

ORDINANCE NO. 4 for 1974

ORDINANCE NO. 634

AN ORDINANCE AMENDING ORDINANCE No. 593, ADDING PROVISIONS IN REGARD TO TRESPASS.

THE CITY OF SWEET HOME DOES ORDAIN:

Section 1. Section 14 of Ordinance No. 593 is hereby amended to read as follows, to-wit:

Section 14. Trespass.

- (1) It is unlawful for any person other than an officer on lawful business wilfully to trespass upon or damage any real or personal property of another or of the City.
- (2) It shall be deemed a trespass under this section to enter or be upon any enclosed real property without the consent, express or implied, of the owner or lawful occupant of the real property.
- (3) It shall be deemed a trespass under this section to enter or be upon any real property not enclosed which is posted with no trespassing notices as hereinafter provided.
- (4) It shall be deemed a trespass under this section to enter or be upon any real property not enclosed when upon oral, written or printed notice of the owner or lawful occupant of the real property, the person entering or being thereon fails or refuses to depart therefrom immediately and remain away until permitted to return.
- (5) Printed or written notices bearing the name of the owner or lawful occupant of the real property, posted by his authority in three conspicuous places upon the real property, and requiring all persons to forbear trespassing on the real property and to depart therefrom, is sufficient prima facie evidence of notice mentioned in subsection (4) of this section.
- (6) As used in this section, "owner or lawful occupant" includes an employee or agent who is authorized by the owner or lawful occupant to exercise control of the real property.
- (7) As used in this section, an area is "enclosed" if it is not then made available by the owner or lawful occupant of the real property for entry or use by the public and it is
  - (a) Within a building or structure, or part thereof, or
  - (b) Surrounded by a wall, fence, bars, gate, hedge, chain, rope, barricade, or similar obstacle, or any combination thereof.

- (8) For the purpose of this section, an area is not enclosed, though it is within a building or structure, or part thereof, unless it is included in the meaning of "enclosed" as defined in subsection (7) of this section.

Section 2. Section 15 of Ordinance No. 593 is hereby amended to read as follows, to-wit:

Section 15. Destruction of Official Notices and Signs and Removal of Barricades.

- (1) No unauthorized person shall deface or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the law.
- (2) No person shall remove, alter, or damage any danger notice or barricade erected or maintained by authority of the city in, around, across, or along any sidewalk or roadway. For the purposes of this section any danger sign or barricade lawfully erected by a contractor in connection with the work of paving or improving any sidewalk or roadway under contract with the city for such improvement shall be deemed to be erected by authority of the city.

Section 2. Section 15 of Ordinance No. 593 is hereby amended to read as follows, to-wit:

Section 3. Emergency Clause.

It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, and owing to the urgent necessity, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the mayor.

PASSED by the Council and approved by the Mayor this 14 day of May, 1974.

Edward H. Rubin  
Mayor

ATTEST:

David M. Cutcher  
City Manager