

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

**AN ORDINANCE ADDING TITLE 8 CHAPTER 8.38 TO THE STOCKTON MUNICIPAL CODE TO REGULATE THE SECURED STORAGE OF PALLETS BY COMMERCIAL ESTABLISHMENTS**

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

**SECTION I. FINDINGS AND INTENT.**

The unsecured outdoor storage of pallets on commercial properties presents a significant public safety risk, including fire hazards and unauthorized use as shelter. The City of Stockton has the authority under its police powers and Government Code sections 38771-38773.5 to protect public health, safety, and welfare through appropriate regulations. It is the intent of the City Council to require that pallets be stored in a manner that prevents unauthorized access, reduces visual blight, and minimizes safety hazards.

**SECTION II. AMENDMENT OF CODE.**

Title 8, Chapter 8.38, titled, "SECURED STORAGE OF PALLETS" is added to the Stockton Municipal Code and shall read as follows:

**8.38.010 Definitions.**

"Pallet" means any wooden, composite, or plastic platform used for the storage or transport of goods, whether active, idle, or discarded.

"Commercial Property" means any property zoned for or occupied by a business or industrial use.

"Secured Storage" means a storage area that is enclosed by a locked fence, gated enclosure, or secured with a chain/cable and lock to prevent unauthorized access to pallets.

**8.38.020 Secured Storage Requirement.**

- A. All commercial or industrial establishments must store pallets in a secured storage area.
- B. No pallets may be left in areas accessible to the public, including alleys, driveways, loading docks, or any unfenced portions of a parcel, outside of active loading or unloading operations.
- C. Pallets shall not remain in unsecured areas for longer than ninety (90) consecutive minutes during normal business hours unless they are actively being used for loading or unloading.

**8.38.030 Visibility from the Public Right-of-Way.**

Pallets shall not be stored in locations visible from public streets, sidewalks, or alleys unless fully screened and secured in accordance with Section x.xx.020.

**8.38.040 Exceptions.**

This Chapter shall not apply to:

- A. Pallets stored indoors, provided such storage complies with all applicable fire and building code requirements, including those governing egress, clearance, and combustible storage indoors;
- B. Pallets within fully enclosed and locked dock bays, or if the quantity exceeds 50 pallets. With more than 50 pallets, they must be stored in accordance with section 315.7 - 315.7.7 and Chapter 32 of the California Fire Code, and section 15.12.050 of the Stockton Municipal Code;
- C. Construction sites with active building permits, provided the pallets are associated with on-site construction materials;
- D. Emergency situations authorized by the Fire Marshal.

#### **8.38.050 Enforcement.**

- A. Violations of this Chapter are subject to administrative citations pursuant to Chapter 1.32 of the Stockton Municipal Code and may be issued by authorized representatives as provided in Section 1.24.020.
- B. Penalties shall be assessed as follows:
  - 1. First violation: written warning and seven (7) calendar days to correct;
  - 2. Second violation: \$200 administrative citation;
  - 3. Third and subsequent violations: \$500 administrative citation.
- C. A person charged 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.

#### **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.

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**SECTION IV. EFFECTIVE DATE.**

This ordinance shall be in full force and take effect one hundred and twenty (120) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

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CHRISTINA FUGAZI  
Mayor of the City of Stockton

ATTEST:

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