

ORDINANCE NO. 2466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO, CALIFORNIA, ADDING SECTIONS 9.20.050 AND 9.44.018, ADDING CHAPTER 9.43 AND ADDING CHAPTER 9.50 TO THE CHICO MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC PROPERTY

WHEREAS, storage of unattended personal property in public spaces constitutes a threat to the health and safety of residents because it may attract vermin and interfere with use of public property;

WHEREAS, the presence of individuals and groups of people sitting and lying outside of building entrances can result in hazards to pedestrians and impede pedestrian passage and may have the effect of deterring visitors and pedestrians from patronizing businesses;

WHEREAS, it is in the public interest to prevent persons and objects from impeding the public right-of-way;

WHEREAS, the City desires to designate a Civic Center;

WHEREAS, adequate regulations and enforcement are required to deter vandalism, graffiti, littering, and other acts against public property in the Civic Center;

WHEREAS, the City desires to maintain the Civic Center as a well-maintained, and secure place for essential civic functions and facilities;

WHEREAS, the City desires to provide for and adopt comprehensive regulations to protect its waterways and natural resources; and

WHEREAS, the City Council of the City of Chico intends to maintain streets, sidewalks, waterways and other public areas within the City in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico:

Section 1. The Table of Contents of Chapter 9.20, CAMPING, of the Chico Municipal Code is hereby amended to add Section 9.20.050, Storage of personal property in public places, as follows:

**Chapter 9.20
CAMPING**

Section:

9.20.010 Purpose.

9.20.020 Definitions.

1 **9.44.018 Obstructing entrance to buildings.**

2 No person shall stand, sit at or otherwise occupy the entrance of any building, including but not
3 limited to a public or private building, church, hall, theater, place of public assemblage, store, or
4 business so as in any manner to willfully or maliciously obstruct the entrance.

4 **Section 5.** Division VI., OFFENSES AGAINST PROPERTY of Title 9, PUBLIC PEACE,
5 SAFETY AND MORALS, is hereby amended to add Chapter 9.43 in its entirety, as follows:

6 **Title 9**
7 **PUBLIC PEACE SAFETY AND MORALS**

8 **DIVISION VI.**
9 **OFFENSES AGAINST PROPERTY**

10 **Chapter 9.43 CIVIC CENTER REGULATIONS**

11 **Section:**

12 **9.43.010 Civic Center.**

13 **9.43.020 Applicability.**

14 **9.43.030 Days and hours of operation.**

15 **9.43.040 Bicycling and skateboarding – Prohibited.**

16 **9.43.050 Damage to plants or property prohibited.**

17 **9.43.060 Public urination and defecation – Prohibited.**

18 **9.43.070 Alcohol – Prohibited.**

19 **9.43.080 Smoking - Prohibited.**

20 **9.43.090 Tagging, graffiti and defacing.**

21 **9.43.100 Amplified sounds prohibited.**

22 **9.43.110 Glass containers on public property.**

23 **9.43.120 Dogs on public property.**

24 **9.43.130 Removal and disposal of dog feces from public property.**

25 **9.43.140 Possession of hypodermic needles and syringes.**

26 **9.43.150 Violation of rules.**

27 **9.43.010 Civic Center.**

28 For purposes of this chapter, “Civic Center” is defined as the area in the City of Chico, Butte
County, State of California, bounded by East 4th Street to the North, Main Street to the West, East
5th Street to the South, and Flume Street to the East.

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1 **9.43.020 Applicability.**

2 A. This chapter shall govern all areas within the Civic Center, as defined herein.

3 B. This chapter does not intend to regulate conduct in the public right-of-way, such as streets,
4 sidewalks and parkways.

5 **9.43.030 Days and hours of operation.**

6 A. All areas located within the Civic Center will be open to members of the public and
7 accessible, used and entered only between the hours of 7:00 a.m. and 10:00 p.m. The Civic Center
8 may have extended hours of operation when the city council is in session.

9 B. It shall be prohibited and a violation of this section for a member of the public to access,
10 use, be present, enter, or remain within the Civic Center between the hours of 10:01 p.m. and 6:59
11 a.m. of the succeeding day, except as provided in subsection C.

12 C. Subsection B shall not be applicable to the city council and its members, all city officers,
13 employees and agents. Furthermore, members of the public shall be allowed to remain and linger
14 up to one hour before and after any city-sponsored event to which the general public is invited.
15 Failure to leave the premises after requested to do so by a police officer or a government employee
16 shall constitute a violation of this chapter.

17 D. Notwithstanding the foregoing, the city shall remain entitled to close the civic center or
18 extend the hours of operation when deemed reasonable or necessary by the city council, city
19 manager or designee and authorized in writing. Notice to the public of such closure shall be by
20 those means deemed reasonable and necessary, including but not limited to posting of temporary
21 signs and/or utilization of the city's website.

22 **9.43.040 Bicycling and skateboarding – Prohibited.**

23 A. Skateboarding and skating, including but not limited to roller skates, in-line skates and/or
24 roller blades, are not allowed in the Civic Center.

25 B. Riding bicycles is not allowed in the Civic Center.

26 **9.43.050 Damage to plants or property prohibited.**

27 No person shall damage, cut, carve upon, transplant or remove any tree or plant, or injure the
28 bark or pick the flowers or seeds of any tree or plant; nor shall any person attach any rope, wire or
other contrivance to any tree or plant; nor climb any tree; nor walk, stand or sit upon monuments,
vases, fountains, railings, fences or upon any other property not designated or customarily used for
such purposes. A person shall not dig in or otherwise disturb grass areas or in any other way
injure or impair the natural beauty or usefulness of any area.

9.43.060 Public urination and defecation – Prohibited.

No person shall deposit, by means of urination or defecation, any human waste material in any
public place (other than in a public toilet or restroom designed to receive waste material), in any

1 place exposed to public view, or upon the surface of the ground or upon any premises, lot, or
2 public street.

3 **9.43.070 Alcohol - Prohibited**

4 No person shall use, consume, or have in their possession any alcoholic beverage, in the Civic
5 Center unless prior written approval is obtained from the city manager or designee.

6 **9.43.080 Smoking - Prohibited.**

7 Smoking as defined in section 8.28.010 of this code is not permitted in the Civic Center. This
8 includes but is not limited to an electronic smoking device or battery-operated device that delivers
9 vapors for inhalation which includes every variation and type of such devices whether they are
10 manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an
11 electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or
12 descriptor.

13 **9.43.090 Tagging, graffiti and defacing.**

14 Tagging, graffiti and/or any other form of defacing public property is not permitted in the Civic
15 Center.

16 **9.43.100 Amplified sounds prohibited.**

17 Amplified sounds are not permitted in the Civic Center without prior written approval from the
18 city manager or designee.

19 **9.43.110 Glass containers – Prohibited.**

20 No person shall possess any glass container in the Civic Center, including but not limited to,
21 rights-of-way, streets, sidewalks, alleys, parks, parking lots and buildings pursuant to Chapter 9.32
22 of this code. Possession of glass containers will be allowed with prior written approval by the city
23 manager or designee.

24 **9.43.120 Dogs on public property.**

25 A. It shall be unlawful for any person owning or having the control of, or being the keeper of,
26 any dog, to permit said dog to run at large in the Civic Center in violation of section 7.08.110 of
27 this code.

28 B. Any person owning or having the control of, or being the keeper of, any dog, shall adhere to
the city's dog license requirements pursuant to section 7.08.020 of this code.

9.43.130 Removal and disposal of dog feces from public property.

A. A person who owns or has custody of a dog shall immediately remove and dispose of any
feces deposited by such dog on any public property in a sanitary manner, by placing in an
appropriate device and depositing in a sanitary receptacle.

B. A person who has custody of a dog shall carry an appropriate device to pick up dog feces at
all times when the dog is not on the premises of its owner or custodian.

1 C. Exception: The provisions of this section shall not apply to any person with a disability
2 accompanied by a service dog. "Service dog" means any dog that is individually trained to do
3 work or perform tasks for the benefit of an individual with a disability, including a physical,
4 sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a
5 service animal must be directly related to the individual's disability. The crime deterrent effects of
6 an animal's presence and the emotional support, well-being, comfort, or companionship do not
7 constitute work or tasks for the purposes of this definition.

8 **9.43.140 Possession of hypodermic needles and syringes.**

9 A. It shall be unlawful for any person to possess a hypodermic needle or syringe, except as
10 provided in subsection (b) of this section.

11 B. The provision of this section shall not apply to any person in possession of a hypodermic
12 needle or syringe that is a licensed health care professional and/or any person with a current and
13 valid prescription to be in possession of a hypodermic needle or syringe, until its final use,
14 provided however, any such possession must be reasonably related to an accepted medical
15 treatment and/or a current and valid prescription for the possessor by a licensed medical
16 professional.

17 C. Any person that uses and/or possess any hypodermic needle or syringe, as permitted in
18 subsection (b) of this section, shall cause such hypodermic needle or syringe to be transported to
19 the appropriate facility for disposal in a container that meets state and federal standards for
20 disposal of sharps waste. It is illegal and a violation of this section to dispose of hypodermic
21 needles and syringes in the trash or recycling container.

22 **9.43.150 Violation of rules.**

23 Violation of this chapter shall be a misdemeanor or an infraction and may be enforced by the
24 filing of a criminal action by the city attorney or the issuance of an administrative citation in
25 accordance with Chapter 1.15 of this code.

26 **Section 6.** Division VI., OFFENSES AGAINST PROPERTY, of Title 9, PUBLIC PEACE,
27 SAFETY AND MORALS, is hereby amended to add Chapter 9.50 in its entirety, as follows:

28 **Title 9**
PUBLIC PEACE, SAFETY AND MORALS

DIVISION VI.
OFFENSES AGAINST PROPERTY

Chapter 9.50 WATERWAY REGULATION

Section:

9.50.010 Purpose and scope.

9.50.020 Regulated areas.

1 **9.50.030 Prohibited activities and conditions.**

2 **9.50.040 Inspection and enforcement.**

3 **9.50.050 Appeals.**

4 **9.50.060 No liability upon the city.**

5 **9.50.010 Purpose and scope.**

6 A. This chapter shall govern all regulated areas, as defined herein, within the jurisdictional limits of the City of Chico, whether located on public or private property.

7 B. The public health, safety, and welfare, as well as the city's ability to comply with its statutory, regulatory and permitting obligations with respect to the protection of its creeks, tributaries, riparian corridors and associated natural resources, require that the city adopt and enforce comprehensive regulations specifically prohibiting deleterious activities within these areas, whether located on public or private property.

8 C. The purpose of this chapter is to establish clear and direct requirements for the use, inspection and maintenance of the areas governed by this chapter and to authorize city enforcement of violations of the provisions of this chapter by individuals engaging in prohibited activity and/or property owners permitting prohibited activities or conditions to occur or be maintained on their properties.

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11 **9.50.020 Regulated areas.**

12 Regulated areas subject to the requirements and prohibitions of this chapter include the following areas within the city limits:

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14 A. All greenways or parklands adjoining Big Chico Creek, Little Chico Creek, Lindo Channel, Comanche Creek, Edgar Slough, Sycamore Creek, Dead Horse Slough Teichert Ponds, any other stream, any manmade channel constructed to facilitate the use of water or convey storm water or watercourse which has been acquired or which is hereafter acquired by the city, either in fee title or by way of an easement which authorizes public use of the easement area;

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16 B. Tributaries and any other "Water of the United States," as defined in 40 CFR 122.2, including all surface watercourses and waterbodies, natural waterways and definite channels and depressions in the earth, or such sections or connections of such waters that have been lined with concrete, covered or channelized in the past, that may carry water, even though such waterways may only carry water during rains and storms and may not carry surface water at and during all times and seasons;

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18 C. Riparian areas, which include the area between a stream or other body of water and the adjacent upland identified by soil characteristics and distinctive vegetation and wetlands and those portions of floodplains and valley bottoms that support riparian vegetation (herbaceous plants, shrubs, and trees which are naturally associated with stream side environments, and with roots and branches extending in or over a creek channel).

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1 **9.50.030 Prohibited activities and conditions.**

2 It shall be unlawful and a violation of this chapter for any person to engage in or maintain, or for
3 any property owner to allow or maintain, any of the following activities or conditions in regulated
4 areas:

5 A. Deface, destroy, damage or impair any natural or cultural resources, except for pruning,
6 removal of materials or any other activities authorized under appropriate permits from state and/or
7 federal agencies or in conjunction with permitted city-sponsored activities.

8 B. Staying or camping overnight pursuant to Chapter 9.20 of this code.

9 C. Store personal property pursuant to section 9.20.050 of this code.

10 D. Entering into or remaining within regulated areas that are open to the public between one
11 hour after sunset and one hour before sunrise of the following day without approval from the city
12 manager or designee.

13 E. Entering into or remaining within property to which public access is prohibited or restricted.

14 F. Driving or otherwise operating a vehicle, except as authorized in conjunction with otherwise
15 permitted activity.

16 G. Using bicycles in regulated areas not explicitly labeled as areas and/or trails designated for
17 bicycle use.

18 H. Possessing or consuming alcoholic beverages.

19 I. Disposing of, depositing, throwing, keeping or accumulating trash, litter, rubbish, rubble,
20 garbage, debris or other solid waste, dirt, green waste or animal waste.

21 J. Posting any sign on a tree, tree-stake or guard, or fastening any wire, cable or rope to any
22 tree, tree-stake or guard unless otherwise authorized by the city.

23 K. Urinating or defecating.

24 L. Making any excavation or unauthorized encroachment.

25 M. Possessing or discharging of weapons, firearms, paintballs, fireworks, or open fire. Open
26 fire shall include but is not limited to the burning of fuels for campfire, recreational and cooking
27 purposes. Furthermore, under no circumstances may plywood, particleboard, scrap lumber, pallets,
28 waste or natural vegetation be burned.

N. Any act in a regulated area constituting a violation of any provision of the California
Endangered Species Act (CESA), the Endangered Species Act (ESA), the California Public
Resources Code, or any regulation of the California Department of Fish and Game, or of any
permit or approval issued by any federal, state or local agency having jurisdiction over the
regulated area shall also be a violation of this chapter.

1 **9.50.040 Inspection and enforcement.**

2 A. Whenever necessary to make an inspection to enforce any provision of this chapter, or
3 whenever the enforcement officer has cause to believe that there exists, or potentially exists, in or
4 upon any premises any condition which constitutes a violation of this chapter, the city manager or
5 designee may enter such premises during normal business hours to inspect the same, take water
6 samples and/or verify that compliance with this chapter is occurring. In the event that the owner or
occupant refuses entry after a request has been made, the city is hereby empowered to seek
assistance from any court of competent jurisdiction or other state or federal agency staff with
jurisdiction in obtaining such entry.

7 B. Violation of this chapter shall be a misdemeanor or an infraction and may be enforced by the
8 filing of a criminal action by the city attorney or the issuance of an administrative citation in
9 accordance with the provisions of Chapter 1.15 by city staff authorized by the city manager to
issue citations.

10 **9.50.050 Appeals.**

11 Any person aggrieved by an act or determination of the staff in exercising the administrative
12 authority herein granted shall have the right to appeal to the city council in accordance with
Chapter 1.15, article III-V of this code.

13 **9.50.060 No liability upon the city.**

14 Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its
15 officers or employees, nor to relieve the owner or occupant of any private property from the duty
16 to keep property in a safe condition.

17 **Section 7.** The city council finds and determines that the enactment of this Ordinance is not a
18 project under the California Environmental Quality Act (CEQA) (Cal. Pub. Resource Code §§
21000 *et seq.*) in that activities described in the Ordinance are a continuing administrative activity
19 of the city involving general policy and procedure making and organization or administrative
activities of governments that will not result in direct or indirect physical changes in the
20 environment. (State CEQA Guidelines, Cal. Code of Regs., Title 14, § 15378.) Therefore, no
environmental assessment is required or necessary.

21 **Section 8.** If any part of this Ordinance, or its application to any individual, entity, or
22 circumstance, is held to be invalid, the remainder of the Ordinance, including the application or
provision to other persons or circumstances, shall not be affected and shall continue in full force
23 and effect. To this end, the provisions of this Ordinance are severable.

24 **Section 9.** The city clerk shall attest to the passage and adoption of this Ordinance, and shall cause
25 the same to be posted as required by law, and this Ordinance shall take effect thirty (30) calendar
26 days after its adoption.

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28 [Signatures on the following page]

1 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its
meeting held on October 6, 2015, by the following vote.

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3 AYES: Coolidge, Fillmer, Schwab, Stone, Morgan, Sorensen

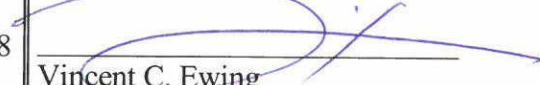
4 NOES: Ritter

5 ABSENT: None

6 ABSTAIN: None


7 DISQUALIFIED: None

8 **APPROVED AS TO FORM:**

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Vincent C. Ewing
City Attorney

ATTEST:



Deborah R. Presson, MMC
City Clerk

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