

Chapter 9.20 CAMPING

(PROPOSED REVISIONS)

Section:

- 9.20.010 Purpose.
- 9.20.020 Definitions.
- 9.20.030 Unlawful camping.
- 9.20.040 Exception.
- 9.20.050 Storage of personal property in public places.
- 9.20.055 Notice of property removal.
- 9.20.060 Disposition of impounded property.
- 9.20.0760 Violation - Penalty.
- 9.20.0870 Enforcement.

9.20.010 Purpose.

The streets and public areas within the city should be ~~readily~~ accessible and available to residents and the public at large. The use of streets and public~~these~~ areas for camping ~~purposes~~ or storage of personal property interferes with the rights of others to use the streets and public areas for ~~their which they were~~ intended use. Such activities ~~iesy~~ can constitute a ~~public~~ health and safety hazard and public nuisance ~~that~~which adversely impacts the community. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets, parks, waterways, levees, and other public areas, and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

9.20.020 Definitions.

As used in this chapter, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. “Camp or camping” means to place, pitch, erect, or occupy camp facilities ~~for, in light of all the circumstances,~~ the apparent purpose of temporary, short-term, or overnight occupancy; in a public park or other public property. ~~Apparent overnight occupancy includes sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping). The act of sleeping on its own does not constitute camping.~~
- B. “Camp facilities” include, but are not limited to, tents, huts, vehicles, recreational vehicles, or any type of temporary shelter or structures.

- C. "Camp paraphernalia" means, but is not limited to, tarpaulins, cots, beds, bed rolls, sleeping bags, hammocks, fire ignition sources, or any other equipment or material used to facilitate and effectuate the act of camping as defined in this Section. -
- D. "Personal Property" means any tangible property and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, blankets, sleeping bags, personal items such as household items, luggage, and backpacks.
- E. "Public property" means any publicly owned property in the city, including but not limited to, a public park, public street, alley, lane, public right-of-way, ~~or any~~ public parking lot or parking structure, waterway, levee, or any other public area whether improved or unimproved, located within the City and under the City's control and management.
- F. "Recreational vehicle" means any of the following:
1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer;
 2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational and vacation purposes;
 3. "Motorized home" means a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle; and
 4. ~~—~~"Full tent trailer" means a canvas folding structure mounted on wheels and designed for camping, travel, recreational, and vacation use.
- G. "Shelter space" means any temporary ~~and available~~ housing shelter that offers free overnight sleeping accommodations within the City boundaries to ~~an~~ unsheltered individuals and/or family units. ~~Shelter space shall be considered available if:~~
- ~~—1. A shelter space is open and accessible;~~
- ~~—2. The shelter space is within the City boundaries;~~
- ~~—3. In the case of a family unit, the shelter space is open and accessible, and the shelter space requires adult men and women to sleep separately.~~
- ~~—~~
- ~~Shelter space shall not be considered available if:~~
- ~~—1. In the case of a family unit, the family would have to be separated into two or more different shelter spaces;~~
- ~~—2. The individual would be disqualified from accessing the shelter space due to any restrictions, rules or covenants beyond their use or control; or~~

~~—3. The shelter space requires mandatory participation in a program or act as a prerequisite to access or use the shelter space.~~

- H. "Store" means to place, set~~put~~ aside or leave unattended any personal property, as defined by this Chapter, or to allow for the accumulation of personal property for future use when needed or, to put for safekeeping, to place or leave in an unauthorized location including but not limited to any personal property on any street, park, parking lot, parking structure~~public property or other public area contemplated by this chapter.~~
- I. "Unattended" means no person is present with the personal property who asserts or claims ownership over the personal property. ~~Conversely, property is considered "attended" if a person is present with the personal property and the person claims ownership over the personal property.~~
- J. "Unsheltered individual" means an individual that lacks a fixed, regular and nighttime residence and lives in a recreational vehicle, tent, van or on the street or in any other makeshift shelter.

9.20.030 Unlawful camping.

- A. Except as otherwise provided in this Chapter, it is unlawful and a public nuisance for any person to camp on any public property or any private property which is not operated and maintained as a campground in conformance with the regulations set forth in Title 19 of this code. It is a violation of this section to set up provisions for the purpose of camping whether or not a full night is actually spent at the location.
- B. The prohibition of this section shall not apply:
 - 1. In the event of an emergency, including a city declared emergency or natural disaster, such as a flood or earthquake.
 - 2. To events that are approved or sponsored by the city.

9.20.040 Exception.

Nothing in this chapter shall prohibit overnight camping in a recreational vehicle which is parked on a public street when the occupants of the recreational vehicle are guests of the owners or occupants of an adjacent residential property, and:

- A. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
- B. The overnight camping in the recreational vehicle at that location does not extend for a period of more than ~~threeseven~~ (37) consecutive days; and

- C. The recreational vehicle is self-contained and does not require hook-ups to the adjacent residential property.

9.20.050 Storage of personal property in public places.

A. It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council or by valid license or permit:

1. Any park;
2. Any street;
3. ~~—3.~~ Any public parking lot or parking structure;
4. Any other public property, improved or unimproved; and
5. On or adjacent to any levee, or waterway as defined in Section 9.~~520.0250~~ of this code.

~~B. Moving personal property to another location upon public property or returning personal property to the same block of public property on a daily basis shall be considered storing and shall not be considered to be removing the personal property from public property. This definition shall not include any personal property that, pursuant to statute, ordinance, permit, regulation or other authorization by the city or state, is stored with permission of the city or state on real property that is owned or controlled by the city. Personal property shall be deemed to be stored personal property, within the meaning of this chapter, if it has not been removed from any of public areas contemplated by this chapter within 24 hours of posting of written notice, pursuant to Section 9.20.050, requiring such removal.~~

C. No person shall store any personal property upon public property in such a manner as to obstruct city operations in any way, including but not limited to street or sidewalk maintenance or cleaning, or ~~or~~ park or landscaping maintenance, repair or irrigation. With at least 24 hours ~~out prior~~ notice, the city may impound ~~temporarily move~~ personal property, whether attended or unattended, which is obstructing city operations upon public property during the time designated ~~necessary~~ to conduct the city operations.

D. No person shall store any personal property upon public property in such a manner that it does not allow for passage as required by the Americans with Disabilities Act of 1990 as amended from time to time (ADA). With at least 24 hours ~~out prior~~ notice, the city ~~may move~~ and may immediately impound any personal property, whether attended or unattended, stored upon public property in such a manner that it does not allow for passage as required by ADA.

E. No person shall store any personal property within ten feet of any operational and useable entrance, exit, driveway or loading dock. With at least 24 hours ~~out prior~~ notice, the city ~~may move~~ and may immediately impound any personal property, whether attended or unattended, stored upon public property within ten feet of any such area.

F. No person shall store any personal property upon public property that has clearly posted closure time, after the posted closure time. With at least 24 hours ~~out prior~~ notice, the city ~~may~~

~~move and~~ may immediately impound any personal property, whether attended or unattended, stored upon public property within ten feet of any such area.

G. The provisions of this chapter shall not be applicable, to, or deemed to prohibit, personal property is stored in a public are pursuant to statute, ordinance, permit, regulation, or other lawful authorization by the city, state or federal government.

9.20.055 Notice requirements for pProperty removal.

A. **Notice of pending removal.** The enforcement officer may remove personal property unlawfully stored or found in a public area as follows:

1. The location of any personal property shall be tagged and dated with a notice that substantially includes the following language:

It is illegal to store personal property in a city park, street, public parking lot or structure, waterway, levee, or any other public area, improved or unimproved. (CMC § 9.20.050.)

You are hereby ordered to remove all objects, structures, property, trash, debris, personal belongings and miscellaneous items from public area. If this personal property is not removed from public property within 24 hours from the date of this posting of [ENTER DATE OF POSTING], THIS PERSONAL PROPERTY SHALL BE DEEMED UNLAWFULLY STORED AND SUBJECT TO REMOVAL AND POSSIBLE DESTRUCTION.

REMOVAL OF THE PERSONAL PROPERTY IS REQUIRED BY [ENTER COMPLIANCE DEADLINE].

2. The notice shall also include (a) a general description of the personal property to be removed, (b) the date and time the notice was posted, (c) how the removed personal property may be retrieved, including a telephone number and the internet website of the city through which a person may receive information as to impounded personal property, and (d) that the impounded personal property may be discarded or destroyed if not claimed within 60 days after impoundment, unless extended by written request of the owner. Any extension of time to retrieve impounded personal property shall not exceed a total of 90 days from the date of impoundment.

3. The enforcement officer may remove any personal property still unlawfully stored or remaining after the posting period has expired.

B. **Notice of removal.** Upon removal of such personal property, written notice shall be conspicuously posted in the area from which the personal property was removed. The written postremoval notice shall substantially include (1) a general description and location of the personal property removed, (2) the date and approximate time the personal property was

removed, (3) a statement that the personal property has been stored on public property in violation of this chapter, (4) how the removed personal property may be retrieved, including a telephone number and the internet website of the city through which a person may receive information as to impounded personal property, and (5) that the impounded personal property will be deemed abandoned and may be summarily discarded and destroyed if not claimed within 60 days after impoundment, unless extended pursuant to A(2) of this Section.

C. Nothing in this section shall prevent, restrict, or otherwise limit the city's right to remove, without prior notice, (1) evidence of a crime or contraband from a public area, (2) personal property placed in a public area that poses an immediate threat to the health or safety of the public, such as waterways or levees, (3) personal property placed in a public area after the closure time of such public area, (4) abandoned personal property, and (5) any personal property otherwise authorized by law to be removed without prior notice. Postremoval notice shall be provided as set forth in subsection (B) of this section.

~~City employees as designated by the City Manager may remove personal property unlawfully stored or found on public property as outlined in Section 9.20.050 as follows:~~

~~—
A. Written notice shall be posted at the location whereupon any personal property, including camp facilities and camp paraphernalia, is unlawfully stored. Such written notice shall advise of the violation of Section 9.20.050 and provide warning that property not removed within 24 hours shall be deemed abandoned and subject to removal and possible destruction.~~

~~—
B. City personnel may remove any personal property unlawfully stored or remaining on public property after the posting period has expired. City personnel shall offer the person claiming ownership of the personal property, if any, a shelter space, as defined by Section 9.20.020.~~

~~—
C. Personal property which poses an imminent threat to public health or safety, is contraband or which is evidence of a crime shall not be subject to the above notice requirements and shall be removed immediately by City personnel or police and stored or destroyed according to the provisions below.~~

~~—
D. At the time of removal of unlawfully stored or remaining personal property, City personnel shall conspicuously post and date a notice either at the exact location from which the personal property was removed or at another nearby location giving the following information:~~

- ~~1. A general description of the personal property removed;~~
- ~~2. The date and approximate time the personal property was removed;~~
- ~~2. A statement that the personal property has been stored in violation of section 9.20.050;~~
- ~~3. The address where removed personal property will be located, including a telephone number and the internet website of the city through which a person may receive information as to impounded personal property;~~

4. ~~A statement that impounded personal property may be discarded if not claimed within 90 days after impoundment.~~

~~E. Following removal of unlawfully stored or remaining personal property, City personnel shall do the following:~~

- ~~1. Maintain an inventory identifying the personal property, where the personal property is approximately located, and a reasonable estimate of value for such personal property;~~
- ~~2. Place the removed personal property in containers labeled in a manner facilitating identification by City personnel and owner and which reasonably protect such property from damage and theft;~~
- ~~3. Store removed personal property in an area designated by City for a period of 90 days.~~

~~DE. Personal property stored by the City, which is claimed within 90 calendar days from removal~~ shall be released to the person claiming ownership provided that person identifies the property and the approximate location where the property was left, unless the personal property was otherwise discarded or destroyed for failure to timely claim said personal property within the time limits set forth by this chapter.

~~EG. Personal property that~~which remains unclaimed after ~~60~~90 calendar days is deemed ~~intentionally~~ abandoned and may be summarily ~~discarded~~abated and destroyed, unless the City timely receives a written request for an extension of time to claim the personal property pursuant to A(2) of this Section.

9.20.060 Disposition of impounded property.

A. Following removal of unlawfully stored personal property, an enforcement officer shall:

1. Maintain an inventory reasonably identifying the personal property, where the personal property was approximately located prior to removal; and
2. Place the removed personal property in containers or other appropriate storage devices labeled in a manner facilitating identification by the enforcement officer and owner and which reasonably protect such property from theft; and
3. Store removed personal property in an area designated by the enforcement officer for a period of 60 days, unless extended pursuant to Section 9.20.055(A)(2).

B. If removed personal property is claimed within the timeframe set forth by this chapter, unless the property is connected to, or evidence of, a crime or is illegal to possess, the enforcement officer shall release the stored property to the owner upon their identification of the property and the approximate location where the property was left by the owner.

C. All unlawfully stored personal property pursuant to this chapter remaining unclaimed at the end of the timeframe set forth by this chapter shall be deemed abandoned and may be summarily discarded or destroyed.

9.20.070 Violation - Penalty.

A. Violation of this chapter shall be a misdemeanor or an infraction. In addition to the remedies set forth in Penal Code Section 370, the city attorney may institute civil actions to abate a public nuisance under this chapter, file and may be enforced by the filing of a criminal actions under the city municipal code, by the city attorney or issue the issuance of an administrative citation in accordance with Chapter 1.15 of this code.

B. The remedies and penalties provided in this chapter and this code are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others. None of these penalties and remedies prevent the city from using any other remedy at law or in equity that may be available to enforce this chapter or to abate a public nuisance.

~~This section is not applicable to unsheltered individuals when there is no available shelter space, as defined in Section 9.20.020, for the unsheltered individual otherwise in violation of Chapter 9.20.~~

9.20.0870 Enforcement.

Before issuing a notice of violation, administrative citation, or making an arrest to enforce this chapter, an officer charged with its enforcement who observes a violation must:

1. Orally notify the person engaged in the prohibited conduct that they are ~~he or she is~~ in violation and order them to cease the prohibited conduct;
2. Inform the person or persons of local ~~that~~ resources and or shelter space ~~are available~~; and
3. Offer the person s engaged in conduct prohibited by this chapter of an available shelter space, provide information regarding any other health and human services that said officer reasonably believes are relevant to the individual s and their circumstances, and offer to provide transportation for the individual s to the ~~available~~ shelter space.

~~It is an affirmative defense to a prosecution under this section that any person so notified as described in this section promptly ceased, within a time reasonable under the circumstances, to engage in the prohibited conduct following such notification.~~