

TRESPASS LAWS

Unwanted and unwelcome people on farms, ranches, dairies and other agricultural enterprises are increasingly becoming a common occurrence.

Prevention of agricultural crime, terrorism and diseases often depends upon preventing such "visits." The State of California has a number of trespass laws that may apply to our agricultural settings. For enforcement and prosecution of such laws, specified conditions or situations must be present. The following is a list of potential trespass laws touching agriculture. Not all trespass laws are shown. Except where specified, a violation of trespass laws are misdemeanors punishable by a fine up to \$1000 and or imprisonment in jail for up to 6 months.

Remember, when confronted with a trespass situation, be very careful if you approach the trespassers and call your local Sheriff or law enforcement agency. Make sure you post "no trespassing" signs at all entry ways and a minimum of three signs every mile along your property borders.

PC 602 (a) - Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another.

PC 602 (b) - Carrying away any kind of wood or timber lying on those lands.

PC 602 (c) - Injuring or severing from the freehold of another anything attached to it, or its produce.

PC 602 (f) - Tear down, damage, mutilate, or destroy any sign, signboard affixed to any property belonging to the state, county, city, town, or village, or upon the property of any person by the state or an automobile association, which sign is intended to indicate or designate a road, or a highway, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of property.

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Of Interest To Agriculture



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PC 602 (g) - Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or on any of those lands, whether covered by water or not, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any of those lands.

PC 602 (h)(1) - Entering upon lands or buildings owned by any other person without the license of the owner or legal occupant, where signs forbidding trespass are displayed, and whereon cattle, goats, pigs, sheep, fowl, or any other animal is being raised, bred, fed, or held for the purpose of food for human consumption; or injuring, gathering, or carrying away any animal being housed on any of those lands, without the license of the owner or legal occupant; or damaging, destroying, or removing, or causing to be removed, damaged, or destroyed any stakes, marks, fences, or signs intended to designate the boundaries and limits of any of those lands.

(h)(2) - Must post sign at intervals not less than three per mile along all exterior boundaries and at all roads and trails entering the land.

PC 602 (i) - Opening, tearing down, or destroying any fence on the enclosed land of another, or opening any gate, bar, or fence and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign or notice forbidding shooting on private property.

PC 602 (j) - Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering the lands, without first having obtained written permission from the owner of the lands or the owner's agent, or the person in lawful possession.

PC 602 (k) - Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner's agent or by the person in lawful possession.

PC 602 (l) - Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding

trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands without the written permission of the owner of the land or the person in lawful possession, and

- (1) Refusing or failing to leave the lands immediately upon being requested by the owner of the land, the owner's agent or by the person in lawful possession to leave the lands,
- (2) Tearing down, mutilating, or destroying any sign signboard, or notice forbidding trespass or hunting on the lands,
- (3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into the lands, or
- (4) Discharging any firearm.

PC 602 (n) - Driving any vehicle upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, agent, or the person in lawful possession.

PC 602.1 (a) - Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

PC 602.2 - Any ordinance or resolution adopted by a county which requires written permission to enter vacant or unimproved private land from either the owner, the owner's agent, or the person in lawful possession of private land, shall not apply unless the land is immediately adjacent and contiguous to residential property, or enclosed by fence, or under cultivation, or posted with signs forbidding trespass, displayed at intervals of not less than three to a mile, along all exterior boundaries and at all roads and trails entering the private land.

PC 604 - Every person who maliciously injures or destroys any standing crops, grain, cultivated fruits or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this code, is guilty of a misdemeanor.

PC 607 - Every person who willfully and maliciously cuts, breaks, injures, or destroys, or who, without the authority of the owner or managing agent, operates any gate or control of, any bridge, dam, canal, flue, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or

reclaim any swamp, overflow, tide, or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or willfully or maliciously makes, or causes to be made, any aperture or plows up the bottom or sides in the dam, canal, flume, aqueduct, reservoir, embankment levee, or structure, with intent to injure or destroy the same; or draws up, cuts, or injures any piles fixed in the ground for the purpose of securing any sea bank, sea wall, dock, quay, jetty, or lock; or who, between the first day of October and the fifteenth day of April of each year, plows up or loosens the soil in the bed on the side of any natural water course, reclamation ditch, or drainage ditch, with an intent to destroy the same without removing the soil within 24 hours from the water course, reclamation ditch, or drainage ditch, or who, between the fifteenth day of April and the first day of October of each year, plows up or loosens the soil in the bed or on the sides of the natural water course, reclamation ditch, or drainage ditch, with an intent to destroy the same and does not remove there from the soil so plowed up or loosened before the first day of October next thereafter, is guilty of vandalism under Section 594. Nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any water course, reclamation ditch, or drainage ditch for the purpose of mining.

PC 602.8(a) - Any person who without the written permission of the landowner, the owner's agent, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of a public offense.

(b)(1) First offense = \$75 fine.

(b)(2) Second offense on the same land or any contiguous land of the same landowner = \$250 fine.

(b)(3) Third or subsequent offense on the same land or any contiguous land of the same landowner is a misdemeanor.

(c) Does not apply to any of the following:

- (1) Lawful labor union activities.
- (2) Activities protected by the California or US Constitution.
- (3) Process Servers.
- (4) Licensed land survey person.