

ORDINANCE NO. 2479

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

WHEREAS, the Offenses Against Public Property Ordinance was adopted by the Chico City Council at its meeting of October 6, 2015;

WHEREAS, the City desires to expand some of the elements of the Offenses Against Public Property Ordinance citywide; and

WHEREAS, the City Council of the City of Chico intends to protect the health, safety and public welfare of the community by maintaining public property within the City in a clean, sanitary and accessible condition.

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

**Section 1.** The recitals set forth above are incorporated herein and by this reference made an operative part hereof.

**Section 2.** The Table of Contents of Chapter 7.08, Dog Licenses and Regulations, of the Chico Municipal Code is hereby amended to add Section 7.08.145, as follows:

**Section:**

**ARTICLE I. DEFINITIONS**

**7.08.010 Designated.**

**ARTICLE II. LICENSES**

**7.08.020 Required - Impoundment generally.**

**7.08.030 Period - Expiration - Fees.**

**7.08.035 Late penalties.**

**7.08.040 Application.**

**7.08.050 Transfer.**

**7.08.060 Form.**

**7.08.070 Exhibition upon request.**

**7.08.080 Tags - How and where worn.**

1           **7.08.090 Tags - Counterfeit.**

2           **7.08.100 Tags - Replacement - Fee.**

3           **ARTICLE III. NUISANCES**

4           **7.08.110 Running at large prohibited - Leash required.**

5           **7.08.120 Nuisances - Prohibited.**

6           **7.08.130 Nuisances - Designated.**

7           **7.08.140 Nuisances - Abatement.**

8           **7.08.145 Nuisances – Removal and disposal of dog feces from public property.**

9           **ARTICLE IV. PENALTY**

10          **7.08.150 Designated.**

11          **Section 3.** That Chapter 7.08, Dog Licenses and Regulations, of the Chico Municipal Code is  
12 hereby amended to add section 7.08.145, as follows:

13          **7.08.145 Nuisances – Removal and disposal of dog feces from public property.**

14           A. No person having the right and ability to prevent the same, shall knowingly, carelessly, or  
15 negligently permit any dog to commit any nuisance upon any public property, including, but not  
16 limited to, public parks, streets, sidewalks, parkways, gutters and drains, or any improved private  
17 property other than that of the owner of said dog or person who has consented thereto. Any person  
violating this Section shall be guilty of an infraction.

18           B. No person shall walk, or otherwise have in his or her custody or control, any dog upon any  
19 public property, including streets, sidewalks, public parks, parkways and alleys, unless the person  
20 has in his or her possession, and in plain view, readily usable materials or implements sufficient to  
remove and to dispose of lawfully any fecal matter that may be deposited on the ground by the  
dog. Any person violating this Section shall be guilty of an infraction.

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

26           D. As used in Section 7.08.145, “nuisance” means depositing of fecal matter by any dog upon  
27 any public property, including, but not limited to, public parks, streets, sidewalks, parkways,  
28 gutters and drains, or any improved private property other than that of the owner of said dog or  
person who has consented thereto without the same being removed immediately by the owner or  
person having control of said dog.

1  
2 E. Any person violating any of the provisions of this chapter is guilty of an infraction and shall  
3 be punished by a fine in the amount set forth by resolution of the City Council pursuant to section  
4 1.15.050 of this Code. The administrative procedures for the imposition, enforcement, collection,  
and administrative review of civil fines for violations of this chapter are established pursuant to  
Chapter 1.15 of this Code.

5 **Section 4.** That Section 7.08.150 of Chapter 7.08, Dog Licenses and Regulations, of the Chico  
6 Municipal Code is hereby deleted in its entirety and replaced with the following:

7 Any person violating any of the provisions of this chapter is guilty of an infraction and shall be  
8 punished by a fine in the amount set forth by resolution of the City Council pursuant to section  
9 1.15.050 of this code. The administrative procedures for the imposition, enforcement, collection,  
and administrative review of civil fines for violations of this chapter are established pursuant to  
Chapter 1.15 of this code.

10 **Section 5.** The Table of Contents of Chapter 9.20, Camping, of the Chico Municipal Code is  
11 hereby amended to add Section 9.20.060, as follows:

12 **Section:**

13 **9.20.010 Purpose.**

14 **9.20.020 Definitions.**

15 **9.20.030 Unlawful camping.**

16 **9.20.040 Exception.**

17 **9.20.050 Storage of personal property in public places.**

18 **9.20.060 Violation – Penalty.**

19 **Section 6.** That Chapter 9.20, Camping, of the Chico Municipal Code is hereby amended to add  
20 section 9.20.060, as follows:

21 **9.20.060 Violation – Penalty.**

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

24 **Section 7.** The Table of Contents of Chapter 9.22, Depositing Foreign Matter in Public Ways, of  
25 the Chico Municipal Code is hereby amended as follows:

26 **Section:**

27 **9.22.010 Prohibitions.**

28 **9.22.020 Violation – Penalty.**

1 **Section 8.** That section 9.22.020 of Chapter 9.22, Depositing Foreign Matter in Public Ways, is  
2 hereby deleted in its entirety and replaced with the following:

3 Any person violating any of the provisions of this chapter is guilty of an infraction and shall be  
4 punished by a fine in the amount set forth by resolution of the City Council pursuant to section  
5 1.15.050 of this code. The administrative procedures for the imposition, enforcement, collection,  
6 and administrative review of civil fines for violations of this chapter are established pursuant to  
7 Chapter 1.15 of this code.

8 **Section 9.** That Chapter 9.26, Public urination and defecation – Prohibited, be added in its entirety  
9 to the Chico Municipal Code, as follows:

10 **Title 9**  
11 **PUBLIC PEACE, SAFETY AND MORALS**

12 **DIVISION III.**  
13 **PUBLIC HEALTH AND SAFETY OFFENSES AND REGULATIONS**

14 **Chapter 9.26 URINATION AND DEFECATION**

15 **Section:**

16 **9.26.010 Public urination and defecation – Prohibited.**

17 **9.26.020 Violation – Penalty.**

18 **9.26.010 Public urination and defecation – Prohibited.**

19 No person shall deposit, by means of urination or defecation, any human waste material in any  
20 public place (other than in a public toilet or restroom designed to receive waste material), in any  
21 place exposed to public view, or upon the surface of the ground or upon any premises, lot, or  
22 public street.

23 **9.26.020 Violation – Penalty.**

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

27 **Section 10.** The Table of Contents of Chapter 9.30, Possession and Consumption of Alcoholic  
28 Beverages, of the Chico Municipal Code is hereby amended as follows:

**Section:**

**9.30.010 Purpose.**

**9.30.020 Definitions.**

**9.30.030 Prohibition on the possession and consumption of alcoholic beverages.**

1           **9.30.040 Exceptions.**

2           **9.30.050 Signage required in retail establishments engaged in the packaged sale of**  
3           **alcoholic beverages.**

4           **9.30.060 Signage prohibiting the consumption of alcoholic beverages in parking lots**  
5           **on property containing two or more residential dwelling units.**

6           **9.30.070 Penalty – Infraction or misdemeanor.**

7           **Section 11.** That section 9.30.030 of Chapter 9.30, Possession and Consumption of Alcoholic  
8           Beverages, is hereby deleted in its entirety and replaced with the following:

9           **9.30.030 Prohibition on the possession of an open container and consumption of alcoholic**  
10           **beverages.**

11           A. Except as otherwise provided in section 9.30.040 of this code, it shall be unlawful for any  
12           person to possess an open alcoholic beverage container upon any of the following properties  
13           within the city:

14           (1) Upon any public street, sidewalk, alley, parking lot, or other property which is owned by or  
15           leased to the city and open to members of the general public;

16           (2) Upon any private parking lot, which is located on property used for commercial purposes;

17           (3) Upon any private parking lot which is located on property containing two or more  
18           residential dwelling units where such parking lot is posted with a sign prohibiting the possession  
19           of an open container of an alcoholic beverage or the consumption of an alcoholic beverage in a  
20           manner hereinafter provided for by this chapter;

21           (4) On the premises of, or parking lot abutting, any off-sale alcoholic beverage licensee, if the  
22           licensee's premises contain a clearly visible notice prohibiting such possession; or

23           (5) All city properties designated as city parks and playgrounds pursuant to section 12.04.010  
24           of this Code.

25           B. Except as otherwise provided in section 9.30.040 of this Code, it shall be unlawful for any  
26           person to consume an alcoholic beverage upon any of the following properties within the city:

27           (1) Upon any public street, sidewalk, alley, parking lot, or other property which is owned by or  
28           leased to the city and open to members of the general public;

          (2) Upon any private parking lot that is located on property used for commercial purposes;

          (3) Upon any private parking lot that is located on property containing two or more residential  
dwelling units where such parking lot is posted with a sign prohibiting the possession of an open  
container of an alcoholic beverage or the consumption of an alcoholic beverage in a manner  
hereinafter provided for by this chapter;

1 (4) On the premises of, or parking lot abutting, any off-sale alcoholic beverage licensee, if the  
licensee's premises contain a clearly visible notice prohibiting such possession; or

2 (5) All city properties designated as city parks and playgrounds pursuant to section 12.04.010  
3 of this code.

4 **Section 12.** That section 9.30.040 is hereby added to Chapter 9.30, Possession and Consumption  
5 of Alcoholic Beverages, which shall read as follows:

6 **9.30.040 Exceptions.**

7 A. Notwithstanding sections 9.08.030(A) and (B) of this code, it shall not be unlawful to  
8 consume or possess open containers of alcoholic beverages under the following circumstances:

9 1. Any city park or playground in which the possession and consumption of alcoholic  
10 beverages is regulated by the park rules adopted in Title 12R of this code;

11 2. Any portion of the Chico Municipal Airport in which the possession and consumption of  
12 alcoholic beverages is regulated by the airport rules and regulations adopted in Title 11R of this  
code;

13 3. Any city property, which is leased to a third party in which the lease agreement does not  
14 prohibit the possession and consumption of alcoholic beverages;

15 4. Any portion of a public street, sidewalk, alley, parking lot or other property owned by or  
16 leased to the city in which the sale of alcoholic beverages is permitted as part of a franchise  
granted by the council pursuant to Chapter 14.60 of this code;

17 5. Any portion of the public right-of-way utilized as an outdoor café pursuant to a license  
18 granted under Chapter 14.70;

19 6. Possession of empty alcoholic beverage containers for the purpose of recycling;

20 7. Upon any private parking lot which is located on property used for commercial purposes,  
21 when the owner or other person entitled to the possession of the parking lot has given prior  
22 consent to the possession of an open container of an alcoholic beverage or the consumption of an  
alcoholic beverage within such private parking lot; or

23 8. During and within special events if prior written approval is obtained from the city manager  
24 or designee or if the city pursuant to section 12R.08.050 of this code has granted a permit that,  
25 during the event, authorizes persons attending the event to possess and consume open containers  
26 of alcoholic beverages in areas where such consumption and possession is otherwise prohibited by  
this Code.

27 **Section 13.** That Section 9.30.060 of Chapter 9.30, Possession and Consumption of Alcoholic  
Beverages, of the Chico Municipal Code is hereby amended as follows:

1 **9.30.060 Signage prohibiting the possession and consumption of alcoholic beverages in**  
2 **parking lots on property containing two or more residential dwelling units.**

3 Notwithstanding section 9.30.030, the owner of property containing two or more dwelling units  
4 may prohibit the possession of an open container of an alcoholic beverage or the consumption of  
5 an alcoholic beverage within any parking lot on such property by posting a sign in plain view at or  
6 near each driveway and pedestrian entrance to the parking lot which sets forth such prohibition  
7 substantially in the following form:

8 “Possession of an open container of an alcoholic beverage or consumption of an alcoholic  
9 beverage is prohibited in this parking lot. Violations are punishable by a fine in the amount set  
10 forth by resolution of the city council pursuant to Section 1.15.050 of this Code. The  
11 administrative procedures for the imposition, enforcement, collection, and administrative review  
12 of civil fines for violations of this chapter are established pursuant to Chapter 1.15 of this Code.”

13 Such sign shall be not less than seventeen (17) inches by twenty-two (22) inches in size, shall  
14 contain lettering at least one (1) inch in height, and shall be mounted so that the lower edge of the  
15 sign is at least four (4) feet, and the top edge does not exceed seven (7) feet, above ground level.

16 **Section 14.** That Chapter 9.30, Possession and Consumption of Alcoholic Beverages, is hereby  
17 amended to add section 9.30.070, as follows:

18 **9.30.070 Penalty – Infraction or misdemeanor.**

19 A. Any person who violates section 9.30.030(A) of this Code shall be deemed guilty of an  
20 infraction and shall be punished by a fine in the amount set forth by resolution of the city council  
21 pursuant to Section 1.15.050 of this code. The administrative procedures for the imposition,  
22 enforcement, collection, and administrative review of civil fines for violations of this chapter are  
23 established pursuant to Chapter 1.15 of this code.

24 B. Any person who violates section 9.30.030(B) of this code shall be deemed guilty of a  
25 misdemeanor or an infraction and may be enforced by the filing of a criminal action by the city  
26 attorney or the issuance of an administrative citation in accordance with the provisions of Chapter  
27 1.15 of this code.

28 **Section 15.** That Section 9.43.070 of Chapter 9.43, Civic Center Regulations, of the Chico  
Municipal Code is hereby amended as follows:

**9.43.070 Alcohol - Prohibited**

Pursuant to Chapter 9.30 of this code, no person shall use, consume, or have in their possession  
an open alcoholic beverage, in the Civic Center unless prior written approval is obtained from the  
city manager or designee.

**Section 16.** The Table of Contents of Chapter 14.40, Street Trees, of the Chico Municipal Code is  
hereby amended to add Section 14.40.325, as follows:

1 **Section:**

2 **ARTICLE I. GENERALLY**

3 **14.40.010 Short title.**

4 **14.40.020 Regulations generally.**

5 **14.40.030 Adoption of street tree plan.**

6 **ARTICLE II. DEFINITIONS**

7 **14.40.040 Generally.**

8 **14.40.050 Commission.**

9 **14.40.055 Director.**

10 **14.40.060 Enforcing authority.**

11 **14.40.070 Planting area.**

12 **14.40.080 Street tree list.**

13 **14.40.090 Street tree plan.**

14 **14.40.100 Superintendent.**

15 **14.40.110 Property owner.**

16 **ARTICLE III. PLANTING OR REMOVING**

17 **14.40.120 Permit - Required.**

18 **14.40.130 Permit - Application.**

19 **14.40.140 Permit - Fee.**

20 **14.40.150 Permit - Conditions upon issuance.**

21 **14.40.160 Permit - Conditions imposed deemed order by commission.**

22 **14.40.170 Removal by city - City's expense.**

23 **14.40.180 When property owner responsible for cost of removal.**

24 **14.40.190 Cost of planting generally.**

25 **14.40.200 Neglect of property owner to perform work - Action by city.**

26 **14.40.210 Manner of sending notice for cost of work - Hearing.**

27

28



1           **14.40.220 Notice of lien - Preparation and filing.**

2           **14.40.230 Special assessment.**

3           **14.40.240 Delinquency - Amount to be added to taxes.**

4           **14.40.250 Collection of amount of lien - Manner.**

5           **ARTICLE IV. ADDITIONAL REGULATIONS**

6           **14.40.260 Advanced deposit on work performed by city.**

7           **14.40.270 Power of authority to act independently for removal.**

8           **14.40.280 Persons convicted for chapter violations not exempt from charge or debt**  
9           **payment.**

10          **14.40.290 Nuisances declared.**

11          **14.40.300 Branches to be trimmed.**

12          **14.40.310 Maintenance.**

13          **14.40.320 Unlawful acts.**

14          **14.40.325 Violation – Penalty.**

15          **ARTICLE V. HEARING - APPEAL**

16          **14.40.330 Hearing.**

17          **14.40.340 Appeal.**

18          **14.40.350 Failure of commission to act on permit - Action by council.**

19  
20          **Section 17.** That Section 14.40.320 of Chapter 14.40, Street Trees, of the Chico Municipal Code  
21 is hereby deleted in its entirety and replaced with the following:

22          **14.40.320 Unlawful acts.**

23          No person shall damage, cut, carve upon, transplant or remove any tree or plant, or injure the  
24 bark or pick the flowers or seeds of any tree or plant; nor shall any person attach any rope, wire or  
25 other contrivance to any tree or plant; nor climb any tree; nor walk, stand or sit upon monuments,  
26 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.

27          **Section 18.** That Chapter 14.40, of the Chico Municipal Code, Street Trees, is hereby amended to  
28 add section 14.40.325, as follows:

1 **14.40.325 Violation – Penalty.**

2 A. Except as otherwise provided in section 14.40.325(B), any person violating any of the  
3 provisions of this chapter of this Code shall be deemed guilty of a misdemeanor or an infraction  
4 and may be enforced by the filing of a criminal action by the City Attorney or the issuance of an  
5 administrative citation in accordance with the provisions of Chapter 1.15 of this Code.

6 B. Notwithstanding section 14.40.325(A), a violation of section 14.40.320 shall be a  
7 misdemeanor and may be enforced by the filing of a criminal action by the City Attorney or the  
8 issuance of an administrative citation in accordance with Chapter 1.15 of this code.

9 **Section 19.** The city council finds and determines that the enactment of this Ordinance is not a  
10 project under the California Environmental Quality Act (CEQA) (Cal. Pub. Resource Code §§  
11 21000 *et seq.*) in that activities described in the Ordinance are a continuing administrative activity  
12 of the city involving general policy and procedure making and organization or administrative  
13 activities of governments that will not result in direct or indirect physical changes in the  
14 environment. (State CEQA Guidelines, Cal. Code of Regs., Title14, § 15378.) Therefore, no  
15 environmental assessment is required or necessary.

16 **Section 20.** If any part of this Ordinance, or its application to any individual, entity, or  
17 circumstance, is held to be invalid, the remainder of the Ordinance, including the application or  
18 provision to other persons or circumstances, shall not be affected and shall continue in full force  
19 and effect. To this end, the provisions of this Ordinance are severable.

20 **Section 21.** The city clerk shall attest to the passage and adoption of this Ordinance, and shall  
21 cause the same to be posted as required by law, and this Ordinance shall take effect thirty (30)  
22 calendar days after its adoption.

23 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
24 meeting held on April 5, 2016, by the following vote.

25 AYES: Coelidge, Fillmer, Morgan, Sorensen

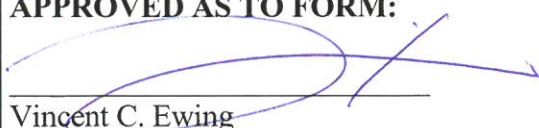
26 NOES: Ritter, Schwab, Stone

27 ABSENT: None

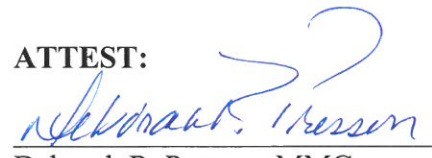
28 ABSTAIN: None

DISQUALIFIED: None

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Vincent C. Ewing  
City Attorney\*

**ATTEST:**

  
\_\_\_\_\_  
Deborah R. Presson, MMC  
City Clerk

\*Pursuant to the Charter of the City of Chico, Section 906(E)