

CITY COUNCIL MEETING
MARCH 19, 1986

28

ORDINANCE INTRODUCED
AMENDING TITLE 9,
CHAPTER 9.08

ORD. NO. 1379
INTRODUCED

CC-48 (a)

Council introduced Ordinance No. 1379 entitled, "An Ordinance of the Lodi City Council Amending Section 9.081.080 - Subsection B of the Lodi Municipal Code as it Pertains to the Size of Signs Posted Prohibiting Trespassing and Loitering" to bring the code into conformance with the requirements of the State of California Vehicle Code as it pertains to the size of signs.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

DATE
March 11, 1986

NO.

SUBJECT: AMENDMENT TO TITLE 9, CHAPTER 9.08, SECTION 9.08.080
PARKING OF VEHICLE ON PRIVATE PROPERTY

Pursuant to California Vehicle Code 22658, Lodi City Code, Section 9.08.080, pertaining to signs used to give notice of Trespassing and Loitering must be amended to require signs to be the size of 17"x12" rather than present square foot (12"x12").

It is recommended that you amend Section 9.08.080 to conform to the requirement of the Vehicle Code.



RONALD M. STEIN
CITY ATTORNEY

ORDINANCE NO.

ORDINANCE OF THE LODI CITY COUNCIL
AMENDING SECTION 9.08.080 - SUBSECTION B OF THE
LODI MUNICIPAL CODE AS IT PERTAINS TO THE SIZE OF SIGNS
POSTED PROHIBITING TRESPASSING AND LOITERING

BE IT ORDAINED BY THE LODI CITY COUNCIL

SECTION 1. Chapter 9.08.080 entitled Trespassing and Loitering -
Definitions, Subsection B, is hereby amended to read as follows:

9.08.080 Definitions

- B. "Sign" means a board, placard or card not less than 17 x 22 inches in size with lettering not less than one inch in height, appear the words "Stopping, Standing or Parking Vehicles Prohibited by Law. Vehicles Will Be Removed at Owner's Expense. LPD Phone (209) 333-6727" as to stopping, standing or parking, or upon which appear the words, "Trespassing-Loitering Forbidden by Law", and any time limit that may be specified thereon, as to trespassing-loitering.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of 1986

MAYOR

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. _____ was introduced at a regular meeting of the City Council of the City of Lodi held March 19, 1986 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. _____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form


RONALD M. STEIN
City Attorney

LODI POLICE DEPARTMENT

Route Slip

Date 3-3-86

CRJ _____

To: RON STEM

From: JERRY ADAMS

RON,

WHEN YOU GET A CHANCE
COULD YOU PLEASE REVIEW "PARKING-
REGULATIONS" ON PAGE TWO.

THIS MAY IMPACT LODI MUNICIPAL
CODE, REGARDING SIGN SIZE, ETC.

THERE MAY BE A POSSIBLE
LIABILITY ISSUE IF OUR CITY CODE
IS "LESS" RESTRICTIVE THAN STATE
LAW?

IF YOU HAVE ANY FURTHER
QUESTION ABOUT THE SECTIONS, YOU
CAN CALL THE STOLEN VEHICLE UNIT,
AT; 916-739-2772

THANKS,

Jerry



On January 1, 1986 section 11550a of the Health and Safety Code was expanded to cover persons under the influence of Methamphetamine. Recently there have been several instances where persons under the influence of Methamphetamine charged with 647f PC (drugs) rather than 11550a H&S. The District Attorney's Office has dropped charges in these cases.

To be arrested for being under the influence of Methamphetamine a suspect does not have to be "unable to care for the safety of himself or others", they simply have to be under the influence. The suspect does, however, have to be examined by an Officer qualified to conduct influence examinations (the same as Heroin influence cases). Without this examination the District Attorney's Office will not file a complaint.

11550a H&S covers persons under the influence of Heroin, Cocaine, and Methamphetamine. 11550b H&S covers persons under the influence of PCP and both sections carry a mandatory jail sentence of 90 and 30 days.

§ 11550. Unlawful acts; exception; burden of defense; punishment; probation

(a) No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days or more than one year in the county jail. The court may place a person convicted under this subdivision on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this subdivision from the obligation of spending at least 90 days in confinement in the county jail.

(b) No person shall use, or be under the influence of, any controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 30 days nor more than one year in the county jail. The court may place a person convicted under this subdivision on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that the person be confined in the county jail for at least 30 days. In no event does the court have the power to absolve a person who violates this subdivision from the obligation of spending at least 30 days in confinement in the county jail. (Added by Stats.1972, c. 1407, § 3. Amended by Stats.1973, c. 1078, § 27; Stats.1975, c. 248, § 8; Stats.1981, c. 948, § 2; Stats.1983, c. 790, § 15; Stats.1984, c. 1635, § 74; Stats.1985, c. 3, § 14; Stats.1985, c. 1377, § 3.)

Assembly Bill number 1205 was signed on October 1, 1985 by Governor Deukmejian and will become law on January 1, 1986. This bill amends Section 22658 and adds Section 22953 to the California Vehicle Code, pertaining to vehicle towing and storage.

Existing law allows for the removal of unauthorized parked vehicles from private property if the property is posted with signs (at each entrance) to restrict public parking, or if the property is improved with a single family dwelling. The property owner or the property owner's agent must immediately notify the proper law enforcement agency and the vehicle's registered and legal owners about the removal of the vehicle, the grounds for the removal, and the location of the vehicle. The tow operator who removed the vehicle is not responsible for the validity of the removal. The new law will:

- Require that signs which restrict parking be not less than 17 x 22 inches in size with lettering not less than one inch in height. The signs may also indicate that a citation may be issued for the parking violation. (22658 VC)
- Limit the charge that a towing company may impose for initiation of towing of a vehicle to \$20, if the vehicle owner returns to the vehicle before it is removed from the private property. (22658 VC)
- Prohibit the owners of private property which is open to the public for parking, at no fee, from towing a vehicle away within one hour after being parked, except if parked in specified locations. (22953 VC)
- Require the operator in charge of the facility where vehicles are stored to accept valid bank credit cards or cash and to have sufficient money on the premises to accommodate a reasonable money transaction. (22658 VC)
- Make the private property owner or the person who causes the removal of the vehicle liable for double the storage or towing charges if property posting and waiting period are not met. (22658 VC)
- Make towing companies who charge excessive fees (higher than a contract for comparable services between a tow company and a law enforcement agency) liable to the vehicle owner for four times the amount charged. (22658 VC)
- Make towing companies liable for damages to a vehicle while being towed or in storage and for the removal of a wrong vehicle. (22658 VC)

Change Pg 147 - 9-08-080 Sign
to 17x22

cards to posts or buildings by or with the consent of the owners or persons in charge of the same, or the sweeping or removing of the same into any street, alley, sidewalk or place by any person who did not place or procure the placing of such bills and similar matter in such places. (Prior code § 15-2)

9.08.030 Vandalism—Buildings and improvements.

Every person who wilfully or maliciously breaks or destroys any window, window sash, door, blinds or pane of glass of any house or outhouse in the city, or commits any nuisance therein or breaks or destroys or injures any thing therein, or any part of such house, outhouse or any fence or improvement, is guilty of a misdemeanor. (Prior code § 15-4)

9.08.040 Vandalism—Public property.

Any person who cuts, breaks, defaces or injures any grassplot, shrubs, flowers, bench, chair, outhouse, building or fence, or who cuts or mutilates any trees otherwise than as provided by an ordinance of the city, or by written permit and under the supervision of the city engineer, or any fixtures upon any street, public walk or other public place of the city, is guilty of a misdemeanor. (Prior code § 15-15)

9.08.050 Vandalism—Public notices or monuments.

Any person who destroys, injures or removes any flare, sign, notice or monument erected or placed by any employee

of the city is guilty of a misdemeanor. (Prior code § 15-9)

9.08.060 Electrical interference—Unlawful.

It is unlawful for any person knowingly or wantonly to operate or cause to be operated any machine, device, apparatus or instrument of any kind whatever, within the city, the operation of which causes reasonably preventable electrical interference with radio or television reception within the city limits. (Prior code § 9-42)

9.08.070 Electrical interference—Exceptions.

Section 9.08.060 shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce, or the operation of which instrument, apparatus or device is licensed by any act of Congress of the United States. (Prior code § 9-43)

Article II. Trespassing and Loitering

9.08.080 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Posted property" means any property specified in Section 9.08.090 which is posted in the manner provided in Section 9.08.100.

B. "Sign" means a board, placard or card not less than one square foot in area and upon which, in lettering not less than two inches in height, appear the words

9.08.080

"Stopping, Standing or Parking Vehicles Prohibited by Law. Vehicles Will Be Removed at Owner's Expense. LPD Phone (209) 333-6727" as to stopping, standing or parking, or upon which appear the words "Trespassing-Loitering Forbidden by Law," and any time limit that may be specified thereon, as to trespassing-loitering. (Ord. 1337 § 1, 1984; prior code § 15-20)

9.08.090 Posting—Where permitted.

Any property within the city may be posted against stopping, standing or parking vehicles on posted property and/or may be posted against trespassing and loitering in the manner provided in Section 9.08.100, and thereby become posted property subject to the provisions of this article. The provisions of this section shall not apply to the following property:

A. An established and existing right-of-way for public road purposes;

B. Any property which comes within the provisions of Section 554 of the Penal Code. (Prior code § 15-21)

9.08.100 Posting—Method.

Property may be posted against trespassing and loitering and/or stopping, standing or parking vehicles on posted property in the following manner:

A. If the property does not contain any lineal dimension exceeding three hundred feet, by posting signs at each corner of the area and at intervals not exceeding one hundred feet and, if such property has a definite entrance or entrances, at each such entrance.

B. If the property has lineal dimensions exceeding three hundred feet, by

posting signs at each corner of the area and at intervals not exceeding two hundred feet and, if such property has a definite entrance or entrances, at each such entrance. (Prior code § 15-22)

9.08.110 Prohibited where posted.

It is unlawful for any person to enter or remain on any posted property without the written permission of the owners, tenant or the occupant in legal possession or control thereof. (Prior code § 15-23)

9.08.120 Peace officers and public employees exempted.

The provisions of this article shall not apply to the entry upon posted property in the course of duty of any peace officer or other duly authorized public employee. (Prior code § 15-24)

9.08.130 Union activities exempted.

The provisions of this article shall not apply to any lawful activity by which the public is informed of the existence of an alleged labor dispute. (Prior code § 15-25)

9.08.140 Destruction of signs.

It is unlawful for any person without authority to tear down, deface or destroy any sign posted pursuant to this article. (Prior code § 15-26)

9.08.150 Vehicles.

It is unlawful for the operator of any vehicle to stop, stand, 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 will be