



## STAFF REPORT

### TOWN COUNCIL MEETING OF JUNE 9, 2015

**TO:** Town Council

**FROM:** Town Manager

**SUBJECT:** First Reading of the attached ordinance adding Chapter 7.24.010 AND 7.24.020 Prohibiting Wrongful Loitering to the Loomis Municipal Code.

**DATE:** May 26, 2015

#### **STAFF RECOMMENDATION:**

Staff recommends that the Town Council introduce for the first reading and subsequently adopt the proposed ordinance adding Chapter 7.24.010 and 7.24.020 Prohibiting Wrongful Loitering to the Loomis Municipal Code.

#### **ISSUE AND DISCUSSION:**

At the May 12, 2015 Town Council meeting, Mayor Pro Temp Brian Baker requested that staff return with an ordinance prohibiting loitering within the Town. Complaints have been received by the Sheriff's Department and staff regarding loitering, specifically at the Town's Train Depot. On several occasions members of the public have felt their well-being threatened. A violation of the proposed ordinance would be a misdemeanor which shall be enforced pursuant to the provisions of the Loomis Municipal Code Chapter 1.16 (Attached).

#### **PROCESS:**

Ordinances require two readings and are adopted after the second reading. The Ordinance will be effective thirty (30) days from the date of adoption.

#### **CEQA:**

There are no specific project(s) proposed or otherwise associated with this action, so there is no direct or reasonably foreseeable indirect physical change to the environment. As such, no further environmental documentation is required pursuant to Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications at this time.

**Attachments:**

**An Ordinance adding Chapter 7.24.010 and 7.24.020 to the Loomis Municipal Code.  
Prohibiting Wrongful Loitering**

**Ordinance 1.16.010 Violations of town ordinances, misdemeanors and infractions.**

**TOWN OF LOOMIS**

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF LOOMIS ADDING MUNICIPAL CODE  
CHAPTER 7.20 PROHIBITING WRONGFUL LOITERING**

**WHEREAS**, for all of the reasons set forth herein, the Council of the Town of Loomis (“Town”) desires to adopt this Ordinance prohibiting wrongful loitering within the Town; and,

**WHEREAS**, the Council finds that prohibiting wrongful loitering is necessary in order to protect the health, safety, and well-being of the citizens of Loomis; and,

**WHEREAS**, it is recognized that wrongful loitering, due to its nature, contributes to urban blight and downgrading the quality of life; and,

**WHEREAS**, the Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and,

**WHEREAS**, the Council has determined that current laws alone do not adequately protect the health, safety, and general welfare of the citizens of Town; and,

**WHEREAS**, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses certain conduct that the Town would like to prohibit.

**THE COUNCIL OF THE TOWN OF LOOMIS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Wrongful Loitering.** Chapter 7.20 is hereby added to the Loomis Municipal Code to read as follows:

**7.20.010 - Definitions.** As used in this Chapter the following definitions shall apply:

A. “Loiter” or “loitering” shall mean remaining idle in essentially one location or moving about aimlessly, including while occupying a vehicle parked on private or public premises.

**7.20.020 – Prohibited Wrongful Loitering.** No person shall loiter in such a manner as to:

- A. Obstruct the free passage of pedestrians or vehicles.
- B. Remain upon any public or private premises after its business hours without the consent of the owner or legal authority.

C. Remain upon any business premises after having been asked to leave by the owner or legal occupant.

D. Remain upon any residential premises without the consent of the owner or legal occupant.

**7.24.030 - Penalty for Violation.**

A. The first (1<sup>st</sup>) violation of Loomis Municipal Code section 7.20.020 shall be an infraction which shall be enforced pursuant to the provisions of the Loomis Municipal Code Chapter 1.16.

B. Any subsequent violation of the Loomis Municipal Code section 7.20.020 or a refusal to leave the premises after having been cited for a violation of the Loomis Municipal Code section 7.24.020, shall be a misdemeanor which shall be enforced pursuant to the provisions of the Loomis Municipal Code Chapter 1.16.

**Section 2. Posting.** The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the \_\_\_\_\_, 2015, and was **ADOPTED AND ORDERED** published and posted at a meeting of the Council held on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

**AYES:** \_\_\_\_\_  
**NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

By: \_\_\_\_\_  
**Rhonda Morillas, Mayor**

ATTEST:

By: \_\_\_\_\_  
**Crickett Strock, Town Clerk**

|                       |                          |                      |                      |  |                        |                       |                           |
|-----------------------|--------------------------|----------------------|----------------------|--|------------------------|-----------------------|---------------------------|
| Loomis Municipal Code |                          |                      |                      |  |                        |                       |                           |
| <a href="#">Up</a>    | <a href="#">Previous</a> | <a href="#">Next</a> | <a href="#">Main</a> |  | <a href="#">Search</a> | <a href="#">Print</a> | <a href="#">No Frames</a> |

[Title 1 GENERAL PROVISIONS](#)

[Chapter 1.16 GENERAL PENALTY](#)

---

### **1.16.010 Violations of town ordinances, misdemeanors and infractions.**

---

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the town of Loomis is guilty of an infraction, unless the violation is made a misdemeanor by ordinance, or is a second or subsequent offense, in which case the town may prosecute the violation as a misdemeanor.

B. Except in cases where a different punishment is prescribed by any ordinance of the town, any person convicted of a misdemeanor for violation of an ordinance of the town is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the town, is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the town is committed, continued or permitted by any such person, and he shall be punishable accordingly. (Ord. 181 § 1, 1998; Ord. 84 § 4, 1990; Ord. 14 § 1, 1984)

---

View the [mobile version](#).