

ORDINANCE NO. 2268-C.S.

AN ORDINANCE AMENDING CHAPTER 5, PART V, OF THE STOCKTON MUNICIPAL CODE TO REPEAL DIVISION 21 THEREOF, CONSISTING OF SECTIONS 5-131.10 THROUGH 5-131.17; TO REPEAL DIVISION 22 THEREOF, CONSISTING OF SECTIONS 5-131.18 THROUGH 5-131.23; AND TO ADD THERETO A NEW DIVISION 21, CONSISTING OF SECTIONS 5-131.10 THROUGH 5-131.16, PERTAINING TO THE POSTING OF PROPERTY AGAINST TRESPASSING, LOITERING, PARKING AND OPERATING MOTOR VEHICLES.

Be it ordained by the Council of the City of Stockton, as follows:

SECTION 1. AMENDMENT OF CODE.

Chapter 5, Part V of the Stockton Municipal Code is hereby amended to repeal Division 21 thereof, consisting of Sections 5-131.10 through 5-131.17.

SECTION 2. AMENDMENT OF CODE.

Chapter 5, Part V of the Stockton Municipal Code is hereby amended to repeal Division 22 thereof, consisting of Sections 5-131.18 through 5-131.23.

SECTION 3. AMENDMENT OF CODE.

Chapter 5, Part V of the Stockton Municipal Code is hereby amended to add thereto a new Division 21 consisting of Sections 5-131.10 through 5-131.16, to read as follows:

Division 21

TRESPASSING, LOITERING, PARKING OR OPERATING
MOTOR VEHICLES ON POSTED PROPERTY

Sec. 5-131.10. DEFINITIONS:

For the purpose of this Division certain words and phrases and their derivatives shall be construed as follows:

1. LOITER: The term "loiter" shall mean the act of remaining upon posted property without the permission of the owner or person in lawful possession.
2. MOTOR VEHICLE: The term "motor vehicle" shall be construed in the same manner as it is construed in the California Vehicle Code.

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3. POSTED PROPERTY: The term "posted property" shall mean property upon which appropriate signs have been placed pursuant to this Division.
4. SIGN: The term "sign" shall mean a board or card upon which, in lettering not less than two inches in height, are printed the appropriate restrictions pursuant to Section 5-131.11.
5. TRESPASS: The term "trespass" shall mean the act of entering or remaining upon posted property without the permission of the owner or person in lawful possession.

Sec. 5-131.11.- AUTHORITY FOR POSTING:

The owner or person in lawful possession of any property may post the property, prohibiting any one or any combination of the following acts:

1. Trespassing.
2. Loitering.
3. Parking of motor vehicles.
4. Operation of motor vehicles.

Such posting of property may totally prohibit the specified acts or may prohibit them during certain hours. The restrictions may be made to apply only to the general public, as opposed to customers or tenants. This Division shall not apply to the following property:

1. An established and existing right of way for public road purposes; or
2. Any property which comes within the provisions of Section 554 of the Penal Code of the State of California.

Sec. 5-131.12. METHOD OF POSTING:

A sign or signs shall be posted on the property at a location or locations sufficient to give adequate and reasonable

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notice of the restrictions. If the property has defined entrances, a sign must be posted at each such entrance.

Sec. 5-131.13. TRESPASSING, PARKING, OPERATION OF MOTOR VEHICLES PROHIBITED:

1. It shall be unlawful for any person to do any of the following acts on posted property, if the act is prohibited by the language of the posted sign or signs:
 - a. Trespass;
 - b. Loiter;
 - c. Park a motor vehicle;
 - d. Operate a motor vehicle.
2. It shall be unlawful for any person to park a motor vehicle on any private property in violation of any sign prohibiting public parking, posted pursuant to California Vehicle Code Section 22658.

Sec. 5-131.14. EXCEPTIONS:

1. Peace officers. The provisions of this Division shall not apply to the entry upon posted property of any peace officer or other duly authorized public employee.
2. Labor activities. The provisions of this Division shall not apply to any otherwise lawful activity in connection with a labor dispute.

Sec. 5-131.15. DESTRUCTION OF SIGNS-UNLAWFUL:

It shall be unlawful for any person without authority to tear down, deface, or destroy any sign posted pursuant to this Division.

Sec. 5-131.16. SAMPLE SIGNS:

Following are examples of wording for signs which will meet the requirements of Section 5-131.13. Strict compliance with the wording of these examples is not required.

1. For subsection 1 of Section 5-131.13:

NO TRESPASSING
SMC 5-131.13

NO TRESPASSING OR LOITERING
SMC 5-131.13

NO PARKING
SMC 5-131.13

NO MOTOR VEHICLES
SMC 5-131.13

NO TRESPASSING
NO PARKING
SMC 5-131.13

NO TRESPASSING
NO MOTOR VEHICLES
SMC 5-131.13

NO TRESPASSING
NO PARKING
6 P.M. TO 6 A.M.
SMC 5-131.13

PARKING FOR CUSTOMERS
OF XYZ STORE ONLY,
8 A.M. - 6 P.M.
NO PARKING 6 P.M. - 8 A.M.
SMC 5-131.13

XYZ APARTMENTS
TENANT PARKING ONLY
SMC 5-131.13

2. For subsection 2 of Section 5-131.13:

PARKING FOR CUSTOMERS
OF XYZ SAVINGS AND LOAN ONLY
ALL OTHERS WILL BE TOWED AWAY
STOCKTON POLICE DEPT. 944-8384
CVC 22658

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect and be in full force from and after thirty (30) days from its final passage.

CERTIFICATE

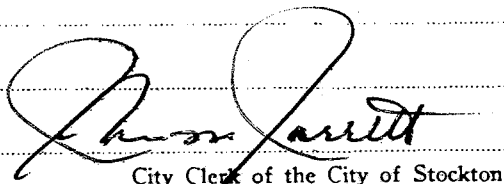
This is to certify that Ordinance No. 2268-C.S. was passed to print by the City Council of the City of Stockton, on the 12th day of June 1972, by the following vote:

Ayes— Councilmen Davis, Doll, Hannay, Nabors, Pasquini, Rue, Silveria, White, and Mayor Bott.

Noes— ~~Councilmen~~ None.

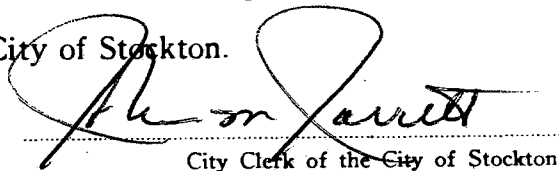
Absent— ~~Councilmen~~ None.

Stockton, Cal., June 12, 1972.


City Clerk of the City of Stockton

This is to certify that on the 16 day of June, 1972, I caused Ordinance No. 2268-C.S. with the ayes and noes, to be published in the Stockton Daily Record, a daily newspaper of general circulation, published and circulated in the City of Stockton, being the official newspaper of the City of Stockton as provided by the Charter of the City of Stockton.

Stockton, Cal., June 19, 1972.


City Clerk of the City of Stockton

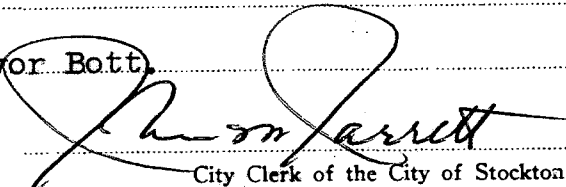
This is to certify that Ordinance No. 2268-C.S. was finally passed and adopted by the City Council of the City of Stockton on the 19th day of June, 1972, by the following vote:

Ayes— Councilmen Davis, Doll, Hannay, Rue, Silveria, White, and Mayor Bott.

Noes— ~~Councilmen~~ None.

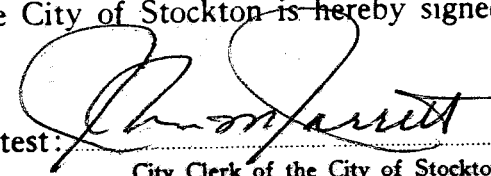
Absent— Councilmen^a Nabors and Mayor Bott.

Stockton, Cal., June 19, 1972.


City Clerk of the City of Stockton

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This is to certify that Ordinance No. 2268-C.S. of the City Council of the City of Stockton is hereby signed by me this 19th day of June 1972

Attest: 
City Clerk of the City of Stockton


Acting Mayor of the City of Stockton