

ORDINANCE O2024-04

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MANTECA, STATE OF CALIFORNIA, ADDING CHAPTER  
9.42 TO THE MANTECA MUNICIPAL CODE PROHIBITING  
TRESPASSING AND LOITERING ON PRIVATE PROPERTY

WHEREAS, throughout the City of Manteca (the "City"), trespassing and loitering have become growing issues for private property owners and businesses; and

WHEREAS, trespassing and loitering interfere with local business operations, impact the safety and welfare of residents, and often result in damage to private property and businesses; and

WHEREAS, the City is committed to ensuring businesses operate without the interference of trespassing and loitering, as well as protecting the safety and welfare of residents; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

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

**SECTION 1:** Chapter 9.42, Trespassing and Loitering, is hereby added to the Manteca Municipal Code to read as follows:

**9.42.010 Definitions.**

- A. "Trespass" or "trespassing" means the act of entering or remaining upon posted property without the permission of the owner or person in lawful possession.
- B. "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.
- C. "Motor vehicle" shall be construed in the same manner as it is construed in the California Vehicle Code.
- D. "Posted property" means any property that has been posted with signs in the manner specified in this Chapter.

- E. "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.

#### **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 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.

#### **9.42.060 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.

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 6<sup>th</sup> day of February, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the 20th day of February, 2024, by the following vote:

AYES: Breitenbucher, Halford, Morowit, Nuño, Singh

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
CASSANDRA CANDINI-TILTON  
City Clerk