

ORDINANCE NO. 2546

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 10  
OF THE CHICO MUNICIPAL CODE TO ADD CHAPTER 10.53 RELATING TO  
TEMPORARY ROAD CLOSURES.

**WHEREAS**, the California Vehicle Code allows local authorities to adopt rules and regulations for temporary street closures due to serious and continual criminal activity on streets or portions of the streets recommended for closure.

**WHEREAS**, Title 10 entitled, "Vehicles and Traffic," of the Chico Municipal Code establishes the organization, authority, duties and responsibilities for the administration of the traffic function within the city of Chico, provides an efficient and timely process for the consideration and implementation of traffic actions, adopts such rules and regulations as may be reasonable and necessary to regulate vehicles and traffic within the city, and enhances the safety of pedestrians and other persons using the city's streets and sidewalks; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICO AS FOLLOWS:**

**SECTION 1.** That the recitals set forth above are incorporated herein and by this reference made a part hereof.

**SECTION 2. AMENDMENT OF CODE.** Title 10 entitled, "Vehicles and Traffic," of the Chico Municipal Code shall be amended to add a new Chapter 10.53 entitled, "Temporary Road Closures" to read as follows:

**Chapter 10.53**

**TEMPORARY ROAD CLOSURES**

**10.53.010 Purpose**

This chapter is adopted pursuant to the authority granted by the municipal affairs provisions of the city Charter and Vehicle Code Section 21101.4 which allows local authorities to adopt rules

1 and regulations for temporary street closures due to serious and continual criminal activity on  
2 streets or portions of the streets recommended for closure.

3 **10.53.020 Definitions generally**

4 Unless the contrary is stated or clearly appears from the context, the definitions set forth in the  
5 California Vehicle Code and set forth in Chico Municipal Code Title 10, Chapter 10.10 entitled  
6 “Definitions” shall govern the construction of the words and phrases used in this chapter.

7 **10.53.030 Administration by director.**

8 The director is responsible for the administration of this chapter and shall be assisted by the chief  
9 of police and fire chief as set forth in this chapter.

10 **15.53.040 Designated Streets.**

11 To implement the provisions of this chapter, the city council shall, by resolution at a public  
12 hearing, establish designated streets for temporary closure based on the recommendations of the  
13 director and taking into consideration the following Vehicle Code Section 21101.4 criteria for  
14 temporary street closures:

- 15 A. Serious and continuing criminal activity such as, but not limited to, illegal drug use and sales,  
16 vandalism, and overnight camping, exists on designated streets on the Chico city limits  
17 recommended for temporary closure.
- 18 B. Serious littering and continual illegal dumping occur on the designated streets.
- 19 C. Vehicle, bicycle, and/or pedestrian traffic contribute to these activities
- 20 D. The designated streets have not been designated as through highways or arterial streets.
- 21 E. The temporary closure of the designated streets will not substantially adversely affect traffic  
22 flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of  
23 emergency vehicles, performance of municipal or public utility services, or the delivery of  
24 freight by commercial vehicles in the area of the highway to be temporarily closed since the

1 streets.

2 **10.53.050 Notice to adjoining property owners.**

3 Pursuant to Vehicle Code 21101.4 (c), the director shall mail written notice to all residents and  
4 owners, as shown on the last equalized assessment roll, of property adjacent to the portion of the  
5 streets where a temporary closure or extension of temporary closure is proposed.

6 **10.53.060 Posting of temporary closure**

7 Pursuant to Vehicle Code Section 21103 and 22651(n), signs giving notice of the temporary  
8 closure and removal of vehicles shall be posted prior to enforcement of this chapter. Such signs  
9 shall be posted at all entrances to the designated streets. Signs shall advise of the temporary  
10 street closure days and hours, that the area is a tow-away zone and that violators may be cited for  
11 a violation of the temporary street closure. Lettering on the signs shall be at least one to two  
12 inches in height.

13 **10.53.070 Violation of temporary closure – Exceptions**

14 A. It shall be unlawful for any person to operate, stand or park a vehicle on any designated street  
15 within the hours of temporary closure.

16 B. In addition to any criminal, civil or administrative penalties, vehicles stopped, parked, or left  
17 standing on a designated street within the temporary closure are subject to towing pursuant to  
18 Vehicle Code Section 22651(n).

19 C. The provisions of this chapter regulating the operation, parking and standing of vehicles shall  
20 not apply to the following:

21 1. Vehicles operated by the Police or Fire Department; any public ambulance or any public  
22 utility vehicle or any private ambulance, which public utility vehicle or private  
23 ambulance has qualified as an authorized emergency vehicle.

24 2. Vehicles operated by owners and residents of property located adjacent to the designated

1 streets temporarily closed, and who have identification demonstrating their ownership or  
2 residency of the property.

3 **10.53.080 Duration of closure**

4 A highway temporarily closed pursuant to the process under section 10.53.040 may be closed for  
5 not more than 18 months, except that this period may be extended for not more than eight  
6 additional consecutive periods of not more than 18 months each if, prior to each of those  
7 extensions, the local authority holds a public hearing and finds, by resolution that , that the  
8 conditions in Vehicle Code 21101.4(b) exist.

9  
10 **SECTION 3. CEQA.** The City Council, on the basis of the whole record and exercising  
11 independent judgment, finds that this Ordinance is not subject to environmental review pursuant  
12 to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the  
13 California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to  
14 activities that will not result in a direct or reasonably foreseeable indirect change to the  
environment and that are not defined as a project under Section 15378.

15 **SECTION 4. SEVERABILITY.** If any section, subsection, line, sentence, clause, phrase, or  
16 word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or  
17 as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the  
18 validity of the remaining portions of this Ordinance. The City Council of the City of Chico  
19 hereby declares that it would have passed this Ordinance, and each and every individual section,  
subsection, line, sentence, clause, phrase, or word without regard to any such decision.

20 **SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective thirty (30) days following  
21 the adoption date.

22  
23 **SECTION 6. CERTIFICATION.** The City Clerk shall certify to the passage and adoption of  
24 this Ordinance and shall cause the same to be published or posted in the manner required by law.

1           **THE FOREGOING ORDINANCE WAS ADOPTED** by the Council of the City of

2 Chico at its meeting held on February 4, 2020, by the following vote:

3    AYES:               Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone

4    NOES:               None

5    ABSENT:            None

6    ABSTAINED:       None

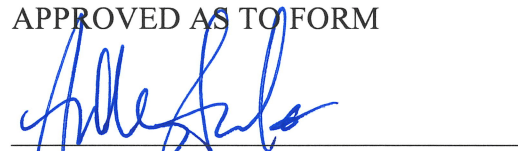
7    DISQUALIFIED:   None

8  
9    ATTEST:

10 

11 Deborah R. Presson  
12 City Clerk

APPROVED AS TO FORM

13 

14 Andrew L. Jared  
15 City Attorney\*

16  
17  
18  
19  
20  
21  
22  
23  
24  
\*Approved pursuant to The Charter of the City  
of Chico § 906(E)