

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, REPEALING AND REPLACING CERTAIN SECTIONS OF FULLERTON MUNICIPAL CODE CHAPTER 7.108 (PROTECTION OF CRITICAL INFRASTRUCTURE), WHICH REGULATIONS PROHIBIT THE PRESENCE OF PERSONS AND THEIR PERSONAL PROPERTY IN AND NEAR CRITICAL INFRASTRUCTURE

WHEREAS, the City of Fullerton, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public (Cal. Const. art. XI, § 7; Cal. Govt. Code § 37100).

WHEREAS, the Fullerton City Council adopted Ordinance No. 3328 on January 25, 2024, adding Chapter 7.108 to the Fullerton Municipal Code relating to the protection of critical infrastructure.

WHEREAS, the City Council finds: (1) a principal threat to the public health, safety and welfare is the potential destruction of, damage to, interference with, or obstruction of infrastructure critical to the provision of important, and often emergency, public services such as law enforcement, fire prevention, transportation and utilities including communication, water and waste disposal; (2) critical infrastructure needs to be protected from destruction, damage, interference, or obstruction of such facilities, which may be caused by fire, contamination, obstruction, vandalism or other causes, and that restricting access to such facilities is necessary to prevent these potential effects; and (3) destruction, damage, interference with or obstruction or vandalism of critical infrastructure is often caused by persons conducting unpermitted and/or unauthorized activities in, on or very near critical infrastructure, and thus such activities must be prohibited.

WHEREAS, Chapter 7.108 is intended to reduce the risk and cost of destruction and damage to, interference with, and obstruction or vandalism of critical infrastructure in order to protect the health, safety and welfare of the public and preserve the efficient and effective use and operations of such facilities, as well as continuing to facilitate public services, by authorizing the removal of unauthorized persons and personal property in, on or near critical infrastructure.

WHEREAS, the City Council finds that certain minor changes need to be made to Chapter 7.108 in order to clarify its original intent and its application to particular camping activities and as to specified facilities throughout the City, and in furtherance of the City's valid police power and regulatory authority over infrastructure necessary and critical to the public within the City and for the continued protection of the public health, welfare and safety.

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, declarations and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City Council makes and adopts as findings the facts and conclusions set forth in the preamble of this Ordinance and, for the reasons set forth in the recitals, and based upon all facts and the record relating to adoption of prior related Ordinance No. 3328, hereby finds that adoption of this Ordinance in order to revise, modify and clarify existing provisions of Chapter 7.108, as adopted by Ordinance No. 3328, is necessary for the public health, welfare and safety.

SECTION 3. The City Council hereby amends Section 7.108.020 (Definitions) of Chapter 7.108 (Protection of Critical Infrastructure) of Title 7 (Public Safety and Morals) of the Fullerton Municipal Code as follows:

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

“Camp” has the same meaning as in Fullerton Municipal Code Section 7.105.020.B.

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

“Camp paraphernalia” means sleeping, cooking or other equipment intended to be used for camping, including bedrolls, blankets, pillows, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities.

“Critical infrastructure” means real property or a facility, whether privately or publicly owned, designated by city council resolution as so vital and integral to the operation or functioning of the city that its damage, incapacity, blockage, inaccessibility, disruption or destruction would have a debilitating impact on the public health, safety or welfare.

Critical infrastructure includes government buildings such as fire stations, police stations, libraries, jails, courthouses, bridges, train stations, and parking structures, as expressly designated by city council resolution.

“Debris” means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods.

“Facility” means a building, structure, equipment, system or asset.

“Garbage” means discarded non-putrescible or putrescible household items, objects or materials with no use or reuse intended. Garbage does not include source-separated recyclables, food waste or yard waste that is properly disposed of for that purpose.

“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, semi-solid 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 sludge not considered hazardous waste, manure, dirt, soil, rock, gravel, sand or other aggregate material and other discarded solid and semisolid waste not including recyclables, food waste or yard waste that is properly disposed of for that purpose.

SECTION 4. The City Council hereby repeals and replaces Section 07.108.030 of Chapter 7.108 (Protection of Critical Infrastructure) of Title 7 (Public Safety and Morals) of the Fullerton Municipal Code in its entirety with the following:

- A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities or use camp paraphernalia at or within 25 feet of critical infrastructure.
- B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia at or within 25 feet of critical infrastructure.
- C. City Council does not intend by this Section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.
- D. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private real_property or other lawful user of private real_property normally associated with and incidental to the lawful and authorized use of private real property for residential or other purposes and nothing is intended to prohibit or make unlawful the activities of a real_property owner or other lawful user if the Municipal Code or other laws, ordinances and/or regulations expressly authorized such activities.

SECTION 5. City Council repeals or modifies to the extent necessary to effect the provisions of this Ordinance any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance. Except as provided herein, the remaining provisions of Title 7, Chapter 7.108 of the Fullerton Municipal Code shall remain in full force and effect.

SECTION 6. If any section, subsection, phrase, or clause of this Ordinance is for any reason held as unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses may be declared unconstitutional.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law.

SECTION 8. This Ordinance shall become effective 30 days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2025.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date