

ORDINANCE NO. 501

AN ORDINANCE PROHIBITING TRESPASS AND PRESCRIBING A PENALTY THEREFOR.

THE CITY OF COLUMBIA CITY does ordain as follows:

Section 1 - Definition:

- (a) The term "trespass" means to enter or remain unlawfully in or upon real or personal property that is owned by another person.
- (b) The term "person" means every natural person, firm, partnership, association or corporation.
- (c) The term "enter or remain unlawfully" means:
 - 1) To enter or remain in or upon real or personal property when the property, at the time of such entry or remaining, is not open to the public or when the entrant is not otherwise licensed or privileged to do so;
 - or
 - 2) To fail to leave the property that is open to the public after being lawfully directed to do so by the person in charge.
- (d) The term "property" means any building, real property or personal property, whether privately or publicly owned.
- (e) The term "open to the public" means property which by its physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.
- (f) The term "person in charge" means a person, a representative or employee of the person who has lawful control of the property by ownership, tenancy, official position or other legal relationship.

Section 2 - Trespass: No person shall trespass upon any real or personal property belonging to the City or any person within the City.

Section 3 - Penalty: Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.

Section 4 - Separate Violations: Each violation of a provision of this Ordinance shall constitute a separate offence.

[Section 5 - Severability:]

Section 6 - Constitutionality: If any clause, sentence, paragraph, section or portion of this Ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Ordinance and shall be confined in its operation to the clause, sentence,

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paragraph, section or portion of this Ordinance directly involved in the controversy in which such judgement is rendered.

Section 7 - Attempt: Any person who shall attempt to commit the offense mentioned in this Ordinance, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.

Passed by the council and approved by the mayor November 21, 1996.