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DEPARTMENT OF  
POLICE

CITY OF SACRAMENTO  
CALIFORNIA  
August 27, 1989

HALL OF JUSTICE  
813 SIXTH STREET  
SACRAMENTO, CA  
95814-2495

916-449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

Ref. No.: 08-23

MEMORANDUM

TO: LAW AND LEGISLATIVE COMMITTEE  
HONORABLE MEMBERS IN SESSION

SUBJECT: TRESPASSING ON PRIVATE PROPERTY

SUMMARY

In recent years, there has become an increasing problem with people loitering around closed business establishments at night. Youths use business parking lots for drinking parties, drug dealers conduct business in doorways, public inebriates sleep in the shrubbery, and gang members apply graffiti to the walls of commercial buildings.

The existing state law is so narrow in scope and cumbersome to enforce, it is very difficult for officers to control criminal activities around these closed commercial premises.

The enactment of the attached City Ordinance would greatly increase the officer's ability to prevent criminal activity while still protecting those persons who are legitimately on the property.

BACKGROUND

Officers on the street are confronted with an increasing number of people who loiter around private commercial property at night. Teenage "Cruisers", drug dealers and users, inebriated transients, and youth gang members use business parking lots as nocturnal meeting places.

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In many cases, it is very difficult for officers to deal with these problems in an effective manner. At the present time, Section 602, et al; of the Penal Code (PC) is the only enforcement tool available to the police. This section, and the various subsections are very narrow in scope and difficult to enforce.

The proposed City Ordinance overcomes many of the shortcomings of the State Law, yet accommodates the rights of persons who are on the premises for legitimate purposes. This law will allow officers to effectively deal with criminal trespassing.

FINANCIAL DATA

Enforcement of the proposed City Ordinance could be accomplished within the present Police Department budget.

POLICY MATTERS

Enactment of this Ordinance would not cause any significant change in present policies.

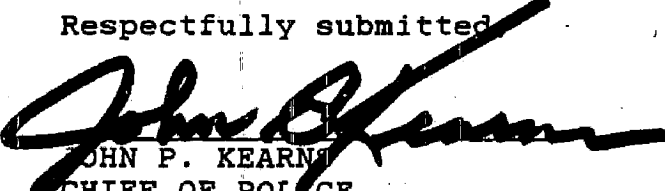
MBE/WBE

This does not entail a purchase of goods or services.

RECOMMENDATIONS

The Police Department recommends passage of the attached City Ordinance (Section 26.77 SCC).

Respectfully submitted



JOHN P. KEARNEY  
CHIEF OF POLICE

Approved:

\_\_\_\_\_  
WALTER SLIPE

Contact Person:  
Tom Stark, Deputy Chief  
449-5387

JPK:dmr

Attachs.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

AN ORDINANCE ADDING SECTION 26.77 TO THE SACRAMENTO CITY CODE, RELATING TO PROHIBITION AGAINST REMAINING ON EXTERIOR BUSINESS PREMISES WHEN BUSINESS CLOSED

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 26.77 is hereby added to the Sacramento City Code, to read as follows:

Sec. 26.77 Remaining on Exterior Business Premises When Business Closed.

- (a) It shall be unlawful and a misdemeanor for any person to remain upon the exterior premises of any business, including any parking area, when the business is closed, which is posted with at least one sign stating:

PRIVATE PROPERTY

Permission to Enter Limited to Patrons

During Business Hours

( \_\_\_\_\_ )

Insert Hours

No arrest shall be made hereunder during the hours 6:00 a.m. to 12:00 midnight unless the person has first been requested to leave and given a reasonable opportunity to leave by a peace officer, the property owner or person

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DATE ADOPTED: \_\_\_\_\_

in lawful possession, or the agent of the property owner or the person in lawful possession.

(b) This section shall not apply to any person who has a bona fide intent to exercise a constitutional right.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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DATE ADOPTED: \_\_\_\_\_