

ORDINANCE NO. 1112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER ADDING CHAPTER 12.28 TO THE LANCASTER MUNICIPAL CODE RELATING TO THE PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS

WHEREAS, the City Council has determined that 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, and waste disposal; and

WHEREAS, the City Council has determined that destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, restricting access, or other causes; and

WHEREAS, the City Council has determined that 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; and

WHEREAS, the City Council desires 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true, correct, and constitute a substantive part of this Ordinance.

Section 2. Chapter 12.28 is hereby added to the Lancaster Municipal Code to read as set forth in Exhibit A attached hereto and incorporated herein.

Section 3. Chapter 1.12, section 1.12.020, is hereby amended to read as set forth in Exhibit B attached hereto and incorporated herein.

Section 4. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

Section 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 12 day of December, 2023, and placed upon its second reading and adoption at a regular meeting of the City Council on the 9 day of January, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

CHAPTER 12.28
PROTECTION OF CRITICAL INFRASTRUCTURE
AND WILDFIRE RISK AREAS

12.28.010 Findings and purpose.

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12.28.010 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, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, restricting 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, flood, 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.

12.28.020 Definitions.

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

“Camp” has the same meaning as “camping” as defined in section 9.34.010B of this code.

“City Manager” means the city manager of the city or his or her designee.

“Critical infrastructure” means each of the following:

1. Bridges;
2. Storm drain and other flood control structures or improvements; or
3. Real property or a facility, whether privately or publicly owned, as approved by resolution 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, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, park facilities designated as evacuation locations by the City Manager, or water sources.

“Debris” has the same meaning as “refuse” as defined in section 13.16.020 of this code.

“Encampment” means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures or tents.

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

“Fire prevention official” means the fire chief, a deputy fire chief, the fire marshal, or a fire prevention officer.

“Garbage” has the same meaning as in section 13.16.020 of this code.

“Hazardous waste” has the same meaning as in section 40141 of the California Public Resources Code.

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

“Shelter” means any City-funded County-funded, State-funded, or privately-funded shelter where individuals or families experiencing homelessness can access beds and other services or an area designated by the City Manager for use by individuals or families experiencing homelessness. A list of current shelters is provided on the City’s website.

“Solid waste” has the same meaning as garbage.

“Wildfire risk area” has the same meaning as in section 202 of title 24 of the California Code of Regulations.

12.28.030 Prohibited activities.

- A. It is unlawful and a public nuisance for any person to camp at the following locations:
 - 1. Critical infrastructure;
 - 2. Within 25 feet of critical infrastructure;
 - 3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;

4. 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
 5. Wildfire risk area.
- B. It is unlawful and a public nuisance for any person to store personal property in the following locations without the written consent of the owner, except as otherwise provided by resolution of the city council:
1. Critical infrastructure;
 2. Within 25 feet of critical infrastructure;
 3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
 4. 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
 5. Wildfire risk area.
- C. At all times, regardless of the availability of shelter space or beds, it is unlawful for any person to camp or to maintain an encampment where such activity poses:
1. an immediate threat or an unreasonable risk of harm to any natural person,
 2. an immediate threat or an unreasonable risk of harm to public health or safety, or
 3. disruption to vital government services.
- D. Regardless of the availability of shelter space or beds, it is unlawful for any person to camp or to maintain an encampment in the following locations:
1. During regular school hours or within 60 minutes before or after the schoolday or 60 minutes before or after a school-sponsored activity at the schoolsite: within a Safe School Zone as defined in Penal Code section 626;
 2. at all times: within two blocks of any shelter provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
 3. at all times: in any open space, waterway, or banks of a waterway;
 4. at all times: within any transit hub, on any train or bus platform, or along any train tracks provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
 5. at all times: in any park where the City Manager determines there is a substantial public health and safety risk and provided that signs are posted

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prohibiting camping that are clearly visible to pedestrians. For purposes of this section, the definition of park does not include open space.

- E. This section does not prohibit overnight camping on private residential property with the owner's consent.
- E. Nothing in this chapter prohibits activities of a private property owner or other lawful occupant of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes. Additionally, nothing in this chapter prohibits activities of a private property owner or other lawful occupant if such activities are expressly authorized by any other provision of this code, or any other applicable law, ordinance, or regulation.

12.28.040 Summary abatement.

- A. A violation of section 12.28.030 may be abated by the city upon 24 hours prior written notice.
- B. Notwithstanding subsection A., above, a violation of section 12.28.030 that poses an imminent threat to public health or safety may be abated immediately or upon up to 3 hours notice if such notice can be provided without increasing the threat to public health or safety.
- C. Written notice shall be provided as follows:
 - 1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment providing notice of the date of clean-up and giving the applicable minimum number of hours for persons to remove their personal property.
 - 2. The written notice shall include:
 - Notice that all belongings must be removed from the site within 24 hours.
 - Notice that no belongings should be left behind and all belongings left behind will be removed by the City.
 - Notice that the City will post an Impound Notice if belongings are stored during the clean-up process.
 - Advisory that if individuals wish to minimize the risk of losing valued belongings, they should try to keep those belongings their your person at all times, in a storage facility, or in visible, sanitary, and safely accessible bags or bins.
 - Advisory that individuals who believe their belongings were stored, can claim them by following the directions on the Impound Notice after the clean-up is complete.

Advisory that information about how to claim belongings is also available on the City's website. Individuals may retrieve any stored belongings without being asked about their criminal background or outstanding warrants.

Individuals may access shelter or services, including access to storage for their personal belongings, through the City of Lancaster's website.

2. After 24 hours, the City Manager shall conduct abatement of the site on the date posted on the Notice of Clean-Up. If abatement is delayed or rescheduled, the City Manager may conduct abatement within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If abatement is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.
3. The City Manager shall follow these additional procedures when persons are present at an encampment during abatement:
 - a. When shelter is available, the City Manager shall provide any person at an encampment with shelter and service information and direct them to remove their belongings from the site. The City Manager shall evaluate reasonable requests for additional time or assistance to remove items and may accommodate those requests to the extent practicable.
 - b. Any person who returns to an encampment during abatement shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.
 - c. Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken to the location designated by the City Manager and identified on the Impound Notice for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the City Manager shall follow the abatement process in this Division.
4. The City Manager shall document the abatement process as follows:
 - a. photograph or video record the site before any abatement begins,
 - b. open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage,
 - c. set out items contained in bags or suitcases and photograph the items,

- d. photograph or video record all items to be stored,
 - e. photograph or video record the cleanup process, and
 - f. photograph or video record the site after abatement has concluded.
5. Unclaimed items found in abatement shall be eligible for storage if:
- a. circumstances indicate that the item belongs to a person,
 - b. the item has apparent utility in its current condition and circumstances, and
 - c. the item can be safely retrieved from the site.

Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.

6. An eligible item found during an abatement shall be put into storage, unless it meets one the following disqualifying conditions:
- a. hazardous, including items contaminated with human waste, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
 - b. likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
 - c. practically un-storable, due to large size, weight, or other similar characteristic;
 - d. contraband or stolen; or
 - e. is on the City Manager's current list, published on the City's website, of common types of items that, in the experience of City staff, individuals regularly abandon during abatement, and there is no contrary indication as to the specific item.
7. The City Manager shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 90 calendar days and then may be disposed of, recycled, or reused.
8. After abatement has concluded and when eligible items are collected and will be placed in storage, the City Manager shall post notices at the location of the abatement that includes information how a person can claim stored items. Information about retrieval of stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person

may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.

- B. Abatement pursuant to subsection A may include, but is not limited to, removal of 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.
- C. Regardless of the city's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any interest in real property, is required to maintain their property in compliance with local, state, and federal law; and is liable for violations thereof.
- D. The cost of abatement, including all administrative costs of any action taken hereunder, may be assessed against the subject premises as a lien, made a personal obligation of the owner, or both, in accordance with procedures in chapter 8.28 of this code.

12.28.050 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.

12.28.060 Violation—Penalty.

- A. Violations of this chapter are hereby declared to be a public nuisance.
- B. Any person who violates a provision of this chapter is subject to an administrative citation pursuant to Chapter 1.16 in an amount as set forth in Chapter 1.12, section 1.12.020, for each day the violation continues.
- C. 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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CHAPTER 1.12, SECTION 1.12.020
GENERAL PENALTY

1.12.020 - Penalty for violation.

A. Misdemeanors. Any person convicted of a misdemeanor under the provisions of this code, is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the Los Angeles County Jail for a period not exceeding six months, or by both such fine and imprisonment.

B. Infractions. Any person convicted of an infraction under the provisions of this code, is punishable by (1) a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.

C. Continuing Violations. Each day or any portion thereof that a person violates any provision of this code, including without limitation, the maintenance of a building, structure or use in violation of this code, shall constitute a separate offense.

D. Any person convicted of a misdemeanor or infraction under the provisions of the code sections set forth in the following fee schedule, is punishable by a fine not exceeding the penalty amounts or community service hours set forth in the following fee schedule. All other violations not set forth in the fee schedule below shall be punishable by a fine or community service hours in an amount to be adopted by ordinance of the city council.

FEE SCHEDULE

Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
12.28.030; Ch. 12.28	Endangering Critical Infrastructure	\$25 \$75 \$150	2 4 8
9.48.050(B)(1); Ch. 8.20	Littering	\$100 \$200 \$500	4 8 12
9.48.050(B)(2); Ch. 8.24	Noise Violations	\$100 \$200 \$500	4 8 12

Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
9.48.050 (B)(3); Ch. 8.62	Shopping Cart Violations	\$100 \$200 \$500	4 8 12
9.48.050 (B)(4); Chs. 9.12 , 9.16 , and 9.18	Loitering Violations	\$100 \$200 \$500	4 8 12
9.48.050 (B)(5); Ch. 9.20	Public Alcohol Consumption	\$100 \$200 \$500	4 8 12
9.48.050 (B)(6); Ch. 9.34	Camping and Lodging Violations	\$25 \$75 \$150	2 4 8
9.48.050 (B)(7); Ch. 9.36	Aggressive Solicitation Violations	\$100 \$200 \$500	4 8 12
9.48.050 (B)(8); Ch. 12.04	Violations of Park Rules	\$50 \$100 \$200	4 8 12
9.48.050 (A)	Any misdemeanor offense as set forth in the California Penal Code, Business & Professions Code, Health & Safety Code, Vehicle Code, or other state code, provided such offense does not involve a battery, assault, or other offense related to physical attack or injury on a person	\$100 \$200 \$500	4 8 12
8.30.060 (A)	Grass taller than 8"	\$50 \$100 \$200	4 8 12
8.30.060 (B)	Landscape materials or areas infested with insects, disease or vermin	\$100 \$200 \$500	4 8 12

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Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
<u>8.30.060</u> (C)	Dead or dry plant material	\$100 \$200 \$500	4 8 <u>12</u>
<u>8.30.060</u> (D)	Overgrown plant that prohibits pedestrian or vehicular travel or visibility on public street or sidewalk	\$100 \$200 \$500	4 8 <u>12</u>
<u>8.30.060</u> (E)	Trees or shrubs with dead limbs and Branches	\$100 \$200 \$500	4 8 <u>12</u>
<u>8.30.060</u> (F)	Numerous or large areas of bare dirt within lawns.	\$50 \$100 \$200	4 8 <u>12</u>
<u>8.30.060</u> (G)	Planter or lawn areas containing a significant number of weeds	\$50 \$100 \$200	4 8 <u>12</u>
<u>8.30.060</u> (H)	Broken or improperly adjusted irrigation systems resulting in significant or continuous spray, spillage or flow of water onto adjacent property, public streets or continuous pooling or ponding of water either on or off site	\$100 \$200 \$500	4 8 <u>12</u>
<u>8.30.060</u> (I)	Accumulation of large amounts of plant material debris such as leaves, pulled weeds, grass clippings, or branches that are not being used for mulching or composting purposes	\$100 \$200 \$500	4 8 <u>12</u>
<u>8.30.060</u> (J)	Inoperative backflow prevention device on irrigation system	\$100 \$200 \$500	4 8 <u>12</u>

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Lancaster Municipal Code Section	Violation	Monetary Penalty	Community Service Hours
5.04.290 ; Ch. 5.04 ; Article I Business Licenses	Failure to obtain business license or other violation of Ch. 5.04 ; Article I Business Licenses	\$100 \$200 \$500	4 8 12
5.04.210-240; Ch. 5.04 ; Article II Peddlers and Vendors	Failure to comply with Ch. 5.04 ; Article II Peddlers and Vendors	\$100 \$200 \$500	3 6 9
5.04.270-280; Ch. 5.04 ; Article IV Registration of Secondhand Purchases	Failure to comply with Ch. 5.04 ; Article IV Registration of Secondhand Purchases	\$100 \$200 \$500	4 8 12
5.04.520 ; Ch. 5.04 ; Article V Sidewalk Vendors	Failure to comply with Ch. 5.04 ; Article V Sidewalk Vendors; subject to 5.04.530	\$100 \$200 \$500	4 8 12