

**ORDINANCE NO. 14-09 N.S.**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND  
AMENDING AND ADDING CERTAIN SUBSECTIONS OF CHAPTER  
11.68 OF THE RICHMOND MUNICIPAL CODE RELATING TO  
PROHIBITED TRESPASSING**

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**The City Council of the City of Richmond do ordain as follows:**

**Chapter 11.68 TRESPASSING**

11.68.010 Trespassing upon private property prohibited.

11.68.020 Procedure for posting of premises.

11.68.030 Refusal to leave private commercial establishment.

11.68.040 Permission to return.

11.68.050 Exceptions.

11.68.060 Police Department enforcement.

11.68.070 Violation.

**11.68.010 Trespassing upon private property prohibited.**

It shall be unlawful for any person to enter or go upon or remain or to stop, stand or park a motor vehicle upon any land or premises when the owner thereof, or the person occupying the same or having the possession thereof, or the person conducting any building operation or work thereon, or the agent of either, has posted thereon a printed notice that it is private property and warning against trespassing thereon.

**11.68.020 Procedure for posting of premises.**

When the owner of any land or premises, or the person occupying the same or having the possession thereof, or the person conducting any building operation or work thereon, shall authorize the Police Department to act as his agent, for the purpose of warning persons from trespassing thereon, the Police Department shall thereby be constituted his agent therefore, and in such case printed warning notices may by permission of the Police Department be posted upon such land or premises, without cost of the City, reading with the number of this law inserted substantially as follows: "Private Property, No Trespassing, Richmond Code Chapter 11.68, Police Department."

In addition, the current telephone number of the Richmond Police Department should be included on the posted notice.

(Source: Ordinance No. 702; amended by Ordinance No. 43 N.S.)

**11.68.030 Refusal to leave private commercial establishment.**

It is unlawful for any person to remain or refuse to leave, or to leave and then return within forty-eight hours without written notice, or up to one year with written notice to any private commercial establishment when said person has been requested to leave by (1) the owner, the owner's agent, or the person in lawful possession ("owner"), or (2) a peace officer at the request of the owner. As used in this section, "commercial establishment" includes any property for the parking of motor vehicles by the customers of such commercial establishment. The owner, on each occasion, request the peace officer to arrest the trespasser.

(Source: Ordinance No. 18-90 N.S; amended by Ordinance No. 2-93 N.S.)

**Section 11.68.040 Permission to return.**

No person, without the express written permission of the owner, lessee, or other person in charge of the commercial establishment, shall enter upon the premises after having been notified in writing by the owner, lessee, or other person in charge, to keep off or keep away from the premises. Such person may be excluded from the commercial establishment for a period up to one year.

**Section 11.68.050 Exceptions.**

No provision of Sections 11.68.030 and 11.68.040 shall apply in any of the following instances:

(A) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person on account of sex, color, race, religion, creed, ancestry, national origin, disability, or medical condition.

(B) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to duties of innkeepers and common carriers.

(C) When its application would result in an interference with, or inhibition of, peaceful labor picketing or other lawful labor activities protected by the rules, regulations or decisions under the National Labor Relations Act.

(D) When its application would result in an interference with, or inhibition of, any other exercise of constitutionally protected right of freedom of speech, such as, but not limited to, peaceful expressions of political or religious opinion, as required by decisions under the Constitutions of the United States or the State of California.

(E) When any tenant, subtenant, lessee, sub lessee or assignee, has a lawful occupancy interest in a residential dwelling.

**Section 11.68.060 Police Department enforcement.**

Before the Police Department may enforce the provisions of this chapter, in excess of 48 hours, the commercial establishment premises shall submit a written policy governing the grounds for expulsion from the premises to the Richmond Police Department. This written policy must be reviewed and approved by the Police Department prior to enforcement of this chapter.

**Section 11.68.070 Violation.**

Every person who violates any provision of this chapter is guilty of a misdemeanor.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect 30 days following its adoption.

First read at a regular meeting of the City Council of the City of Richmond held on May 19, 2009, and finally passed and adopted at a regular meeting thereof held June 16, 2009, by the following vote:

AYES: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, Vice-Mayor Lopez, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa       } ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Ordinance No. 14-09 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on June 16, 2009.