

Ordinance No. 1693(22)

An Ordinance of the City Council of the City of Lompoc, County of Santa Barbara, State of California, Adding Chapter 12.40 to the Lompoc Municipal Code to Provide for Limitations on the Use of City Property

WHEREAS, Government Code Section 37359 provides: “the legislative body having control of any property owned or controlled by the city may at any time withdraw the property from the personal access and use of members of the public, or limit the access or use in area or time or in any other reasonable manner deemed necessary. Any person thereafter using the property without permission or in a manner other than that prescribed is a trespasser. This section does not limit or restrict any person from access or use who has a private right in the property”; and

WHEREAS, in addition to enforcing limitations on the use of City property through trespass laws, the City of Lompoc (City) also wishes to have the option of enforcing limitations on the use of City property through administrative remedies and nuisance abatement.

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

SECTION 1. Chapter 12.40 is hereby added to the Lompoc Municipal Code and shall read as follows (new language in ***bold italics***):

Chapter 12.40 LIMITATIONS ON USE OF CITY PROPERTY

12.40.010 Limitations Established by City Council.

Pursuant to Government Code Section 37359, and any successor provision of state law, the City Council may, by resolution, withdraw any property owned or controlled by the City from the personal access and use of members of the public, or limit such access or use to specific areas or times or in any other reasonable manner deemed necessary by the City Council. Any person who accesses or uses property owned or controlled by the City in a manner prohibited by a resolution adopted by the City Council under this Section is a trespasser under state law and shall also be in violation of this Chapter.

12.40.020 Exception.

Limitations on access to, and use of, property imposed pursuant to this Chapter shall not apply to any person who has a private right to enter upon and use the property, including but not limited to, a right granted by a lease agreement with the City or a valid permit issued by the City, or who has otherwise been authorized by the City to enter upon or use the property.

12.40.030 Violations.

Violations of this Chapter may be enforced through state criminal and civil laws governing trespass and may also be punished in any manner prescribed for violations of this municipal code in Title 1 or in any other manner provided by law. Such enforcement mechanisms shall be cumulative and one enforcement mechanism shall not be exclusive of any other enforcement mechanism unless such exclusion is required by law.

SECTION 2. Effective Date. This Ordinance shall be effective on the thirty-first day after its adoption.

This Ordinance was introduced on April 5, 2022, and adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on April 19, 2022, by the following electronic vote:

PASSED AND ADOPTED this ___ day of _____, 2022, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

Attest:

Stacey Haddon, City Clerk
City of Lompoc