

# ORDINANCE NO. 2022-09-27-1202

## AN ORDINANCE ADDING TITLE 8, CHAPTER 8.100, TO THE STOCKTON MUNICIPAL CODE RELATING TO PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

### SECTION I. AMENDMENT OF CODE

Title 8, Chapter 8.100, Sections 8.100.010, 8.100.020, 8.100.030, 8.100.040, 8.100.050, and 8.100.060 are added to the Stockton Municipal Code and shall read as follows:

#### **8.100.010 Findings and purpose.**

The City Council finds as follows: (1) a principal threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities including communication, water, wastewater, stormwater, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, obstructing access, or other causes; and (3) destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The purpose of this chapter is to mitigate the threat of fire and other potential causes of destruction and damage to, and interference with, critical infrastructure, in order to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near critical infrastructure.

#### **8.100.020 Definitions.**

When used in this chapter, the following words and phrases have the following meanings:

“Camp” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, and similar equipment.

“Critical infrastructure” means each of the following:

1. Levees;

2. Sloughs, rivers, canals, and waterways; or

3. Real property or a facility, whether privately or publicly owned, as approved by action of the City Council, that the City Manager designates as being so vital and integral to the operation or functioning of the City that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.

Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, or drainage systems; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources; and parks.

"Debris" means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.

"Facility" means a building, structure, equipment, system, or asset.

"Garbage" means discarded household items, objects, or materials for which there is no use or reuse intended.

"Hazardous waste" has the same meaning as in California Public Resources Code section 40141.

"Infectious waste" has the same meaning as in California Code of Regulations, title 14, section 17225.36.

"Solid waste" means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage; ashes; industrial waste; demolition and construction waste; discarded home and industrial appliances; abandoned vehicles and vehicle parts; dewatered, treated, or chemically fixed sewage that is not hazardous waste; manure; dirt; soil, rock, gravel, sand, or other aggregate material; and other discarded solid and semisolid waste.

"Wildfire risk area" has the same meaning as in California Code of Regulations, title 24, part 9, section 202.

#### **8.100.030 Prohibited activities.**

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia, or for a property owner to allow such activity to occur, at the following locations:

1. Critical infrastructure;
2. Within 30 feet of critical infrastructure;
3. Within 30 feet of the property line of any parcel enclosing critical infrastructure;
4. Within 30 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
5. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law enforcement, fire prevention, or emergency medical services agencies; or
6. In a wildfire risk area.

B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia, in the following locations without the written consent of the owner, except as otherwise provided by action of the City Council:

1. Critical infrastructure;
2. Within 30 feet of critical infrastructure;
3. Within 30 feet of the property line of any parcel enclosing critical infrastructure;
4. Within 30 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
5. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law-enforcement, fire-prevention, or emergency-medical-services agencies; or
6. Wildfire risk area.

C. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such activities are expressly authorized by the Stockton Development Code or other laws, ordinances, and regulations.

#### **8.100.040 Summary abatement.**

A. Any violation of section 8.100.030 may be abated by the City upon 24 hours of prior notice by way of posting notice conspicuously on or in front of property; but a violation of section 8.100.030 may be abated immediately by the City without prior notice, if the violation poses an imminent threat to public health or safety.

B. Abatement pursuant to subsection A may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.

#### **8.100.050 Interference with summary abatement.**

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of an abatement pursuant to this chapter.

#### **8.100.060 Violation—Penalty.**

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is guilty of a misdemeanor and subject to criminal sanctions pursuant to Chapter 1.08.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties in the minimum amount of \$250 and a maximum amount of \$25,000 for each day a violation continues.

D. Any person who violates a provision of this chapter is subject to administrative penalties to reimburse the City for all costs, including time, services, and materials, needed to abate a violation of this chapter and hold violator(s) accountable unless the City waives such reimbursement in whole or in part. The hourly rate used to compute the time spent to investigate, document, and abate a violation for purposes of reimbursement shall be the actual costs. Costs may be assessed against the violator and the owner of property where the violation occurred as a personal obligation, lien against the subject premises, or both. Administrative penalties may be appealed within 10 calendar days from the date of a notice of violation in accordance with Chapter 1.44.

E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the City from the pursuit of any other remedy to enforce this chapter.

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## SECTION II. CRITICAL INFRASTRUCTURE LIST

The City Council approves of the Critical Infrastructure List included as Attachment A to this ordinance. Properties and facilities on the Critical Infrastructure List shall be included in the definition of critical infrastructure for Chapter 8.100 of the code.

## SECTION III. SEVERABILITY

If any section of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given without the invalid provisions or application, and to this end the provisions of this act are severable.

## SECTION IV. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED:

9/27/2022

EFFECTIVE:

10/27/2022

ATTEST:

  
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ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton



  
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KEVIN J. LINCOLN, II  
Mayor of the City of Stockton

## ATTACHMENT A

## City of Stockton - Critical Infrastructure List

In addition to those properties and facilities already defined as critical infrastructure by Chapter 8.100 of the Stockton Municipal Code (SMC), the following properties and facilities are deemed critical infrastructure for purposes of that chapter:

Utilities	Gov't Operations	Public Safety	Transportation	Gathering Areas	Vulnerable Pop.
<ul style="list-style-type: none"> <li>Storm and sanitary pump stations</li> <li>Storm system access locations (e.g., catch basins, manholes, lampholes)</li> <li>Open storm conveyances (e.g., ditches, lake structures, retentions, and detention basins)</li> <li>Sanitary system access locations (e.g., manholes and lampholes)</li> <li>Pipes, valves, meters, vaults, hydrants, and appurtenances</li> <li>Water sampling stations and associated equipment</li> <li>Well sites, all equipment, and tanks</li> <li>Water storage reservoirs, all equipment, and sites</li> <li>Intake pumping stations and pipes</li> <li>Delta Water Treatment Plant (entire site)</li> <li>North Stockton Pipeline Ammonia Facility</li> <li>Groundwater Recharge Basin site, structure, and equipment</li> <li>All Water Division sites and property</li> <li>Regional Wastewater Control Facility</li> <li>Sewer pump stations</li> <li>Back-flow preventers, whether public or private</li> <li>All discharge pipes, and associated appurtenances, into area waterways</li> <li>All sewer system access (e.g., manholes, clean-outs, lampholes, etc.)</li> <li>All underground pipe systems (with the H<sub>2</sub>S levels in the collection system a match or cigarette dropped in a manhole could trigger an explosion).</li> </ul>	<ul style="list-style-type: none"> <li>City Permit Center</li> <li>City Hall</li> <li>Community centers</li> </ul>	<ul style="list-style-type: none"> <li>Police stations and training facilities</li> <li>Fire stations and training facilities</li> </ul>	<ul style="list-style-type: none"> <li>Roads<sup>1</sup></li> <li>Sidewalks<sup>1</sup></li> <li>Bike paths<sup>1</sup></li> <li>Bridges</li> <li>Underpasses</li> <li>Parking lots</li> </ul>	<ul style="list-style-type: none"> <li>Parks<sup>2</sup></li> <li>Sports fields and complexes</li> <li>Stockton Civic Auditorium</li> </ul>	<ul style="list-style-type: none"> <li>Libraries</li> <li>Child Care Facilities (as defined in SMC § 16.240.020)</li> <li>Schools and Colleges (as "Academic Schools" are defined in SMC § 16.240.020)</li> </ul>

## Footnotes:

<sup>1</sup> SMC section 8.100.030(A)(2)-(4) and (B)(2)-(4) do not apply.

<sup>2</sup> If there is no shelter space available in the City then for that particular day and the next day, SMC section 8.100.030 shall not be enforceable at parks with respect to the following: bedroll, cot, sleeping bag, and personal property (but not other camp facilities or camp paraphernalia), all occupying no greater than 75 square feet measured from the center of the primary living space, but not within 30 feet of any playground, restroom, or picnic shelter. All other restrictions apply.