



## REPORT TO CITY COUNCIL

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Simpson, City Manager

**Prepared by:** Barbara Leibold, City Attorney

**Date:** March 28, 2023

**Subject:** **Add Chapter 9.56 (trespass on Designated Conservation Areas) and Chapter 9.58 (trespass on City Property) to Title 9 (public Peace, Morals and Welfare) of the Lake Elsinore Municipal Code Relating to Trespassing on Designated Conservation Areas and City Property**

### **Recommendation**

Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 9.56 (TRESPASS ON DESIGNATED CONSERVATION AREAS) AND CHAPTER 9.58 (TRESPASS ON CITY PROPERTY) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE LAKE ELSINORE MUNICIPAL CODE RELATING TO TRESPASS ON DESIGNATED CONSERVATION AREAS AND TRESPASS ON CITY PROPERTY.

### **Background**

The City is the steward of environmentally sensitive lands throughout the City with the most notable areas being near the San Jacinto River, the outlet channel and the Back Basin area of the Lake. In some cases, the City has entered into conservation easements with resource agencies in which the City's responsibilities include managing the public's access to such lands and posting signage to prevent trespass.

In some instances, the City is charged with ensuring that lands are specifically set aside solely for habitat and must use its police powers to enforce such restrictions. While State law provides for criminal trespass code provisions, having specific municipal code provisions gives the City greater flexibility in enforcing a posted "no trespassing" area (e.g., by way of code enforcement staff that generally cannot enforce State laws) and provides for both civil and criminal enforcement options.

Additionally, other City facilities are also at risk of unlawful use and repeated offenses. Addressing such unlawful use within the City's municipal code will allow for similar greater flexibility in terms of personnel that may enforce the City's municipal code along with providing for civil and criminal enforcement options.

### **Discussion**

The proposed ordinance would: (1) prohibit unauthorized access to certain designated (and properly posted) conservation areas to the extent that resource agencies have imposed access restrictions, and; (2) prohibit unlawful conduct on City facilities and authorize that such persons are subject to removal (after failing to heed a warning) and issuance of a trespass notice restricting future use of the facility for a period up to one-year.

A key component of this City ordinance will allow for enforcement by City personnel (in addition to law enforcement) of persons in violation of conservation area access restrictions or otherwise failing to comply with laws and rules governing City facilities.

### **Fiscal Impact**

None.

### **Attachments**

Attachment 1- Ordinance