

## California Code

California law recognizes and respects the sanctity of a person's private property. As a result, it is a crime to enter or remain on another's property without permission. In these instances, a defendant can be charged with trespassing under California Penal Code Section 602 PC. While there are over thirty forms of trespassing under California law, all adhere to the same basic elements.

California's law on trespass generally defines "trespass" as entry onto the property of another without permission or a right to do so. However "criminal trespass" involves more than mere unauthorized entry onto the property of another. It also requires specific intent to interfere with, or to damage, the owner's property right or the property itself; and actual interference with or actual damage to the property.

In both residential and commercial properties, one way that you can protect against someone obtaining an easement on your property, i.e., obtaining a right to use your property without your consent, is by *posting a sign that states that the right to pass by your property is by your permission*. A case decided by our California Court of Appeal on March 27, 2006, Richard Aaron v. Dallas Dunham defines the scope and legal affect of the "right to pass by permission" sign.

To have any legal effect, the sign must comply with the requirements and language of California Civil Code Section 1008: (1) the sign must be posted at each entrance to your property or at intervals of not more than 200 feet along the property boundary line; (2) the sign itself must contain substantially the following language: "Right to pass by permission and subject to control of owner: Section 1008, Civil Code;" and (3) the sign must be posted by you, the owner of the property, or your authorized agent. If the sign was posted by someone other than you, for example, the sign was put up by a person(s) leasing your property, the sign has no legal effect unless you expressly (and this should be done in writing) give the lessee permission to put the sign up on your behalf. The better practice, however, is for you to put the sign up yourself. It is also important to regularly maintain the sign so that the language is clear and visible to all those who may pass by your property.

Keep vigilant about the use of your property. Before posting any "right to pass by permission" sign, be sure to check your local city and county ordinances regarding the placement of signs on private property.

**CA Civil Code 1008. No use by any person or persons, no matter how long continued, of any land, shall ever ripen into an easement by prescription, if the owner of such property posts at each entrance to the property or at intervals of not more than 200 feet along the boundary a sign reading substantially as follows: "*Right to pass by permission, and subject to control, of owner: Section 1008, Civil***