TO: City Council
FROM: Erik Gustafson, Public Works Director-O&M, (894-4202)
RE: INTRODUCTION AND FIRST READING OF AN ORDINANCE CREATING CHAPTER 10.53 OF THE CHICO MUNICIPAL CODE REGARDING TEMPORARY ROAD CLOSURES

REPORT IN BRIEF:

City of Chico staff, Butte County staff, and elected officials assigned to the local government committee have discussed impacts of criminal activity on various roads and streets throughout Chico. State law allows for the temporary closure of streets pursuant to California Vehicle Code section 21101.4. After adopting this ordinance, the City may temporarily close streets and roads to deal with criminal activity, including refuse dumping, arson, street racing, and other illegal activity.

Recommendation: The Public Works Director – Operations and Maintenance recommends the City Council introduce the following ordinance, by reading of title only:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 10 OF THE CHICO MUNICIPAL CODE TO ADD CHAPTER 10.53 RELATING TO TEMPORARY ROAD CLOSURES.

FISCAL IMPACT:

None with this action.

BACKGROUND:

Over the last few years the City has deployed significant resources to combat illegal dumping and various other illicit activities on various roads and streets in the City, and areas immediately adjacent to the City. Staff have deployed numerous resources to combat illegal roadside dumping on both public and private lands, and other illegal activities which could be remedied under state law with temporary closure of streets and roads. The Chico Police Department and Chico Fire-Rescue commonly respond to such illegal activity, which causes a delayed response elsewhere within the City and causes a financial loss for the City. State authority for the temporary closure of streets exists under California Vehicle Code Section 21101.4 which authorizes local jurisdictions to temporarily close streets facing such issues. In order to allow the City to take the necessary steps to close a street on a temporary basis, Title 10 of the Chico Municipal Code must be amended.

DISCUSSION:

State authority for the temporary closure of streets comes from California Vehicle Code Section 21101.4 which authorizes local jurisdictions to temporarily close streets. In 2007, Section 21101.4 was amended to allow local jurisdictions to extend the closure for not more than eight consecutive periods of 18 months, if prior to each extension, a public hearing is held and specified conditions are found to exist. The code specifically reads:

21101.4. (a) A local authority may, by ordinance or resolution, adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when all of the following conditions are, after a public hearing, found to exist:

(1) The local authority finds and determines that, based upon the recommendation of the police department or, in the case of a highway in an unincorporated area, on the joint recommendation of the sheriff’s department and the Department of the California Highway Patrol, one of the following concerns exists along the portion of highway recommended for closure:

(A) Serious and continual criminal activity.
(B) Serious and continual illegal dumping.

(2) The highway is not designated as a through highway or arterial street, or, if the highway is so designated, the local authority, in conjunction with law enforcement and traffic engineers, has determined that a temporary closure may be accomplished without significant impact on the normal flow of traffic.

(3) Vehicular or pedestrian traffic on the highway contributes to the concern described in paragraph (1).

(4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway proposed to be temporarily closed.

The first step in utilizing this remedy is to adopt the attached ordinance as called for under VC 21101.4(a). After final adoption of such ordinance, public hearings on individual temporary closure actions would be considered by the City Council at noticed public hearings where the factors and conditions in VC 21101.4(a)(1)-(4) would be considered. It is important to note that such closures are only intended to be temporary and any road section will reopen to vehicular traffic at the expiration of such closure order or revocation of such closure order.

City of Chico also had a significant response to the Camp Fire and continues to adjust to maintain a 20.7% increase in population. City staff from all Departments continue to adapt and do everything possible to arrange for comfort and care of new and existing residents. Camp Fire response and post-disaster support have taken priority over many functions; however, such also highlights the continued concerns that stem from illegal activity including the high fire danger in various areas throughout the City which could be addressed in certain instances through road closures.

The Community Development Department has reviewed the proposed amendment and has determined that the activity is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301(f) of the CEQA Guidelines. This action involves a general policy of temporary closures of existing streets and roads by adding gates as restrictive devices to problem rights of way. This action will not create any adverse impacts on the environment.

Staff recommends that the Council adopt the attached Ordinance creating CMC chapter 10.53 concerning temporary street closures. The amendment will allow the City to make full use of the temporary closure periods allowed by the California Vehicle Code.

Prepared By: 
Erik Gustafson, Director of Public Works O&M

Approved and Recommended By: 
Mark Orme, City Manager

DISTRIBUTION:
City Clerk (3)

ATTACHMENTS:
ORDINANCE NO. ________

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO AMENDING TITLE 10 OF THE CHICO MUNICIPAL CODE TO ADD CHAPTER 10.53 RELATING TO TEMPORARY ROAD CLOSURES.

WHEREAS, the California Vehicle Code allows local authorities to adopt rules and regulations for temporary street closures due to serious and continual criminal activity on streets or portions of the streets recommended for closure.

WHEREAS, Title 10 entitled, "Vehicles and Traffic," of the Chico Municipal Code establishes the organization, authority, duties and responsibilities for the administration of the traffic function within the city of Chico, provides an efficient and timely process for the consideration and implementation of traffic actions, adopts such rules and regulations as may be reasonable and necessary to regulate vehicles and traffic within the city, and enhances the safety of pedestrians and other persons using the city's streets and sidewalks; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICO AS FOLLOWS:

SECTION 1. That the recitals set forth above are incorporated herein and by this reference made a part hereof.

SECTION 2. AMENDMENT OF CODE. Title 10 entitled, "Vehicles and Traffic," of the Chico Municipal Code shall be amended to add a new Chapter 10.53 entitled, "Temporary Road Closures" to read as follows:

Chapter 10.53

TEMPORARY ROAD CLOSURES

10.53.010 Purpose

This chapter is adopted pursuant to the authority granted by the municipal affairs provisions of the city Charter and Vehicle Code Section 21101.4 which allows local authorities to adopt rules
and regulations for temporary street closures due to serious and continual criminal activity on streets or portions of the streets recommended for closure.

10.53.020  Definitions generally

Unless the contrary is stated or clearly appears from the context, the definitions set forth in the California Vehicle Code and set forth in Chico Municipal Code Title 10, Chapter 10.10 entitled “Definitions” shall govern the construction of the words and phrases used in this chapter.

10.53.030  Administration by director.

The director is responsible for the administration of this chapter and shall be assisted by the chief of police and fire chief as set forth in this chapter.

15.53.040  Designated Streets.

To implement the provisions of this chapter, the city council shall, by resolution at a public hearing, establish designated streets for temporary closure based on the recommendations of the director and taking into consideration the following Vehicle Code Section 21101.4 criteria for temporary street closures:

A. Serious and continuing criminal activity such as, but not limited to, illegal drug use and sales, vandalism, and overnight camping, exists on designated streets on the Chico city limits recommended for temporary closure.

B. Serious littering and continual illegal dumping occur on the designated streets.

C. Vehicle, bicycle, and/or pedestrian traffic contribute to these activities.

D. The designated streets have not been designated as through highways or arterial streets.

E. The temporary closure of the designated streets will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway to be temporarily closed since the
10.53.050 Notice to adjoining property owners.

Pursuant to Vehicle Code 21101.4 (c), the director shall mail written notice to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the portion of the streets where a temporary closure or extension of temporary closure is proposed.

10.53.060 Posting of temporary closure

Pursuant to Vehicle Code Section 21103 and 22651(n), signs giving notice of the temporary closure and removal of vehicles shall be posted prior to enforcement of this chapter. Such signs shall be posted at all entrances to the designated streets. Signs shall advise of the temporary street closure days and hours, that the area is a tow-away zone and that violators may be cited for a violation of the temporary street closure. Lettering on the signs shall be at least one to two inches in height.

10.53.070 Violation of temporary closure – Exceptions

A. It shall be unlawful for any person to operate, stand or park a vehicle on any designated street within the hours of temporary closure.

B. In addition to any criminal, civil or administrative penalties, vehicles stopped, parked, or left standing on a designated street within the temporary closure are subject to towing pursuant to Vehicle Code Section 22651(n).

C. The provisions of this chapter regulating the operation, parking and standing of vehicles shall not apply to the following:

1. Vehicles operated by the Police or Fire Department; any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle.

2. Vehicles operated by owners and residents of property located adjacent to the designated
streets temporarily closed, and who have identification demonstrating their ownership or residency of the property.

**10.53.080 Duration of closure**

A highway temporarily closed pursuant to the process under section 10.53.040 may be closed for not more than 18 months, except that this period may be extended for not more than eight additional consecutive periods of not more than 18 months each if, prior to each of those extensions, the local authority holds a public hearing and finds, by resolution that, that the conditions in Vehicle Code 21101.4(b) exist.

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

**SECTION 4. SEVERABILITY.** If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be effective thirty (30) days following the adoption date.

**SECTION 6. CERTIFICATION.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.
THE FOREGOING ORDINANCE WAS ADOPTED by the Council of the City of Chico at its meeting held on ______________, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

DISQUALIFIED:

ATTEST:  

APPROVED AS TO FORM

______________________________
Deborah R. Presson
City Clerk

______________________________
Andrew L. Jared
City Attorney*

*Approved pursuant to The Charter of the City of Chico § 906(E)