

5-11.3 Penalty. Whenever any act is prohibited by this section, or is made or declared to be unlawful, or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation shall be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment; provided, nevertheless, that any such aforesaid violation or offense may be deemed an infraction as defined by Section 19C of the California Penal Code and charged as such in the discretion and at the election of the City prosecuting attorney, in which event the punishment therefor shall not be imprisonment, but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect. (Ord. #68, S3)

5-11.4 Violation by Parent or Guardian. Any parent, guardian, or other adult person having lawful custody, permanent or temporary, of any minor person who suffers, permits, or lets either willfully or negligently, such minor person to violate the provisions of this section shall be deemed guilty of a violation of this section and punishable as provided in subsection 5-11.3. (Ord. #68, S4)

5-12 TRESPASSING ON PRIVATE PROPERTY.

5-12.1 Prohibited.

a. No person shall remain upon a private property, business premises, or private property open to the public after being notified by the owner, his agent, or other person in lawful possession thereof, to remove therefrom.

b. No person, without permission of the owner, his agent, or other person in lawful possession of private property or business premises or private property otherwise open to the public, shall enter upon the private property or business premises or private property open to the public after having been notified by the owner, his agent, or other person in lawful possession thereof to keep off or keep away therefrom.

c. No person, without permission of the owner, his agent, or other person in lawful possession of private property or business premises or private property open to the public shall enter upon the private property or business premises or private property open to the public where a sign has been posted as provided in this section.

- d. Signs posted shall conform to the following requirements:
1. Each sign shall be not less than twenty-two (22") inches by thirty (30") inches;
 2. Colors of each sign shall be optional;
 3. All signs shall be clearly visible to persons in restricted locations;
 4. Signs shall have the word "warning" not less than two (2") inches in height and all other lettering shall be at least five-eighths (5/8") inches in height.
 5. Signs shall be posted in conspicuous places;
 6. The owner, lessee, or other person in charge of the private property, business premises, or private property open to the public use may regulate the hours during which persons shall keep off or keep away from the subject property;
 7. The following wording shall appear on each sign:

"WARNING"

No person shall enter upon and/or remain on these premises during the hours of _____ and _____ without the permission of the owner, lessee, or other person in charge of these premises. Persons found on these premises during such hours shall be subject to prosecution. No. _____ City of Clearlake Ordinances.

e. It shall be unlawful for any person to enter upon or remain upon any posted property during those hours prohibited by the signs posted thereon without the express permission of the owner, lessee, tenant, or occupant in legal possession or control thereof.

f. Exceptions. This subsection shall not apply in any of the following instances:

1. Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, creed, ancestry, or national origin;

2. Where its application 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;

3. Where its application would result in an interference with or inhibition of peaceful order picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech, such as (but not limited to) peaceful expressions of political or religious opinions, not involving offensive personal conduct; or

5. Where the person who is upon another's private property or business premises, or private property open to the public is there under any claim or color of legal right. This exception is applicable (but not limited) to the following types of situations involving disputes wherein the participants have available to them practical and effective civil remedies; marital and post marital disputes, disputes regarding title or rights in real property, landlord-tenant disputes, disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute, employer-employee disputes, business-type disputes, such as those between partners, debtor-creditor disputes, and instances wherein the person claims rights to be present pursuant to order, decree, or process of a court.
(Ord. #67, S1)

5-12.2 Penalty. Whenever any act is prohibited by Section 5-12, or is made or declared to be unlawful, or an offense or the doing of any act is required or the failure to do any act is declared to be unlawful, the violation shall be punished by a fine not exceeding five hundred (\$500.00) dollars or imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine or imprisonment; provided, nevertheless, that any such aforesaid violation or offense may be deemed an infraction as defined by Section 19C of the California Penal Code and charged as such in the discretion and at the election of the City prosecuting attorney, in which event

the punishment therefor shall not be imprisonment, but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect. (Ord. #67, S2)

5-13 ALARM SYSTEMS.

5-13.1 Prohibition and Definitions.

Audible alarm shall mean a device designed for the detection of unauthorized entry on the land, building, structure and/or facility of any alarm owner which generates an audible sound outdoors when it is activated.

False alarm shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation or through the negligence of the user, owner or lessee of the alarm system, or his or her employees or agents. Such terminology does not include alarms caused by acts of God, flooding or other violent natural conditions. For the purpose of this section alarm owners or users who make contact with the City Police Department before responding units are dispatched to the location of the alarm shall not be charged with a false alarm.

(Ord. #78, S1; Ord. #18-89)

5-13.2 Application for Telephone Alarm System. Any person wishing to obtain a private secondary phone line terminating at the Police Dispatching Center shall submit an application in writing to the Chief of Police. Such application shall contain an agreement to comply with the conditions hereof. The Chief of Police shall approve such application if the following conditions are met:

a. The termination of the secondary phone line constitutes no hinderance to regular activities.

b. All costs of installation and maintenance of such telephone lines shall be borne by the person requesting the terminating phone line.

c. The person requesting the terminating phone line shall maintain adequate equipment and service personnel to maintain or otherwise service alarms sold or leased by him.