

16.1 25-1240 ADOPTION OF AN ORDINANCE ESTABLISHING TITLE 9, CHAPTER 9.18, OF THE STOCKTON MUNICIPAL CODE REGULATING USE OF FACIAL COVERINGS

[Legislation Text](#)

[Attachment A - June 16, 2025 Around the Bench Memo](#)

[Attachment B - Redline Ordinance](#)

[Attachment C - Crime Statistics Related Masked Robberies](#)

[Attachment D - Philadelphia Code section 10-616, Concealed Identities](#)

[Ordinance - clean](#)

[PPT - 16.1 - Continued -Face Covering Ordinance Discussion](#)

The following person spoke to the item: Alyssa Leiva; and Pat Barrett

Approve **Motion 2025-11-18-1601** bringing the item back to the Legislative/Environmental Committee for review

Moved by: Jason Lee, seconded by Michele Padilla.

Vote: Motion carried 7-0

Yes: Christina Fugazi , Michael Blower, Brando Villapudua, Michele Padilla, Mariela Ponce, Mario Enríquez, and Jason Lee.



City of Stockton

Legislation Text

File #: 25-1240, **Version:** 1

ADOPTION OF AN ORDINANCE ESTABLISHING TITLE 9, CHAPTER 9.18, OF THE STOCKTON MUNICIPAL CODE REGULATING USE OF FACIAL COVERINGS

RECOMMENDATION

It is recommended that the City Council:

1. Adopt an ordinance establishing Title 9, Chapter 9.18 of the Stockton Municipal Code regulating the use of facial coverings.
2. Authorize the City Manager, or designee, to take all appropriate and necessary actions to carry out the purpose and intent of the ordinance adopted by Council.

Summary

On June 16, 2025, the Legislation and Environmental Committee reviewed and considered a proposed ordinance regulating the use of facial coverings in public or private spaces (Attachment A). By Motion 2025-06-16-0303 the Committee forwarded a recommendation to the full City Council for the adoption of the ordinance, following review and collaboration from the Police Department.

Following review, the Police Department expressed concerns regarding the enforcement of the ordinance. Accordingly, Chair Enriquez and Vice Mayor Lee directed staff to bring the item back to the Committee for review of the Philadelphia face covering regulations and consideration of potential changes to the proposed ordinance.

On October 20, 2025, the Committee reviewed and considered potential changes to the proposed ordinance (Attachment B). By Motion 2025-10-20-0301 the Committee voted to forward both versions of the ordinance to the full City Council for review and consideration.

DISCUSSION

Background

Currently, the Stockton Municipal Code does not address the use of face coverings. On June 16, 2025, the Legislation and Environmental Committee reviewed and considered a proposed ordinance regulating the use of facial covering in public or private spaces. By Motion 2025-06-16-0303 the Committee forwarded a recommendation to the full City Council for the adoption of the ordinance, following review and collaboration from the Police Department.

File #: 25-1240, Version: 1

On October 20, 2025, the Committee reviewed and considered potential changes to the proposed ordinance. By Motion 2025-10-20-0301 the Committee voted to forward both versions of the ordinance to the full City Council for review and Consideration.

Present Situation

Following review of the June 16, 2025, proposed ordinance, the Police Department expressed concerns regarding the enforcement of the ordinance. Accordingly, staff updated the ordinance with potential changes as reflected in Attachment B and described in more detail below:

Crime Statistics

First, the Stockton Police Department reviewed robbery data over the past two and a half years to assess the prevalence of suspects using face coverings during the commission of these crimes. The analysis provides insight into how frequently face coverings are involved. This information is reflected in Attachment C and has been broken down below.

- 2023: 31% of all robberies involved a face covering
- 2024: 26% of all robberies involved a face covering
- 2025 (January-June): 28% of all robberies involved a face covering
- 2023 through June 2025 (combined): 28% of all robberies involved a face covering

This data demonstrates a consistent pattern, with roughly one in four robberies involving the use of a face covering. Accordingly, staff revised the proposed ordinance in Section I, Findings and Intent, and Section 9.18.010, to remove the reference to an observed “increase” in criminal activity. As reflected in the statistics provided, the City has observed criminal activity involving face coverings but has not observed an increase in such activity.

Philadelphia Ordinance

Several cities throughout the United States have implemented regulations limiting or prohibiting the use of face coverings. One notable example is Philadelphia, which introduced Code section 10-616, Concealed Identities, in 2000 and expanded and clarified the code in 2024 (Attachment D).

In reviewing the current Philadelphia Code, staff observed two primary differences between its code and the code considered by the Committee in June: (1) Philadelphia has a monetary fine for violations; and (2) subsection four of the Philadelphia Code identifies specific areas where masks are prohibited. Staff believe that both provisions will help clarify the code and so allow for safer enforcement of the code. Therefore, staff updated the ordinance to introduce these provisions.

Monetary Fine

In addition to a criminal misdemeanor violation, Section 9.18.050 was amended to add an administrative penalty in the amount of \$1,000. Additionally, the section references and incorporates appeal provisions under Chapter 1.44 of the SMC for consistency with the City’s standard procedures for administrative fines. Either criminal or administrative enforcement is permissible under the revised code.

File #: 25-1240, Version: 1

Specific Locations

Section 9.18.030 was amended to clarify specific locations where masks are prohibited. Specifically, staff added the same locations identified in the Philadelphia code as follows:

“any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways”

Given these location restrictions, 9.18.020 was also revised to remove the definitions of “Public Space” and “Private Space” as these terms are no longer necessary.

Additionally, in order to ensure that the City does not run afoul of any right of protected speech, the section maintains the language regarding the mask wearer’s intent to provoke a reasonable apprehension of intimidation, threats, or violence. The title of the ordinance was also updated to better reflect the proposed restrictions.

Next Steps

Consistent with the Committee recommendation, the City Council is asked to review the proposed ordinance reflected in Attachment A and the revisions incorporated into Attachment B. The City Council is further asked to consider the adoption of an ordinance and direct staff regarding which, if any, revisions it would like incorporated into the proposed ordinance.

FINANCIAL SUMMARY

The adoption of this ordinance will have no financial impact.

Attachment A - June 16, 2025, Around the Bench Memo

Attachment B - Redline Ordinance

Attachment C - Crime Statistics Related Masked Robberies

Attachment D - Philadelphia Code section 10-616, Concealed Identities

MEMORANDUM

June 16, 2025

TO: Council Legislation/Environmental Committee Members

FROM: Florence Low, Assistant to the City Manager

SUBJECT: **PROPOSED ORDINANCE FOR AGENDA ITEM 3.3 – DISCUSSION ON A
FACE COVERING ORDINANCE**

Attached is the Proposed Ordinance for Agenda Item 3.3 – Discussion on a Face Covering Ordinance, which was not available at the time of posting.

A handwritten signature in blue ink, appearing to read "Florence Low", with a long, sweeping flourish extending from the end of the name.

FLORENCE LOW
ASSISTANT TO THE CITY MANAGER

Emc: City Manager
City Attorney
City Clerk

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE USE OF FACIAL COVERINGS IN PUBLIC SPACES WHILE ENGAGED IN CRIMINAL ACTIVITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT.

The City of Stockton has observed an increase in criminal activity involving individuals with face-covering ski masks and other face coverings intended to conceal their identity. Such face coverings hinder law enforcement investigations, pose a public safety risk, and contribute to a heightened sense of fear, intimidation, and insecurity among residents, businesses, and schools in the community. Therefore, the City Council recognizes the need to create an ordinance prohibiting the unlawful use of facial coverings in public spaces while balancing public safety with individual rights and ensuring reasonable exceptions for lawful use of face coverings.

SECTION II. AMENDMENT OF CODE.

Title 9, Chapter 9.18, titled, "PROHIBITED USE OF FACIAL COVERINGS IN PUBLIC OR PRIVATE SPACES" is added to the Stockton Municipal Code and shall read as follows:

9.18.010 Purpose.

The City of Stockton has observed an increase in criminal activity involving individuals with face-covering ski masks and other face coverings intended to conceal their identity, which has hindered law enforcement efforts and created a heightened sense of fear and insecurity in the community. This ordinance is enacted to protect public safety, promote accountability, and ensure the general welfare of Stockton's residents and visitors.

9.18.020 Definitions.

- A. "Face-Covering Ski Mask" means any close-fitting garment that covers the head and face, with openings for the eyes, nose, or mouth, or any combination thereof, commonly referred to as ski masks, balaclavas, or similar facial coverings.
- B. "Public Space" means any location accessible to the general public, including but not limited to streets, sidewalks, parks, shopping centers, schools, recreational facilities, transit stations, and public transportation.
- C. "Private Space" means any private property that is open to the public, including businesses, retail stores, restaurants, offices, parking lots, and any private property where the owner or occupant has not granted express permission for face coverings.

9.18.030 Prohibition on Use of Face Coverings in Public Spaces.

It shall be unlawful for any person to wear a face-covering ski mask in any public or private space within the city limits of Stockton with an intent to conceal their identity where the

individual knows or reasonably should know that the mask-wearing conduct provokes a reasonable apprehension of intimidation, threats, or violence.

9.18.040 Exceptions.

The prohibitions of this chapter shall not apply to:

- A. Religious Garments – Individuals wearing face coverings for religious observance.
- B. Medical Necessity – Persons required to wear facial coverings for medical, health, or disability-related reasons, including protection against airborne diseases.
- C. Occupational Safety – Employees required to wear masks for workplace safety as part of their uniform or protective gear.
- D. Theatrical and Sporting Events – Participants in theatrical productions, official sporting events, or designated winter sports activities.
- E. Traditional Holiday Costumes – Costumes worn exclusively for recognized holidays or cultural celebrations.
- F. Law Enforcement and Emergency Personnel – Police officers, firefighters, and emergency personnel acting in the scope of their official duties.

9.18.050 Violations.

Violations of this chapter shall be punishable as misdemeanors as provided in Section 1.08.010 of this code.

9.18.060 Enforcement.

- A. Law Enforcement Authority – The Stockton Police Department shall have the authority to issue citations and enforce the provisions of this ordinance.
- B. Confiscation – Law enforcement officers may confiscate face-covering ski masks worn in violation of this ordinance.
- C. Business and Property Compliance – Business owners and property managers shall have the authority to deny entry or remove individuals violating this ordinance from their premises.

SECTION III. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any other part, thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections,

subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

SECTION IV. EFFECTIVE DATE.

This ordinance shall be in full force and take effect thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE USE OF FACIAL COVERINGS ~~IN PUBLIC SPACES WHICH LE PROVOKE APPREHENSION OF INTIMIDATION, THREATS, OR VIOLENCE~~ENGAGED IN CRIMINAL ACTIVITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT.

The City of Stockton has observed ~~an increase in~~ criminal activity involving individuals with face-covering ski masks and other face coverings intended to conceal their identity. Such face coverings hinder law enforcement investigations, pose a public safety risk, and contribute to a heightened sense of fear, intimidation, and insecurity among residents, businesses, and schools in the community. Therefore, the City Council recognizes the need to create an ordinance prohibiting the unlawful use of facial coverings in public spaces while balancing public safety with individual rights and ensuring reasonable exceptions for lawful use of face coverings.

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~~A.~~ "Face-Covering Ski Mask" means any close-fitting garment that covers the head and face, with openings for the eyes, nose, or mouth, or any combination thereof, commonly referred to as ski masks, balaclavas, or similar facial coverings.

~~B. "Public Space" means any location accessible to the general public, including but not limited to streets, sidewalks, parks, shopping centers, schools, recreational facilities, transit stations, and public transportation.~~

~~C. "Private Space" means any private property that is open to the public, including businesses, retail stores, restaurants, offices, parking lots, and any private property where the owner or occupant has not granted express permission for face coverings.~~

9.18.030 Prohibition on Use of Face Coverings in Public Spaces.

It shall be unlawful for any person to wear a face-covering ski mask in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways ~~any public or private space~~ within the city limits of Stockton with an intent to conceal their identity where the individual knows or reasonably should know that the mask-wearing conduct provokes a reasonable apprehension of intimidation, threats, or violence.

9.18.040 Exceptions.

The prohibitions of this chapter shall not apply to:

- A. Religious Garments – Individuals wearing face coverings for religious observance.
- B. Medical Necessity – Persons required to wear facial coverings for medical, health, or disability-related reasons, including protection against airborne diseases.
- C. Occupational Safety – Employees required to wear masks for workplace safety as part of their uniform or protective gear.
- D. Theatrical and Sporting Events – Participants in theatrical productions, official sporting events, or designated winter sports activities.
- E. Traditional Holiday Costumes – Costumes worn exclusively for recognized holidays or cultural celebrations.
- F. Law Enforcement and Emergency Personnel – Police officers, firefighters, and emergency personnel acting in the scope of their official duties.

9.18.050 Violations.

- A. In addition to any other remedy allowed by law, any person who violates any provision of this Chapter ~~Violations of this chapter shall be punishable as guilty of a misdemeanor and subject to criminal sanctions~~ as provided in ChapterSection 1.08.040 ~~of this code.~~
- B. Any person who violates any provision of this Chapter is subject to an administrative penalty in an amount of \$1,000.00.

C. A person charged with an administrative penalty under this chapter may, within 10 calendar days of the date of the notice, appeal in accordance with Chapter 1.44 of this code. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies and bars any further review or appeal of the violation.

9.18.060 Enforcement.

- A. Law Enforcement Authority – The Stockton Police Department shall have the authority to issue citations and enforce the provisions of this ordinance.
- B. Confiscation – Law enforcement officers may confiscate face-covering ski masks worn in violation of this ordinance.
- C. Business and Property Compliance – Business owners and property managers shall have the authority to deny entry or remove individuals violating this ordinance from their premises.

SECTION III. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any other part, thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

SECTION IV. EFFECTIVE DATE.

This ordinance shall be in full force and take effect thirty (30) days after its passage.

ADOPTED: _____

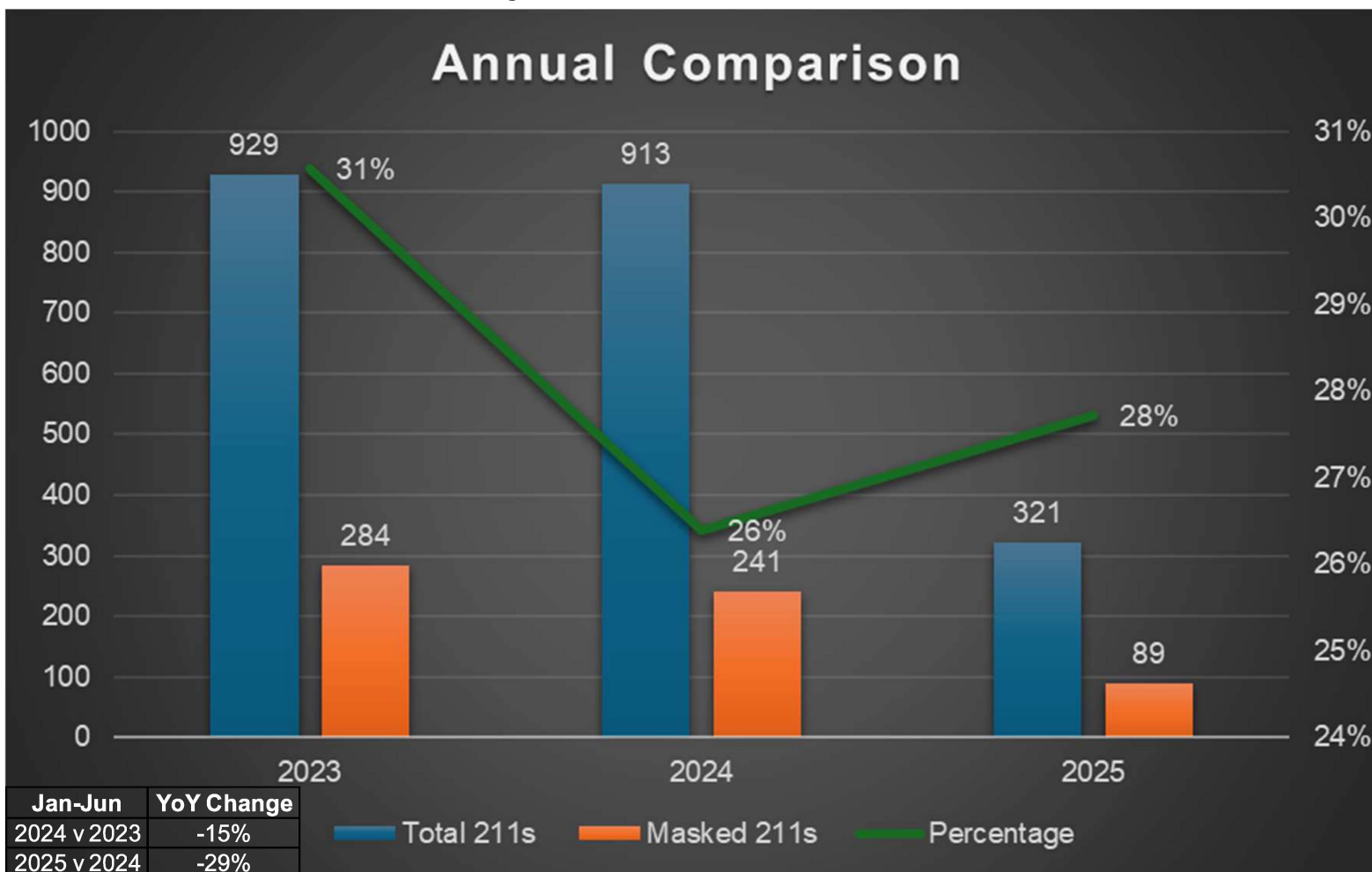
EFFECTIVE: _____

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

Face Covering Robberies January 1, 2023 - June 30, 2025



Data Source: Crystal Report: ARS-Narrative Detail Search. Query Filter: 211 | Original Reports. Date Range: 1/1/2023 – 6/30/2025. Narrative Filter: Mask

§ 10-613. Concealed Identities. 164

(1) No person shall, with the specific intent to intimidate or threaten another person, or with the specific intent to hide one's identity during the commission of unlawful activity, wear a mask, hood, ski mask, balaclava, or other device or means of hiding, concealing, or covering any portion of the face for the purpose of concealing their identity on public property or private property in this City without the express written permission of the owner or occupier of the property.

(2) This Section shall not be construed to punish constitutionally protected speech.

(3) A person who violates subsection (1) of this Section shall be subject to a fine not less than two thousand dollars (\$2,000).

(4) No person shall wear a ski mask or balaclava in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways. For purposes of this Section, a "ski mask or balaclava" means a close-fitting garment covering the whole head and face, with holes for the eyes, mouth, or nose, or any combination of the three.

(5) The provisions of subsection 10-613(4) shall not be construed to apply to any person who wears a ski mask or balaclava while:

(a) Wearing a traditional holiday costume;

(b) Worn for a religious purpose;

(c) Engaged in a trade or employment where they are worn for the purpose of ensuring the physical safety of the wearer;

(d) In a theatrical production;

(e) Protecting the wearer from the elements while participating in a winter sport; or

(f) Lawfully engaged in First Amendment activities.

(6) Any person who wears a ski mask or balaclava in violation of subsection (4) of this Section, where such violation is not otherwise covered by subsection (1) of this Section, shall be fined two hundred fifty dollars (\$250).

(7) If a court of competent jurisdiction declares any part of this Section to be invalid, such judgment shall not affect the validity of this Section as a whole or any remaining part thereof. It is the intention of City Council that the remaining provisions of this Section would have been adopted as if such part found to be invalid had not been enacted.

Notes

164 Added, Bill No. [000164](#) (approved July 27, 2000). Enrolled bill numbered this as Section 10-612; renumbered by Code editor. Amended, Bill No. [230510](#) (became law December 14, 2023).

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE USE OF FACIAL COVERINGS WHICH PROVOKE APPREHENSION OF INTIMIDATION, THREATS, OR VIOLENCE

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SECTION II. AMENDMENT OF CODE.

Title 9, Chapter 9.18, titled, "PROHIBITED USE OF FACIAL COVERINGS IN PUBLIC OR PRIVATE SPACES" is added to the Stockton Municipal Code and shall read as follows:

9.18.010 Purpose.

The City of Stockton has observed criminal activity involving individuals with face-covering ski masks and other face coverings intended to conceal their identity, which has hindered law enforcement efforts and created a heightened sense of fear and insecurity in the community. This ordinance is enacted to protect public safety, promote accountability, and ensure the general welfare of Stockton's residents and visitors.

9.18.020 Definitions.

"Face-Covering Ski Mask" means any close-fitting garment that covers the head and face, with openings for the eyes, nose, or mouth, or any combination thereof, commonly referred to as ski masks, balaclavas, or similar facial coverings.

9.18.030 Prohibition on Use of Face Coverings in Public Spaces.

It shall be unlawful for any person to wear a face-covering ski mask in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways within the city limits of Stockton with an intent to conceal their identity where the individual

knows or reasonably should know that the mask-wearing conduct provokes a reasonable apprehension of intimidation, threats, or violence.

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- F. Law Enforcement and Emergency Personnel – Police officers, firefighters, and emergency personnel acting in the scope of their official duties.

9.18.050 Violations.

- A. In addition to any other remedy allowed by law, any person who violates any provision of this Chapter is guilty of a misdemeanor and subject to criminal sanctions as provided in Chapter 1.08 of this code.
- B. Any person who violates any provision of this Chapter is subject to an administrative penalty in an amount of \$1,000.00.
- C. A person charged with an administrative penalty under this chapter may, within 10 calendar days of the date of the notice, appeal in accordance with Chapter 1.44 of this code. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies and bars any further review or appeal of the violation.

9.18.060 Enforcement.

- A. Law Enforcement Authority – The Stockton Police Department shall have the authority to issue citations and enforce the provisions of this ordinance.

- B. Confiscation – Law enforcement officers may confiscate face-covering ski masks worn in violation of this ordinance.
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SECTION III. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any other part, thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or invalid or ineffective.

SECTION IV. EFFECTIVE DATE.

This ordinance shall be in full force and take effect thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

CHRISTINA FUGAZI
Mayor of the City of Stockton

ATTEST:

KATHERINE ROLAND, CMC, CPMC
City Clerk of the City of Stockton

FACE COVERING ORDINANCE

City Council Meeting

November 18, 2025

Agenda Item 16.1

ATTACHMENT A

ORDINANCE NO. _____

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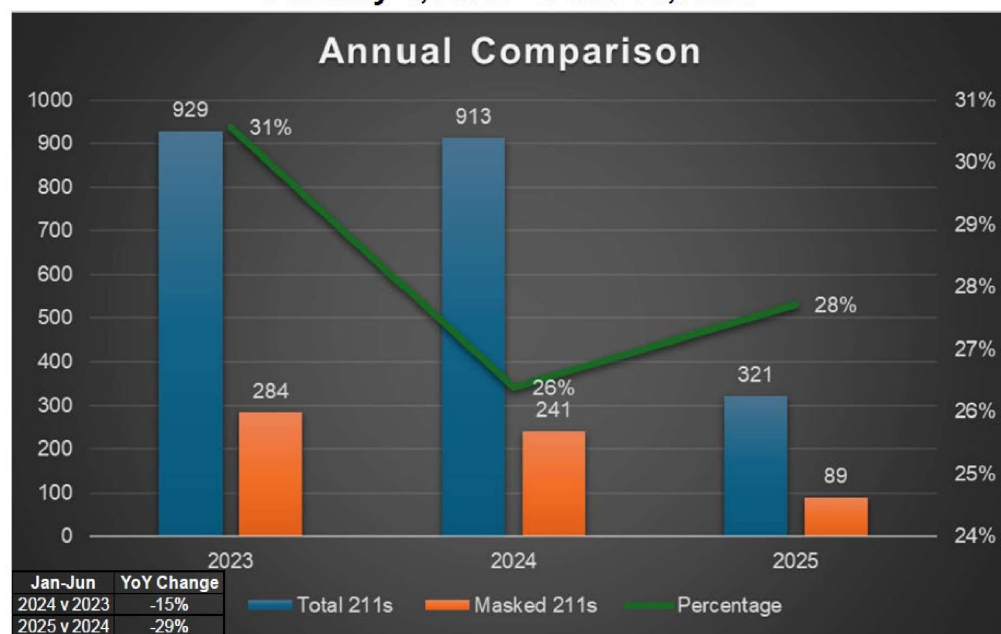
9.18.010 Purpose.

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9.18.020 Definitions.

JUNE 16,
2025

Face Covering Robberies
January 1, 2023 - June 30, 2025



Data Source: Crystal Report: ARS-Narrative Detail Search. Query Filter: 211 | Original Reports. Date Range: 1/1/2023 - 6/30/2025. Narrative Filter: Mask

**CRIME
STATISTICS**

“Findings and Intent” and “Purpose”

9.18.010 **Purpose.**

The City of Stockton has observed ~~an increase in~~ criminal activity involving individuals with face-covering ski masks and other face coverings intended to conceal their identity, which has hindered law enforcement efforts and created a heightened sense of fear and insecurity in the community. This ordinance is enacted to protect public safety, promote accountability, and ensure the general welfare of Stockton’s residents and visitors.

Philadelphia Ordinance, § 10-616

- Included as Attachment D
- Two Primary Differences
 1. Philadelphia has a monetary fine for violations; and
 2. Subsection four of the Philadelphia identifies specific areas where masks are prohibited.

Monetary Fine

9.18.050 Violations.

- A. In addition to any other remedy allowed by law, any person who violates any provision of this Chapter ~~Violations of this chapter shall be punishable as~~ is guilty of a misdemeanor~~s~~ and subject to criminal sanctions as provided in Chapter~~Section~~ 1.08.010 of this code.
- B. Any person who violates any provision of this Chapter is subject to an administrative penalty in an amount of \$1,000.00.
- C. A person charged with an administrative penalty under this chapter may, within 10 calendar days of the date of the notice, appeal in accordance with Chapter 1.44 of this code. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies and bars any further review or appeal of the violation.

Specific Locations

9.18.030 Prohibition on Use of Face Coverings in Public Spaces.

It shall be unlawful for any person to wear a face-covering ski mask in any school building, recreation center, daycare, park, City-owned building, or on any mode of public transportation, including, but not limited to, buses, trains, trolleys, and subways ~~any public or private space~~ within the city limits of Stockton with an intent to conceal their identity where the individual knows or reasonably should know that the mask-wearing conduct provokes a reasonable apprehension of intimidation, threats, or violence.

Recommendation

- Review the proposed ordinance reflected in Attachment A and the revisions incorporated into Attachment B.
- Consider the adoption of an ordinance and direct staff regarding which, if any, revisions it would like incorporated into the proposed ordinance.