

Article II. Trespassing and Loitering.

Sec. 30-24. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Posted boundary. A line running from sign to sign and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the posted boundary shall constitute posted property except as otherwise provided in subsection (e) of section 30-26.

Posted property. Any property specified in section 30-25 which is posted in a manner provided in section 30-26.

Sign. A sign affixed not less than three feet, nor more than six feet, above the ground level at the place of posting as specified in section 30-26, which sign shall consist of wood, metal or other substantial material, with a face of not less than one square foot in area and upon which in letters not less than two inches in height, either black against a white background or white against a black background, or contrasting colors, appear, in addition to such other information as may be placed thereon, the following: "TRESPASSING-LOITERING FORBIDDEN BY LAW." (Mun. Code, Sec. 5100)

Sec. 30-25. Certain property authorized to be posted.

Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in section 30-26, and thereby becomes posted property subject to the provisions of this article applicable to posted property, if such property consist of, or be used, or be designed to be used, for any one or more of the following:

- (a) An oil well, oil field tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station or reservoir, or any other plant, structure or works used for the production, extraction, treatment, handling, storage or transportation of oil, gas, gasoline, petroleum or any product or products thereof.
- (b) A gas plant, gas storage station, gas meter, gas valve or regular station, gas odorant station, gas pipeline or appurtenances or any other property used in the transmission or distribution of gas.
- (c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line or any appurtenances, used for the storage of water for the generation of hydro-electric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception or distribution of electric energy.
- (d) Plant structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radio broadcasting.
- (e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit or any other structure, facility or conductor for producing, storing, diverting, conserving, treating or conveying water.
- (f) The production, storage or manufacture of munitions, dynamite, black blasting powder, gun powder or other explosives.

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- (g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard or other railroad facility. (Mun. Code, Sec. 5101)

Sec. 30-26. Manner of posting.

Any property described in section 30-25 may be posted against trespassing and loitering, in the following manner:

- (a) If it is not enclosed within a fence and if it is of an area not exceeding one acre, if it has no lineal dimension exceeding one mile, by posting signs at each corner of the area so posted, and at each entrance thereto.
- (b) If it is not enclosed within a fence, and if it is of an area exceeding one acre, or if it contains any lineal dimension exceeding one mile, by posting signs along or near the exterior boundaries of the area so posted at intervals of not more than six hundred feet, and also at each corner thereof, and, if such property has definite entrance thereto, at each such entrance.
- (c) If it is enclosed within a fence and if it is of an area not exceeding one acre, and if it has no lineal dimension exceeding one mile, by posting signs at each corner of such fence and at each entrance thereto.
- (d) If it is enclosed within a fence and if it is of an area exceeding one acre, or if it has any lineal dimension exceeding one mile, by posting signs on, or along the line of, such fence at intervals of not more than six hundred feet, and also at each corner thereof and at each entrance thereto.
- (e) If it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing a sign upon one or more sides of such poles or towers, but such posting shall render only the pole or tower or appurtenant structure posted property. (Mun. Code, Sec. 5102)

Section 30-26.1. Loitering for drug activities prohibited.

It is unlawful for any person to loiter in, on or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of engaging in drug-related activity as offenses in Chapter 6 and 6.5 of Division 10 of the California Health and Safety Code, including by way of example only, acting as a "lookout".

Section 30-26.2. Circumstances.

- (a) Is a known unlawful drug user, possessor, or seller. For the purpose of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state for any violation involving the use, possession or sale of any of the substances referred to in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code, or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks" or a person who possesses drug paraphernalia;
- (b) Is currently subject to an order prohibiting his or her presence in a high drug activity geographic area;
- (c) Behaves in such a manner as to raise a reasonable suspicion that he or she about to engage in or is then engaged in an unlawful drug related activity, including by way of example only, as a "lookout."
- (d) Is physically identified by the officer as a member of a "gang" or association which has its purpose illegal drug activity;
- (e) Transfers small objects or packages for currency in a furtive fashion;
- (f) Takes flight upon the appearance of a police officer;
- (g) Tries to conceal himself or herself or any object which reasonably could be involved in any unlawful drug-related activity;
- (h) Is in an area that is known for unlawful drug use and trafficking;
- (i) Is on or in a premises that has been reported to law enforcement as a place suspected of unlawful drug activity;
- (j) Is in or within six feet of any vehicle registered to a known unlawful drug user, possessor, seller or person from whom there is an outstanding warrant for a crime involving drug-related activity.

Section 30-26.3 Enforcement.

Enforcement of Section 30-26.2 shall be pursuant to the following policy:

Section 30-26 shall be used conservatively. When a violation occurs, officers shall initiate an investigation to determine the extent of the violation. Ideally, more than one of the listed circumstances in Section 30-27 should be present for an arrest. Only officers who have received training on the proper use of this ordinance may enforce the ordinance. Said enforcement shall be completed in a courteous and professional manner and the officer shall articulate the elements and conditions that surround the circumstances of the offense and arrest. The officer shall incorporate in the arrest report the officer's expertise and training. Violation of Section 30-26 may not be used as a lesser included offense or to bolster other charges. (Ord. No. 826)

Sec. 30-27. Trespassing prohibited.

No person shall enter or remain upon any posted property without the written permission of the owner, tenant or occupant in legal possession or control thereof. Every person who so enters or remains upon such posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property. (Mun. Code, Sec. 5103)

Sec. 30-27.1. Trespassing or loitering in public parks prohibited.

No person shall enter on or remain on any public park or recreation facility, land, building, or improvement between the hours of 8:00 p.m. and 6:00 a.m. of the following day. This section shall be inapplicable during such time said park or facility is open to public use by order or direction of the City. (Ord. Nos. 510, 994, 1027)

Sec. 30-28. Destruction of signs prohibited.

No person shall, without authority, tear down, deface or destroy any sign posted under the provisions of this article. (Mun. Code, Sec. 5104)

Sec. 30-29. Loitering prohibited; exception.

No person shall loiter in the immediate vicinity of any posted property. This section does not prohibit, in the immediate vicinity of any posted property, or elsewhere, picketing or any lawful activity by which the public is informed of the existence of an alleged labor dispute. (Mun. Code, Sec. 5105)

Sec. 30-30. Right of entry of peace or public officers; use of established right-of-way.

This article does not apply to any entry, in the course of duty, of any peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes. (Mun. Code, Sec. 5106)

Sec. 30-31. Exemptions for labor unions.

This article does not prohibit any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent or member thereof, or of any employee group, or any member thereof, employed or formerly employed in any place of business or manufacturing establishment described in this chapter, or for the purpose of carrying on the lawful activities of labor unions or members thereof. (Mun. Code, Sec. 5107)

Sec. 30-32. Right of entry for investigation of safety of work conditions.

This article does not prohibit any lawful activity for the purpose of investigation of the safety of work conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization by his labor union or employee group to make such investigation. (Mun. Code, Sec. 5108)

Section 30-32.1. Loitering by criminal street gangs prohibited.

(a) Prohibited acts.

- (1) It is unlawful for any person who is a member of a criminal street gang, as that term is defined in California Penal Code Section 186.22(f), or who is in the company of or acting in concert with a known member of a criminal street gang, to loiter or idle in a public place as defined in Subsection "2" below under any of the following circumstances:
 - a. With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the criminal street gang from entering, remaining in, or using the public place or adjacent area;
 - b. With the intent to conceal ongoing commerce in illegal drugs in violation of State Law or Section 30-26.1 or other unlawful activity.

(Ord. No. 958)

- (2) For purposes of this section, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. Any "public place" also includes the front yard area, driveway, and walkway of any private residence, business, or apartment house. (Ord. No. 958)

(b) Powers of law enforcement officers not limited.

Nothing in this section shall be construed in any way to limit the power or authority of a law enforcement officer to make any investigation, detention, or arrest as such law enforcement officer would be permitted to make in absence of this section. (Ord. No. 958)

(c) Parental control.

Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this section is guilty of a misdemeanor. (Ord. No. 958)

(d) Penalty.

Violation of this section shall be punishable as a misdemeanor. (Ord. No. 958)

(Mun. Code, Secs. 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108; Ord. Nos. 510, 826, 958, 994, 1027)

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