

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-08**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC CHAPTER 13.70, TRESPASS ON PUBLIC AND PRIVATE PROPERTY AND VEHICLES.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Adoption of Chapter. WMC 13.70, Trespass On Public And Private Property And Vehicles is adopted to read as follows:

13.70.010 TRESPASS ON PUBLIC AND PRIVATE PROPERTY AND VEHICLES.

(A) A person may not knowingly enter or remain on private residential property or in a privately owned vehicle without the consent of the owner or owner's agent, or without a legal privilege to do so.

(B) A person may not knowingly enter or remain on developed or undeveloped public, business, or commercial property, or in a vehicle owned by a public entity:

- (1) In a location which is not open to the public; or
- (2) In violation of a prominently posted notice against trespass, limiting or prohibiting authorized uses, or limiting hours of authorized occupancy or operation; or
- (3) When the person has actual notice that the property is not open to him or her; or
- (4) After the person has been requested to leave by someone with actual or apparent authority to do so.

(C) It is an affirmative defense to prosecution for trespass on public property that the person charged was engaged in the legitimate expression of rights granted by the First Amendment to the Constitution of the United States or similar rights granted by the Constitution of the State of Alaska, and that the expression did not:

- (1) Physically obstruct or delay access, entrance or exit to and from the property; or
- (2) Intentionally, knowingly, or recklessly intimidate users, residents, owners, or occupants of the property; or
- (3) Occur at an unreasonable time, or in a unreasonable place or manner; or
- (4) Violate the terms of any court order or judgement, official permit, or written agreement between the affected parties; or
- (5) Endanger the public welfare or security.

13.70.020 UNAUTHORIZED ENTRY.

(A) No person may knowingly enter, use, or occupy any dwelling or other structure, or vehicle, or use any personal property therein, unless:

- (1) Consent to do so is granted by the owner or owner's agent; or
- (2) An emergency exists in which the entry, use or occupancy is required by an immediate and dire need, and the person contacts the owner or owner's agent within fifteen days after entering or using the property, or, if the owner is unknown, contacts the City police department, and makes a report of the time of entry, use or occupancy of the property and any damage to the property, unless a notice waiving the necessity for such report is posted on the property by the owner or the owners' agent.

13.70.030 PENALTY.

A violation of any provision of this Chapter shall by punished by a fine of \$100.00.

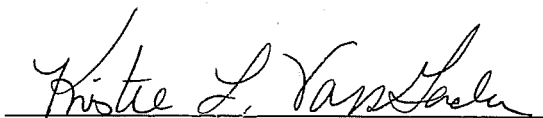
Section 3. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on January 24, 2000.



JUDY P. PATRICK, Deputy Mayor

ATTEST:



KRISTIE L. VANGORDER, CMC/AE
City Clerk [SEAL]

SUBJECT: Enactment of Trespass Ordinance

REQUESTED BY: Public Works/Police

PREPARED BY: Public Works

DATE: December 30, 1999

FOR AGENDA OF: January 10,2000

SUMMARY:

A trespass ordinance is requested by Public Works to protect public facilities such as remote water and sewage facilities. Currently, there is no authority to place "No Trespass" signs on public facilities that are enforceable by the police.

The Police are also requesting this ordinance to be responsive to demands by local businesses to have an enforceable trespass and unlawful entry ordinance which demonstrates immediate results. The current State statutes dealing with trespass do not have strong support from the prosecutor's office. This proposed ordinance bypasses the District Attorney's office. It gives an immediate fine and keeps attorney involvement non-existent, thereby allowing for quick resolution of incidents.

FISCAL IMPACT: x No Yes, amount requested: \$

Fund:

RECOMMENDED ACTION:

Council is requested to enact accompanying Serial Ordinance 00-08, a trespass and unlawful entrance ordinance for private and public property.

MAYOR REVIEW/COMMENT:


Reviewed by: SARAH PALIN, Mayor

Attachments:

Serial ordinance 00-08

Presented with: Ord 00-08
Date: 1/24/2000 Verified by: PV