

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 10.20.150 OF CHAPTER 10.20, TITLE 10, OF
CHAPTER 10.20 OF TITLE 10 OF THE SAN JOSE
MUNICIPAL CODE RELATED TO TRESPASS ON CITY
PROPERTY TO INCLUDE TECHNICAL CLARIFICATIONS**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP-17-00 (General Procedure & Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 10.20.150 of Chapter 10.20 of Title 10 of the San José Municipal Code is amended to read as follows:

10.20.150 Trespass on city property prohibited when.

~~No person shall wilfully enter or remain upon any property owned or controlled by the City of San José after having been ordered not to enter such property or having been~~

~~ordered to leave same, either by posting of the premises or upon order of authorized city personnel, when said city property or any section or part thereof has been declared closed by order of the city council, the city manager, or, with respect to city property under his control or supervision, by the head of any department of the city, at any time or for any interval of time, whether temporary or at stated intervals (days or otherwise), and whether entirely or merely as to certain uses, as said council or city manager, or, with respect to city property under his control or supervision, the head of any city department, shall find reasonably necessary for the conduct of city business and affairs, for the protection or preservation of the public peace, health and safety, or to avoid personal injury or property damage.~~

A. No person shall enter, be present, or remain upon any property owned or controlled by the City of San José after having been admonished not to enter, be present, or remain on such property.

B. Such admonishment may be made by posting signs on the premises, or upon verbal admonishment by authorized City personnel, including law enforcement.

C. Such admonishment may be made when property is:

1. Closed to the public at any time or for any interval of time, on a temporary basis or at stated intervals, whether entirely closed or only partially closed or as to certain uses; and

2. Closure is reasonably necessary for the conduct of City business and affairs, for the protection or preservation of the public peace, health, and safety, or to avoid personal injury or property damage.

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk