

ATTACHMENT 1

ORDINANCE O2024-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING CHAPTER 9.42 "TRESPASSING AND LOITERING" OF THE MANTECA MUNICIPAL CODE TO PROHIBIT LOITERING AT CERTAIN PUBLIC PLACES, INCLUDING COMMUNITY CENTERS, RECREATION FACILITIES, AND SCHOOL PROPERTY

WHEREAS, on February 20, 2024, the City Council adopted Ordinance No. O2024-04, which added Chapter 9.42 "Trespassing and Loitering" to the Manteca Municipal Code to address the growing problem of trespassing and loitering for private property owners and businesses throughout the City of Manteca; and

WHEREAS, since its adoption, Chapter 9.42 has become an effective tool for the City to address trespassing and loitering for private property owners and businesses; and

WHEREAS, loitering has also become a growing problem at certain public areas;

WHEREAS, in order to ensure that the community has the opportunity to fully use and enjoy the City's community centers, recreation facilities, and school property for education and recreation purposes, the proposed ordinance will restrict loitering at these locations.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 9.42, "Trespassing and Loitering" is hereby amended as follows:

§ 9.42.010. Definitions.

"Community center" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Manteca, and used for a planned recreation program.

"Loiter" or "loitering" means the act of remaining upon posted property without the permission of the owner or person in lawful possession, which may include remaining on a posted property without any obvious business reason at the property, causing a nuisance by being noisy or tumultuous, or engaging in conduct that could result in damage or litter to the posted property.

"Motor vehicle" Shall be construed in the same manner as it is construed in the California Vehicle Code.

"Posted property" means any property that has been posted with signs in the manner specified in this chapter.

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"Recreation facility" means any building or structure, or portion thereof, operated by or under the jurisdiction of the City of Manteca, and used for recreation purposes. A recreation facility may include, but is not limited to, the Manteca Senior Center, Manteca Park Golf Course, and Lincoln Pool.

"School property" means any building, structure, or property, or portion thereof, operated by or under the jurisdiction of the Manteca Unified School District and used for education or recreation purposes.

"Sign" means a board or placard not less than seventeen inches by twenty-two inches in size with lettering not less than one inch in height and must state the words, "Stopping, Standing, or Parking Vehicles Prohibited by Law. Vehicles Will be Removed at Owner's Expense. MPD Phone (209) 456-8100," as to stopping, standing, or parking, or upon which appear the words, "Trespassing- Loitering Prohibited by Law," and any time limit that may be specified thereon as to trespassing- loitering, or any such words approved by the chief of police.

"Trespass" or "trespassing" means the act of entering or remaining upon posted property without the permission of the owner or person in lawful possession.

§ 9.42.020. Posting - Authority.

A property owner, property owner's agent, or other person in lawful possession of property may post the property prohibiting stopping, standing, or parking vehicles and/or trespassing or loitering on such property in the manner provided in Section 9.42.030. This section shall not apply to the following property:

- A. An established and existing right-of-way for public road purposes; or
- B. Any property that come within the provisions of Section 554 of the Penal Code.

§ 9.42.030. Posting - Method.

A property owner, property owner's agent, or other person in lawful possession of property may prohibit stopping, standing, or parking vehicles and/or trespassing or loitering by posting on the property at a location sufficient to give adequate and reasonable notice of the restrictions. If the property has defined entrances, a sign must be posed at all entrances to the property.

§ 9.42.040. Loitering and trespassing prohibited where posted.

It is unlawful for any person to loiter or trespass at any posted property without the written permission of the property owner, property owner's agent, or other person in lawful possession or control thereof

§ 9.42.050. Loitering prohibited at certain public places.

It is unlawful for any person to loiter at any community center, recreation facility, or school property operated by or under the jurisdiction of the City of Manteca or the Manteca Unified

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School District that has been posted in accordance with this chapter, when the property or any section or part thereof has been declared closed, whether temporary or at stated intervals, and whether entirely or is limited to certain uses as determined by an authorized employee or representative of the City or School District.

§ 9.42.060. Exceptions.

- A. Peace Officers. The provisions of this chapter shall not apply to the entry upon posted property of any peace officer or other duly authorized public employee.
- B. Labor Activities. The provisions of this chapter shall not apply to any otherwise lawful activity in connection with a labor dispute.
- C. Permission by Owner. The provisions of this chapter shall not apply when the owner of the posted property gives an individual express permission to enter the property.

§ 9.42.070. Vehicles.

No person shall stop, park or leave standing such vehicle at any time within or upon any posted property without written permission of the owner, tenant or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement may be removed at the vehicle owner's expense.

§ 9.42.080. Destruction of signs.

It is unlawful for any person without authority to tear down, deface, or destroy any sign posted pursuant to this article.

§ 9.42.090. Penalty.

Any violation of this chapter shall be subject to a misdemeanor.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

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City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ___ day of _____, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk