

**ORDINANCE NO. 2024-008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, ADDING CHAPTER 12.24 (LIMITATION ON USE OF CITY PROPERTY) TO THE CHINO MUNICIPAL CODE**

**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 accordance with Government Code Section 37359, the City wishes to adopt regulations limiting the personal access and use of City property by members of the public; and

**WHEREAS**, the City desires to adopt such regulations in order to enhance the safety of City property and neighborhoods surrounding City property by providing Police Officers probable cause to investigate and detain individuals loitering on public property at night; and

**WHEREAS**, in addition to enforcing limitations on the personal access and use of City property by members of the public through trespass laws, the City also wishes to adopt enforcement mechanisms on such use of or access to City property through administrative remedies and nuisance abatement.

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

**SECTION 1.** The City Council finds that the above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Chapter 12.24 is hereby added to the Chino Municipal Code and shall read as follows:

**Chapter 12.24 LIMITATIONS ON USE OF CITY PROPERTY**

**12.24.010 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.

12.24.020 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 or license agreement with the City or a valid permit issued by the City, or who has otherwise been duly authorized by the City in writing to enter upon or use the property.

12.24.030 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 3. Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

**SECTION 4. Certification.** The City Clerk of the City of Chino shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the *Chino Champion*, a newspaper of general circulation, within said City in accordance with the provisions of the Government Code.

PASSED, APPROVED, AND ADOPTED THIS 4<sup>TH</sup> DAY OF JUNE 2024.

By: \_\_\_\_\_  
EUNICE M. ULLOA, MAYOR

ATTEST:

By: \_\_\_\_\_  
NATALIE GONZAGA, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) §  
CITY OF CHINO )

I, Natalie Gonzaga, City Clerk of the City of Chino do hereby certify that the foregoing Ordinance of the City of Chino was duly adopted by said City Council at a regular meeting held on the 4<sup>th</sup> day of June 2024 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

By: \_\_\_\_\_  
NATALIE GONZAGA, CITY CLERK