

Chapter 9.28 TRESPASSING, LOITERING, PARKING OR OPERATING MOTOR VEHICLES ON POSTED PROPERTY

[9.28.010 Definitions.](#)

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

“Loiter” means the act of remaining upon posted property without the permission of the owner or person in lawful possession.

“Motor vehicle” shall be construed in the same manner as it is construed in the California [Vehicle Code](#).

“Posted property” means property upon which appropriate signs have been placed pursuant to this chapter.

“Sign” means a board or card upon which, in lettering not less than two (2) inches in height, are printed the appropriate restrictions pursuant to Section [9.28.020](#).

“Trespass” means the act of entering or remaining upon posted property without the permission of the owner or person in lawful possession. (Prior code § 5-131.10)

[9.28.020 Authority for posting.](#)

A. 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.

B. 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 chapter 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. (Prior code § 5-131.11)

[9.28.030 Method of posting—Trespassing, parking of motor vehicles and operation of motor vehicles.](#)

Posting prohibiting trespassing, parking of motor vehicles, operation of motor vehicles or any combination thereof as authorized by Section [9.28.020](#) shall be accomplished by a sign or signs posted on the property at a location or locations sufficient to give adequate and reasonable notice of the restrictions. If the property has defined entrances, a sign must be posted at each such entrance. (Prior code § 5-131.12)

[9.28.040 Method of posting—Loitering.](#)

Posting prohibiting loitering as authorized by Section [9.28.020](#) shall be accomplished by a sign or signs posted on the property at a location or location sufficient to give adequate and reasonable notice of the restriction. (Prior code § 5-131.12A)

[9.28.050 Trespassing, parking, operation of motor vehicles prohibited.](#)

A. It is unlawful for any person to do any act that is prohibited by the language of any sign or signs posted pursuant to this chapter or posted pursuant to California [Vehicle Code](#) 22658.

B. When said acts are committed within the limits of any park of the City and within the limits of any park now owned or to be hereafter owned by the City outside the limits of the City, park rangers, community service officers and police trainees may arrest the person whenever the park rangers, community service officers, and police trainees have reasonable cause to believe that the person to be arrested has committed the acts which are a violation of this section within said park area. (Prior code § 5-131.13)

[9.28.060 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. (Prior code § 5-131.14)

[9.28.070 Destruction of signs—Unlawful.](#)

It is unlawful for any person without authority to tear down, deface, or destroy any sign posted pursuant to this chapter. (Prior code § 5-131.15)

[9.28.080 Sample signs.](#)

Following are examples of wording for signs which will meet the requirements of Section [9.28.050](#). Strict compliance with the wording of these examples is not required.

A. For subsection A of Section [9.28.050](#):

NO TRESPASSING SMC 9.28.050	NO TRESPASSING SMC 9.28.050
NO TRESPASSING OR LOITERING SMC 9.28.050	NO PARKING SMC 9.28.050
NO MOTOR VEHICLES SMC 9.28.050	NO TRESPASSING NO PARKING SMC 9.28.050

<p>NO TRESPASSING</p> <p>NO MOTOR VEHICLES</p> <p>SMC 9.28.050</p>	<p>NO TRESPASSING</p> <p>NO PARKING</p> <p>6 P.M. TO 6 A.M.</p> <p>SMC 9.28.050</p>
<p>PARKING FOR CUSTOMERS</p> <p>OF XYZ STORE ONLY,</p> <p>8 A.M.—6 P.M.</p> <p>NO PARKING 6 P.M. to 8 A.M.</p> <p>SMC 9.28.050</p>	<p>XYZ APARTMENTS</p> <p>TENANT PARKING ONLY</p> <p>SMC 9.28.050</p>

B. For subsection B of Section [9.28.050](#):

PARKING FOR CUSTOMERS
OF XYZ SAVINGS AND LOAN ONLY
ALL OTHERS WILL BE TOWED AWAY
STOCKTON POLICE DEPT. 937-8354
CVC 22658

(Prior code § 5-131.16)

[9.28.090 Loitering on median islands.](#)

It is unlawful for any person to stand or use the median island on a divided highway or median separating the frontage road from the main roadway for any period of time other than at an intersection as a pedestrian refuge while actively crossing such highway. (Prior code § 5-131.18)

NO TRESPASSING OR LOITERING
Parking For Customers
Of XYZ Store Only.
8 A.M. ~ 6 P.M.
No Parking
No Parking 6 P.M. ~ 8 A.M.
SMC 9.28.050

SIGN SPECIFICATIONS:

Each sign will be (18" by 24")
Letters will be (2") in height
Signs will be made of aluminum/metal

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