

ORDINANCE NO. 821

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON AMENDING
THE ANDERSON MUNICIPAL CODE BY ADDING CHAPTER 8.34 REGULATING
TRESPASS ON PRIVATE PROPERTY IN THE CITY OF ANDERSON**

WHEREAS, The City of Anderson currently has no Ordinance prohibiting trespass on private property, which requires law enforcement to rely on the Penal Code to impose penalties for the criminal act. Municipalities creating their own private trespass Ordinance is common, if not standard, and provides members of the jurisdiction and law enforcement with clarity on violations and enforcement; and

WHEREAS, As proposed by the Anderson Police Department, through Officer Hallagan, and approved by the City Attorney, the Proposed Ordinance seeks to create a private trespass Ordinance for the City for the benefit of its citizens and law enforcement.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY
ORDAIN AS FOLLOWS:**

Chapter 8.34 – Trespass on Private Property

8.34.010 – Violation

A. No person shall remain upon any private property or business premises after being notified by the owner, the person in lawful possession, or their agent, or by a peace officer at the request of an owner, the person in lawful possession, or their agent, to leave the premises.

B. No person, without permission of the owner, the person in lawful possession, or agent shall enter upon any private property after being notified by the owner, the person in lawful possession, or their agent to keep off the premises, and they shall not return after being notified.

8.34.020 – Exemptions

This section shall not apply in the following instances:

- A. Where its application results in an act prohibited by the Unruh Civil Rights Act of any other provision of law relating to prohibited discrimination against any person on account of that person's membership in a protected class, as defined by state or federal law.
- B. Where its application would result in interfering with lawful labor picketing;
- C. Where its application would result in interfering with any other exercise of a Constitutionally protected right such as peaceful expressions of political or religious opinions.

- D. Where the person who is upon another's private property or business premises is present under a claim of legal right in any of the following situations:
- 1) The rights of guests and passengers under Penal Code Section 365 with respect to the duties of Innkeepers and common carriers;
 - 2) Marital and post-marital disputes;
 - 3) Child custody and visitation disputes; and
 - 4) Landlord/tenant issues.

8.34.030 – Penalty

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor.

8.34.040 - Severability

If any provision, paragraph, word or section of this article is held to be invalid by a court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections will not be affected and remain in full force and effect.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.


The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on March 19, 2019, and enacted at a regular meeting of the City Council of the City of Anderson held on April 2, 2019, by the following vote:

AYES: Councilmembers Hunt, Browning and Mayor Neutze

NOES:

ABSENT: Councilmembers Baugh, Cornick

ABSTAIN:



Stan Neutze, Mayor of the City of Anderson

ATTEST:



Jeff Kiser, City Clerk