

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE USE OF FACIAL COVERINGS ~~IN PUBLIC SPACES WHICH~~ 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.

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 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 1.08.010 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.

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