations	I	\$50.00
30-357	New business, expansion or change of use without zoning compliance permit	I	\$50.00

Second violation of the same Class I or Class II offense shall be double the amount shown on the penalty schedule.

Third and subsequent violations of the same Class I or II offense shall require a mandatory court appearance.

Second and subsequent violations of the same Class III or Class IV offense shall require a mandatory court appearance.

(Ord. No. 950796, § 1, 10-23-95; Ord. No. 970512, § 1, 12-8-97; Ord. No. 970127, § 2, 11-10-97; Ord. No. 990697, § 2, 1-10-00; Ord. No. 990698, § 1, 1-10-00; Ord. No. 980475, § 4, 5-8-00; Ord. No. 990442, § 3, 8-28-00; Ord. No. 00053, § 2, 8-28-00; Ord. No. 000055, § 1, 10-9-00; Ord. No. 000866, § 2, 2-26-01; Ord. No. 001700, § 2, 9-10-01; Ord. No. 020023, § 3, 11-12-02; Ord. No. 021104, § 1, 10-27-03; Ord. No. 030785, § 6, 12-13-04; Ord. No. 021198, § 2, 5-23-05; Ord. No. 050115, § 2, 11-28-05)