



## Folsom City Council Staff Report

<b>MEETING DATE:</b>	8/12/2025
<b>AGENDA SECTION:</b>	New Business
<b>SUBJECT:</b>	Ordinance No. 1355 – An Ordinance of the City of Folsom Adding Chapter 8.39, “Unlawful Behavioral Nuisances”, to the <u>Folsom Municipal Code</u> to Prevent, Remove, and Abate Behavioral Nuisances that Negatively Affect People, Properties, and Businesses in the Community (Introduction and First Reading)
<b>FROM:</b>	City Attorney's Office

### **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that the City Council introduce and conduct the first reading of Ordinance No. 1355 - An Ordinance of the City of Folsom Adding Chapter 8.39, “Unlawful Behavioral Nuisances”, to the Folsom Municipal Code to Prevent, Remove, and Abate Behavioral Nuisances that Negatively Affect People, Properties, and Businesses in the Community.

### **BACKGROUND / ISSUE**

The City’s code enforcement and law enforcement officers were recently called upon by a resident to assist abating a public nuisance that had existed in one of the residential houses in that neighborhood for years. The criminal elements at this property festered where certain individuals congregated, lived, and carried out various illegal activities day and night, such as, for example, the sale, purchase, transport, distribution, and use of illegal drugs and controlled substances. The bad actors intimidated the neighbors through aggressive interactions, foul and threatening languages, hostile and menacing gestures from their co-conspirators, and letting aggressive dogs loose in the neighborhood. All those behaviors negatively affected the peace, enjoyment, health, and safety of the neighbors in that neighborhood.

The Folsom Municipal Code has a nuisance provision that pertains to maintenance and upkeep of physical properties, but nothing addressing behavioral nuisances that threaten the health, safety, and peaceful enjoyment of people, properties, and businesses.

## **POLICY / RULE**

Under Section 2.12 of the City Charter, amendments to the Folsom Municipal Code require review and approval by the City Council.

## **ANALYSIS**

Staff propose to add a chapter to the Folsom Municipal Code to specifically address behavioral nuisances on any property in the City such as:

1. Illegal sale, use, possession, distribution, or transport of controlled substances or other illegal drugs and substances;
2. Gathering, or coming and going, of people who have an intent to purchase, use, distribute, sell, or transport controlled substances on or from the property;
3. Prostitution;
4. Unlawful activities of a criminal street gang;
5. Making or continuing, or causing to be made and continued, or any loud unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing on the property or in the area;
6. Unlawful discharging of a firearm or brandishing of a weapon by any person;
7. Unlawful fireworks displays;
8. Frequent response by the Folsom Police Department to the real property or the adjacent area (but not the real property of another) as a result of any person or persons causing any combination of the following calls as indicated in the Folsom Police Department incident report:
  - A. Animal disturbances, including but not limited to competitive fighting between animals.
  - B. Violent criminal acts, charged or not, including, but not limited to, rape, assault, battery, homicide, or shooting.
  - C. Making hostile or aggressive gestures or threats that disturb the peaceful enjoyment or another person.
  - D. Illegal consumption of intoxicants in public view.

E. Gaming activities.

F. Juvenile disturbances.

The proposed Ordinance seeks to hold the property owner responsible to mitigate and abate the nuisance as described. If the owner fails to do so after receiving notice from the City, the proposed Ordinance allows the City to proceed with abatement actions through administrative citations and other lawful remedies. The City's cost and expenses will be a lien against the property to repay the City's taxpayers for the expenses incurred to abate a public nuisance.

### **FINANCIAL IMPACT**

No immediate financial impact is expected from these proposed Ordinance.

### **ENVIRONMENTAL REVIEW**

The action is exempt under Section 15061(b)(3) – the common sense rule of the California Environmental Quality Act (CEQA) because the proposed addition of Chapter 8.39 to the Folsom Municipal Code has no potential to cause significant effects on the environment.

### **ATTACHMENT**

1. Ordinance No. 1355 – An Ordinance of the City of Folsom Adding Chapter 8.39, “Unlawful Behavioral Nuisances”, to the Folsom Municipal Code to Prevent, Remove, and Abate Behavioral Nuisances that Negatively Affect People, Properties, and Businesses in the Community

Respectfully submitted,

STEVEN WANG  
City Attorney