

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at [www.oxnard.org](http://www.oxnard.org).



AGENDA  
OXNARD CITY COUNCIL  
COMMUNITY SERVICES, PUBLIC SAFETY,  
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE  
Council Chambers, 305 West Third Street  
June 24, 2025  
**Regular Meeting - 8:30 PM to 10:00 PM**

Zoom details to call-in for public comment during a meeting:

1. Dial Phone Number: (888) 475-4499
2. Enter Meeting ID: 858 2112 7986
3. Passcode: 943105

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press \*9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press \*6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.

IN ACCORDANCE WITH ASSEMBLY BILL 2449, MEMBERS OF THE LEGISLATIVE BODY MAY MEET IN-PERSON OR REMOTELY. TO PARTICIPATE REMOTELY VISIT [WWW.OXNARD.ORG](http://WWW.OXNARD.ORG).

To find out how you may provide public comment, please refer to the instructions below or at [www.https://www.oxnard.org/city-meetings/](https://www.oxnard.org/city-meetings/).

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at [Youtube.com/oxnardnews](https://Youtube.com/oxnardnews). Video recordings of the meeting are typically available online following the meeting at the City's website at [www.oxnard.org/city-meetings](http://www.oxnard.org/city-meetings).

\*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.
2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING
  - a. Submit a request to speak remotely by 3 p.m. on the day of the meeting by using the form available at [www.oxnard.org/citymeetings](http://www.oxnard.org/citymeetings).
  - b. Submit an email to [cityclerk@oxnard.org](mailto:cityclerk@oxnard.org) by 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
  - c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.
3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING
  - a. Follow Zoom details listed above.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)

- b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at [www.oxnard.org/city-meetings](http://www.oxnard.org/city-meetings).

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

Consideration of Teleconference Participation pursuant to Assembly Bill 2449.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND NON-ACTION ITEMS

A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body, and on non-action items such as ceremonial items, report of city manager / executive director / secretary, and city council/ housing authority / successor agency / financing authority business / committee reports. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager / Executive Director / Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

C. CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Community Development, Public Safety, Housing and Economic Development Committee approve the minutes of the May 13, May 27 and June 10, 2025 regular meetings as presented.

Contact: Luly Lopez, (805) 385-7805

D. REPORTS

1. City Attorney Department

SUBJECT: Regulation of Skateboard Parks. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XXVIII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING THE REGULATION OF CITY SKATEBOARD PARKS."

Please click the following link to view the required Measure M pre-recorded presentation

video: <https://youtu.be/aj0TUyCcaH4>

Contact: Stephen Fischer, (805) 385-7483

2. City Attorney Department

SUBJECT: Prohibition of Nitrous Oxide Ordinance. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: “ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVII TO CHAPTER 7 TO THE OXNARD CITY CODE PERTAINING TO THE PROHIBITION OF NITROUS OXIDE.”

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/tRmDLsL9dLE>

Contact: Stephen Fischer, (805) 385-7483

3. City Attorney Department

SUBJECT: Disposal of Confiscated, Impounded And Unclaimed Property Ordinance. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: “ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING ARTICLE III OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY.”

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/OtltVrnTSXo>

Contact: Stephen Fischer, (805) 385-7483

E. ITEMS FOR FUTURE AGENDAS

F. ADJOURNMENT



**COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING &  
DEVELOPMENT COMMITTEE AGENDA REPORT**

**CONSENT AGENDA  
AGENDA ITEM NO. C.1**

**DATE:** June 24, 2025

**TO:** Community Services, Public Safety, Housing & Development Committee

**FROM:** Luly Lopez, City Clerk, (805) 385-7805, luly.lopez@oxnard.org

**SUBJECT:** Approval of Minutes.

**RECOMMENDATION**

That the Community Development, Public Safety, Housing and Economic Development Committee approve the minutes of the May 13, May 27 and June 10, 2025 regular meetings as presented.

**BACKGROUND**

Approval of minutes.

**STRATEGIC PRIORITIES**

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

**FINANCIAL IMPACT**

There is no financial impact.

*Prepared by: Luly Lopez, City Clerk*

**ATTACHMENTS**

1. Minutes of Community Services, Public Safety, Housing and Development for May 13 2025
2. Minutes of Community Services, Public Safety, Housing and development for May 27 2025
3. Minutes of Community Services, Public Safety, Housing and Development for June 10 2025

MINUTES  
OXNARD CITY COUNCIL  
COMMUNITY SERVICES, PUBLIC SAFETY,  
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE  
May 13, 2025

A. ROLL CALL, POSTING OF AGENDA, FLAG SALUTE

At 8:30 p.m., Chair Luis A. Mc Arthur called to order the regular meeting of the Oxnard City Council Community Services, Public Safety, Housing & Economic Development Committee in the City Hall Council Chambers at 305 West Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Chair Luis A. Mc Arthur; Member Bert E. Perello and Member Michaela Perez were present.

Member Perez led the flag salute.

Staff members present were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Kenneth Rozell, Chief Assistant City Attorney; Jeff Pengilley, Community Development Director; Joe Pearson II, Planning Manager; Renee Rakestraw, Assistant Cultural and Community Services Director; Julie Estrada, Cultural Arts Manager; Esteban Melchor, Cultural and Recreation Supervisor; Danaly Perez, Recreation Supervisor; and Lourdes A. López, City Clerk.

Chair Mc Arthur announced that Agenda Item No. D-2 is being removed from the agenda.

Consideration of Teleconference Participation pursuant to Assembly Bill 2449.

B. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

No public comments were received.

C. CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee approve the minutes of the March 25, 2025, April 8 and 22, 2025 regular meeting as presented.

No public comments were received.

*It was moved by Member Perello, seconded by Member Perez, to approve the Information/Consent item as presented. VOTE: Perez, Perello and Mc Arthur voted in favor; the motion carried 3-0.*

D. REPORTS

1. Community Development Department

SUBJECT: Private Parking Ordinance. (20 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommend that the City Council adopt a Private Parking Ordinance that would add Division 3 to Article IV, Chapter 8 of the Oxnard City Code (Oxnard City Code Sections 8-61.1 to 8-61.11).

Jeff Pengilley, Community Development Director and Joe Pearson II, Planning Manager presented and answered the Committee's questions.

Public comment was received from Bob Power and Danny Toth of Park Smart. Discussion ensued among the Council and staff.

*It was moved by Chair Mc Arthur, seconded by Member Perello, to approve the recommended action as presented. VOTE: Mc Arthur, Perello and Perez, voted in favor; the motion carried 3-0.*

2. Housing Department

SUBJECT: Acquisition of Unimproved Real Property located at 5230 Cypress Road and 5208 Cypress Road. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommend the City Council:

1. Approve a Purchase and Sale Agreement (A-8585) for the acquisition of unimproved real property located at 5230 Cypress Road and 5208 Cypress Road for zero dollars (\$0), and authorize the Housing Director or designee to execute any and all documents necessary to complete the acquisition; and
2. Authorize a budget appropriation in the amount of \$30,000 from the Affordable Housing In-Lieu Fees Fund to pay for transaction fees, due diligence studies, and related costs necessary to complete the purchase.

*ACTION: Item was removed from the agenda.*

3. Cultural & Community Services Department

SUBJECT: Hueneme After School Education Safety Agreement. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommend that Council approve and authorize the Mayor to execute the Partnership Agreement (A-8589) and Memorandum of Understanding (A-8590) with the Hueneme Elementary School District (HESD) for the City of Oxnard to receive the total amount of \$7,408,328 to provide services under the California After School Education and Safety (ASES) program at ten (10) HESD schools during FY 25-26, FY 26-27 and FY 27-28.

Renee Rakestraw, Assistant Cultural and Community Services Director and Esteban Melchor, Cultural and Recreation Supervisor presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Council and staff.

*It was moved by Member Perez, seconded by Member Perello, to approve the recommended action as presented. VOTE: Perez, Perello and Mc Arthur, voted in favor; the motion carried 3-0.*

4. Cultural & Community Services Department

SUBJECT: Oxnard After School Education Safety Agreement. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommend that the City Council approve and authorize the Mayor to execute a one-year agreement (A-8586) with the Oxnard School District (OSD) for the City to receive an amount not to exceed \$4,470,000 to operate the After-School Education and Safety Program with a City match of \$130,000 of in-kind services.

Renee Rakestraw, Assistant Cultural and Community Services Director and Danaly Perez, Recreation Supervisor presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Council and staff.

*It was moved by Member Perello, seconded by Member Perez, to approve the recommended action as presented. VOTE: Perez, Perello and Mc Arthur, voted in favor; the motion carried 3-0.*

5. Cultural & Community Services Department

SUBJECT: Proposed Ordinance Revising the Cultural Arts Commission Powers & Duties. (10 minutes)

RECOMMENDATION: That the Community Services, Public Safety, Housing & Development Committee recommend that the City Council adopt an ordinance revising Section 2-131 of the Oxnard City Code related to the Cultural Arts Commission.

Julie Estrada, Cultural Arts Manager presented and answered the Committee's questions. No public comments were received. Discussion ensued among the Council and staff.

*It was moved by Member Perez, seconded by Chair Mc Arthur, to approve the recommended action as presented. VOTE: Mc Arthur, Perello and Perez, voted in favor; the motion carried 3-0.*

E. ITEMS FOR FUTURE AGENDAS

No requests were made.

F. ADJOURNMENT

There being no further business on the agenda, and without objection, Chair Mc Arthur adjourned the meeting at 9:19 p.m.

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LOURDES A. LÓPEZ  
City Clerk

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LUIS A. MC ARTHUR  
Mayor

MINUTES  
OXNARD CITY COUNCIL  
COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT  
COMMITTEE  
May 27, 2025

Because there were no items requiring consideration on this date, there was no regular meeting.

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LOURDES A. LÓPEZ  
City Clerk

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LUIS A. MC ARTHUR  
Chair

MINUTES  
OXNARD CITY COUNCIL  
COMMUNITY SERVICES, PUBLIC SAFETY,  
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE  
June 10, 2025

Because there were no items requiring consideration on this date, there was no regular meeting.

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LOURDES A. LÓPEZ  
City Clerk

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LUIS MC ARTHUR  
Chair



## COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

### REPORTS AGENDA ITEM NO. D.1

**DATE:** June 24, 2025

**TO:** Community Services, Public Safety, Housing & Development Committee

**FROM:** Stephen Fischer, City Attorney, (805) 385-7483, [stephen.fischer@oxnard.org](mailto:stephen.fischer@oxnard.org)

**SUBJECT:** Regulation of Skateboard Parks. (10 minutes)

### RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XXVIII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING THE REGULATION OF CITY SKATEBOARD PARKS."

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/aj0TUYCcaH4>

### BACKGROUND

Existing law provides qualified immunity to public agencies and public employees for injuries suffered by individuals engaged in "hazardous recreational activities," which the law identifies as an activity "that creates a substantial, as distinguished from a minor, trivial, or insignificant, risk of injury to a participant or a spectator," such as rock climbing. (Gov. Code Section 831.7.)

Skateboarding at a facility or park owned or operated by a public entity is categorized as a hazardous recreational activity for which public agencies can receive qualified immunity, so long as (1) the person riding the skateboard (or other wheeled recreational device) was 12 years of age or older and engaged in a stunt, trick, or luge riding and (2) the public agency prohibited riding at the skate park unless that person is wearing a helmet, elbow pads, and knee pads. (Health and Safety Code § 115800).

A public agency could meet the second requirement at a facility not supervised regularly by: (1) adopting an ordinance that requires a person riding a skateboard to wear a helmet, elbow pads, and knee pads; and (2) posting signs giving reasonable notice of these safety requirements and warning persons that noncompliance will subject them to citation.

This proposed ordinance establishes a new Article in Chapter 7 of the Oxnard City Code, pertaining to regulations for skatepark facilities in Oxnard. Under this ordinance:

- No person shall enter Skatepark facilities outside of the proscribed hours of operation;
- Every person under the age of 12 using Skateparks must be supervised by a parent or guardian and shall wear a helmet, elbow pads and knee pads;

- No person shall place, position, erect, or use any outside equipment, obstacles, ramps, rails, or other similar materials or devices at skateboard parks;
- No person shall operate any type of motorized vehicle, motorized scooter, e-bicycle, motorized bicycle, bicycle or motorcycle on or about the Skateboard Park;
- Any person who is injured at Skateparks shall report the injury to City personnel and shall complete an injury report form; and
- Any person who fails to comply with the regulations set forth will be subject to immediate eviction from Skateparks and/or citation and prosecution as an infraction.

Furthermore, the City is required to post such regulations or notice thereof, as required by this section, on appropriate signage at the Skateparks.

## **STRATEGIC PRIORITIES**

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

## **FINANCIAL IMPACT**

There is no financial impact.

*Prepared by: Michelle McCarron, Assistant City Attorney, Mira Saleh, Deputy City Attorney*

## **ATTACHMENTS**

1. Regulation of City Skateboard Parks Ordinance
2. Skatepark ordinance Measure M (1)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
OXNARD ADDING ARTICLE XXVIII TO CHAPTER 7 OF THE  
OXNARD CITY CODE PERTAINING THE REGULATION OF  
CITY SKATEBOARD PARKS

WHEREAS, there is one operable Skateboard park facility in the City, and the City is in the process of constructing another Skateboard park larger in size and comprised of different features that are not available in the current skatepark and desires to create regulations pertaining to the orderly function of City-owned Skateboard park facilities; and

WHEREAS, the purpose of the Chapter is to promote the public peace, health, safety, and welfare by establishing rules and regulations for the use and enjoyment of City Skateboard parks, which are designed and maintained for recreational skateboard or similar device use; and

WHEREAS, riding a skateboard or other wheeled recreational device at a facility or park owned or operated by a public entity as a public skateboard park is deemed a hazardous recreational activity within the meaning of California Government Code Section 831.7 under certain conditions described in the California Health and Safety Code Section 115800; and

WHEREAS, the City deems it necessary to enact rules and regulations for the City-owned Skateboard parks.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES  
ORDAIN AS FOLLOWS:**

Part 1. Incorporation of Recitals. The findings and determinations reflected above are true and correct, and are incorporated by this reference as though fully set forth herein as the cause and foundation for the action taken by and through this Ordinance.

Part 2. Codified Amendment. The City Clerk is directed to request that the publisher of the City Code add thereto the amendments listed in Part 3 of this Ordinance to Chapter 7, Article XXVIII and sections 7-376 through 7-380 as set forth below.

Part 3. Article XXVIII sections 7-376 through 7-380 are hereby added to Chapter 7 of the Oxnard City Code to read as follows:

**ARTICLE XXVIII. CITY SKATEBOARD PARK REGULATIONS**

**Section 7-376 Purpose and intent.**

The purpose of this Article is to acknowledge that riding a skateboard or other wheeled recreational device at any facility or park owned by a public entity as a public skateboard park is a hazardous recreational activity within the meaning of Government Code section 831.7, and to initiate regulations that comply with California Health and Safety Code Section 115800 by requiring all persons of any age riding a skateboard or other wheeled recreational device at City of Oxnard skateboard park to wear a helmet, elbow pads and knee pads and appropriate signage.

#### **Section 7-377. Definitions.**

(A) As used in this chapter:

*“Director”* means the Recreation and Community Services Director, the Recreation and Community Services Director’s designee, the City Manager, or the City Manager’s designee.

*“Eviction”* means expulsion from the skatepark.

*“Skate”* or *“skating”* means to ride, operate, or use a skateboard, non-motorized scooter, wheelchair, rollerskates or in-line skates.

*“Skateboard”* means any platform of any composition or size to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it and to which there is not affixed to it any seat or any device or mechanism to turn and control the wheels.

*“Skate area”* means the paved surfaces, obstacles, and features of the skateboard park specifically designed for skating, including platforms, transitions, banks, bowls, hips, ledges, coping, decking, rails, flat bars, stairs, and adjacent concrete surfaces, but excluding the picnic tables, public restrooms, and pathways.

*“Skateboard park”* means any City of Oxnard designated skateboarding facility as determined by the recreation and community services director, the recreation and community services director’s designee, the city manager, or the city manager’s designee.

#### **Section 7-378. Skate rules and regulations.**

(A) The following rules and regulations shall apply to skating in skateboard parks:

1. No person shall enter or be upon Skateboard parks at any time other than the established and posted hours of operation or at any time when the Director has closed the skateboard parks.
2. Every person under the age of 12 using skateboard parks must be supervised by a parent or guardian and shall wear a helmet, elbow pads and knee pads.
3. In accordance with California Health and Safety Code Section 115800(b), all persons of any age riding a skateboard, scooter, wheelchair, roller skates or in-line skates at the skateboard park shall wear a helmet, elbow pads, and knee pads.

4. The skateboard park is designed for use without the introduction of any outside obstacles, ramps, rails, or other similar materials or devices. No person shall place, position, erect, or use any outside equipment, obstacles, ramps, rails, or other similar materials or devices at skateboard parks.
5. No person shall use the Skatepark outside the hours of operation. Skatepark hours of operation shall be displayed on signage posted in accordance with Section 7-379.
6. The Director or designee may, in his or her sole discretion, regulate the hours of operation at the Skateparks for specified groups of users or events. The City shall post such regulations or notice thereof, as required by this section, on appropriate signage at the Skateparks.
7. No person shall operate any type of motorized vehicle, motorized scooter, e-bicycle, motorized bicycle, bicycle or motorcycle on or about the Skateboard Park.
8. Any person who is injured at skateboard parks shall report the injury to City personnel and shall complete an injury report form.

**Section 7-379. Notice–Posted signs.**

Posted signs. Signs shall be posted in one or more conspicuous and visible area(s) at skateboard parks to afford reasonable notice of the provisions of this chapter, and that pursuant to California Health and Safety Code Section 115800, any person riding a skateboard, scooter, wheelchair, roller skates or inline skates at skateboard parks must wear a helmet, elbow pads, and knee pads, and that any person failing to do so shall be subject to citation.

**Section 7-380. Effect, enforcement, and penalties.**

- (A) The privilege of any person to use the skateparks is expressly conditioned upon compliance by that person or a parent or guardian of a person under 12 with the provisions of this chapter as they apply to such use. It is unlawful to violate the provisions of this Article and any violations will be subject to a citation or punishment in accordance with this Code for any person or parent or guardian of a minor 12 years or younger to violate or fail to comply with any provision of this chapter.
- (B) Eviction. Any violation of any provision of this chapter shall subject the violator to immediate eviction from skateboard parks and/or citation and prosecution as an infraction.

Part 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 5. The City Council exercises its independent judgment and made findings herein above, that this ordinance is not subject to CEQA, because the activity is covered by the general rule that CEQA applies only to projects that will have a significant effect on the environment. There is no possibility that the passage of this ordinance will have a significant effect on the environment and adoption of this ordinance is exempt from CEQA.

Part 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five (5) days before the City Council's adoption of the ordinance.

Part 7. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) calendar days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. \_\_\_\_\_ was first read on July 15, 2025, finally adopted on July 29, 2025, to become effective thirty days thereafter.

APPROVED AND ADOPTED this \_\_\_\_\_ day of July, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Luis A. McArthur, Mayor

ATTEST:

\_\_\_\_\_  
Lourdes A. López, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Fischer, City Attorney

# **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XXVIII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING THE REGULATION OF CITY SKATEBOARD PARKS**

Mira Saleh, Deputy City Attorney  
City Attorney Office

Community Services, Public Safety, Housing & Development  
06/24/2025

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING ARTICLE XXVIII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING THE REGULATION OF CITY SKATEBOARD PARKS."

Existing law provides qualified immunity to public agencies and public employees for injuries suffered by individuals engaged in “**hazardous recreational activities,**” which the law identifies as an activity **“that creates a substantial, as distinguished from a minor, trivial, or insignificant, risk of injury to a participant or a spectator,”** such as rock climbing. (Gov. Code Section 831.7.)

Skateboarding at a facility or park owned or operated by a public entity is categorized as a hazardous recreational activity for which public agencies can receive qualified immunity, so long as:

1. The person riding the skateboard (or other wheeled recreational device) was 12 years of age or older and engaged in a stunt, trick, or luge riding and
2. The public agency prohibited riding at the skate park unless that person is wearing a helmet, elbow pads, and knee pads. (Health and Safety Code § 115800).

A public agency could meet the second requirement at a facility not supervised regularly by:

1. Adopting an ordinance that requires a person riding a skateboard to wear a helmet, elbow pads, and knee pads; and
2. Posting signs giving reasonable notice of these safety requirements and warning persons that noncompliance will subject them to citation

This proposed ordinance establishes a new Article in Chapter 7 of the Oxnard City Code, pertaining to regulations for skatepark facilities in Oxnard, which include those requirements.

Under this proposed ordinance, the following regulations apply:

- No person shall enter Skatepark facilities outside of the proscribed hours of operation;
- Every person under the age of 12 using Skateparks must be supervised by a parent or guardian and shall wear a helmet, elbow pads and knee pads;
- No person shall place, position, erect, or use any outside equipment, obstacles, ramps, rails, or other similar materials or devices at skateboard parks;
- No person shall operate any type of motorized vehicle, motorized scooter, e-bicycle, motorized bicycle, bicycle or motorcycle on or about the Skateboard Park;
- Any person who is injured at Skateparks shall report the injury to City personnel and shall complete an injury report form; and
- Any person who fails to comply with the regulations set forth will be subject to immediate eviction from Skateparks and/or citation and prosecution as an infraction.

Furthermore, the City is required to post such regulations or notice thereof, as required by this section, on appropriate signage at the Skateparks.



**QUESTIONS?**



## COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

### REPORTS AGENDA ITEM NO. D.2

**DATE:** June 24, 2025

**TO:** Community Services, Public Safety, Housing & Development Committee

**FROM:** Stephen Fischer, City Attorney, (805) 385-7483, [stephen.fischer@oxnard.org](mailto:stephen.fischer@oxnard.org)

**SUBJECT:** Prohibition of Nitrous Oxide Ordinance. (10 minutes)

### RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVII TO CHAPTER 7 TO THE OXNARD CITY CODE PERTAINING TO THE PROHIBITION OF NITROUS OXIDE."

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/tRmDLsL9dLE>

### BACKGROUND

Nitrous Oxide is an odorless, colorless chemical that can be inhaled for legitimate purposes associated with medical or dental procedures in a clinical setting, and is legitimately used for industrial purposes and as a propellant for food products. While nitrous oxide has legitimate purposes in certain professional and controlled settings, the improper inhaling or ingesting as an intoxicant causes serious harm to those who misuse it recreationally. Nitrous Oxide is subject to recreational misuse and abuse, in part, because it is easy to purchase from retail vendors and relatively inexpensive.

Access by those who improperly abuse Nitrous Oxide for recreational purposes can cause short-term dangers through intoxicating the brain, such as illogical thinking or irrational behaviors, permanent vitamin deficiencies in the blood, as well as causing long-term physical, neurological, and psychological damage, including paralysis and death in severe cases. This serious and growing problem of the abuse of nitrous oxide causes lasting negative impacts on individuals, their families, and our local communities.

The incidence of Nitrous Oxide recreational misuse and abuse has been on the rise both within the City and internationally over the past decade, with multiple medical studies noting significant increases in recreational misuse in the past five years, as well as a broader medical understanding of the long-term hematological and neurological impacts of Nitrous Oxide misuse and abuse. Nitrous Oxide recreational misuse and abuse has been associated with multiple traffic incidents and criminal incidents throughout the City in the past several years. Penal Code section 381(b) specifically makes the following a misdemeanor: (1) possessing nitrous oxide, or any substance containing nitrous oxide, for the purpose of intoxication or (2) being under the influence of nitrous oxide or any material containing nitrous oxide.

However, Penal Code section 381(b) does not prevent the possession of nitrous oxide in general. The City does

not currently regulate the sale of Nitrous Oxide and finds and declares that in the absence of local regulation, Nitrous Oxide remains subject to significant risk of misuse and abuse through sale to individuals who intend to misuse or abuse the product. The City desires to regulate the sale of Nitrous Oxide in order to preserve and protect public health and to dissuade sellers of Nitrous Oxide products from selling to individuals who they know or have reason to know intend to use the products for illegal purposes (i.e., recreational ingestion and/or inhalation).

## **STRATEGIC PRIORITIES**

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

## **FINANCIAL IMPACT**

There is no financial impact.

*Prepared by: Michelle McCarron, Assistant City Attorney, Andrew Gonzalez, Deputy City Attorney*

## **ATTACHMENTS**

1. Nitrous Oxide Ordinance
2. Proposed Prohibition of Nitrous Oxide Ordinance Presentation

CITY COUNCIL OF THE CITY OF OXNARD  
ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE  
XXVII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING TO THE  
REGULATION OF NITROUS OXIDE

WHEREAS, Nitrous Oxide is an odorless, colorless chemical that can be inhaled for legitimate purposes associated with medical or dental procedures in a clinical setting, and is legitimately used for industrial purposes and as a propellant for food products; and

WHEREAS, Nitrous Oxide is also subject to recreational misuse and abuse, in part, because it is easy to purchase from retail vendors and relatively inexpensive; and

WHEREAS, Penal Code section 381(b) specifically makes the following a misdemeanor: (1) possessing nitrous oxide, or any substance containing nitrous oxide for the purpose of intoxication or (2) being under the influence of nitrous oxide or any material containing nitrous oxide. However, Penal Code section 381(b) does not prevent the possession of nitrous oxide in general; and

WHEREAS, the recreational misuse and abuse of Nitrous Oxide can cause permanent vitamin deficiencies in the blood, and can cause long-term neurological effects, including paralysis and death; and

WHEREAS, the incidence of Nitrous Oxide recreational misuse and abuse has been on the rise both within the City and internationally over the past decade, with multiple medical studies noting significant increases in recreational misuse in the past five years, as well as a broader medical understanding of the long-term hematological and neurological impacts of Nitrous Oxide misuse and abuse; and

WHEREAS, Nitrous Oxide recreational misuse and abuse has been associated with multiple traffic incidents and criminal incidents throughout the City in the past several years; and

WHEREAS, the City does not currently regulate the sale of Nitrous Oxide and finds and declares that in the absence of local regulation, Nitrous Oxide remains subject to significant risk of misuse and abuse through sale to individuals who intend to misuse or abuse the product; and

WHEREAS, the City desires to regulate the sale of Nitrous Oxide in order to preserve and protect public health and to dissuade sellers of Nitrous Oxide products from selling to individuals which they know or have reason to know intend to use the products for illegal purposes (i.e., recreational ingestion and/or inhalation).

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

Part 1. Incorporation of Recitals. The findings and determinations reflected above are true and correct, and are incorporated by this reference as though fully set forth herein as the cause and foundation for the action taken by and through this Ordinance.

Part 2. Codified Amendment. The City Clerk is directed to request that the publisher of the City Code add thereto the amendments listed in Part 3 of this Ordinance to Chapter 7, Article XXVII and sections 7-370 through 7-375 as set forth below.

Part 3. Article XXVII sections 7-370 through 7-375 are hereby added to Chapter 7 of the Oxnard City Code to read as follows:

## **ARTICLE XXVII. REGULATION OF NITROUS OXIDE**

### **Sec. 7-370 Authority and Purpose**

This article is enacted to protect the public safety, health and welfare by eliminating retail access for recreational use of nitrous oxide which is a dangerous gas that is illicitly used as an intoxicant.

### **Sec. 7-371 Definitions**

For purposes of this article, the following definitions apply.

(A) "Device" means any cartridge, compressed gas cylinder, apparatus, container, balloon, attachment, nozzle, or other object used to contain, dispense or administer nitrous oxide.

(B) "Nitrous oxide" means the colorless nonflammable gas sometimes identified as N<sub>2</sub>O, which is sometimes used in aerosols and sometimes used as an anesthetic, and which, when inhaled, produces loss of sensibility to pain, often preceded by exhilaration and laughter and often used as an anesthetic in dentistry. Nitrous oxide is often informally or colloquially referred to as "laughing gas," "NOX," "galaxy gas," "whippits," amongst others.

(C) "Person" means any individual or legal entity however constituted or organized.

(D) "Wholesale capacity" means sale of or distribution of nitrous oxide or a device to dispense nitrous oxide to a person that will use nitrous oxide or the device in service or products for resale. Examples include, but are not limited to, commercial sale of dentistry supplies to dentists or dentistry offices, commercial sale of devices for the use in food production or in a commercial kitchen, and/or commercial sale of nitrous oxide for the purpose of producing food products for commercial sale (e.g., whipped cream canisters).

(E) "Flavored Nitrous Oxide" means any nitrous oxide product that contains a taste or smell, other than the taste or smell of nitrous oxide, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a nitrous oxide product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a nitrous oxide product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of nitrous oxide will constitute presumptive evidence that the product is a flavored product.

**Sec. 7-372 Prohibition on Sale or Distribution of Nitrous Oxide**

Except as otherwise authorized by law or allowed under this article, it is unlawful for any person to sell, attempt to sell, offer, distribute or otherwise provide to any person nitrous oxide, a device to dispense or administer nitrous oxide, or any device that contains any quantity of nitrous oxide.

**Sec. 7-373 Prohibition on Sale or Distribution of Flavored Nitrous Oxide**

Except as otherwise authorized by law or allowed under this article, it is unlawful for any person to sell, attempt to sell, offer, distribute or otherwise provide to any person flavored nitrous oxide, a device to dispense or administer flavored nitrous oxide, or any device that contains any quantity of flavored nitrous oxide.

**Sec. 7-374 Exceptions to Prohibition**

This article does not apply to the sale, attempt to sell, distribution, or other manner of providing nitrous oxide, or a device containing nitrous oxide, in the following circumstances:

- (A) If the nitrous oxide is contained in a food product for use as a propellant.
- (B) If the nitrous oxide or device is being sold, attempted to be sold, offered, or distributed in a wholesale capacity, for uses similar to those described in subsection (D) of section 7-371. This exemption only applies if the wholesaler does not know or have reason to know that the recipient intends to use the nitrous oxide or device in violation of sections 7-372 or 7-373.
- (C) If the nitrous oxide or device that is being sold, attempted to be sold, offered, or distributed is specifically designed for use in a vehicle to enhance the performance of the vehicle.
- (D) If the nitrous oxide is being sold, attempted to be sold, offered, or distributed specifically for the purpose of providing medical or dental care, by or at the direction and under the supervision of, a medical or dental practitioner licensed by the State of California and in accordance with all applicable rules and regulations.
- (E) If the nitrous oxide or device is being sold, attempted to be sold, offered, distributed, or dispensed by a pharmacist, pharmacist intern, or pharmacy as defined by California Business & Professions Code §§ 4030, 4036, and 4037, as may be amended, in the course of their duties as a pharmacist or pharmacist intern, or wholesalers licensed by the Board of Pharmacy.
- (F) Or any other circumstances exempted under law.

**Sec. 7-375 Violations and Penalties**

Any person who violates this Article is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six (6) months or by both such fine and imprisonment. This section shall not serve to limit any other legal remedies or actions that the City may have to address violations of this Article. A violation of sections 7-372 or 7-373 is grounds for a revocation of a business license, pursuant to section 11-25(A) of the Oxnard City Code.

Part 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 5. The City Council exercises its independent judgment and made findings herein above, that this ordinance is not subject to CEQA, because the activity is covered by the general rule that CEQA applies only to projects that will have a significant effect on the environment. There is no possibility that the passage of this ordinance will have a significant effect on the environment and adoption of this ordinance is exempt from CEQA.

Part 6. Pursuant to Government . Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 7. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. \_\_\_\_ was first read on \_\_\_\_\_, 2025, and finally adopted on \_\_\_\_\_, 2025 to become effective thirty days thereafter.

APPROVED AND ADOPTED this \_\_\_\_\_ day of [MONTH], [YEAR], by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Luis A. McArthur, Mayor

ATTEST:

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Lourdes A. López, City Clerk

APPROVED AS TO FORM:

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Stephen M. Fischer, City Attorney

# **AN ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVII TO CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING TO THE REGULATION OF NITROUS OXIDE**

Andrew Gonzalez, Deputy City Attorney  
City Attorney Office

Community Services, Public Safety, Housing & Economic Development  
Committee  
06/24/2025

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled:

“ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, ADDING ARTICLE XXVII TO CHAPTER 7 TO THE OXNARD CITY CODE PERTAINING TO THE PROHIBITION OF NITROUS OXIDE.”

- Nitrous Oxide is an odorless, colorless chemical that can be inhaled for legitimate purposes associated with medical or dental procedures in a clinical setting, and is legitimately used for industrial purposes and as a propellant for food products.  
While nitrous oxide has legitimate purposes in certain professional and controlled settings, the improper inhaling or ingesting as an intoxicant causes serious harm to those who misuse it recreationally. Nitrous Oxide is subject to recreational misuse and abuse, in part, because it is easy to purchase from retail vendors and relatively inexpensive.

- Access by those who improperly abuse Nitrous Oxide for recreational purposes can cause short-term dangers through intoxicating the brain, such as illogical thinking or irrational behaviors, permanent vitamin deficiencies in the blood, as well as causing long-term physical, neurological, and psychological damage, including paralysis and death in severe cases. This serious and growing problem of the abuse of nitrous oxide causes lasting negative impacts on individuals, their families, and our local communities.

- The incidence of Nitrous Oxide recreational misuse and abuse has been on the rise both within the City and internationally over the past decade, with multiple medical studies noting significant increases in recreational misuse in the past five years, as well as a broader medical understanding of the long-term hematological and neurological impacts of Nitrous Oxide misuse and abuse. Nitrous Oxide recreational misuse and abuse has been associated with multiple traffic incidents and criminal incidents throughout the City in the past several years. Penal Code section 381(b) specifically makes the following a misdemeanor: (1) possessing nitrous oxide, or any substance containing nitrous oxide, for the purpose of intoxication or (2) being under the influence of nitrous oxide or any material containing nitrous oxide.

- However, Penal Code section 381(b) does not prevent the possession of nitrous oxide in general. The City does not currently regulate the sale of Nitrous Oxide and finds and declares that in the absence of local regulation, Nitrous Oxide remains subject to significant risk of misuse and abuse through sale to individuals who intend to misuse or abuse the product. The City desires to regulate the sale of Nitrous Oxide in order to preserve and protect public health and to dissuade sellers of Nitrous Oxide products from selling to individuals who they know or have reason to know intend to use the products for illegal purposes (i.e., recreational ingestion and/or inhalation).



**QUESTIONS?**



## COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

### REPORTS AGENDA ITEM NO. D.3

**DATE:** June 24, 2025

**TO:** Community Services, Public Safety, Housing & Development Committee

**FROM:** Stephen Fischer, City Attorney, (805) 385-7483, [stephen.fischer@oxnard.org](mailto:stephen.fischer@oxnard.org)

**SUBJECT:** Disposal of Confiscated, Impounded And Unclaimed Property Ordinance. (10 minutes)

### RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled: "ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING ARTICLE III OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY."

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/OtltVrnTSXo>

### BACKGROUND

Senate Bill 946 ("SB 946"), which took effect in 2019, and Senate Bill 972 ("SB 972"), which took effect in 2023, allows sidewalk vending to occur on public sidewalks and within parks and precludes cities from regulating such vendors, except for specific circumstances. Cities may adopt local regulations pertaining to time, place and manner restrictions that directly relate to objective health, safety or welfare concerns but may not prohibit sidewalk vending activities.

As such, in 2019, the City Council adopted Ordinance 2952, which created Section 8-47 of the Oxnard Municipal Code to establish certain regulations for sidewalk and street vendors. Although the City Council adopted Ordinance 2952, SB 946 and SB 972 together only allow Oxnard Code Compliance to issue administrative citations to unpermitted food vendors within the City because SB 946 and SB 972 prevents the City from handling vendor related violations as misdemeanor or infraction offenses. Additionally, as a result of SB 946 and SB 972, there are little to no consequences if an individual simply ignores the previously mentioned administrative citation or refuses to provide identification.

The Oxnard Fire Department ("Fire Department") has encountered burn incidents caused by improper placement, use, storage, and handling of propane and open flame ranges when dealing with unpermitted food vendors within the City. As a result of SB 946 and SB 972, the Fire Department took charge of a Fire Code centered enforcement program and has cited unpermitted food vendors within the City pursuant to the City of Oxnard Fire Code and California Health and Safety Regulation violations. As a result of the Fire Code centered enforcement program, the Fire Department impounds the following as hazards: on the second Fire Code violation, the Fire Department impounds five gallon propane tanks used for gas grills; on the third and fourth Fire Code violation, the Fire Department impounds grills, gas-powered generators, and other items.

Currently, items impounded as hazards under the City of Oxnard Fire Code are held for safekeeping for sixty (60) days or until reclaimed by the owner under California Civil Code Section 2080.10. Additionally, under state law, if impounded items remain unclaimed after sixty (60) days, the City may dispose of these items to the City's benefit. However, the Oxnard City Code does not provide a procedure for disposing of impounded, confiscated, and unclaimed property. The proposed additions of sections 7-65 and 7-66 will provide a procedure for both the removal and disposal of impounded, confiscated, and unclaimed property.

## **STRATEGIC PRIORITIES**

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

## **FINANCIAL IMPACT**

The financial impact is unknown. However, it is estimated that minor costs may be incurred in relation to storage and disposal of hazardous items.

*Prepared by: Michelle McCarron, Assistant City Attorney, Andrew Gonzalez, Deputy City Attorney*

## **ATTACHMENTS**

1. Disposal of Impounded Personal Property Ordinance
2. Proposed Disposal of Property Ordinance Presentation

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, AMENDING ARTICLE III OF CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING TO THE DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY

WHEREAS, the Oxnard Fire Department has responded to numerous burn incidents caused by improper placement, use, storage and handling of propane and open flame ranges; and

WHEREAS, the Oxnard Fire Department has cited unpermitted food vendors within the City for such burn incidents pursuant to the City of Oxnard Fire Code and California Health and Safety Regulation violations; and

WHEREAS, on the second violation the Oxnard Fire Department has impounded five-gallon propane tanks used for gas grills and, on the third and fourth violations, impounded grills, gas-powered generators, and other items; and

WHEREAS, items impounded as hazards under the City of Oxnard Fire Code are held for safekeeping for sixty (60) days or until reclaimed by the owner under California Civil Code Section 2080.10; and

WHEREAS, under state law, if impounded items remain unclaimed after sixty (60) days the City may dispose of these items to the City's benefit; and

WHEREAS, the Oxnard City Code does not provide a procedure for disposing of impounded, confiscated and unclaimed property and desires to create such.

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

Part 1. Incorporation of Recitals. The findings and determinations reflected above are true and correct, and are incorporated by this reference as though fully set forth herein as the cause and foundation for the action taken by and through this Ordinance.

Part 2. Codified Amendment. The City Clerk is directed to request that the publisher of the City Code add thereto the amendments listed in Part 3 and 4 of this Ordinance to Chapter 7, Article III as set forth below.

Part 3. The title of Article III of Chapter 7 is amended to read as follows:

**“ARTICLE III. CIVIL FINES AND PROPERTY DISPOSAL”**

Part 4. Sections 7-65 through 7-66 are hereby added to Article III to read as follows:

## **“SEC. 7-65. DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY**

When the city confiscates, impounds or takes possession of property as a result of an enforcement action pursuant to the city code, the city will follow the notification, storage, documentation, and disposition procedure outlined below in accordance with Section 2080.10 of the California Civil Code.

## **SEC. 7-66. REMOVAL PROCEDURE**

(A) **Notice of Removal.** At the time of removal of any confiscated property, the any city enforcement personnel or officer (Fire, Police or Code Compliance) shall provide the individual from whom property is being taken or otherwise asserts ownership, or control of the property, with a notice of removal that includes instructions and timeframes of the retrieval of the property. The notice shall advise the individual of the right to appeal the removal of the property with fourteen (14) calendar days of removal.

1. If the owner or other person in possession or control of the property leaves the scene or otherwise refuses to accept the notice, the city enforcement personnel or officer shall mail the notice via first class mail to the person from whom the property was removed or who otherwise asserts possession and control of the items within twenty-four (24) hours of removal, if the person provided his or her name and contact information to the city enforcement personnel or officer off.

2. If the city enforcement personnel or officer is not provided with the owner contact information to deliver or mail the notice, then the property shall be held by the City for 60 days and then disposed of in accordance with State Law and this Section.

(B) **Inventory.** The enforcement official shall document the following information (as applicable):

1. The time period when the city enforcement personnel or officer observed sidewalk vending items;

2. The location where the Sidewalk Vending Items were located prior to removal;

3. Any reasonable attempt to locate the owner of the Sidewalk Vending Items – including any person’s refusal to provide identification;

4. The circumstances that support the city enforcement personnel or officer’s determination of the grounds or bases for removal – including the vendor’s failure to comply with a city enforcement personnel or officer’s instructions to remove the Sidewalk Vending Items from the sidewalk, park, or other public right-of-way;

5. The date and time of removal of the Items;

6. An inventory with a complete description of Sidewalk Vending Items removed – including any items that were disposed of pursuant to Subsection 7-66(C) hereinbelow. The inventory should also state the basis for disposing of any removed Item.

i.If, based upon a totality of the circumstances, the Enforcement Official cannot complete an inventory of each Item being removed at the time of removal due to safety concerns, the Enforcement Official may relocate the Sidewalk Vending Items to a safe location and complete the inventory and description of Items thereat. No Item shall be disposed of prior to completion of the inventory of that Item.city enforcement personnel or officer.

(C) **Storage or Disposal of Removed Sidewalk Vending Items**

After storing the property for sixty (60) days, if the confiscated or impounded property remains unclaimed the City will dispose of the property as follows:

1. The City Manager or his designee shall determine the disposition of the property as follows:
  - a. Items which can be re-used will be disposed of as follows:
    - i. Use by the city upon a determination by the city manager that the item offers a benefit to the public;
    - ii. Donation of the item to a non-profit organization; or
    - iii. Sale of the item(s) through a public auction or bid process.
  2. If the City does not retain the property, or it cannot be sold or donated, then the city will dispose of the property in the same manner as refuse, in accordance with any applicable state or local regulation.
- (D) Proceeds from the sale of any items shall be deposited in the fund associated with the City Department responsible for storing and preserving the property.
- (E) In the event the owner of the property appears one (1) day before the date the property is sold or gifted to a nonprofit organization, provides satisfactory proof of ownership to reclaim the property, and reimburses the city for all expenses incurred in the care and preservation of the property, the property shall then be restored to the owner. An appeal is not required to reclaim removed items.
- (F) As used in this section, "property" does not include animals or vehicles.
- (G) This section does not apply to:
  1. Unclaimed property that is perishable, soiled, contaminated, fouled, polluted or hazardous in nature, that has been determined by a Director to pose a health or safety risk to persons or the environment, may be destroyed as soon as possible through a certified and licensed Vendor or other city provider; or
  2. Lost or unclaimed property in the possession of the Oxnard Police Department."
- (H) Appeal of Removal of Sidewalk Vending Items. Any person to whom a Notice of Removal was provided or other person asserting ownership of Sidewalk Vending Items removed by the City may contest/appeal the removal of Sidewalk Vending Items by filing a written Request for Appeal with the Community Development Department - Code Compliance Division within fourteen (14) calendar days of removal. Any Request for Appeal shall contain, at a minimum, the following information:
  1. The date and time the Items were removed by the City.
  2. The location from which the Items were removed by the City.
  3. A description of the confiscated items sought to be reclaimed by the owner.
  4. If appellant is not the person to whom a Notice of Removal was issued, proof of ownership of the Items that were removed by the City.
  5. A brief statement explaining why the removal was improper in sufficient detail to enable the Hearing Officer to understand the nature of the controversy.

Part 5. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Part 6. The City Council exercises its independent judgment and made findings herein above, that this ordinance is not subject to CEQA, because the activity is covered by the general rule that CEQA applies only to projects that will have a significant effect on the environment. There is no possibility that the passage of this ordinance will have a significant effect on the environment and adoption of this ordinance is exempt from CEQA.

Part 7. Pursuant to Cal. Gov. Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance.

Part 8. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. \_\_\_\_ was first read on \_\_\_\_\_, 2025, and finally adopted on \_\_\_\_\_, 2025 to become effective thirty days thereafter.

APPROVED AND ADOPTED this \_\_\_\_\_ day of [MONTH], [YEAR], by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Luis A. McArthur, Mayor

ATTEST:

\_\_\_\_\_  
Luly Lopez, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Fischer, City Attorney

# **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, AMENDING ARTICLE III OF CHAPTER 7 OF THE OXNARD CITY CODE PERTAINING TO THE DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY**

Andrew Gonzalez, Deputy City Attorney  
City Attorney Office

Community Services, Public Safety, Housing & Economic Development  
Committee  
06/24/2025

That the Community Services, Public Safety, Housing & Development Committee review and recommend that City Council introduce an ordinance by title only and waive further reading of an ordinance entitled:

“ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AMENDING ARTICLE III OF CHAPTER 7 OF THE OXNARD CITY CODE REGARDING DISPOSAL OF CONFISCATED, IMPOUNDED AND UNCLAIMED PROPERTY.”

- Senate Bill 946 (“SB 946”), which took effect in 2019, and Senate Bill 972 (“SB 972”), which took effect in 2023, allows sidewalk vending to occur on public sidewalks and within parks and precludes cities from regulating such vendors, except for specific circumstances. Cities may adopt local regulations pertaining to time, place and manner restrictions that directly relate to objective health, safety or welfare concerns but may not prohibit sidewalk vending activities.

- As such, in 2019, the City Council adopted Ordinance 2952, which created Section 8-47 of the Oxnard Municipal Code to establish certain regulations for sidewalk and street vendors. Although the City Council adopted Ordinance 2952, SB 946 and SB 972 together only allow Oxnard Code Compliance to issue administrative citations to unpermitted food vendors within the City because SB 946 and SB 972 prevents the City from handling vendor related violations as misdemeanor or infraction offenses. Additionally, as a result of SB 946 and SB 972, there are little to no consequences if an individual simply ignores the previously mentioned administrative citation or refuses to provide identification.

- The Oxnard Fire Department (“Fire Department”) has encountered burn incidents caused by improper placement, use, storage, and handling of propane and open flame ranges when dealing with unpermitted food vendors within the City. As a result of SB 946 and SB 972, the Fire Department took charge of a Fire Code centered enforcement program and has cited unpermitted food vendors within the City pursuant to the City of Oxnard Fire Code and California Health and Safety Regulation violations. As a result of the Fire Code centered enforcement program, the Fire Department impounds the following as hazards:
  - On the second Fire Code violation, the Fire Department impounds five gallon propane tanks used for gas grills.
  - On the third and fourth Fire Code violation, the Fire Department impounds grills, gas-powered generators, and other items.

- Currently, items impounded as hazards under the City of Oxnard Fire Code are held for safekeeping for sixty (60) days or until reclaimed by the owner under California Civil Code Section 2080.10. Additionally, under state law, if impounded items remain unclaimed after sixty (60) days, the City may dispose of these items to the City's benefit. However, the Oxnard City Code does not provide a procedure for disposing of impounded, confiscated, and unclaimed property. The proposed additions of sections 7-65 and 7-66 will provide a procedure for both the removal and disposal of impounded, confiscated, and unclaimed property.



**QUESTIONS?**