

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF AZUSA, CALIFORNIA, ADDING ARTICLE XI TO CHAPTER 46 OFFENSES AND MISCELLANEOUS PROVISIONS TO THE AZUSA MUNICIPAL CODE REGULATING CITY FACILITIES AND SUBJECTING THEM TO NIGHT TIME CLOSURE

WHEREAS, the City of Azusa, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Chapter 46 of the Azusa Municipal Code governs Offenses and Miscellaneous Provisions, and

WHEREAS, laws regulating trespassing and vandalism after hours at City Facilities promote the public health, safety and welfare of the citizens of the City by reducing vandalism and crime occurring in and around City facilities and grounds; and

WHEREAS, the City intends to subject City property and facilities including the Civic Center Complex, Senior Center, Azusa Light and Water Building and other City facilities to night closure, in order to protect City facilities and grounds from trespassing, vandalism and crime.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: Article XI is added to Chapter 46 Offenses and Miscellaneous Provisions of the Azusa Municipal Code to read as follows:

“SEC. 46-440. - Definitions.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

City Facility and grounds. means any facility or land designated as such, under control, direction or management of the City.

Civic Center Complex. The land south of Veterans Freedom Park, including City Hall, City Library, Police Department, City Auditorium and surrounding land, is hereby designated as a City Facility for purposes of this Chapter.

SEC. 46-441. – Night closure.

- (a) *Established.* No person shall enter, remain, stay or loiter in any City facility or grounds between the hours of 10:00 p.m. of one day and 5:00 a.m. of the next day. A violation of this section is an infraction.
- (b) *Exception.* Subsection (a) shall not apply when officially sanctioned activities, or events of a civic nature, authorized by the city council and/or city manager extend beyond 10:00 pm, or begin prior to 5:00 am. In the event a sanctioned event is limited to a specific building, or specific area within the City facility or grounds, the remainder of the facility or grounds shall be deemed closed at 10:00 pm.
- (c) *Posting required.* Any City facility or ground subject to this ordinance shall be posted with the following notice:

‘Hours of Closure

This facility is closed between the hours of 10:00 pm at night and 5:00 am in the morning.

Any person entering, remaining, staying, or loitering upon these premises during hours of closure is guilty of an infraction

Ref. §46-441 (a) A.M.C.’

Posting of the notice shall be made at all City facility and grounds entrances if the facility is equipped with an off-street parking area, and upon the perimeter of the City facility and grounds adjoining any public street at not more than 150-foot intervals. All signs shall be not less than 17 inches wide by 22 inches in height with one-inch lettering.

SECTION 3: Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Azusa hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 5: Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Azusa.

PASSED, APPROVED and ADOPTED this 17th day of October, 2022.

/s/ Robert Gonzales, Mayor

ATTEST:

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF AZUSA)

I HEREBY CERTIFY that the foregoing Ordinance No. 2022-04, was duly introduced and placed upon its first reading at a regular meeting of the Azusa City Council on the 3rd day of October, 2022 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the Azusa City Council on the 17th day of October, 2022 by the following vote to wit: Council:

AYES: COUNCILMEMBERS: GONZALES, MENDEZ, ALVAREZ, AVILA, BECKWITH
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

APPROVED AS TO FORM:

/s/ Best, Best & Krieger, LLP, City Attorney

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