



Agenda Report

Fullerton City Council

MEETING DATE: MARCH 4, 2025

TO: CITY COUNCIL

SUBMITTED BY: ERIC LEVITT, CITY MANAGER

PREPARED BY: DAISY PEREZ, DEPUTY CITY MANAGER

SUBJECT: FULLERTON MUNICIPAL CODE CHAPTER 7.108 –
PROTECTION OF CRITICAL INFRASTRUCTURE
PROPOSED AMENDMENTS

SUMMARY

Staff recommends City Council approve an amendment to Fullerton Municipal Code Chapter 7.108 regarding Protection of Critical Infrastructure to clarify definitions, refine prohibited activities and adjust designated protection distances to improve enforceability and consistency with public safety objectives.

PROPOSED MOTION

Introduce Ordinance No. XXXX for first reading by title only and waive further reading of the ordinance.

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

ALTERNATIVE OPTIONS

- Approve the Proposed Motion
- Defer action for further review
- Other options brought by City Council.

STAFF RECOMMENDATION

Staff recommends the Proposed Motion.

CITY MANAGER REMARKS

The City Manager recommends approval.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statements:

- Public Safety
- Infrastructure and City Assets.

FISCAL IMPACT

The ordinance does not introduce new direct costs but would require city staff ongoing enforcement, which staff can manage within existing public safety and maintenance budgets.

BACKGROUND AND DISCUSSION

The City of Fullerton adopted Ordinance No. 3328 on January 25, 2024 which added Fullerton Municipal Code Chapter 7.108. The ordinance established protections for critical infrastructure by prohibiting unauthorized encampments and personal property storage near essential City facilities.

Staff identified areas needing additional clarity to ensure effective enforcement and compliance following implementation. The proposed amendment would refine definitions, adjust distance requirements and improve enforceability while maintaining compliance with applicable state and federal regulations regarding unsheltered individuals.

The proposed amendment introduces several refinements to improve clarity, enforceability and alignment with public safety objectives including clarified definitions, prohibited activity distances modifications and enforcement provision improvements. The revised definitions section expands and refines terms such as “critical infrastructure,” “camp facilities” and “camp paraphernalia”, ensuring a more precise understanding of what constitutes prohibited activities. Additionally, the amendments update the list of designated critical infrastructure to explicitly include essential government buildings, transportation hubs and utility sites, reinforcing the importance of maintaining accessibility and operational security.

The amendment also modifies the distance requirements for prohibited activities. The current ordinance prohibits encampments and personal property storage within 25 feet of critical infrastructure. The proposed ordinance would adjust this restriction to 15 feet to ensure proportionality while still maintaining safety and access. However, the prohibition on encampments within 25 feet of vehicular or pedestrian entrances and exits to critical infrastructure remains unchanged, ensuring pathways remain unobstructed. The ordinance provides a more detailed description of right-of-way areas that must be kept clear for emergency responders, offering better guidelines for enforcement.

The ordinance strengthens the summary abatement procedures and allows the City to take immediate action when violations pose an imminent public safety threat and clarifies language to ensure that the ordinance does not prohibit temporary residential camping on private property with the owner's consent. These refinements do not expand the scope of prohibited activities but provide clearer, more actionable standards to uphold the original intent of Ordinance No. 3328 while ensuring compliance with applicable state and federal regulations regarding unsheltered individuals.

Attachments:

- Attachment 1 – Draft Ordinance No. XXXX
- Attachment 2 – Draft Ordinance Redline

cc: City Manager Eric J. Levitt