

1 Code, section 121349 et seq. and Code of Regulations, title 17, section 7000 et seq.;

2 **WHEREAS**, on October 14, 2019, the Department authorized the Northern Valley Harm
3 Reduction Coalition (“Coalition”) to operate a syringe exchange program in the City;

4 **WHEREAS**, in August 2020, the Coalition ceased operating the exchange as a condition
5 to settle a lawsuit against it;

6 **WHEREAS**, the Coalition’s syringe exchange led to an increase in hypodermic needle
7 litter, provision of drug paraphernalia to minors, and creation of a public nuisance harmful to the
8 City’s residents and businesses;

9 **WHEREAS**, the cities of Biggs, Marysville, Oroville, Paradise, Wheatland, and Yuba City
10 and Sutter County have all banned syringe exchange programs to prevent similar deleterious
11 effects of such programs in their communities; and

12 **WHEREAS**, in order to prevent new or unauthorized syringe exchange programs and the
13 hazardous litter associated with syringe exchange programs, the City finds this emergency ban on
14 needle exchanges is necessary to preserve the public peace, welfare, health and safety in the City.

15 **NOW, THEREFORE**, the City Council of the City of Chico does ordain as follows:

16 **SECTION 1.** The City Council of the City of Chico hereby determines and finds that the
17 facts set forth in the recitals are true and correct and are hereby incorporated as substantive
18 findings.

19 **SECTION 2.** Section 9.29 is added to Title 9 of the Chico Municipal Code as follows:

20 **CHAPTER 9.29 SYRINGE EXCHANGE PROGRAMS -- PROHIBITED**

21 **9.29.010 Purpose and intent**

22 **9.29.020 Prohibition**

23 **9.29.030 Violations punishable as an infraction or misdemeanor**

24 **9.29.040 Penalties not exclusive**

25 **9.29.010 Purpose and intent**

26 The Council recognizes that the establishment of a needle exchange program will
27 increase improperly disposed needles, which pose a serious risk to public health,
28 safety and welfare due to the potential for personal bodily injury, property

1 damage, and contamination of waterways. It is the purpose and intent of this
2 Chapter to ban the establishment, operation, engagement, use, and/or
3 participation in a needle exchange program within the City to protect the public
4 health, safety, and general welfare of its residents.

5 This Chapter authorizes the imposition of all penalties available under state law
6 and the Chico Municipal Code against any person or entity who violates any
7 provision of this Ordinance to encourage and obtain compliance with the
8 provisions of this Ordinance for the benefit and protection of the entire
9 community.

10 **9.29.020 Prohibition**

11 It shall be unlawful and a public nuisance for any person to create, establish,
12 operate, conduct, or participate in a needle exchange program, as defined by
13 Health and Safety Code Section 121349, *et seq.* or any similar program within
14 the City.

15 **9.29.030 Violations punishable as an infraction or misdemeanor**

16 Violation of this chapter shall be a misdemeanor or an infraction and may be
17 enforced by the filing of a criminal action by the city attorney or the issuance of
18 an administrative citation in accordance with Chapter 1.15 of this code. Each
19 needle or syringe distributed in a needle exchange program shall be an
20 independent and separate violation of this Chapter.

21 **9.29.040 Penalties not exclusive**

22 Nothing in this Section shall be intended to limit any of the penalties provided for
23 under the California Health and Safety Code or Penal Code with regard to the
24 establishment, operation, engagement, use, and/or participation in a needle
25 exchange program. The penalties set forth herein are intended to be nonexclusive
26 and are intended to be in addition to any other remedies provided in the Chico
27 Municipal Code or any other law, statute, ordinance or regulation.

28 **SECTION 3.** CEQA. The City Council finds that this ordinance is not subject to the
California Environmental Quality Act (CEQA). This ordinance is not a "project", as defined in
Section 15378 of the State CEQA Guidelines, and pursuant to Sections 15061(b)(3) of the State
CEQA Guidelines will not cause a direct or reasonably foreseeable indirect effect or change to the
physical environment. This ordinance is therefore exempt from the California Environmental
Quality Act.

1 **SECTION 4.** Severability. If any section, subsection, sentence, clause, portion, phrase or
2 word of this ordinance is for any reason held to be illegal, invalid or unconstitutional by a court of
3 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this
4 ordinance. The City Council hereby declares that it would have passed this Chapter and each
5 section, subsection, sentence, clause, portion, phrase, or word hereof, irrespective of the fact that
6 any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or
7 unconstitutional.

8 **SECTION 5.** Effective Date. This Ordinance shall be effective thirty days following
9 adoption.

10 **SECTION 6.** Certification. The City Clerk shall certify to the passage and adoption of
11 this ordinance and shall cause the same to be published or posted in the manner required by law.

12 **THE FOREGOING EMERGENCY ORDINANCE** was adopted at a meeting of the
13 City Council of the City of Chico on February 2 , 2021, by the following vote:

14
15 AYES: Denlay, Morgan, Tandon, Reynolds, Coolidge

16 NOES: Brown, Huber

17 ABSENT: None

18 ABSTAINED: None

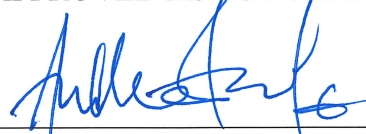
19 DISQUALIFIED: None

20 ATTEST:

21 

22
23 Deborah R. Presson
City Clerk

APPROVED AS TO FORM:

24 

25 Andrew Jared, City Attorney*

26
27 *Pursuant to The Charter of
28 the City of Chico, Section 906(E)