



1 WHEREAS, the Chico City Council finds that this Urgency Ordinance is necessary for the  
2 preservation of the public peace, welfare, health and safety of residents living within the City of Chico  
and find an urgency to approve said Urgency Ordinance immediately.

3 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico does hereby  
4 adopt the following Ordinance amending Title 12 of the City of Chico Municipal Code:

5 SECTION 1. Urgency Findings.

6 The City Council of the City of Chico hereby determines and finds as follows:

7 A. The facts set forth in the above Recitals of this Urgency Ordinance are true and correct, and  
8 incorporated into this Urgency Ordinance as substantive findings.

9 B. This Urgency Ordinance is adopted as an urgency measure pursuant to Government Code  
10 section 36937 for the immediate preservation of the public health, safety, and welfare, and is  
11 adopted and justified based on the following:

12 1. The City must be able to enforce its anti-camping ordinances for the purpose of  
13 protecting public health and safety on the City's property, including the City Plaza, parks,  
greenways, playgrounds and waterways.

14 2. Current encampments pose serious and immediate public health and safety issues.  
15 Recent cleanup operations at the City Plaza, City Hall, Lower Bidwell Park, Lindo Channel,  
16 Comanche Creek and Little Chico Creek revealed the improper disposal of extreme  
17 quantities (tons) of trash, including hypodermic needles and other drug paraphernalia,  
improper disposal of human waste, evidence of illegal fires, and vehicles that have leaked  
chemicals over the land.

18 3. Large amounts of garbage have amassed at and near encampments within the City's  
19 parks, greenways, playgrounds and waterways.

20 4. Within encampments, grills and propane tanks have been found dug into the ground to  
21 start fires, endangering both safety and the environment, and numerous brush fires have  
22 occurred within or adjacent to such encampments in recent years, with the potential for fire  
23 hazards to increase in the winter months when homeless persons create fires to try and stay  
warm.

24 5. Based on the foregoing, there is a current and immediate threat to the public health,  
25 safety, and welfare, and an urgency ordinance is warranted and necessary to protect the  
26 public against potential negative health, safety, and welfare impacts by creating increased  
27 deterrence of hazardous acts.  
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1 SECTION 2. City Code Amendment.

2 The City Council of the City of Chico hereby amends Title 12, Chapter 12.18 (“Park Rules  
3 and Regulations”) by adding the following section:

4 **Chapter 12.18**  
5 **PARK RULES AND REGULATIONS**

6 **12.18.465 Violations.**

7 A violation of any provision within this chapter shall be a misdemeanor or an infraction and may  
8 be enforced by the filing of a criminal action by the city attorney or the issuance of an  
9 administrative citation in accordance with Chapter 1.15 of this code.

10 This section is not applicable to unsheltered individuals when there is no available shelter space,  
11 as defined in Section 9.20.020, for the unsheltered individual otherwise in violation of this Chapter  
12 12.18.

13 SECTION 3. Authority. This Urgency Ordinance is enacted pursuant to the City of Chico’s  
14 general police powers, Article II of the Charter of the City of Chico, Government Code section 36937  
15 and Article XI of the California Constitution.

16 SECTION 4. This Urgency Ordinance is consistent with the City’s General Plan, Municipal Code,  
17 and applicable federal and state law.

18 SECTION 5. This Urgency Ordinance will not be detrimental to the public interest, health, safety,  
19 convenience or welfare.

20 SECTION 6. CEQA. The City Council, on the basis of the whole record and exercising  
21 independent judgment, finds that this Ordinance is not subject to environmental review pursuant to  
22 Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California  
23 Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that  
24 will not result in a direct or reasonably foreseeable indirect change to the environment and that are not  
25 defined as a project under Section 15378.

26 SECTION 7. Severability. If any section, subsection, line, sentence, clause, phrase, or word of  
27 this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by  
28 a decision of any court of competent jurisdiction, such decision shall not affect the validity of the  
remaining portions of this Urgency Ordinance. The City Council of the City of Chico hereby declares  
that it would have passed this Urgency Ordinance, and each and every individual section, subsection,  
line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 8. Effective Date. The Urgency Ordinance shall take effect immediately upon its  
adoption.

SECTION 9. Certification. The City Clerk shall certify to the passage and adoption of this  
Urgency Ordinance and shall cause the same to be published or posted in the manner required by law.

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THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its duly noticed meeting held on January 3, 2023, by the following vote:

AYES: Bennett, Morgan, Tandon, vanOverbeek, Reynolds, Coolidge  
NOES: Winslow  
ABSENT: None  
ABSTAINED: None  
DISQUALIFIED: None

**ATTEST:**

  
Deborah R. Presson, City Clerk

**APPROVED AS TO FORM:**

  
Vincent C. Ewing, City Attorney\*  
\*Pursuant to The Charter of the City of Chico,  
Section 906(E)