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## SONORA POLICE DEPARTMENT

100 South Green Street  
Sonora, California 95370

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*"Maintaining a Safe Community since 1851"*

**TO:** Honorable Mayor and City Council Members  
**FROM:** Turu VanderWiel, Chief of Police   
**DATE:** December 2<sup>nd</sup>, 2019  
**RE:** Ordinance 863

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### **RECOMMENDATIONS:**

City staff recommends that the City Council approve the following:

- 1) Waive the second reading and adopt Ordinance No. 863.

### **BACKGROUND:**

This is the second reading of Ordinance No. 863, an ordinance which amends the Sonora Municipal Code as follows:

Adding Chapter 9.60, Trespass on Private Property or Business Premises Prohibited.

# ORDINANCE NO. 863

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA Trespass on Private Property or Business Premises Prohibited

### Adding Chapter 9.60, Trespass on Private Property or Business Premises Prohibited, to the Sonora Municipal Code.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Adding Chapter 9.60, Trespass on Private Property or Business Premises Prohibited, as follows:

#### Chapter 9.60

#### TRESPASS ON PRIVATE PROPERTY OR BUSINESS PREMISES PROHIBITED

##### Sections:

- 9.60.010      Unlawful.
- 9.60.020      Violation—Penalty.
- 9.60.030      Exceptions.
- 9.60.040      Definitions.
- 9.60.050      Trespass Authority Letter.

##### 9.60.010      Unlawful.

- A. It is unlawful for any person to enter or remain upon any private property or business premises, whether indoors or outdoors, after having been notified by the owner or agent to keep off or keep away therefrom.
  - B. The notification referred to in subsection A of this section may be given orally or in the form of a written notice, posted in any conspicuous place; in either case, the notice shall identify the prohibited area and the time period, whether limited or permanent, during which such prohibition remains in effect.
1. Such notification shall be made by the owner, owner's agent, or a peace officer on behalf of the owner or owner's agent, but that the peace officer must say that they are doing so at the request of the owner or owner's agent.

##### 9.60.020      Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and is punishable as provided in Section 1.08.030(C). (Ord. 752 § 1, 2019.)

##### 9.60.030      Exceptions.

- A. Section 9.60.010 shall not apply in any of the following instances:

1. Where the owner or agent rescinds a notice of trespass by the giving of written permission to enter or remain upon the private property or business premises. Such permission shall void the existing notice of trespass, and should the owner or agent want to exclude the person at a later time, that person shall be re-noticed.
2. Where its application results in or is coupled with an act prohibited by section 365 of the California Penal Code relating to duties of innkeepers and common carriers.
3. Where its application results in or is coupled with an act prohibited by the Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of age, ancestry, color, disability, genetic information, gender (including gender identity and gender expression), marital status, medical condition, national origin, race, religion, sex, or sexual orientation.
4. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities.
5. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech including, but not limited to, peaceful expressions of political or religious opinions not involving offensive personal conduct.

#### **9.60.040 Definitions.**

The following words and phrases shall have the following meanings when used in this section:

“Owner” means the actual owner of the property, a lessee, or other person in charge of the private property or business premises.

“Agent” means any person or organization expressly authorized by the owner of the private property or business premises to serve the notice of trespass.

“Organization” as used in this subsection shall include a private patrol operator as defined in California Business and Professions Code Section 7582.1.

“Notice of trespass” means a notification given verbally or a printed document.

#### **9.60.050 Sonora Police Department Trespass Authority Letter.**

Twelve-month trespass authority letters filed with the Sonora Police Department by the owner or agent of the described property pursuant to California Penal Code Section 602(m) requesting peace officer assistance to remove trespassers from (land/ [or] a buildings) shall be deemed renewed for one additional twelve-month period unless the person who filed the trespass letter requests that there be no such renewal. No such trespass letter filed pursuant to Penal Code Section 602(m) shall be effective for more than one year.

This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on November 18, 2019, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on December 2, 2019, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT OR ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
James M. Garaventa, Mayor

ATTEST: \_\_\_\_\_  
Colette Such, City Clerk Pro Tem

Approved as to Form:

\_\_\_\_\_  
Douglas L. White, City Attorney

Publish:      The Union Democrat, Sonora  
                  \_\_\_\_\_, 2019