

**SPECIAL CITY COUNCIL MEETING
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 30, 2024, 5:30 PM**

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City of Porterville – Special City Council Meeting of January 30, 2024

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Call to Order

Roll Call

Pledge of Allegiance Led by Mayor Flores

Invocation

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

SCHEDULED MATTERS

- 1. Study Session to Review and Consider Regulatory and Administrative Options to Address Homelessness Within the City of Porterville, Including Regulations Concerning Camping and Protection of Critical Infrastructure**

Re: Review and consideration of regulatory and administrative options to address homelessness within the City of Porterville.

ADJOURNMENT - to the meeting of February 6, 2024, at 5:30 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – JANUARY 30, 2024

SUBJECT: Study Session to Review and Consider Regulatory and Administrative Options to Address Homelessness Within the City of Porterville, Including Regulations Concerning Camping and Protection of Critical Infrastructure

SOURCE: City Manager's Office

COMMENT: At the meeting on December 19, 2023, the City Council scheduled a study session for January 30, 2024, to review information provided by City Staff related to potential regulations to regulate camping within the City and to protect critical infrastructure, and to consider the further development of resources to serve individuals experiencing homelessness in the City. The City Council asked staff to provide a preliminary assessment of critical infrastructure and facilities that should be protected, and that the City Attorney continue to search for any additional regulatory examples/options for the purposes of providing guidance in the development of the regulations. It is recommended that the City Council consider the information and staff's input and provide direction on the development of an ordinance regulating camping and the protection of sensitive uses, and various public works and facilities, and provide direction concerning the planning for additional resources to assist Porterville community members who are experiencing homelessness.

As was mentioned at the last City Council meeting, the US Supreme Court agreed on January 12th to consider the Grants Pass 9th Circuit decision involving that City's camping restrictions, and the Court is expected to hear arguments from the parties in April. The City Attorney's office will continue to monitor this case.

The City Attorney searched for additional activities by cities and found information from Morro Bay's adoption of three ordinances in early December 2023 – two ordinances (one done as an urgency ordinance and the other done as a permanent ordinance) that regulates camping and storage of personal property on public property, and an ordinance regulating overnight human habitation of vehicles on private property used for business or nonprofit organization operations. In addition to the prior staff reports and sample regulations and materials provided, the Morro Bay staff report, along with the alternative maps provided by staff depicting where camping would be prohibited and allowed (options of 100-, 150- or 200-foot buffers), and the two permanent ordinances are all attached as well. That same night, Morro Bay separately considered and adopted a shopping cart ordinance, but that information has not been included because it appeared to be similar to the ordinance that Porterville already has in place. Morro Bay's ordinance appears highly restrictive on its face, and it

includes time, place, and manner restrictions on camping activities. For example, the ordinance includes detailed location limitations, specifically defined by ordinance and as may be later determined by the City to be “critical infrastructure.” Additionally, camping is also only allowed for a maximum period of 24 hours at any one location.

The City of San Diego adopted revised regulations in June 2023, and its ordinance is attached. The City's "Unsafe Camping Ordinance" summary sheet (available on its website) is also attached because it clearly summarizes the City's approach to enforcement.

As requested City Staff has undertaken a preliminary analysis of critical infrastructure and facilities within the City along with some sample regulatory options to consider.

In the development of any regulations designating specific locations where camping will be prohibited, the City must balance the constitutional rights of individuals experiencing homelessness with the City's obligation to protect the public health and safety. The City should not restrict locations for camping in such a manner that individuals have no alternative places to go. Staff in its recommendations, and the Council via its deliberations should make clear and include specific findings substantiating determinations of public health and safety concerns, related to each restricted location. The specific public health and safety dangers being addressed by each location restriction will also need to be identified.

CURRENT SHELTER CAPACITY INCREASE OPTIONS

Staff has reached out to companies that specialize in building emergency shelters and service providers that operate shelters. A few options were prepared for Council discussion that would increase capacity of services and beds for individuals experiencing homelessness. A chart summarizing these options is included in the attachments.

Option 1 includes expanding the existing navigation center, which has a current capacity of thirty (30) beds by adding a bathroom/shower unit and a kitchen/dining facility and office space with overflow of emergency beds (Capacity of 50 beds) to be facilitated at the National Guard Armory facility. With this option the Armory would be operated from 8:00pm to 8:00am as it currently is, but instead of being operated by a private security firm, an agency that has experience in operating emergency shelters would operate the facility. This would provide the availability of case management services to be provided to the individuals utilizing the overnight emergency shelter and could be coordinated at the Navigation Center during the day. The City would continue to be responsible for the maintenance and utilities of the facility and the operator would provide the staffing for the overnight shift. This option has an estimated one-time investment of \$1.1 million for capital improvements and an ongoing estimated addition to the current Navigation operating expenses of \$220,000 for a total ongoing expense of \$1.86 million.

Option 2 includes the elements of Option 1 with the addition of ten (10) emergency shelter beds at the Porterville Navigation Center. The estimated cost of Option 2 is \$1.5 million for capital improvements and an ongoing addition to the current Navigation Center expenses of \$450,000, for a total ongoing operating expense of \$2.15 million.

Option 3 includes the elements of Option 1 with the addition of thirty (30) emergency shelter beds at the Porterville Navigation Center. The estimated cost of Option 3 is \$2.5 million for capital improvements and an ongoing addition to the current Navigation operating expenses of \$1.1 million for a total ongoing operating expense of \$2.7 million. The estimates for each option discussed above does not include the required onsite work, such as utility connection and foundation for the buildings.

RECOMMENDATION: That the City Council hold a study session to review and consider regulatory and administrative options to address homelessness, and provide direction to City Staff.

ATTACHMENTS:

1. Staff Report with Attachments_10-17-23
2. Staff Report with Attachments_12-19-23
3. Expansion Options Summary
4. San Diego 2023 Unsafe Camping Fact Sheet
5. San Diego Muni Code-Ch 6
6. Morro Bay Staff Report 12-12-23
7. Morro Bay Ord No. 665 re Camping
8. Morro Bay Ord No. 666 re Overnight Habitation of Vehicles
9. Proposed Critical Infrastructure List

Appropriated/Funded:

Review By:

Department Director:

Final Approver: Patrice Hildreth, City Manager



CITY COUNCIL AGENDA – OCTOBER 17, 2023

SUBJECT: Consideration of Potential Local Regulations Addressing Regulation of Camping and the Protection of Critical Infrastructure

SOURCE: City Attorney

COMMENT: The population of individuals experiencing homelessness in the state of California has increased exponentially in the past five years, and the city of Porterville as well as the regional area have experienced the impacts of these increases along with the rest of the state. Cities and Counties are looking at ways to better address the effects of this crisis, on both the housed and the unhoused residents, and have taken a variety of legal and policy approaches in an effort to better address the health, safety and welfare of their entire communities. These approaches generally include the development of additional resources and shelter opportunities for the unhoused, along with the adoption of regulatory restrictions with an aim to protect critical infrastructure, wildfire risk areas, and other sensitive areas from damage or the threat of damage due to fire, flooding, and other potential causes of destruction; and regulations balancing access of the entire community to public open spaces.

The City of Porterville has undertaken several projects in its effort to mitigate the effects of the crisis, including the development of the Porterville Navigation Center and the operation of the overnight shelter located at the Porterville Army National Guard Armory, as well as the development of permanent supportive housing for those who have experienced homelessness. These projects help to provide needed resources to the city's unhoused population.

This Office recommends that the Council consider whether it wishes to adopt regulations in order to better protect the City's infrastructure, and whether it wishes to adopt additional camping restrictions in light of better shelter availability. Over the past few years, the City's Fire Department has had to respond to several fires set in areas where encampments have been present. Additionally, last year's historical rainfall caused serious flood risks and hazards along the Tule River and other waterways and channels. The City's Public Works Department crews worked diligently to clear items and debris left by individuals from those waterways, and to shore up and repair damage to the river embankments caused by a variety of factors, including camping.

LEGAL FRAMEWORK AND RESTRICTIONS

Approximately five years ago, the 9th Circuit Court of Appeals issued its
Item No.

decision in *Martin v. City of Boise* (9th Cir. 2018) 902 F.3d 1031, superseded by *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584. In that case, the Court reviewed two separate City ordinances – one that prohibited the use of any streets, sidewalks, parks, or public places as a camping place at any time, and a second ordinance that prohibited the occupation, lodging, or sleeping in any building, structure or public place, whether private or public, without the owner’s permission. The Court, in reading the two ordinances together, found that the City had completely criminalized sleeping outside on public property. The Court also found that the City did not have available sheltering due to current shelters being at full capacity, or there being impracticable limits, policies, or religious mandates. The Court held that criminalizing sleeping on public property throughout the city, with no shelter available, was prohibited and in violation of the Eighth Amendment (cruel and unusual punishment clause), because the City was prohibiting actions or conditions that were “universal and unavoidable consequences of being human.” (Id. at 1048). The 9th Circuit, in making the ruling, also expressly found that its ruling was NOT stating that cities could never criminalize the act of sleeping outdoors, and the Court also stated that an ordinance that prohibited the obstruction of public rights of way, or prohibited the erection of certain structures, could be allowable.

While the 9th Circuit attempted to provide an extremely narrow ruling, it also left a lot of substantial open questions. The Court did not provide for the specific circumstances where the available sheltering would be considered to be inadequate, what it meant for sheltering to be “practically available,” or whether shelter could be available in a nearby city. Since the issuance of the decision, there have only been seven lower district court cases in the 9th Circuit further interpreting the decision. Many of those cases did provide some helpful clarifications and solidified that public agencies may remove encampments from specific areas of public property without running afoul of the Eighth Amendment (as defined by the 9th Circuit). The subsequent cases also clarified that agencies could undertake temporary encampment closures, could evict individuals from particular places, and could prohibit camping in a particular park without a permit (if sleeping was allowed in some other public place(s)).

Finally, in *Johnson v. City of Grants Pass* (9th Cir. 2022) 50 F.4th 787, the 9th Circuit looked at whether the City’s four core ordinances, when taken together, violated the Eighth Amendment. The court found that the ordinances (which included regulations that prohibited sleeping in public places with the use of any material used for bedding purposes) in their totality did not pass constitutional muster. The City is currently petitioning the U.S. Supreme Court for review, with a lot of support from other major metropolitan jurisdictions.

LOCAL REGULATORY APPROACHES

California cities have taken a variety of regulatory approaches. The following are some examples.

Item No.

ATASCADERO. The City of Atascadero, which originally had in place a ban on camping on any public land within the City (dating back to 2013), just adopted comprehensive revisions that now prohibit camping within five hundred (500) feet of government buildings, certain parks, underpasses and riverbanks. The regulations contain a general prohibition with regard to camping, except as otherwise provided within the ordinance. Prior to directing any individual to remove camp facilities (or prior to the city removing those facilities), the City must offer information concerning available housing or shelter, and other services that are believed to be relevant to that individual. The ordinance then defines as an exception to the camping prohibition, individuals who are “camping by necessity” and who are following the time, place and manner restrictions the City has imposed. Those restrictions provide that camp facilities shall not be erected or maintained between the hours of 7:00 a.m. to 8:00 p.m. (unless during stormy weather), shall not obstruct streets, sidewalks, park playgrounds, etc., shall not exceed a size of one hundred (100) square feet (10 x 10), and shall not excavate/alter the ground or infrastructure. Finally, there is a list of specific areas contained within the ordinance where camping is prohibited, unless the City posts signs designating permissible camping locations as part of a City-established overnight sleeping program. Atascadero additionally references that it will continue to “respond compassionately with a multi-disciplinary team” in an effort to connect its unhoused population with housing and other needed services, and during the City Council meeting where the proposed regulations were discussed and approved, staff represented to the Council that the updated ordinance would mainly serve as a tool for dealing with large, uncooperative public encampments. Attached to this report is the staff report and ordinance from Atascadero’s October 10, 2023, City Council Meeting.

ELK GROVE. The City of Elk Grove adopted its regulations in July 2022. Its regulations prohibit camping within five hundred (500) feet of schools, day care centers, playgrounds or youth centers, prohibit occupying a camping area of greater than 150 sq. ft., and prohibit four or more people from camping together (defined to be an “encampment.”) The ordinance allows for the temporary seizure of personal property, with seventy-two (72) hours-notice, as a penalty for violation of the camping restrictions along with other remedies for violations. In reviewing the City’s online list of available resources related to the unhoused community in Elk Grove, it appears that the City does not have an available shelter, but that there is some transitional housing and a navigation center. The City’s ordinance is attached to this report.

SANTA CRUZ. The City of Santa Cruz has taken a different approach than the Cities described above. In 2021, the City adopted its “Camping Services and Standards Ordinance,” as a way to better balance the community’s health, safety and environmental concerns to ensure shared access by the community to the City’s parks and open spaces. This ordinance requires the City’s creation and operation of a safe sleeping program with a minimum of 150 sleeping

Item No.

spaces for overnight use and requires the operation of an unsheltered person's storage program for personal items. In conjunction with those requirements, the City then prohibits daytime camping once the storage program is operational (or if there is a 24/7 shelter available) and prohibits nighttime camping when alternative sleeping locations are available, including shelters and City-sanctioned safe sleeping locations. With regard to enforcement, the City focuses more on outreach, education and voluntary compliance, but criminal citations are permitted. At around the same time these proposed regulations were considered by the City Council, the City also authorized Request for Qualifications for outside organizations to operate daytime storage facilities, safe nighttime sleeping facilities, and/or managed encampment facilities. The City's ordinance is attached to this report.

SACRAMENTO. The City of Sacramento, with an unhoused population of approximately 10,000 people, has been at the forefront in the development of regulations balancing the requirements set forth in the federal cases interpreting the *Boise* decision, the needs of the community, and the protection of critical public infrastructure. In 2019, the City dealt with over 1000 fires associated with encampments occupied by individuals experiencing homelessness, damage to various utilities including the City's water treatment plant, and encampment related damage to levees. As a result, in 2020, the City adopted an ordinance that prohibits camping and storing property 1) on or within twenty-five (25) feet of "critical infrastructure," 2) on portions of public right of way that must by law remain free from obstruction for first responders, 3) within "hollow sidewalks," and 4) in wildfire risk areas. "Critical infrastructure" is defined as levees and any other real property or facility that the city manager designates and that the City Council approves by resolution, "as being so vital and integral to the operation of functioning of the city that is damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare." (See Sac. City Code, Section 8.140.020.) The City has thus far designated as "critical infrastructure" certain facilities that house vulnerable populations, government operations, utilities, healthcare providers, public safety and transportation infrastructure, and public gathering spaces.

Additionally, in 2022, the City put in place (after approval from the voters) an initiative ordinance that provided that once there was a certain level of available shelter spaces, a person could be cited for unlawful camping on public property if a shelter space was available and offered, but the offer is rejected and the person refuses to relocate. This ordinance also made it unlawful in an encampment (four or more persons camping together or within fifty (50) feet of each other) to camp, occupy camp facilities, etc. These most recent camping regulations were adopted along with a self-imposed requirement for 1) the City to identify and authorize a certain number (%) of new emergency shelter spaces and require the creation of additional spaces if warranted in light of utilization rates; 2) the creation of a right of nuisance abatement action against the City; and 3) a City funding requirement prioritizing external sources, and if insufficient requiring the allocation of unobligated General Fund Revenues (not

Item No.

to exceed \$5 million dollars). Borrowing from the City's regulations, please find attached sample provisions related to critical infrastructure and camping, along with the City's most recent staff report and resolution determining the specific protected "critical infrastructure." Given the crisis Sacramento has faced, it has set up a stand alone City Department (the Department of Community Response), and it contracts to fund twelve (12) shelter programs (1,214 units of shelter, transitional housing, and safe ground/respice on any given night) in addition to other more specialized programs. Additionally, the City has a 5-year partnership agreement and a "Collaboration Protocol" with the County of Sacramento.

CONCLUSION

There are pros and cons associated with each of the aforementioned approaches, and each City has different priorities, areas of focus and concern, and of course varying levels of available outside funding and resources. This Office recommends that the City Council discuss the priorities, the facilities and property that the City believes needs to be protected, and the issues related to the community's access to open spaces, and provide direction concerning the development of regulations that address camping and the protection of critical public infrastructure.

RECOMMENDATION: That the City Council discuss the priorities, the facilities and property that the Council believes needs to be protected, and provide direction to the City Attorney concerning the development of regulations that address camping, the protection of critical public infrastructure and public access to open spaces.

ATTACHMENTS:

1. Sample Camping Restriction Ordinance
2. Sample Critical Infrastructure Ordinance
3. City of Atascadero
4. City of Elk Grove
5. City of Santa Cruz
6. City of Sacramento

Appropriated/Funded:

Review By:

Department Director:
Julia Lew, City Attorney

Final Approver: John Lollis, City Manager

Item No.

Chapter _____ CAMPING

- Purpose.
- Definitions.
- Unlawful camping.
- Storage of personal property on public and private property.
- Permit for special events required.
- Posting copy of permit.
- Power of the city manager to make rules and regulations.
- Current ordinance provisions.

_____ 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 these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. 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 and other public 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, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

_____ Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

“Camp” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“City manager” means the city manager or designee.

“Establish” means setting up or moving equipment, supplies or materials on to public or private property to “camp” or operate camp facilities.

“Maintain” means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

“Operate” means participating or assisting in establishing or maintaining a camp or camp facility.

“Park” means and includes all parks, parkways, medians, pedestrian malls, plazas, greenbelts, gardens, lakes, and any other property owned or controlled by the city, including structures thereon and off-street parking areas that are used in connection therewith, that are operated or maintained for passive or active recreational purposes. The term “park” also includes any property owned or controlled by the city as open space, including undeveloped sites for future parks. The term “park” does not include the City Hall facility

“Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

“Public property” means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means a street, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. “Street” includes highway, as that term is defined in the California [Vehicle Code](#).

Unlawful camping.

It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

A. Any public property; or

B. Any private property.

1. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the Planning and Development Code or other laws, ordinances and regulations.

3. The city manager may, as provided in Section _____ of this chapter, issue a temporary permit to allow camping on public or private property in connection with a special event.

A violation of this section is a misdemeanor. 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.

_____ **Unlawful camping enforcement.**

Section _____ (unlawful camping) may not be enforced against any individual on public property unless and until all the following have occurred:

- A. The city manager has determined that an emergency shelter space for the individual is currently available;
- B. The city manager has offered the individual an emergency shelter space; and
- C. The individual has rejected the city's offer of an emergency shelter space and refuses to move from the public property.

_____ **Unlawful encampments.**

- A. It is unlawful and a public nuisance for any person to do the following in an encampment located on any public or private property:
 - 1. Camp, occupy camp facilities, or use camp paraphernalia; or
 - 2. Accumulate or fail to properly dispose of waste including, but not limited to, hazardous waste, human waste, garbage, debris, and used needles.

- B. This section does not prohibit encampments on private residential property by friends or family of the property owner, so long as the owner consents and the encampment is limited to not more than one consecutive night.
- C. This section does not prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful or authorized use of the private property for residential or other purposes; and provided further, this section does not prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the Development Code or other laws, ordinances, and regulations.
- D. The city manager may, in his or her discretion, issue a permit to establish, maintain, and operate an encampment in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the departments of the city, youth or school events, marathons or other sporting events, and scouting activities. The city manager may consult with various city departments and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding issuance denial, or conditioning of the permit. A reasonable fee, to be set by the city council shall be paid, in advance, by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the city manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the areas or tract of land upon which the proposed temporary camp or camp facility is to be located.
- E. Notwithstanding the provisions of Section _____, subsection A of this section may be enforced to prohibit encampments on public or private property without regard to the provisions of section _____.
- F. A violation of this section is a misdemeanor. In addition to remedies set forth in California Penal Code 370 and in Sections 1-9 and Chapter 2 of this Code, the city attorney may institute civil actions to abate a public nuisance under this chapter.

_____ Storage of personal property on public and private property.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

- A. Any public property; or
- B. Any private property without the written consent of the owner.

A violation of this section is a misdemeanor. 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.

Permit for special events required.

The city manager may, in his or her discretion, issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the departments of the city, youth or school events, marathons or other sporting events and scouting activities. The city manager may consult with various city departments, the health officer and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. A reasonable fee, to be set by the city council shall be paid, in advance, by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the city manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon which the proposed temporary camp or camp facility is to be located.

Any person who establishes, maintains or operates a camp or camp facility without a permit is guilty of a misdemeanor and constitutes a public nuisance. In addition to remedies provided in Penal Code Section 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.

Posting copy of permit.

It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the city manager in accordance with the provisions of Section _____ of this chapter.

Power of the city manager to make rules and regulations.

The city manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The city manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the city manager shall issue any permit under the terms of Section _____ of this chapter, the same may be revoked at any time thereafter by the city manager if the city manager becomes satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare.

Current ordinance provisions.

Neither the adoption of the ordinance codified in this chapter nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

Chapter _____ PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS

- Findings and purpose.
- Definitions.
- Prohibited activities.
- Summary abatement.
- Interference with summary abatement.
- Violation—Penalty.

Findings and purpose.

The City Council finds as follows: (1) a principal threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities including communication, water, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, restricting access, or other causes; and (3) destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The purpose of this chapter to mitigate the threat of fire and other potential causes of destruction and damage to and interference with, critical infrastructure, in order to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near critical infrastructure.

Definitions.

When used in this chapter, the following words and phrases have the following meanings:

“Camp” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“Critical infrastructure” means each of the following:

1. Levees; or
2. Real property or a facility, whether privately or publicly owned, as approved by resolution of the city council, that the city manager designates as being so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.

Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources.

“Debris” means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.

“Facility” means a building, structure, equipment, system, or asset.

“Fire prevention official” means the fire chief, a deputy fire chief, the fire marshal, or a fire prevention officer.

“Garbage” means discarded nonputrescible or putrescible household items, objects, or materials for which there is no use or reuse intended. Garbage does not include source-separated recyclables, food waste, or yard waste. “Garden refuse” has the same meaning as yard waste.

“Hazardous waste” has the same meaning as in California Public Resources Code section 40141.

“Hollow sidewalk” means a sidewalk that has been determined to be a hollow sidewalk in “Raised Streets & Hollow Sidewalks” survey report of _____, prepared by Page & Turnbull, Inc. for the City.

“Infectious waste” has the same meaning as in California Code of Regulations, title 14, section 17225.36.

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage; ashes; industrial waste; demolition and construction waste; discarded home and industrial appliances; abandoned vehicles and vehicle parts; dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste; manure; dirt; soil, rock, gravel, sand, or other aggregate material; and other discarded solid and semisolid waste; but not including recyclables, food waste, or yard waste.

“Wildfire risk area” has the same meaning as in California Code of Regulations, title 24, part 9, section 202.

Prohibited activities.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia at the following locations:

1. Critical infrastructure;
2. Within 25 feet of critical infrastructure;
3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law-enforcement, fire-prevention, or emergency-medical-services agencies;
5. Within a hollow sidewalk; or
6. Wildfire risk area.

B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia, in the following locations without the written consent of the owner, except as otherwise provided by resolution of the city council:

1. Critical infrastructure;

2. Within 25 feet of critical infrastructure;
 3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
 4. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law-enforcement, fire-prevention, or emergency-medical-services agencies;
 5. Within a hollow sidewalk; or
 6. Wildfire risk area.
- C. It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.
- D. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such activities are expressly authorized by the Planning and Development Code or other laws, ordinances, and regulations.

Summary abatement.

A. Any violation of section _____ may be abated by the city upon 24 hours of prior notice; but a violation of section _____ may be abated immediately by the city without prior notice, if the violation poses an imminent threat to public health or safety.

B. Abatement pursuant to subsection A may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.

C. Regardless of the city's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any

interest in real property, is required to maintain the property in compliance with local, state, and federal law; and is liable for violations thereof.

D. The cost of abatement, including all administrative costs of any action taken hereunder, may be assessed against the subject premises as a lien, made a personal obligation of the owner, or both, in accordance with procedures in Chapter 1 Section 1-10, Chapter 2 Section 2.152 and any other enforcement provisions provided for in this Code.

Interference with summary abatement.

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a city official, employee, contractor, or volunteer in their execution of an abatement pursuant to this chapter.

Violation—Penalty.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 1 Sections 1-9 and 1-10, and Chapter 2 Article XIV of this Code.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues.

D. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.



Atascadero City Council

Staff Report – City Manager’s Office

Ordinance Regulating Camping in Areas of the City (Atascadero Municipal Code Title 5, Chapter 15)

RECOMMENDATION:

Council adopt, on second reading, a Draft Ordinance repealing and replacing, in its entirety, Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, to better define prohibited camping on public and private property; define time, manner, and place for legal camping; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity.

DISCUSSION:

At the September 26, 2023, meeting, Council introduced the attached Draft Ordinance on a 5:0 vote, which repeals and replaces Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, and said Draft Ordinance is before Council for adoption and final approval tonight.

This ordinance was developed to set forth standards for camping and sheltering on City rights-of-way and public and private property in response to legislative and court decisions limiting the City’s ability to take enforcement action for violation of the City’s previously adopted Prohibited Camping Ordinance.

This new ordinance seeks to address public peace, health, and safety issues by clearly defining camping and when and where camping by necessity is not permitted, as well as defining unlawful storage of personal property on public property and the process for notification for abatement of stored property. The updated Ordinance will provide City staff with additional tools where enforcement action becomes necessary. City staff will continue to respond compassionately with a multi-disciplinary team to address the needs of the homeless population with the goal being to connect the unhoused to services and housing.

FISCAL IMPACT:

None.

ATTACHMENT:

1. Draft Ordinance

DRAFT ORDINANCE B

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, REPEALING AND
REPLACING, IN ITS ENTIRETY, TITLE 5, CHAPTER 15 (PROHIBITED
CAMPING), OF THE ATASCADERO MUNICIPAL CODE TO ADDRESS
PROHIBITED CAMPING ON PUBLIC AND PRIVATE PROPERTY,
REGULATE STORAGE OF PERSONAL PROPERTY ON PUBLIC
PROPERTY, AND ESTABLISH TIME, MANNER AND PLACE
REGULATIONS FOR CAMPING BY NECESSITY**

WHEREAS, homelessness continues to be a significant challenge not only in the City of Atascadero but throughout the entire county and state; and

WHEREAS, the City Council originally adopted a Prohibited Camping Ordinance in 2013 to address camping on public property; and

WHEREAS, the United States Ninth Circuit Court of Appeals decisions in *Martin v. Boise* and *Johnson v. City of Grants Pass*, combined with voter-approved ballot measures and state legislation, have severely limited the City's ability to take enforcement action for violation of the City's Prohibited Camping Ordinance; and

WHEREAS, the City has received numerous complaints from, and appeals to address camping throughout the City by, residents impacted by campers in their residential neighborhoods, local businesses and places of worship expressing health and safety concerns due to encampments encroaching near and or on their properties, and the Atascadero Unified School District to address camping in and around school properties; and

WHEREAS, the Atascadero Mutual Water Company, concerned with pollution of the City's water source caused by human waste contamination as a result of camping in and around waterways, recently appealed to the City to prohibit camping near Atascadero Creek, Graves Creek, and the Salinas River; and

WHEREAS, in response to these requests and the *Boise* and *Grants Pass* decisions, staff researched many communities' recently adopted prohibited camping ordinances to assist in developing an updated ordinance that meets the health and safety needs of all residents in the community (housed and unhoused) as well as complies with these United States Ninth Circuit Court of Appeals decisions; and

WHEREAS, the proposed draft ordinance was developed to regulate the time, place, and manner of camping on public and private property given enforcement limitations, regulate vehicle habitation on public property and rights-of-way, vehicle camping on private property, and camping on public property; and

WHEREAS, it is staff's intention to continue to respond compassionately, with a multi-disciplinary team to address the needs of the homeless population.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Determination. The City Council has determined that Title 5, Chapter 15 is repealed and replaced in its entirety, as set forth in Exhibit “A” of this Ordinance, attached hereto and incorporated herein by reference.

SECTION 3. CEQA. The proposed Title 5, Chapter 15 is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 4. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

ITEM NUMBER: A-2
DATE: 10/10/23
ATTACHMENT: 1

INTRODUCED at a regular meeting of the City Council held on _____, 2023, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2023.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

CHAPTER 15. - CAMPING AND STORAGE OF PERSONAL PROPERTY

5-15.101. - PURPOSE.

This Chapter is intended to protect the public health, welfare, and safety by reserving open spaces and facilities within the City limits for their intended purposes. Public property within the City should be readily accessible and available to residents and the general public at large. Unregulated use of public property for camping or storage of personal property interferes with the rights of others to make use of such shared public spaces for their intended purposes and frequently contributes to blight or pollution, and causes damage to public property. This Chapter is intended to avoid unsafe and potentially disorderly conditions, unsanitary and unhealthful conditions, and the degradation or destruction of open spaces and facilities within the City, and preserve such open spaces and natural resources.

5-15.102. - DEFINITIONS.

The following words and phrases, when used in this Chapter, shall have the below meanings unless it is readily apparent from the context that another meaning is intended.

- (a) "Camp" or "Camping" means—the conduct of more than one of the following activities on public property, when it reasonably appears, in light of all circumstances, that a person is using such public or private property for living accommodation purposes:
- i. sleeping or preparing to sleep (including the laying down of bedding for the purpose of sleeping), including undertaking such activities in a vehicle (including any motorhome, camp trailer, camper, coach, fifth wheel travel trailer, house car, recreational vehicle, mobile home), or obscuring some or all of the vehicle's windows;
 - ii. erecting or using any tent, camp facilities, or building any other form of shelter;
 - iii. unattended storage of personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware) or camp paraphernalia;
 - iv. possessing inside or on a vehicle items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, or cooking equipment;
 - v. making or using any fire, for purpose of heating or cooking, or using any flame, grill, portable stove, or similar flame producing device for cooking of meals on public property, except for in City parks with designated barbeque and cooking areas while using City-provided cooking facilities designed for such purposes; or

- vi. doing any digging or earth breaking activities for purpose of creating or improving a shelter.

Camping shall be deemed to occur regardless of whether a full night is actually spend occupying any specific location on public property.

- (b) "Camp facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.
- (c) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City designated cooking or heating equipment.
- (d) "Public property" means any publicly owned property in the City, whether improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; park playgrounds; freeway on-ramps and off-ramps; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces including, but not limited to, public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public educational institutions; or other government owned, maintained, or operated properties located within the City.
- (e) "Public utilities" means any outdoor water, sewer, or electrical outlets or fixtures on government owned, maintained, or operated properties located within the City.
- (f) "Vehicle" means a vehicle as defined in California Vehicle Code section 670.
- (g) "Very High Fire Severity Zones" means such areas as are designated by the City pursuant to Government Code Section 51179.

5-15.103. UNLAWFUL CAMPING.

It shall be unlawful for any person to camp on any public property within the City, except as otherwise provided herein.

5-15.104. STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY.

It shall be unlawful for any person to store any personal property, including camp facilities and camp paraphernalia, on any public property within the City, except as otherwise provided in this chapter.

Prior to removing any personal property, any enforcing employee shall attempt to provide any apparent owners with notice of intent to remove the personal property at least 24 hours in advance of any action to remove any personal property. Notice shall be in writing and shall be served personally on the owners of such property if readily apparent, or otherwise shall be left on or with the property. In addition, the enforcing employee shall post the notice on or near the personal property so as to reasonably communicate the notice to persons living at the camp facility but not present during the attempt to serve notice. The notice shall contain the following information:

- A. The location of the personal property;
- B. The date and time notice was served or posted;
- C. A statement that the storage of personal property violates this Chapter;
- D. An advisement that the City will remove the personal property 24 hours after the date and time of the notice;
- E. Information about any housing or shelter and homeless services available for the owners of the personal property, the phone number and address to contact in order to obtain the housing or shelter or other health and human services;
- F. An advisement that any personal property remaining at the site when the enforcing employee returns to remove the personal property and it will be impounded for no fewer than 90 days and will be discarded thereafter if not claimed; and
- G. The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved, and that the City will charge no fee for storage or retrieval.

A person occupying a camp facility who is present at the time the enforcing employee is removing the personal property can retain his or her personal property except items that constitute an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband that may be seized, as permitted by law.

5-15.105. OFFER OF HOUSING, SHELTER AND SERVICES.

Prior to directing a person to remove camp facilities or prior to removing the camp facilities, the enforcing employee shall offer information to the occupant(s) regarding any available housing or shelter and other health and human services that said employee reasonably believes are relevant to the occupant(s) and their individual circumstances.

5-15.106. EXEMPTION FOR NECESSITY – TIME, PLACE, AND MANNER REGULATIONS.

The provisions of this Chapter shall not apply, except as stated below, to any individual camping by necessity, including, for example, those instances in which every shelter in the local area is at capacity. The City Manager may establish local guidelines to determine whether an individual is camping by necessity.

If an individual is camping by necessity, the following time, manner and place requirements shall apply and strict compliance with them shall be required in order to avoid the prohibitions otherwise specified in this Chapter, and the imposition of penalties as otherwise specified in this code:

- A. Time. No person shall erect, configure, or construct any camp facilities from 7:00 a.m. to 8:00 p.m. (except during stormy weather). A person must take down, fold, and completely remove or put away any camp facilities erected, configured, or constructed on any public property between the hours of 7:00 a.m. and 8:00 p.m. (except during stormy weather).
- B. Manner. At no time shall any person obstruct access to a street, sidewalk, park playground, public utility, public property, or other public right-of-way open for pedestrian travel or governmental use:
 1. By sitting, lying or sleeping, or by storing, using, maintaining or placing personal property in a manner that does not allow for passage as required by the Americans with Disabilities Act of 1990, as amended from time to time; or
 2. By sitting, lying or sleeping, or by storing, using, maintaining or placing personal property within ten feet of any operational or utilizable entrance, exit, driveway, or loading dock; or
 3. By creating any barrier with string, wire, rope, or chain, or other attachments or appurtenances upon City owned trees, light poles, fences, equipment, or other public facilities.
 4. A camp or camping, including outside stored personal property, must be limited to a spatial footprint of no more than ~~ten~~100 square feet, or ten-foot by ten-foot area. The intent of this provision is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
 5. Individuals may not:
 - a. Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in a public right-of-way, on city property, or on any adjacent public or private property.

- b. Start or maintain any fire for the purposes of burning any combustible material or use a gas heater in or around a campsite.
 - c. Erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon public property or a public right-of-way. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
 - d. Dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or damage vegetation or trees in and around a campsite.
 - e. Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, improperly disposed of syringes, other evidence of conspicuous drug use in the public right-of-way, on city property, or any adjacent public or private property.
- C. Place. Camping is prohibited on the following public property, which shall be deemed to include the entire parcel, unless signage is posted designating permissible camping locations on the parcel as part of an overnight sleeping program established by the City:
- 1. Atascadero City Hall
 - 2. Centennial Plaza
 - 3. Atascadero Public Library
 - 4. Atascadero Transit Center
 - 5. Colony Park Community Center
 - 6. Atascadero Lake Park Pavilion
 - 7. Atascadero Zoo
 - 8. Faces of Freedom Veterans Memorial
 - 9. The Plaza on El Camino
 - 10. Within 500 feet of any school
 - 11. Within 500 feet of the banks of the Salinas River, Atascadero Creek, or Graves Creek
 - 12. On the entirety of the Juan Bautista de Anza trail and Historic Trail corridor
 - 13. Areas of City parks: athletic fields and sports courts, irrigated or landscaped areas, park playgrounds, synthetic turf areas, and park picnic areas including tables, bleachers, benches, and pavilions
 - 14. Within 500 feet of any bridge, highway underpasses or highway overpasses, or any freeway onramps and off-ramps
 - 15. In all Very High Fire Severity Zones
 - 16. Within 500 feet of all Atascadero government buildings
- D. Camping shall be prohibited within 100 feet of any public property where signs are posted stating that camping is prohibited at that location. The City Manager or their designee is authorized under this subsection to post signage on public

property prohibiting camping for periods of 30 days upon determining that camping or storage of personal property at such location has created nuisance conditions that affects the health and safety of the public or occupants.

5-15.107. OVERNIGHT CAMPING ON PRIVATE PROPERTY

Notwithstanding any other provision of this code, a total of three vehicles per parcel, may be used by people who lack access to permanent or safe shelter and who cannot obtain other housing for overnight camping in a parking lot or paved or gravel surface of a parcel of any size owned or leased by a faith based institution, non-profit, or a business, with permission of the property owner and lessee, and only after the owner is issued a City permit by the Community Development Department.

- A. A property owner or lessee who allows overnight camping on a property, pursuant to this section shall:
 - a. Provide persons camping overnight with access to sanitary facilities, including, but not limited toilet, hand washing and trash disposal facilities at all times when people are authorized to be present for overnight camping.
 - b. Not require payment of any fee, rent or other monetary charge for overnight camping authorized by this section.
 - c. Restrict the use of the owner's or lessee's property for no longer ~~that~~ than 72 hours for each vehicle.
 - d. Not allow the dumping of wastewater or trash on the property unless sufficient city approved receptacles are available.
 - e. Not allow for the storage of personal property outside of or adjacent to the vehicle.
 - f. Not allow on-site storage or personal property when the personal property owner or lessee is no longer staying on the property being used for camping.
- B. A property owner or lessee who permits overnight camping pursuant to this section may revoke that permission at any time and for any reason. Any person who has permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.
- C. The provisions of this section are not intended to limit or otherwise change any permitted land use on a property.
- D. This section shall not apply when the camping by tent or other removable structure is by minor children, under the direct care and supervision of a parent or guardian who is related to or visiting the owner of such property, or the lessee of such property, or the person in lawful possession of the property. This exception is only intended to cover short term and temporary camping in no event longer than three days.

5-15.108. OTHER EXEMPTIONS.

The provisions of this Chapter shall not apply in the event of a declared state of emergency, nor to any persons participating in organized and supervised recreational activities in parks within the City, if approved by the City's Recreation Supervisor or City Manager, nor to camping in public accommodations that are properly zoned, legally established and designated for camping purposes.

ORDINANCE NO. 16-2022

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADDING CHAPTER 9.38 TO THE ELK GROVE MUNICIPAL CODE**

WHEREAS, the City Council recognizes that unlawful camping by unhoused persons, and the activities often attendant with unlawful camping, have created public health and safety problems within the City; and

WHEREAS, the City Council wishes to adopt an ordinance seeking to address unlawful camping in the City of Elk Grove.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Findings

The purpose of this ordinance is to amend the Elk Grove Municipal Code to enact regulations to address unlawful camping and homelessness in the City. The City Council has authority to adopt this ordinance pursuant to California Constitution Article XI, Section 7.

In adopting this ordinance, the City Council makes the following findings:

- A. There are currently approximately 150 unsheltered persons experiencing homelessness within the City.
- B. The living conditions of persons experiencing homelessness in the City are unhealthy and unsafe, and negatively impact the health, safety, and welfare of City residents and the homeless community in the City.
- C. According to Homelessness in Sacramento County (which documents the results from the 2019 Point-in-Time Count), 21 percent of unsheltered respondents reported having a severe psychiatric condition and 9 percent of respondents reported that their use of alcohol or drugs prevents them from keeping a job or maintaining stable housing.
- D. Research indicates that nationally approximately one-third of individuals who are homeless experience alcohol and drug problems. (Gillis, Dickerson, & Hanson, 2010).
- E. Homeless camping areas and encampments generate hazardous waste, including human waste, creating dangerous health conditions within the City. Such unsanitary conditions can lead to infestation of vermin and the spread of communicable diseases.
- F. Some homeless persons in the City live in makeshift shelters on both private and public property, such as tents, tarps, non-permanent boarded structures, and other non-substantial temporary structures creating a public health and safety hazard.
- G. The City's police department and other City departments regularly receive calls for service related to homeless activities.
- H. Criminal activity may be present in and near homeless camping areas or encampments, which creates potential victimization of all residents, housed and unhoused. The prevalence of substance abuse and mental health disorders can also lead to an increase in low-level offenses due to individuals being disconnected from support and housing opportunities.

- I. The City is the owner of a Municipal Separate Storm Sewer System (MS4) that includes, without limitation, storm drains, detention basins, creeks, and channels; and is subject to the requirements of the Clean Water Act National Pollutant Discharge Elimination System (NPDES) Permit, which requires controls to reduce the discharge of pollutants in storm water from MS4s to the maximum extent practicable. Unlawful camping activity can lead to pollutants in runoff, and pollutants in runoff can threaten and adversely affect human health and aquatic organisms.
- J. Unlawful camping can lead to damage to and/or hindrance of operation of public infrastructure in the City, creating a potential health and safety hazard.
- K. Unlawful camping can have a deleterious impact on businesses, private property, and economic development within the City.
- L. By this ordinance, the City Council seeks to implement enforcement efforts to address the health and safety concerns presented by unlawful camping and the homelessness issue in the City, while seeking to provide those experiencing homelessness with potentially available resources to ameliorate their condition.

Section 2: California Environmental Quality Act (CEQA)

Finding: Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code, Sections 21000, et. seq., hereafter “CEQA”) pursuant to state CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), 15307, and 15308.

Evidence: CEQA requires analysis of government agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, §15378.) The proposed project includes discretionary amendments to the City’s Municipal Code and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines section 15060(c)(2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in this ordinance does not approve any physical development project, and it would not result in a direct or indirect adverse physical changes in the environment. Rather, this action is directed toward addressing homeless issues in the City, including improving conditions within the City through enforcement efforts.

Because the ordinance is aimed at improvement or restoration of the environment through enforcement efforts directed to improve public health and safety, adoption of the ordinance is also exempt from CEQA under CEQA Guidelines 15307 and 15308, as an action taken by the City to assure the maintenance, restoration, or enhancement of a natural resource and/or the environment.

Section 3: Action

Elk Grove Municipal Code Title 9 is hereby amended by the addition of Chapter 9.38 as shown in Exhibit A, incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **16-2022**
INTRODUCED: June 8, 2022
ADOPTED:
EFFECTIVE:

BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: _____

Exhibit A
Municipal Code Amendments

Additions are shown in underlined text.

Chapter 9.38 is added to the Elk Grove Municipal Code to read as follows:

Chapter 9.38

UNLAWFUL CAMPING

9.38.010 Definitions

9.38.020 Prohibitions

9.38.030 Temporary Seizure of Property

9.38.040 Administration

9.38.050 Violations

9.38.010 Definitions.

As used in this chapter, the following terms shall have the following meaning:

- A. “Day care center” means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.
- B. “Camp” or “camping” means to engage in any of the following activity at a single camping area within the City for a period longer than twenty-four (24) consecutive hours: place, pitch, or occupy camp facilities; live temporarily in a camp facility or camping area or outdoors; and/or to use camp paraphernalia.
- C. “Camping area” includes the primary physical area of occupation of a single camping person.
- D. “Camp facilities” includes, but is not limited to, tents, huts, vehicles, or temporary shelter.
- E. “Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, or cooking facilities and similar equipment.
- F. “City” means the City of Elk Grove, including its employees and agents.
- G. “City manager” means the city manager of the City of Elk Grove or their designee.
- H. “Encampment” means four (4) or more persons camping together within fifty (50) feet of each other and without permitted electrical power, permitted running water, and/or permitted bathroom facilities that serve that encampment.
- I. “Housing support services” means housing support services intended to connect a person with temporary or permanent housing resources.

- J. “Playground” means any recreational area specifically designed to be used by children which has play equipment installed, including, without limitation, public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.
- K. “Public property” means any real property located in the City and owned in fee title, or its equivalent, by the City or any federal, state, or local government agency.
- L. “Public facility” means any building, structure, or area enclosed by a fence located on public property, whether secured, unsecured, locked, unlocked, open, or enclosed.
- M. “Private property” means any real property located in the City and owned in fee title, or its equivalent, by a private person or entity. The fact that private property may contain an easement, lien, or other interest less than fee title, or its equivalent, by a governmental or public agency does not negate the status of the property as private property.
- N. “School” means the buildings and grounds of any public or private school used for the purposes of the education of children in kindergarten or any of the grades one (1) through twelve (12) inclusive.
- O. “Sidewalk” means any area in the City provided for the use of pedestrians, including planting areas, driveway approaches or parking strips, between the public vehicular roadway and the edge of right-of-way bordering fronting or adjacent private property.
- P. “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

9.38.020 Prohibitions.

- A. It shall be unlawful and a violation of this chapter for any person or persons to do any of the following on any public property within the City:
 - 1. Camp within 500 feet of the grounds of any day care center, school, playground, or youth center.
 - 2. Occupy a camping area greater than 150 square feet measured from the center of the primary living area of the total camping area.
 - 3. Occupy any encampment.

4. Fail to keep any camping area clean and free of garbage, debris, waste, including without limitation, hazardous waste and/or human waste.
 5. Camp in any structure or structures that an authorized City official finds is unsafe for human occupation.
 6. Break or damage any lock on any public facility in order to access the public facility, and/or to camp within a public facility.
 7. Lock or otherwise impair or impede access of public employees or agents to any public facility.
 8. Block, obstruct, or otherwise interfere with access to, a public facility, sidewalk, and/or other public right-of-way.
- B. It shall be unlawful and a violation of this chapter for any person to camp on private property without the consent of the owner of the private property.
- C. Notwithstanding the foregoing, it shall not be a violation of this section or this chapter for a person to camp on public or private property with the express permission of the owner of the property.

9.38.030 Temporary Seizure of Property.

- A. Subject to section 9.38.050, any person who violates section 9.38.020 shall be subject to having their personal property temporarily seized by the City pursuant to this section.
- B. Prior to any seizure of personal property pursuant to this section, the City shall provide the owner/possessor of the personal property not less than seventy-two (72) hours' written notice, on a form prescribed by the City Manager. The written notice may be personally served on the owner of the personal property or posted at the location where the personal property is stored or located.
- C. Upon seizure of any personal property pursuant to this section, the City shall provide the owner/possessor with a written receipt itemizing the personal property seized, advising that the personal property will be held by the City for not less than 90 days, that the owner/possessor of the seized property may retrieve such personal property within that 90-day period at an address provided on the receipt, during normal business hours, and that the City may destroy or otherwise dispose of that personal property if not reclaimed and retrieved by the owner/possessor within that 90-day period. Nothing herein shall require the City to store or maintain personal property that is determined by the City to present a health or safety hazard, is soiled by human waste or other contamination, is illegal, illegally possessed, and/or that is used or intended to be used in furtherance of illegal activity, including, without limitation, paraphernalia used or intended to be used for illegal drugs.

- D. Following seizure of any personal property pursuant to this section, the City shall secure and store the personal property seized, at the City's expense, for a period of not less than ninety (90) days. Such personal property shall be returned to the owner/possessor upon presentation of the receipt identified in subsection (C), or such other proof satisfactory to the City that person seeking return of the property is the owner or otherwise has a viable claim to reclaim the personal property. Any personal property not reclaimed within ninety (90) days of its seizure may be destroyed or disposed of by the City, in its discretion.

9.38.040 Administration.

The City Manager shall be authorized to administer the provisions of this chapter including, without limitation, developing all documentation and forms, and taking all actions reasonably necessary and consistent with this chapter, to administer the provisions of this chapter.

9.38.050 Violations.

- A. Any person violating this chapter shall be subject to the following penalty.
1. Temporary seizure of personal property, as set forth at section 9.38.030.
 2. Prior to the City pursuing the remedy set forth at subsection A.1., above, the City shall provide the violator, orally or in writing, with information about housing support services. Nothing in this section or this chapter shall require the City to provide housing to such violator.
- B. Notwithstanding subsection A of this section:
1. Any violation of this chapter may be remedied by a civil action brought by the City Attorney.
 2. Violations of this chapter are hereby declared to be public nuisances subject to abatement by the City by any lawful means.
- C. The remedies set forth in this chapter shall be cumulative and in addition to any and all other remedies, civil, equitable, or criminal, afforded to the City under the law.
- D. Notwithstanding any other provision of this chapter or this Code, a person violating a provision of this chapter shall not be subject to any monetary fine or fines.

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 6.36 PREVIOUSLY ENTITLED “REGULATIONS FOR TEMPORARY OUTDOOR LIVING” AND HEREAFTER ENTITLED “CAMPING SERVICES AND STANDARDS” OF THE SANTA CRUZ MUNICIPAL CODE

WHEREAS, the City of Santa Cruz is currently experiencing a large number of encampments in public spaces. With a sheltered population of only about 65,000 and an unhoused population likely exceeding 1,200, Santa Cruz has one of the highest per-capita populations of homeless individuals in the State of California and the United States.

WHEREAS, the City’s experience is that large, unsanctioned, long-term encampments are almost always associated with a host of major health and safety impacts, including: open and obvious drug use and related crimes, serious fire safety concerns, major impacts related to human and animal waste and accumulation of trash, vandalism, and related nuisance conditions. When longer term encampments within the City are vacated, it is common for City staff to observe extreme environmental degradation, and the City typically removes hypodermic needles, human and animal waste, and substantial amounts of trash and debris.

WHEREAS, when encampments remain for long periods, the costs of supporting hygiene services, refuse management, hypodermic needle disposal, increased calls for service, and property repair are substantial. Moreover, the environmental degradation caused by long term encampments is often substantial, and sometimes is irreparable.

WHEREAS, longer term encampments have the effect of essentially privatizing property that is intended for public use, as the greater community is no longer able to use public spaces that are used for round-the-clock encampments.

WHEREAS, during the COVID-19 pandemic, shelter capacity has significantly expanded within City limits. The City and County have partnered together to add shelter capacity within the City at the Veterans’ Hall, the Golflands, the Pavilion, and four motels within the City. Despite this expanded shelter capacity, many individuals remain unsheltered within the City limits.

WHEREAS, the City of Santa Cruz has been disproportionately impacted by encampments. Unsheltered individuals living in encampments are present within the City’s limits at much higher rates than are present within neighboring jurisdictions. As the county seat, with county courts, jail, mental health services, and shelters all located here, the City of Santa Cruz has become a de facto hub of encampments within county, state, and country. The City’s experience is that a significant percentage of unsheltered individuals actually come to the City from other places with a plan to live outdoors on public property within the City, and the City’s experience is that this occurs even more once large encampments are established.

WHEREAS, the City’s experience is that much of the local housed community will only be accepting of sanctioned sleeping areas, managed encampments, and shelters in their communities if camping can be prohibited elsewhere in the City. Without a camping prohibition, the City is perceived

as attracting even more unsheltered people to a highly desirable community without the ability to provide adequate services to them.

WHEREAS, unlike some larger cities within the state, the City of Santa Cruz generally does not receive significant funding from the state or federal government to provide housing, health, or other services to persons experiencing homelessness. Instead, the County of Santa Cruz serves as the conduit for various funds, some of which have been allocated through the countywide Homeless Action Partnership. The City has collaboratively partnered with the County in an effort to address homelessness both through and outside of the Homeless Action Partnership, the County's Continuum of Care.

WHEREAS, the City is aware of the County's position that funding received by the County is insufficient to address all homeless needs in the County.

WHEREAS, on top of the City's general lack of funding for homeless services, due to the COVID-19 pandemic, for the 2020-2021 fiscal year, the City had a substantial budget shortfall that was addressed with several cost-cutting measures. The measures included layoffs, furloughing staff, eliminating or freezing vacant positions, using reserves, and delaying several capital projects. The City also identified structural deficits affecting future fiscal years.

WHEREAS, the City has recently approved affordable and supportive housing projects which, if built, would add approximately 400 affordable units, approximately 180 of which will be supportive housing units, to the City's inventory, and at least 60 deed-restricted, affordable units are currently under construction. However, these types of projects take years of work before they are occupied by residents, and even after the units are constructed, they will not add adequate housing capacity to shelter even the current number of unsheltered individuals in the City.

WHEREAS, the City intends to facilitate the creation of a homeless persons' storage program, sanctioned safe nighttime sleeping locations, and managed encampments. With that said, the City is mindful that, at this time, it has neither the funds, the real estate, the legal mandate, nor the substance abuse/psychiatric expertise necessary to, in a more permanent way, house all of the City's unsheltered population in addition to all of the individuals who, based on the City's past experience, could reasonably be expected to move to Santa Cruz, if the City were to provide those services.

WHEREAS, the City must appropriately consider competing interests and formulate policy to best protect public health, safety, welfare, property, and the environment, with limited resources.

WHEREAS, the City Council recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness.

WHEREAS, it is the purpose and intent of the City Council to establish standards for sheltering outdoors, which are intended to be as compatible as possible with the protection and preservation of health, safety, and welfare of the inhabitants of the City of Santa Cruz.

WHEREAS, this Chapter is intended to address issues such as fire risk, unsanitary conditions, public safety hazards, environmental degradation, and round-the-clock privatization of public property.

WHEREAS, mindful of the decision of United States Court of Appeals for the Ninth Circuit in *Martin, et al., v. City of Boise* (2019) 920 F. 3d 584, this ordinance conditions enforcement of prohibitions on overnight and daytime encampments on the availability of overnight shelter and daytime storage for homeless individuals.

WHEREAS, the City Council has evaluated the environmental effects of this municipal code chapter and ordinance and finds the chapter and the adoption of the ordinance to be exempt under Sections 15307 and 15308 of the Guidelines for the Implementation of the California Environmental Quality Act and under Section 15061(b)(3) of the California Code of Regulations.

WHEREAS, the City Council calls on the County, the State, and the Federal Government to expand shelter-capacity and very low income long-term housing options regionally, statewide, and nationally, and also to provide street outreach, case management, diversion, housing problem-solving, mental health support, and drug rehabilitation services to adequately address and solve homelessness.

WHEREAS, the City Council believes that sheltering outdoors should be done in a way that is temporary, respectful of neighbors and the environment, and not conducted in a way that creates a sustained privatization of public spaces.

WHEREAS, the Council previously adopted Chapter 6.36 “Regulations for Temporary Outdoor Living,” but also determined that the chapter needed to be substantially revised before implementation. The purpose and intent of this ordinance is to repeal the “Regulations for Temporary Outdoor Living” (also known as the Temporary Outdoor Living Ordinance, or “the TOLO”) and replace Chapter 6.36 with this new “Camping Services and Standards” ordinance.

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Chapter 6.36 “Regulations for Temporary Outdoor Living” (also known as the Temporary Outdoor Living Ordinance, or the TOLO) is hereby repealed and replaced with the following Chapter 6.36, “Camping Services and Standards,” as follows:

**“Chapter 6.36
CAMPING SERVICES AND STANDARDS**

6.36.010 PURPOSE AND INTENT.

The purpose and intent of this Chapter is to provide standards for sheltering outdoors which: (i) are intended to be as compatible as possible with the protection and preservation of health, safety, and welfare of the inhabitants of the City of Santa Cruz, including homeless individuals; (ii) will address issues such as fire risk, unsanitary conditions, public safety hazards, environmental degradation, and round-the-clock privatization of public property that have been associated with longer-term encampments in the City; (iii) establish allowances for, and in some instances, minimum thresholds for provision of storage, managed encampments, and safe sleeping programs that will feasibly allow unsheltered individuals to engage in basic life sustaining activities without criminal citation; (iv) generally prohibit the establishment of unregulated encampments on public property during daytime hours, but only when there is an Available 24/7 Sanctioned Sheltering Location or Available Homeless Persons' Storage; and (v) generally prohibit the establishment of unregulated encampments on public

property during nighttime hours, but only when there is an Available Overnight Sanctioned Sleeping Location or an Available 24/7 Sanctioned Sheltering Location.

6.36.020 DEFINITIONS.

When used in this chapter, the following words and phrases have the following meanings:

“Available 24/7 Sanctioned Sheltering Location” means a public or private facility, with available 24/7 space for an indigent, homeless individual to stay, at no charge. The term Available 24/7 Sanctioned Sheltering Location includes a shelter, a managed encampment, and/or a hotel/motel voucher. The term Available 24/7 Sanctioned Sheltering Location does not include the following: (a) Shelter space where an individual cannot stay because the individual has exceeded a shelter’s maximum stay rule or because shelter is unavailable due to the individual’s gender; (b) Shelter space that cannot reasonably accommodate the individual’s mental or physical needs or disabilities; (c) Shelter space that does not permit a minor child to be housed in the same facility with at least one parent or legal guardian, assuming the individuals seeking such shelter are at least one parent or legal guardian with a minor child; (d) Shelter space for which an individual is required to attend or participate in religious activities or programs as a condition of utilizing the shelter space.

“Available Homeless Persons' Storage” means a public or private facility, with available daytime and nighttime space for an indigent, homeless individual to, free of charge, store a reasonable quantity of Personal Effects and/or survival items, such as tents, sleeping bags, tarps, and blankets.

“Available Overnight Sanctioned Sleeping Location” means a public or private facility, with available overnight space for an indigent, homeless individual to stay, at no charge. The term Available Overnight Sanctioned Sleeping Location includes a shelter, a managed encampment, a managed safe sleeping zone for overnight tent encampments, and/or a hotel/motel voucher. The term Available Overnight Sanctioned Sleeping Location does not include the following: (a) an overnight sanctioned sleeping location space where an individual cannot stay because the individual has exceeded a location’s maximum stay rule or because location is unavailable due to the individual’s gender; (b) an overnight sanctioned sleeping location that cannot reasonably accommodate the individual’s mental or physical needs or disabilities; (c) an overnight sanctioned sleeping location that does not permit a minor child to be housed in the same facility with at least one parent or legal guardian, assuming the individuals seeking such shelter are at least one parent or legal guardian with a minor child; (d) an overnight sanctioned sleeping location for which an individual is required to attend or participate in religious activities or programs as a condition of utilizing the shelter space.

“Camping” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camping Facilities” include, but are not limited to, tents, huts, or temporary shelter.

“Camping Paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“Encampment” means a collection of items that are used or intended to be used for temporary habitation outdoors. Encampments contain Camping Facilities and/or Camping Paraphernalia. This definition of

Encampment specifically does not include a collection of items that reasonably appear to be for less than 12-hour, daytime only use, such items brought to a park or beach for a picnic, nap, or daytime party. If items have in fact been maintained in the same approximate location for a period in excess of 12 hours, then the collection shall be considered an Encampment as provided in this section. For the purposes of this chapter, the term Encampment does not include a vehicle used for habitation.

“Personal Effects” means personal property consisting of the following items.

1. ID/Social Security cards
2. Medications, medical devices, eyeglasses
3. Photos/Photo Albums
4. Tax/medical records
5. Reasonably usable, not overly soiled, non-verminous items that are reasonably believed to have value to persons experiencing homelessness, including tents, sleeping bags, clothes, and functional bicycles (although bicycle parts shall not be considered Personal Effects).

“Qualifying Disability” means a physical or mental disability that prevents that person from being able to, on a daily basis, construct, de-construct, and put away an Encampment.

“Urgent Circumstances” are facts and circumstances that would cause a reasonable person to believe that, for the benefit of public safety and welfare, an Encampment needs to be urgently removed with less than 24 hours’ notice. Urgent Circumstances include, but are not limited to, increased fire risk, obstructing or interfering with the flow of pedestrian or vehicular traffic, and blocking access to a parking lot of a building.

6.36.030 PRIVATE PROPERTY.

(a) Private property. It is unlawful for any person to, on private property, erect, configure, construct, maintain, or store an Encampment, or to use a vehicle for Camping, except as expressly authorized below:

- (1) In the yard of a residence with the consent of the owner or occupant of the residence, where the camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge or other obstruction; or
- (2) Inside of a licensed and registered motor vehicle in the parking lot on the site of a religious institution with the written consent of such institution, where the driver/occupant of such vehicle is in possession of a valid driver’s license, provided that no more than six vehicles shall be permitted at any one location; or
- (3) Inside of a licensed and registered motor vehicle in the parking lot on the site of a business institution in a non-residential district with the written consent of both the business institution and property owner, where the driver/occupant of such vehicle is in possession of a valid driver’s license, provided that no more than three vehicles shall be permitted at any one location; or

- (4) Inside a licensed and registered vehicle in a residential off-street driveway with the written consent of the owner and occupant of the residence, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than one vehicle shall be permitted at any one location.
- (b) Camping shall not be permitted on private property where it is conducted in such a manner as to create inadequate sanitation, any trafficking in illegal drugs, a public or private nuisance, or other matters offensive to persons of ordinary sensibility; nor where the Camping is of such frequency, intensity or duration as to constitute a use of land prohibited by any provision of Title 24 of this code; nor where the Camping activity would be prohibited under any other provision of this code concerning use of mobile homes; nor where any fee, charge or other monetary consideration is collected for the privilege of Camping or for any services or the use of any facilities related thereto; nor where the covenants, conditions and restrictions of a duly organized homeowners association would prohibit the activity in the residential area subject to the covenants, conditions, and restrictions.

6.36.040 OVERNIGHT ENCAMPMENTS PROHIBITED WHEN THERE IS AN AVAILABLE OVERNIGHT SANCTIONED SLEEPING LOCATION OR AN AVAILABLE 24/7 SANCTIONED SHELTERING LOCATION; DAYTIME ENCAMPMENTS PROHIBITED WHEN THERE IS AN AVAILABLE 24/7 SANCTIONED SHELTERING LOCATION OR AVAILABLE HOMELESS PERSONS' STORAGE.

- (a) Nighttime Prohibition. Except where expressly authorized by Section 6.36.050, it is unlawful and a public nuisance for any person to place, erect, configure, construct, maintain, or store an Encampment on public property anywhere in the City of Santa Cruz between one hour before sunset and one hour after sunrise (but no later than 8:00 a.m.) when there is either an Available Overnight Sanctioned Sleeping Location or an Available 24/7 Sanctioned Sheltering Location.

This subsection 6.36.040(a) shall not be enforced against indigent homeless persons unless:

- (1) There is either an Available Overnight Sanctioned Sleeping Location or an Available 24/7 Sanctioned Sheltering Location that is promptly available and offered to a person found in violation of Subsection (a); and
 - (2) The City (potentially in cooperation with homeless service providers, mutual aid groups, neighborhood groups, and faith communities) establishes and is operating programs providing not less than 150 additional shelter, managed camp, or safe sleeping spaces in the City of Santa Cruz on City-owned or operated properties or facilities. These facilities are to include water, handwashing stations, and portable toilets. Safe-sleeping facilities shall not be located in or adjacent to residential neighborhoods or schools.
- (b) Daytime Encampment Prohibition.
 - (1) When there is an Available 24/7 Sanctioned Sheltering Location or Available Homeless Persons' Storage, no person shall erect, configure, construct, and/or maintain an Encampment on public property between the hours of one hour after sunrise (but no later than 8:00 a.m.)

until one hour before sunset. During circumstances where there is no Available 24/7 Sanctioned Sheltering Location, this daytime Encampment prohibition shall neither apply nor be enforced during rainfall, sleet, snow, or when the projected daily high temperature, as noted by the National Weather Service, is 50 degrees Fahrenheit or lower.

- (2) When there is an Available 24/7 Sanctioned Sheltering Location or Available Homeless Persons' Storage, a person must take down, fold, deconstruct, and put away any Encampment erected, configured, or constructed on public property between the hours of one hour after sunrise (but no later than 8:00 a.m.) until one hour before sunset. When there is no Available 24/7 Sanctioned Sheltering Location, this requirement shall neither apply nor be enforced during rainfall, sleet, snow, or when the projected daily high temperature, as noted by the National Weather Service, is 50 degrees Fahrenheit or lower
 - (3) The City plans to sponsor or arrange for the sponsorship of an unsheltered persons' storage program within the City of Santa Cruz, which would provide unsheltered persons with a reasonable quantity of storage for Personal Effects and/or survival items, such as tents, sleeping bags, tarps, and blankets. As City personnel encounter individuals who are camping in prohibited areas or at prohibited times, the City shall have a service available to assist individuals with on-street transportation to Available Homeless Persons' Storage. The prohibitions above in Subsections 6.36.040(b)(1) and 6.36.040(b)(2) shall not be enforced unless and until the above-described unsheltered persons storage program is operational and reasonably available to unsheltered persons in the City of Santa Cruz. The City Manager is hereby authorized to administratively establish and authorize operation of such storage facility or facilities within any zoning district within the City.
- (c) If there is no Available 24/7 Sanctioned Sheltering Location, the encampment prohibitions above in Subsections 6.36.040(a), 6.36.040(b)(1), and 6.36.040(b)(2) shall not be enforced against families with one or more children under the age of 18 years old. In cases of a homeless family, staff shall work with the County, including Child Protective Services, the State, and/or non-profit partners to attempt to find families temporary shelter or housing. If it is not reasonably apparent to City staff that a family unit has a member under the age of 18, City staff may request reasonable documentation to confirm that there is a minor in the family.
 - (d) If an indigent, homeless person who has a Qualifying Disability is maintaining an Encampment on public property, then City staff shall work with the County, State, and/or nonprofit partners to attempt to find the disabled person an Available 24/7 Sanctioned Sheltering Location. The prohibitions above in Subsections 6.36.040(a), 6.36.040(b)(1), and 6.36.040(b)(2) shall not be enforced against an indigent, homeless person with a Qualifying Disability nor against a single caregiver for a person with a Qualifying Disability, unless these individuals have access to an Available 24/7 Sanctioned Sheltering Location. Or, if there is no Available 24/7 Sanctioned Sheltering Location, but there is Available Overnight Sanctioned Sleeping Location and Available Homeless Persons' Storage, Subsections 6.36.040(a), 6.36.040(b)(1), and 6.36.040(b)(2) may be enforced if reasonable assistance is available that would allow for an indigent, homeless person with a Qualifying Disability to pack, unpack, and store their belongings daily..
 - (e) The City Manager may, but is not required to, establish standard procedures, forms, or administrative regulations that are consistent with this Chapter.

- (f) The City may prioritize individuals with Qualifying Disabilities, one caretaker for each such individual, and families with minor children for occupancy at an Available 24/7 Sanctioned Sheltering Location and/or an Available Overnight Sanctioned Sleeping Location, to the extent that the City has control over such facilities.
- (g) In no event (including circumstances where there is a lack of an Available 24/7 Sanctioned Sheltering Location, Available Homeless Persons' Storage, and/or an Available Overnight Sanctioned Sleeping Location) may any individual, including individuals with Qualifying Disabilities, consistently occupy the same public space for a period exceeding 96-hours. With respect to individuals with Qualifying Disabilities, prior to enforcement of this 96-hour rule, the City shall provide reasonable assistance, if necessary, in helping a person with a Qualifying Disability to comply with this rule.
- (h) The City shall not enforce any portion of this Chapter in a way that would cause it to violate any currently applicable order or injunction issued by the court in the matter of Santa Cruz Homeless Union et al v. City of Santa Cruz et al, Case 5:20-cv-09425-SVK.
- (i) The City shall not enforce any portion of this Chapter in a way that would cause the City to not abide by the Center for Disease Control's guidance on encampments during the COVID-19 pandemic, unless either (i) Santa Cruz County is in the "yellow tier" (or a lower tier, if established) of California's Blueprint for a Safer Economy tiering structure, or (ii) California ends its tiering system and more fully re-opens the economy on a broader scale, as is currently expected to occur on or around June 15, 2021.
- (j) If a need is verified, the City manager may establish one or more managed daytime sleeping areas, to be used by unsheltered individuals with a documented need to work at night and sleep during the day. Subsections 6.36.040(a), 6.36.040(b)(1), and 6.36.040(b)(2) shall not be enforced against indigent, homeless persons who have provided such reasonable documentation unless there is either: (i) an Available 24/7 Sanctioned Sheltering Location, or (ii) available managed daytime sleeping areas and Available Homeless Persons' Storage.

6.36.050 CAMPING PERMITTED.

Camping is permitted in the City of Santa Cruz under the following circumstances:

- (a) in public areas that the City has, as permitted by this Chapter, specifically set aside or clearly marked for public camping purposes, if conducted in a manner consistent with other provisions of this Chapter;
- (b) at events authorized and permitted by the Santa Cruz City Parks and Recreation Department. Generally, under this subsection, no person or group may camp in a City park under authority of this subsection for more than three nights in any twelve months. However, where the camping activity is taking place in conjunction with an authorized and permitted restoration or conservation project being performed by campers at or near the campsite, the Director of Parks and Recreation may permit an individual or group to camp in one of the afore-referenced City parks for a period of time in

excess of that prescribed above. Additionally, no permit shall be required for security guards who camp in City parks incident to a lawful event. For fair and consistent application of this section, the director of Parks and Recreation may promulgate guidelines defining the criteria for permit issuance contained in this section.

Under this subsection, the Director of Parks and Recreation may issue a permit authorizing persons or groups to Camp in the improved areas of Harvey West Park, the improved area known as lower De Laveaga Park adjacent to Branciforte Drive, and San Lorenzo Park benchlands upon finding that the applicant has met the City's requirements for:

- (1) Parking and traffic control;
 - (2) Toilet and other sanitary facilities;
 - (3) Security;
 - (4) Liability insurance;
 - (5) Garbage collection and cleanup;
 - (6) Security and cleanup deposits;
 - (7) Such other public health, safety and general welfare matters as may be raised by the camping application; and
 - (8) Environmental compliance according to the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.
- (c) at events or in a manner that is authorized by the City Council or City Manager, such as managed encampments and/or a managed safe sleeping zones for overnight tent encampments, , which may be managed by the City, the County, or by an approved non-profit. These may be authorized on any public or private property, in any zoning district, and in areas that would otherwise prohibit such uses. Facilities noted in this subsection, with the exception of religious assembly uses and school-sponsored programs, shall not be located in or adjacent to residential neighborhoods or schools.
- (d) in a part or all of a City-owned parking lot, closed portion of a public right-of-way, on private property, or in an alternative space or area designated by the City Manager for safe sleeping. The City Manager, or his or her designee, is directed to establish not less than 150 additional shelter, managed camp, or safe sleeping spaces in the City of Santa Cruz on City-owned or operated properties or facilities, subject to all criteria set forth in Section 6.36.060. The hours of operation of safe sleeping sites may be determined by the City Manager, consistent with any other uses of the properties that will be hosting nighttime safe sleeping. The City Manager is hereby authorized to administratively establish and authorize operation of safe sleeping spaces within any zoning district within the City. Facilities noted in this subsection, with the exception of religious assembly uses and school-sponsored programs, shall not be located in or adjacent to residential neighborhoods or schools.

6.36.060 ADDITIONAL CRITERIA FOR ENCAMPMENTS ON PUBLIC AND PRIVATE PROPERTY

If Encampments on public or private property are permitted for any reason to remain in place, they must meet the following criteria:

- (a) Encampments shall not impede emergency ingress/egress routes on public sidewalks or rights-of-way, such as driveways providing access to emergency vehicles and entrances or exits from buildings.
- (b) Under no circumstances, may persons dump gray water (i.e., waste water from baths, sinks, washing machines, and other kitchen appliances) or black water (i.e., sewage water) onto sidewalks, streets, parks, open spaces, storm drains, or any other facilities not intended for gray water or black water disposal. In addition to any other penalties or fines available to address this conduct, gray water and black water dumping is also an infraction under this chapter.
- (c) Under no circumstances, may persons create unpermitted electrical connections or “taps.”
- (d) Public property shall not be used as storage for extra car tires, bicycles or bicycle parts (except as needed for an individual’s personal use), gasoline, generators, household furniture, extra propane tanks, or combustible materials, including combustible waste.
- (e) No open fires are allowed. This subsection prohibits fires (such as camp fires, bonfires, recreational fires, burning of garbage, or portable outdoor fireplaces) that are lit in any public open space or park, except for a fire lawfully created wholly within a designated fire pit or other permanent receptacle provided by the City in a public park or beach for the purpose of allowing fires in said location. In addition, it shall be unlawful to intentionally or negligently set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property. A violation of this subsection is a misdemeanor.
- (f) Encampments shall be maintained in a reasonably safe, tidy, and sanitary/hygienic fashion, free from litter, debris, waste, discarded food products, discarded property, and garbage unless contained within an enclosed container or trash receptacle. Encampments shall be maintained free from discarded hypodermic needles surrounding the Encampment. All refuse and recyclables shall be contained within a bag, box, or similar vessel and shall be removed from the Encampment by the occupant(s) on a regular basis. An Encampment location shall be cleared of all personal belongings, camp paraphernalia, and refuse by the occupant(s) at the end of the stay.
- (g) Encampments shall not occupy an area greater than 12 feet by 12 feet per person who is occupying the location. For individuals with one or more Qualifying Disability and their caretakers, City staff shall permit reasonable deviation from this requirement if additional space is needed.
- (h) Outdoor Living Encampments shall not cause direct damage to the environment through activities such as excavating or terracing soil, harming trees, cutting vegetation, or disturbing wildlife dens, burrow, or nests.

6.36.070 PENALTIES FOR VIOLATION.

- (a) If a person has violated or is in violation of this Chapter (for example, by erecting or maintaining an Encampment in a way that is prohibited under this Chapter), City staff shall give the person a verbal or written warning before an infraction citation is issued. City staff shall seek opportunities, particularly when public safety/life safety is not under immediate/urgent threat, through coordination with City, County, non-governmental organizations, or faith-based groups, for outreach to precede or occur simultaneously to enforcement of this Chapter so that, when feasible, non-enforcement personnel can contact identified individuals on a complaint basis or within a structured, proactive program. The warning shall provide the person with information about any Available 24/7 Sanctioned Sheltering Location, Available Homeless Persons' Storage, and Available Overnight Sanctioned Sleeping Location. City staff also may, but shall not be required to, transport the person to Available 24/7 Shelter, Available Homeless Persons' Storage, and/or Available Overnight Sanctioned Sleeping Location.
- (b) Unless a different penalty is explicitly noted elsewhere in this Chapter, if a person violates this Chapter, then that person is guilty of an infraction. The City's fine for the infraction shall not exceed \$20. If acceptable to the court, in lieu of a fine, the City encourages the court to allow infractions under this Chapter to be satisfied with a reasonable amount of community service.
- (c) Unless a different penalty is explicitly noted elsewhere in this Chapter, if, after receiving an infraction citation, a person who is in violation of this Chapter fails or refuses to come into reasonably prompt compliance with this Chapter (for example by failing to take reasonably prompt action to remove an Encampment that is not permitted under this Chapter), then that person is guilty of a misdemeanor. Misdemeanor enforcement under this subsection (c) and subsection (d) below may only be used only after outreach, warning, and infraction citation, and only when (i) camping violations are exacerbated by other illegal behaviors, or (ii) the subject willfully refuses to vacate, or (iii) the subject interferes with the closure or removal of an illegal Encampment.
- (d) Additionally, any person who violates any section in this Chapter and receives an infraction citation for such violation, and who, between 1-30 days from receiving such infraction citation, again violates this Chapter or is still violating this Chapter, is guilty of a misdemeanor.
- (e) If a misdemeanor arrest is permitted under this Chapter, the arresting officer shall be permitted to seize and store items within an Encampment if necessary to prevent items from being stolen and/or if deemed necessary to prevent the immediate re-establishment of an Encampment that is violative of this Chapter. Unless the property is contraband or evidence of a Penal Code crime, persons who have been arrested and have had property seized pursuant this subsection may recover their property at the Santa Cruz Police Department, anytime within 90 days after that property is seized.

6.36.080 PROPERTY REMOVAL AND STORAGE.

- (a) The establishment of an Encampment that is contrary to this chapter is declared to be a public nuisance, and appropriate City staff is authorized and empowered to remove any such Encampment after providing reasonable notice.

- (b) What length of time is reasonable will depend on the size of the Encampment, the presence of any Urgent Circumstances, whether individual(s) are present to receive notification, and the abilities of the person who maintains the Encampment, if known to the City. Unless a seizure of property and arrest occur related to a misdemeanor violation (as described in subsection 6.36.070(e) above) or unless Urgent Circumstances exist, at least 24-hours written notice shall be given before the City removes property found to be in violation of this Chapter.
- (c) Personal property that poses an imminent threat to public health or safety, is contraband, is evidence of a Penal Code crime, is obstructing or interfering with the flow of pedestrian or vehicular traffic, is removed pursuant to Section 6.36.070(e), and/or is blocking access to a parking lot or a building shall not be subject to the above described notice requirements and may be promptly removed by appropriate City staff, in accordance with the law and generally accepted law enforcement procedures. In other circumstances, unless this Chapter provides otherwise, City staff shall make a good faith attempt to identify and remove Personal Effects, and if Personal Effects are identified, City staff shall cause a Notice of the Personal Effects to be posted, as provided in subsection (f) below. Personal Effects shall be stored, as provided below.
- (d) When Urgent Circumstances or circumstances described in Section 6.36.070(e) do not exist, prior to removing an Encampment found to be in violation of this Chapter, a written notice with the following content shall be provided:
1. The date and time of written notice,
 2. The location of the notice,
 3. A direction that:

“PERSONS IN THIS AREA MUST VACATE AND REMOVE ALL BELONGINGS ON OR BEFORE: [insert reasonable date and time to vacate]

THE CITY WILL CLEAN THIS SITE ON OR AFTER THE TIME AND DATE SPECIFIED ABOVE.

UNACCOMPANIED ITEMS ARE SUBJECT TO REMOVAL AND MAY BE DISCARDED OR DESTROYED.

4. A phone number and a physical address for property related inquiries.
5. A phone number for other questions or concerns.
- (e) If items remain at an Encampment site after the relevant notice period has expired, prior to discarding items, appropriate City staff shall make a good faith attempt to identify and remove Personal Effects from the Encampment. Any Personal Effects identified by City personnel shall not be discarded.
- (f) At the time of removal of any Personal Effects from an Encampment, City personnel shall conspicuously post a dated notice (either at the exact location from which the Personal Effects were removed or at another nearby location) with the following information:
1. A statement that Personal Effects were removed;
 2. A telephone number for information on retrieving Personal Effects;

3. An address where the Personal Effects are temporarily stored;
4. That Personal Effects will be stored for 90 days.

The posting of notice required under this section shall not apply if removal property is conducted pursuant to Section 6.36.070(e) and the arresting officer has reasonable reason to believe that all items belong to the individual(s) being arrested. In such cases, the individual(s) being arrested shall be provided with written notification of the where their items are being stored and how to retrieve them at a later date.

- (g) Following removal of any Personal Effects, City personnel shall place the removed Personal Effects in containers labeled in a manner facilitating identification by City personnel and owner and which reasonably protect such property from damage or theft.
- (h) Personal Effects stored by the City which are claimed within ninety (90) days from removal shall be released to the person claiming ownership providing they identify the property and the approximate location where the property was left.
- (i) Personal Effects that remain unclaimed after 90 days may be discarded, recycled, dedicated for public use, or given to a nonprofit agency for charitable use.
- (j) In situations where the City has reasonable, good faith reason to believe that an Encampment has been abandoned and is not occupied, the City may promptly remove any items that reasonably appear to be trash/garbage. For items that do not reasonably appear to be trash or garbage, the City may post a written "Notice of Apparently Abandoned Property" which notifies potentially interested parties that the City believes the site to be abandoned and will discard unclaimed items in no fewer than 72 hours. Under this scenario, the City shall have no obligation to attempt to identify, remove, and/or store Personal Effects. If unattended items remain at an apparently abandoned site after a notice period of 72 hours or greater, the City may simply discard, recycle, or donate items that remain, as they are most likely abandoned.
- (k) Regardless of the City's authority to remove an Encampment pursuant to this section, every owner, occupant, or lessee of private property, and every holder of any interest in private property, is required to maintain the property in compliance with local, state, and federal law; and is liable for violations thereof.
- (l) The cost of Encampment removal on property not owned by the City, including all administrative costs of any action taken hereunder, may be assessed against the subject premises as a lien, made a personal obligation of the owner, or both, in accordance with procedures in Title 4 of the Santa Cruz Municipal Code.
- (m) It shall be a misdemeanor to willfully prevent, delay, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of property and/or Encampment removal pursuant to this section.

6.36.090 INTERPRETATION OF CHAPTER.

- (a) If any subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.
- (b) Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.
- (c) In enacting and implementing this ordinance, the City is assuming an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 11th day of May, 2021, by the following vote:

AYES: Councilmembers Watkins, Kalantari-Johnson, Golder; Vice Mayor Brunner; Mayor Meyers.

NOES: Councilmembers Brown, Cummings.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2021-12

PASSED FOR FINAL ADOPTION this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Donna Meyers, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2021-12 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator

File ID: 2023-00991

8/1/2023

Consent Item 1.

Critical Infrastructure List Resolution (2023)

File ID: 2023-00991

Location: Citywide

Recommendation: Adopt a **Resolution:** 1) acknowledging receipt of the City Manager's Critical Infrastructure Summary Memorandum of 2023, including the attached Critical Infrastructure List; 2) recognizing said Critical Infrastructure List as the complete listing of locations officially designated by the City Manager as "critical infrastructure" for purposes of Chapter 8.140 of the City Code; 3) approving any and all locations on the Critical Infrastructure List as "critical infrastructure" for purposes of Chapter 8.140 of the City Code; and 4) repealing Resolution No. 2022-0322.

Contact: Daniel Bowers, Director of Emergency Management, (916) 808-1833, dbowers@cityofsacramento.org, Office of the City Manager

Presenter: Daniel Bowers, Director of Emergency Management, (916) 808-1833, dbowers@cityofsacramento.org, Office of the City Manager

Attachments:

- 1-Description/Analysis
- 2-Summary Memorandum Critical Infrastructure List
- 3-Resolution Critical Infrastructure List 2023
- 4-Critical Infrastructure List and Justifications

Description/Analysis

Issue Detail: The City Council adopted Ordinance No. 2020-0009 on February 25, 2020, which added Chapter 8.140 to the City Code for the protection of critical infrastructure and wildfire risk areas in the interests of public safety. Pursuant to Section 8.140.020 of the City Code, "critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources." It is imperative that critical infrastructure across the City of Sacramento be protected to ensure operational readiness and continuity of essential services during all-hazards. Real property or a facility does not become "critical infrastructure" for the purpose of Chapter 8.140 until so designated by the City Manager and

subsequently approved by the City Council through a resolution.

Following passage of the Critical Infrastructure Ordinance, the City's Director of Emergency Management led deliberate and thorough coordination, which brought together subject matter experts and stakeholders to recommend, justify, and validate key facilities and property parcels across the City to be designated as Critical Infrastructure by the City Manager, pursuant to direction received by City Council. Each component of critical infrastructure was additionally validated, based on reference guidance from the Department of Homeland Security and Federal Emergency Management Agency. The result was the first Critical Infrastructure List of June 8, 2021, which the City Council adopted on July 20, 2021 through Resolution No. 2021-0227.

Thereafter, to extend explicit protection to local schools after several reported incidents of students be accosted to and from school, the City Manager issued a memorandum of October 11, 2022, including a revised Critical Infrastructure List. On October 18, 2022, the City Council adopted the revised Critical Infrastructure List through Resolution No. 2022-0322.

The City Manager has issued a new memorandum on July 25, 2023, which updates the locations on the Critical Infrastructure List that are designated as "critical infrastructure" for purposes of Chapter 8.140 of the City Code of courthouses and government law offices, including those of criminal prosecutors. This matter is before the City Council for approval of the City Manager's updated designation.

Policy Considerations: Not applicable.

Economic Impacts: Not applicable.

Environmental Considerations: This action is not a project that is subject to CEQA because it is an administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines §15378(b)(5)).

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: The City Manager deems the locations on the Critical Infrastructure List to be vital and integral to the operation or functioning of the City. The City Manager further finds that their damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. The approval of the updated Critical Infrastructure List will save lives, protect property, reduce maintenance costs, and bolster the City's resiliency to all-hazards affecting our community and region.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

MEMORANDUM

DATE: July 25, 2023

TO: Mayor and City Council Members

FROM: Howard Chan, City Manager

SUBJECT: CRITICAL INFRASTRUCTURE SUMMARY (2023)

On February 25, 2020, the City Council adopted the Protection of Critical Infrastructure and Wildfire Risk Areas Ordinance (No. 2020-0009), which added Chapter 8.140 to the Sacramento City Code. “critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources.” (Sac. City Code, § 8.140.020.) The Ordinance recognizes the necessity for the City of Sacramento to ensure the operational readiness and continuity of essential services from certain real property and facilities during all-hazards.

The City Council has previously adopted designated parcels or facilities as “critical infrastructure” through Resolutions Nos. 2021-0227 and 2022-0322. The designation of a parcel or facility as “critical infrastructure” is a thoughtful and deliberate process. The City Manager designates a location as critical infrastructure, but the location becomes critical infrastructure for the purposes of Chapter 8.140 only after approval by the City Council.

The City’s Director of Emergency Management can receive input from subject-matter experts and stakeholders to recommendation, justification, and validation of key parcels and facilities in the City for designation as critical infrastructure by the City Manager. Each component of potential critical infrastructure was additionally validated, based on guidance from publicly available reference materials of the United States Department of Homeland Security and the Federal Emergency Management Agency regarding federally designated critical infrastructure. The result is the attached Critical Infrastructure List, which was developed over several months as city leaders and subject-matter experts conducted a comprehensive assessment of facilities and property parcels that serve critical purpose to preserve public safety.

Therefore, as City Manager, I designate any and all locations on the 2023 City of Sacramento Critical Infrastructure List as updated “critical infrastructure” for the purposes of Chapter 8.140 of the Sacramento City Code. The locations on the 2023 City of Sacramento Critical Infrastructure List are so vital and integral to the operation or functioning of the City of Sacramento that their damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.

RESOLUTION NO. 2023-

Adopted by the Sacramento City Council

August 1, 2023

Resolution Approving City Manager's Designation of Specified Locations as Critical Infrastructure for Purposes of Chapter 8.140 of the City Code

BACKGROUND

- A. The City Council adopted Ordinance No. 2020-0009 on February 25, 2020, which added Chapter 8.140 to the City Code for the protection of critical infrastructure and wildfire risk areas in the interests of public safety.
- B. Pursuant to Section 8.140.020 of the City Code, "critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources."
- C. Real property or a facility does not become "critical infrastructure" for the purpose of Chapter 8.140 until so designated by the City Manager and subsequently approved by the City Council through a resolution.
- D. On July 20, 2021, the City Council adopted Resolution 2021-0227, which ratified a previous listing of critical infrastructure from the City Manager.
- E. On October 18, 2022, the City Council adopted Resolution 2022-0322, which ratified the City Manager's current listing of critical infrastructure.
- F. The City Manager presented the attached Critical Infrastructure Summary Memorandum of 2023 (Memorandum) (Attachment 1) to the City Council. The Memorandum includes the attached 2023 City of Sacramento Critical Infrastructure List (List) (Attachment 2), which contains the updated locations that have been designated "critical infrastructure" by the City Manager for purpose of Chapter 8.140.
- G. The City Manager deems the locations on the List to be so vital and integral to the operation or functioning of the City of Sacramento that their damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.
- H. Pursuant to direction received by City Council, the City's Director of Emergency Management brought together subject-matter experts and stakeholders to recommend, justify, and validate key parcels and facilities in the City to be

designated as critical infrastructure by the City Manager. Stakeholders and key leaders included both internal city staff and external partnering agencies. The process also included consideration of publicly available reference materials of the United States Department of Homeland Security and the Federal Emergency Management Agency regarding federally designated critical infrastructure.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council acknowledges receipt of the City Manager's Critical Infrastructure Summary Memorandum of 2023, including the attached "2023 City of Sacramento Critical Infrastructure List."
- Section 2. The City Council recognizes said Critical Infrastructure List as the complete listing of locations officially designated by the City Manager as "critical infrastructure" for purposes of Chapter 8.140 of the City Code.
- Section 3. The City Council hereby approves any and all locations on said Critical Infrastructure List as critical infrastructure for purposes of Chapter 8.140 of the City Code.
- Section 4. Sacramento City Council Resolution No. 2022-0322 is hereby repealed.

2023 City of Sacramento Critical Infrastructure List						
Vulnerable Population Sites	Government Operations	Utilities and Public Works	Healthcare	Public Safety	Transportation	Gathering Areas
Adult Residential (parcel)	City Corporate Yards (parcel)	Air Release Station (parcel)	General Acute Care Hospital (parcel)	Evacuation Shelters (facility)	Airport (parcel)	Arena/Stadium (facility)
Child Care (parcel)	City Fleet Maintenance (parcel)	Booster Station (parcel)	Medical Health Facility (parcel)	Fiber and Communication Network (facility)	Bridges (facility)	College/University (facility)
Navigation Centers (parcel)	City Hall (facility)	Combined Sewer System Vault (parcel)		Fire Stations (parcel)	Bus Terminal (facility)	Convention Center (facility)
Social Rehabilitation Facility (parcel)	City Operation Centers (facility)	Dewatering Station (parcel)		Jail (facility)	Light Rail Stop (facility)	pre-K-12 Schools (parcel +500ft)
	Community Centers (facility)	Drainage Canals (parcel)		Police Stations (parcel)	Light Rail Tracks	
	Official Fueling Stations (parcel)	Flood Protection Barrier/Gate (parcel)		Program Logic Controls (facility)	Rail Lines	
	Courthouses (facility)	Landfill Gas Extraction System (parcel)		Servers, Switches, Firewalls (facility)	Train Station (facility)	
	Legal System Offices (facility)	Levees (parcel)				
		PG&E Gasline Infrastructure				
		Potable Wells (parcel)				
		Retention/Detention Basin (parcel)				
		Rivers/Creeks				
		SMUD Power Infrastructure (Facilities)				
		Storage Facility (parcel)				
		Sump Station (parcel)				
		Treatment Plant (parcel)				
		Turnout (parcel)				
External County Data						
Internal City Data						
Other External Data						
Critical Infrastructure List Supporting Summaries		7/25/2023				
Air Release Station		Air release valves are appurtenances located on water transmission mains throughout the City. A portion of the piping of an air release valve is above ground. There are over 650 air release valves located throughout Sacramento within City right-of-way.			These facilities are located within City ROW or easements.	
Basins		Basins constitute a facility for producing, storing, diverting, conserving, treating, or conveying water. Drainage flood control and water quality detention basins are a part of the City's drainage system and prevent flooding and protect the City's local creeks and rivers as required by the City's State NPDES Permit.			Drainage collection currently maintains 164 basins throughout the City as part of the critical infrastructure conveyance system.	
Booster Station		One potable water booster pump station exists within the City of Sacramento at 4299 Astoria Street. It maintains the pressure in a historically lower pressure area of the city.			The facility and parcel are critical.	
Combined Sewer System Vaults		There are four stormwater vaults within the City of Sacramento Combined Sewer System, designed to provide additional storage capacity during large rain events. All four vaults are in high profile areas and located underground. If these vaults not accessible, become damaged or unusable, the impact will create safety and public health hazards throughout the system. There will be a risk of			These facilities can be on a parcel or part of another critical facility.	
Drainage Canals		Drainage canals and channels are critical conveyance elements that deliver rainfall runoff from urban areas to receiving waterways. Channels can have multiple pump stations pumping flows into them. It's critical to maintain channel side slope integrity to prevent erosive action. Failure in channels/canals can lead to significant flooding for large areas of the city.			these facilities are located over long stretches and pass through multiple neighborhoods.	
Fire Stations		Fire Stations provide critical services for fire and emergency medical responses in our city and community. If there is a disruption of service, due to the fire department's inability to access or leave from the location, or damage to the station, the city and community would suffer due to delays in emergency response.			These facilities are typically on a parcel associated with a critical facility.	
Flood Protection Barrier – Floodgates, Sluice gates, Flap gates		A flood protection barrier is a specific type of floodgate that is designed to prevent water from entering through a primary or secondary levee. Floodgates are installed or closed to block water from entering the city. Sluice gates are closed to prevent water, stormwater, or wastewater from entering or backing up into the city. Flap gates prevent water from entering the city through pipes			There are several sites across the city; many have components that are stored elsewhere and deployed as needed to safeguard the city.	
Gathering Areas		Gathering areas across the City often consolidate the largest number of persons in a confined area, which have historically been ideal targets for extremist and terror attacks. Gathering areas are also often ideal locations to conduct mass care and shelter for evacuees given the range of onsite support to host large groups of people.			Typically just the facility is critical and the parcel consists of parking lots and/or additional business enterprise.	
Government Operations		This includes key locations where governance is conducted, and support to the community is administered from. This oft includes administration buildings where plans, procedures, and fees may be processed; additionally, this can include locations that host community services, such as: sheltering, childcare, youth programs, etc.			These facilities can be on a parcel or part of another critical facility.	
Landfill Gas Extraction System		The City owns and operates an extensive landfill gas extraction system, including two flare stations on the east and west side of Sutter's Landing Regional Park. This system prevents the release of landfill gas that would be harmful to the environment and nearby communities. Operation of this infrastructure is vital to the safety of the surrounding homes and businesses, who would be potentially exposed to risk should this equipment fail.			These facilities are typically on a parcel associated with a critical facility.	
Levees		Levees protect the Sacramento area from flooding due to high river or creek/stream levels caused by rainfall events that produce high volumes of runoff. Without the ability to maintain these facilities the flood risk to Sacramento residents is increased.			Most levees around Sacramento have flood control easements along rivers/creeks/streams. Levees are not typically on a single parcel or within the right-of-way.	
PG&E Gas line infrastructure		PG&E provides gas service to DOU Water, Wastewater, and Drainage facilities. Loss of PG&E service may result in potential flooding, sanitary sewer overflows, and no water production and treatment.			These facilities are typically on a parcel associated with a critical facility.	
Police Stations and Facilities		Police Stations and Facilities are critical to the safety of the community as they house dispatch communication, peace officers, their vehicles, and equipment. If those facilities are damaged or prevented from being used, it would negative impact the Police Departments ability to provide community services, thereby threatening the safety of our City.			These facilities are typically on a parcel associated with a critical facility.	
Potable Wells		The City currently is permitted to operate 28 groundwater wells. Twenty-six (26) are located in the northern portion of the City, north of the American River and two are located south of the American River. Two additional wells are currently under construction south of the American River. Groundwater wells provides 20% of the annual potable water supply for the City of Sacramento and wholesale customers.			Potable wells are facilities and are located at 28 city owned parcels throughout Sacramento.	
Rivers/Creeks		Rivers and Creeks are important elements of the City's drainage system as they pass storm flows from distant areas through our city as well as collect drainage from city neighborhoods. The City is protected from high flows in rivers and streams by the levee systems that border these water courses. Maintaining levees per guidelines is mandated by regulating State and Federal agencies. Access for monitoring during high flows is critical. Failure of this asset can lead to catastrophic flooding in our City.			Rivers and Creeks traverse through or are adjacent to much of our City.	
SMUD Power Infrastructure		SMUD provides electrical service to DOU Water, Wastewater, and Drainage facilities. Loss of SMUD service may result in potential flooding, sanitary sewer overflows, and no water production and treatment.			These facilities are typically on a parcel associated with a critical facility.	
Storage Facility		The City currently has 16 water storage facilities: 11 distributed storage tanks located throughout the City, and five clear wells located at the water treatment plants (three at the SRWTP and two at the FWTP). The storage facilities, or reservoirs, store water and pump water into the transmission main system for distribution into neighborhoods, mostly during periods of high demands.			The storage facilities, or reservoirs, are facilities and are located at 14 different sites.	
Sump Station		Wastewater and drainage is collected in underground pipes and flows to a collection point at a lower elevation which is a sump station. At the sump station wastewater is pumped to a force main pipe that conveys wastewater to a treatment plant for treatment. At the drainage sump, the water is pumped to a force main pipe that conveys the water to creeks and rivers. These facilities are essential to prevent flooding during rain events and to reduce sewer outflows.			Sump are facilities and are located on city owned parcels.	
Treatment Plant		The City treats surface water diverted from the Sacramento and American Rivers through the Sacramento River Water Treatment Plant and the E.A. Fairbairn Water Treatment Plant. These two water treatment plants provides 80% of the annual potable water supply for the City of Sacramento and wholesale customers.			The WTPs are facilities and are located at 301 Water Street and 7501 College Town Drive.	
Turnout		The City maintains seven metered wholesale/wheeling connections to other adjacent agencies and 21 additional emergency interties. The turnouts are located throughout Sacramento within City right-of-way. The turnouts/interties are used for emergency water supply.			These facilities are located within City ROW or easements.	
Courthouses and Legal System Offices		These facilities facilitate legal proceedings and house files and personnel that are part of the public legal system.			These facilities are located within City ROW or easements.	



CITY COUNCIL AGENDA – DECEMBER 19, 2023

SUBJECT: Update Regarding Consideration of Potential Local Regulations Addressing Regulation of Camping, the Protection of Critical Infrastructure and Public Access to Open Spaces, and Request to Schedule Study Session

SOURCE: City Attorney

COMMENT: As discussed by the City Council at its meeting on October 17, 2023, this item has been brought back to provide additional information to the Council regarding questions the Council Members posed. Staff recommends that the Council schedule a Study Session (potentially January 30, 2024) for further consideration and to provide direction concerning the development of local regulations and potential expanded resources.

At its October 17th meeting, members of Council asked about the regulations the City currently has within its Municipal Code that address camping. Questions were also raised concerning the regulation of shopping carts and the City's determinations and handling of abandoned property. Finally, there were questions concerning whether the City could set camping boundary restrictions at a lesser amount than 500 feet (such as 250 feet).

CITY'S CURRENT REGULATIONS

This office reviewed the City's current Municipal Code for regulations that directly or indirectly affect individuals experiencing homelessness. Three areas in the Code were identified – 1) Section 19-11, pertaining to Park Closing Hours, 2) Article VII related to "Squatter Camps," and 3) Article X, "Shopping Carts" (which will be discussed separately).

Currently, per Section 19-11 the City restricts individuals from entering, remaining in, or refusing to leave Murry Park, Westview Park, Olivewood Park, Noon Lions' Park or Zalud Park between 10:00p.m. and 5:00a.m. (with the Zalud Park tennis courts excluded). This section was last adopted/revised in 1980 and apparently has not been modified. Additional parks/hours restrictions may have been established via Resolution. The regulation on its face would be legal, so long as there are other public places where individuals experiencing homelessness can sleep.

Article VII, "Squatter Camps," was adopted in 2007, predating the recent case law affecting camping. The camps are defined as areas of public or private land upon which an individual has settled, located or occupied, without having a bona fide claim or color of title to, or without express consent of the owner or legal occupant, AND which are occupied or inhabited in violation of certain uniform building or housing codes (which included any tent camp space, shelter

structure, vacant structure, or structure deemed to be substandard or unsuitable for habitation by City building officials). The Article purports to prohibit individuals from occupying any land without proper claim or title, or without express permission from the owner, or from constructing any tent or structure on the property. The Article, aside from deeming violations to be misdemeanors or infractions, also declares the violations public nuisances and establishes a specific abatement process, which after posting and “serving” notice purports to allow removal of personal belongings after three days and discard unclaimed belongings after ten (10) days. This Article is clearly outdated and has some issues. For example, in addition to the case law previously discussed at the last meeting, the uniform building and housing code sections referred to have also been modified since the adoption of this Ordinance back in 2007. Additionally, the property disposal provisions in this Ordinance are no longer appropriate. As discussed at the last meeting, absent an immediate threat to public health or safety, seized property cannot be disposed of without first maintaining the property in a secure location for a period of at least ninety (90) days. In *Lavan v. City of Los Angeles* (9th Cir. 2012) the Court affirmed that the notice and timing procedures established via lower court cases including one involving the City of Fresno apply. Under those cases, public entities may only seize personal property that the entity reasonably believes has been abandoned, presents an immediate threat to the public health and safety, or is evidence of a crime or contraband; AND absent an immediate threat to the public health or safety, the seized property cannot be destroyed without holding the property in a secure location for no less than ninety (90) days. These cases also provide that entities should establish policies that require notification of pending removal prior to the seizure, and opportunity for the individual to remove and store their personal property, and if the entity removes items the entity must document the particular items removed along with where those items can be recovered.

SHOPPING CARTS

The City made comprehensive additions/revisions to its shopping cart regulations via Ordinance adopted in 2018. Article X of the Municipal Code provides that the cart owners are responsible for keeping their carts contained to the business premises and provides that it is unlawful for a person to remove a cart from a business premises. If carts are removed, cart owners (the businesses) are required to retrieve abandoned carts that have been retrieved by the City, after receiving notice. For repeat offenders (businesses), the City may require that the business operate and maintain an onsite cart containment system. Business owners are also required to affix cart identification signs.

CRITICAL INFRASTRUCTURE PROXIMITY RESTRICTIONS

At the October 17th meeting, questions were raised concerning the “500 foot” proximity requirement that several jurisdictions have adopted, and whether this could be reduced to 250 feet. The Council can determine what the appropriate restriction should be. For example, some jurisdictions have utilized a much smaller boundary restriction, such as the City of Stockton which adopted a distance of thirty (30) feet from critical infrastructure (levees, sloughs, river, canals, waterways, council-designated property or facilities) or within thirty

(30) feet of the property line of any parcel enclosing critical infrastructure, or within thirty (30) feet of a vehicular or pedestrian entrance or exit of critical infrastructure. Stockton also prohibits camping on portions of right of way required by authorities to be free of obstruction for first responders, or in a wildfire risk area.

CURRENT SHELTERS AND SERVICES AND LONG-TERM PLANNING

There are currently four shelters within the city that provide emergency beds for individuals experiencing homelessness. The projects are supported with federal and state funds accessed through the Continuum of Care on Homelessness, County of Tulare, private donations, health plans, and the City of Porterville. In addition to those shelters, there are other projects that are scattered sites that provide permanent supportive housing (PSH) and a multi-family housing project that is dedicated PSH housing. The City directly supports the Porterville Navigation Center with a current capacity for fifteen (15) emergency beds and fifteen (15) bridge housing beds. The City also currently supports the Porterville Armory Temporary Evacuation Point and Shelter, although not a homeless shelter, serves to house individuals who are homeless as a result of the 2023 atmospheric flood, providing overnight shelter to approximately thirty (30) individuals every night with a capacity of fifty (50) beds.

Additionally, the City supports and collaborates with local service providers, to assist homeless individuals and families. Funding priorities concentrate on supporting existing projects that support the Housing First model, Permanent Supportive Housing (PSH), Bridge Housing, Navigation Centers, Emergency Shelters, Housing Navigators, and other programs that help individuals experiencing housing move from an unhoused situation to permanent housing.

RECOMMENDATION: That the City Council consider scheduling a Study Session early next calendar year to consider and provide further direction concerning proposed changes to the City's current regulations, and the development and planning for additional shelter space.

ATTACHMENTS:

1. Municipal Code - Chapter 19, Section 11: Closing Hours in Parks
2. Municipal Code - Chapter 18, Article VII. Squatter Camps
3. Municipal Code - Chapter 18, Article X. Shopping Carts
4. City of Stockton Ordinance

Appropriated/Funded:

Review By:

Department Director:
Julia Lew, City Attorney

Final Approver: John Lollis, City Manager

19-11: CLOSING HOURS IN PARKS:

A. It shall be unlawful for any person to enter, to remain in, or to refuse to leave Murry park, Westview park, Olivewood park, Noon Lions' park, North park, or Zalud park between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M.

B. The Zalud park tennis courts shall be excluded from such restriction as stated in subsection A of this section.

C. Any person in violation of this section shall be guilty of a misdemeanor. (Ord. 1219 §§ A–C, 10-28-1980)

ARTICLE VII. SQUATTER CAMPS

SECTION:

18-76: Purpose

18-77: Definitions

18-78: Unlawful Occupancy

18-79: Enforcement

18-80: Nuisance

18-81: Procedure For Abatement Of Nuisance

18-82: Penalty

18-83: Severability

18-76: PURPOSE:

The purpose of this article is to assist code/law enforcement in minimizing the impact that squatter camps have on the city's quality of life. Squatter camps are unsightly, accumulating over time on public and private property causing blight and similar conditions resulting in depreciation of property values and deterioration of the city's neighborhoods. Such encampments are also detrimental to the public health, safety, and welfare, and constitute a public nuisance and, hence, the city herewith provides a means by which they can be eliminated. (Ord. 1719 § 1, 4-17-2007)

18-77: DEFINITIONS:

Unless otherwise stated herein, whenever used in this article, the following terms shall be defined as follows:

HEALTH OFFICER: The health officer of the city, as appointed by the city manager, and the health officer's duly authorized representatives and deputies.

SQUATTER: One who settles or locates on land enclosed or unenclosed with no bona fide claim or color of title or without the express consent of the owner or person legally in charge of the land.

SQUATTER CAMP: An area of land, public or private, upon which any person has settled or located, or which he/she occupies, without having a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge thereof or the agent of the same, and which is occupied or inhabited in violation of section 103 of the California building code or chapter 10 of the uniform housing code as adopted by the city of Tulare. It includes any tent camp space, house court and every other kind of camp, tent, shelter, structure, or collection of tents, shelters, or structures of any kind established, constructed, maintained, or operated thereon. It also includes the inhabiting of any vacant structure without permission of the property owner, or the inhabiting of any structure deemed substandard and/or unsuitable for habitation by city building officials. (Ord. 1719 § 1, 4-17-2007)

18-78: UNLAWFUL OCCUPANCY:

No person shall settle or locate on or occupy any land without a bona fide claim or color of title thereto, or without the express consent of the owner or person legally in charge of said land, or erect or construct any tent, shelter, or structure of any kind thereon. (Ord. 1719 § 1, 4-17-2007)

18-79: ENFORCEMENT:

It shall be the duty of the chief of police or the city health officer to enforce the provisions of this article. (Ord. 1719 § 1, 4-17-2007)

18-80: NUISANCE:

Every "squatter camp" as defined in this article is hereby declared to be a public nuisance, and may be abated by the city in the manner provided in this article. (Ord. 1719 § 1, 4-17-2007)

18-81: PROCEDURE FOR ABATEMENT OF NUISANCE:

The health officer and the chief of police are hereby authorized to abate such a nuisance as follows:

A. **Service Of Notice:** Notice must be served upon the owner or person in charge of the property upon which said squatter camp is located. Such notice shall be in writing, signed by the health officer or chief of police, and served upon the owner or the person in charge of the property upon which said squatter camp is located according to the provisions of section 1162 of the Code of Civil Procedure of California. Such notice shall require that said squatter camp be completely abandoned, abated, closed and vacated and demolished within three (3) days from the date of service of notice upon the owner or operator or person in charge thereof. Failure or refusal on the part of any such owner or person in charge of such squatter camp to abate, vacate, and close it in compliance with such written notice shall constitute a violation of this article. Where public property is involved, the notice shall be served upon the squatter(s).

B. **Posting Of Notice:** Upon the failure or refusal on the part of the owner or person in charge of the land, upon which the squatter camp is located, to comply with the notice, the health officer or chief of police may post notices notifying all squatters that said squatter camp is condemned as a public nuisance and that all persons shall, within three (3) days, vacate the premises upon which such squatter camp space is located. Any person who shall thereafter enter in or upon or make any use of such squatter camp shall be guilty of a violation of this article.

C. **Notice Of Condemnation; Removal Of Belongings:** If the health officer or chief of police is unable to ascertain or find the owner

of the land upon which any such squatter camp is located, or where no person is in charge of the same, the health officer or chief of police may notify all squatters within such squatter camp, in writing, that the same has been condemned and to remove all personal belongings therefrom within three (3) days. In addition, the health officer or chief of police shall post a written notice in a conspicuous place, within said squatter camp, notifying all squatters to remove all personal belongings and vacate said squatter camp within three (3) days, after which the city may remove all remaining personal belongings and shall hold such for ten (10) days. The city may discard all items not claimed within the ten (10) day holding period.

D. Failure To Comply A Violation: Failure or refusal of any person to comply with any notice provided according to this article shall be a violation of this article. (Ord. 1719 § 1, 4-17-2007)

18-82: PENALTY:

Every "squatter camp", as defined by this article, is hereby declared a public nuisance, and as such may be abated in the manner provided for in this article. Furthermore, all violations of this article shall be considered misdemeanors, punishable according to section 1-9 of this code. Upon the recommendation of the prosecuting attorney, the court may reduce the charged offense from a misdemeanor to an infraction, punishable under California Penal Code section 19.8. (Ord. 1719 § 1, 4-17-2007)

18-83: SEVERABILITY:

If any provision, clause, sentence, or paragraph of this article or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this article which can be given effect without the invalid provisions or application and, to this end, the provisions of this article are declared to be severable. (Ord. 1719 § 1, 4-17-2007)

ARTICLE X. SHOPPING CARTS

SECTION:

18-100: Findings And Purpose

18-101: Definitions

18-102: Enforcement Authority And Remedies

18-103: Prohibition Against Removing, Possessing And Altering Carts

18-104: Prohibition Against Abandoning Carts

18-105: Impoundment Of Abandoned Carts

18-106: Cart Identification Signs

18-107: Cart Containment System Required

18-108: Retrieval Services

18-109: Penalty

18-110: Prosecution For Theft Not Precluded

18-111: Severability

18-100: FINDINGS AND PURPOSE:

The City Council finds that abandoned shopping carts on public and private property create conditions that are unsightly, interfere with pedestrian and vehicular traffic, accumulate over time on public and private property, promote blight, resulting in reduction of property values and deterioration of neighborhoods, are detrimental to the public health, safety and welfare, and constitute a public nuisance. This article is intended to ensure that measures are taken to prevent the removal of the shopping carts from the owner's premises and facilitate the retrieval of abandoned shopping carts in a manner consistent with State law. (Ord. 1848, 8-7-2018)

18-101: DEFINITIONS:

ABANDONED CART: Shall mean any cart that has been removed, without the written consent of the owner, from the owner's business premises or parking area of the retail establishment on which the cart owner's business premises are located, is located on either public or private property, and is no longer in the possession or under the physical control of the person who removed the cart. A cart abandoned by a person, other than the owner, shall not constitute a relinquishment of ownership of the cart by the owner.

BUSINESS PREMISES: Means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and parking areas, as defined herein. The owner's business premises may include a multi-store shopping center with shared areas of parking and public access. The entire area owned, rented, leased or utilized by a business establishment that provides shopping carts for customer use, including parking areas.

CART: A basket or platform which is mounted on wheels or a similar device generally used in a business establishment by a customer for the purpose of transporting goods of any kind or used in a coin-operated laundry or dry-cleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them. This includes, but is not limited to, laundry, grocery or shopping carts.

CART IDENTIFICATION SIGN: Means a sign or engraved surface which is permanently affixed to a shopping cart containing all of the information specified in section 22435.1 of the California Business and Professions Code.

CART OWNER: Means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind. Any person, business establishment or entity that owns, possesses or has the power to make a shopping cart available to customers. For the purpose of this article, owner includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager or other designated agent of a business establishment providing shopping carts for customer use.

CART REMOVAL WARNING: Means a placard, sign or painted text which meets the requirements specified in section 18-106 of this article.

CART RETRIEVAL SERVICE: Means a third party commercial service in the business of retrieving and returning shopping carts.

DIRECTOR: The City Manager or his or her designee.

ENFORCEMENT OFFICER: Means any officer or employee of the City designated with the authority to enforce the applicable provisions of this Code.

INDIVIDUAL CART IDENTIFICATION NUMBER: Means a number unique to each cart owned or provided by a cart owner.

ON-SITE CART CONTAINMENT PROGRAM: Means one or more of the following measures:

A. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.

B. An on-site security guard to deter customers who attempt to remove carts from the business premises.

C. Bollards and chains around the business premises to prevent cart removal, if permitted by the applicable zoning and the site plan, and if approved by the Fire Marshal.

D. Obtaining a security deposit from customers for the on-site use of shopping carts.

E. The rental or sale of carts that can be temporarily or permanently used for the transport of goods.

F. Any other measure approved by Community Development as a means to contain carts on the premises.

PARKING AREA: Means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, "parking area" includes the entire parking area used by or controlled by the complex or center.

PERSON: Any person, corporation, partnership, association, joint- stock company, limited liability company, limited liability partnership and other entity capable of being sued.

PHYSICAL CONTAINMENT SYSTEM: Means one of the following, as approved by the Director of Community Development:

A. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.

B. Any other system of equipment approved by the Community Development Director or designee which physically contains shopping carts on the premises.

SHOPPING CART OR CART: Means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this article.

SHOPPING CART OR LAUNDRY CART RETRIEVAL BUSINESS: To search for, gather and restore possession to the owner, or an agent thereof, for compensation or in expectation of compensation, of shopping carts or laundry carts located outside the premises or parking area of a retail establishment.

STREET: Any street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, crosswalk, sidewalk, park, parking lot, parking area and place used by the general public. (Ord. 1848, 8-7-2018)

18-102: ENFORCEMENT AUTHORITY AND REMEDIES:

A. This article shall be administered and enforced by the Director with the assistance of the Police Chief, Fire Chief and their designated agents and Code Enforcement Officers. The Director is hereby authorized and directed to promulgate and implement rules, regulations and procedures necessary or appropriate for the enforcement of this article. The Director, Police Chief, Fire Chief and their designated agents and Code Enforcement Officers are authorized as follows:

1. To enter upon and inspect any public and private property or premises to ascertain whether the provisions of this article or applicable State laws are being obeyed. As used herein, public property includes the outdoor common area of any building, business premises, apartment building or complex or other premises or portion thereof which is adjacent to public property, open to the public and which contains a shopping cart or shopping carts visible at street or ground level from the adjacent public property. All inspections, entries and examinations shall be done in a reasonable manner. If an owner, tenant, occupant or agent or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure. Nothing contained in this section shall be deemed a limitation upon the Director to enter private property pursuant to permission from the owner or occupant thereof or pursuant to a duly issued inspection warrant or other court order;

2. To examine a shopping cart or parts thereof, or to obtain information as to the identity of the owner of any shopping cart, or to retrieve shopping carts in accordance with the provisions of this article;

3. To determine whether a violation of this article exists and to take appropriate action to gain compliance with the provisions of this article and applicable State laws; and

4. To issue administrative citations and to impose civil penalties for any violation of this article.

B. The Police Chief, City police officers and designated City employees, who shall be designated by a separate resolution pursuant to the provisions of California Penal Code section 836.5, shall have the authority to issue criminal citations for violations of this article. The City Attorney and the District Attorney shall have the authority to file criminal complaints to enforce this article.

C. In addition to the above listed authority, the City may exercise the following remedies:

1. Pursuant to Business and Professions Code section 22435.7, any owner that fails to retrieve its abandoned cart(s) within three (3) business days after receiving notice from the City, shall pay the City's administrative costs for retrieving the cart(s) and providing the notification to the owner. Any owner who fails to retrieve abandoned carts in accordance with this article in excess of three (3) times during a specified six-month period shall be subject to a fifty dollar (\$50.00) fine for each occurrence. An occurrence includes all carts owned by the owner that were impounded by the City for a one-day period.

2. If a cart is not retrieved by its owner within thirty (30) days after the owner has received notice of the cart being impounded, including a failure to pay costs and fines, or if the cart's owner cannot be determined, the cart will be sold, destroyed or otherwise disposed of as the City sees fit.

3. Following the City having retrieved more than ten (10) carts in any thirty-day period or the issuance of more than ten (10) administrative citations in any twelve-month period, the Director of Community Development may require the owner to install a physical containment system.

4. Violations by any person of section 18-103 of this article may be enforced through any of the penalties for violations of this Code specified in section 1-9 of this Code. (Ord. 1848, 8-7-2018)

18-103: PROHIBITION AGAINST REMOVING, POSSESSING AND ALTERING CARTS:

It is unlawful for any person except the owner of a cart or the owner's agent to do any of the following acts:

A. No person shall be deemed to be authorized to remove a cart with cart identification from the business premises unless he or she possesses written authorization from the cart owner. Removal authorization shall be valid for a period not to exceed twelve (12) hours. The authorization shall include: the date and time of removal, the name, address, and phone number of the store where the cart was removed, as well as the name, title and signature of the person authorizing the removal. This section shall not apply to the possession of a shopping cart removed from the business premises at the direction of the cart owner for the purposes of repair, maintenance, or when found in the possession of a cart retrieval service returning it to the cart owner;

B. To be in possession of any cart while that cart is not located on the premises or parking lot of the owner of the cart without the express written consent of the owner. Written permission to remove a shopping cart shall be valid for a period not to exceed twelve (12) consecutive hours;

C. It shall be unlawful for a person to possess a shopping cart with a cart identification sign on sidewalks, streets, trails, other public property open to the public, or on private property open to public view, without written authorization from the cart owner, unless the person has written permission of the cart owner to repair or maintain the cart, is a cart retrieval service in the process of returning an empty cart to the cart owner, or is moving the cart so it can be picked up by a cart retrieval service;

D. To be in possession of any shopping cart with serial numbers removed, obliterated or altered; or

E. To alter, convert or tamper with a cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers or the cart identification sign on a cart. (Ord. 1848, 8-7-2018)

18-104: PROHIBITION AGAINST ABANDONING CARTS:

It is unlawful for any person to leave, abandon or store any cart upon any sidewalk, street or other public place, or upon private property exposed to public view, at a location other than the premises of the owner. (Ord. 1848, 8-7-2018)

18-105: IMPOUNDMENT OF ABANDONED CARTS:

A. The City of Porterville hereby adopts California Business and Professions Code section 22435 in reference to the impoundment of abandoned carts. Pursuant to the provisions of the Business and Professions Code, a cart that has a sign affixed to it in accordance with California Business and Professions Code section 22435.1 may be impounded by the City provided both of the following conditions have been satisfied:

1. The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.

2. Except as provided in subsection G of this section, the shopping cart is not retrieved within three (3) business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the City of the shopping cart's discovery and location.

B. In instances where the location of a shopping cart will impede emergency services, the City is authorized to immediately retrieve the shopping cart from public or private property.

C. When the City impounds a shopping cart under the authority provided in subsections A and B of this section, the City is authorized to recover its actual costs for providing this service.

D. Any shopping cart that is impounded by the City pursuant to subsections A and B of this section shall be held at a location that is both:

1. Reasonably convenient to the owner of the shopping cart; and
2. Open for business at least six (6) hours of each business day.

E. The City shall fine the owner of a shopping cart in an amount as set by the Porterville City Council for each occurrence in excess of three (3) during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.

F. The City may sell or otherwise dispose of any shopping cart not reclaimed from the City within thirty (30) days of receipt of a notice of violation by the owner of the shopping cart.

G. Notwithstanding subsection A2 of this section, the City may impound a shopping cart that otherwise meets the criteria set forth in subsection A1 of this section without complying with the three-day advance notice requirement provided that all of the following occur:

1. The owner of the shopping cart, or his or her agent, is provided actual verbal or written notice within twenty four (24) hours following impound of the cart and that notice informs the owner, or his or her agent, as to the location where the shopping cart may be claimed.

2. Any shopping cart so impounded shall be held at a location in compliance with subsection D of this section.

H. Any shopping cart reclaimed by the owner or his or her agent, within three (3) business days following the date of actual notice as provided pursuant to subsection G1 of this section, shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subsection C or E of this section. Any cart reclaimed within the three (3) business day period shall not be deemed an occurrence for purposes of

subsection E of this section.

I. Any shopping cart not reclaimed by the owner or his or her agent, within three (3) business days following the date of actual notice as provided pursuant to subsection G1 of this section, shall be subject to any applicable fee or fine imposed pursuant to subsection C or E of this section commencing on the fourth business day following the date of the notice.

J. Any shopping cart not reclaimed by the owner or his or her agent, within thirty (30) days of receipt following the date of actual notice as provided pursuant to subsection G1 of this section, may be sold or disposed of in accordance with subsection F of this section. (Ord. 1848, 8-7-2018)

18-106: CART IDENTIFICATION SIGNS:

A. Removal Prevention And Retrieval: Every owner who provides or intends to provide carts to be used by customers shall do the following:

1. Pursuant to Business and Professions Code section 22435.1, each shopping cart owned or used within the City shall have permanently affixed to it and easily visible a cart identification sign or engraved surface which includes all of the following information: the name of the cart owner; the telephone number of the cart owner and/or commercial establishment to which the cart belongs; a valid toll-free phone number for cart retrieval; the procedure (if any) to be followed to obtain permission to remove the cart from the business premises; and a notice to the public that unauthorized removal of the cart from the business premises is a violation of State law and City ordinance.

2. In addition to the cart identification and cart removal notice required on each cart, the cart owner shall post a notice in substantially the following form prominently and conspicuously in the area where carts are stored for customer use. Post prominently and conspicuously at all public entrances and exits where there is frequent cart activity, a notice no smaller than 12 inches by 18 inches, or approved by the Director, in the following form:

REMOVAL OF SHOPPING CARTS (OR LAUNDRY CARTS, IF APPLICABLE,) FROM THESE PREMISES IS PROHIBITED BY LAW (PMC § 18-103) AND WILL SUBJECT THE VIOLATOR TO A FINE OF UP TO \$1,000.00 OR SIX MONTHS IN JAIL OR BOTH THE FINE AND THE JAIL TERM.

The notice required by this section shall be considered exempt from chapter 21, article 305 of this Code.

B. Maintenance Of Signs: It shall be the responsibility of each cart owner to comply with subsections A1 and A2 of this section, and to continuously maintain, or cause to be maintained all signs so that all of the required information is accurate and clearly legible.

C. Identification Of Ownership Required: A cart without a sign attached, pursuant to subsection A of this section, shall bear some form of identification to establish ownership. Every business that utilizes shopping carts during normal operations within the City of Porterville shall provide the Director with a valid, current telephone number of the owner or provider of the cart.

D. Chain Stores: Carts provided by individual stores or retailers that are owned by or affiliated with the same company and share the same name (chain stores) shall bear some form of identification which identifies the specific store that the cart is assigned to.

E. Presumption Of Abandonment: A cart that does not have a sign attached as required by subsection A of this section or fails to provide information to the Director as required in subsection C of this section is presumed to be abandoned if it has been left standing unattended on any public or private property other than the owner's or the owner's agent. The City may impound, sell or otherwise dispose of such a cart immediately upon discovery of the cart. (Ord. 1848, 8-7-2018)

18-107: CART CONTAINMENT SYSTEM REQUIRED:

Every cart owner shall operate and maintain an on-site cart containment program as defined in section 18-101 of this article. A cart owner may be exempted from this requirement if he or she provides proof of contracting with a qualified cart retrieval service and submits information to the Community Development Director or designee which demonstrates to the satisfaction of the Director that the qualified cart retrieval service will: a) actively locate shopping carts within the City limits of Porterville seven (7) days per week, eight (8) hours per day; and b) respond to complaints from the public in a manner which results in the retrieval of shopping carts within twenty four (24) hours after receiving complaint(s). (Ord. 1848, 8-7-2018)

18-108: RETRIEVAL SERVICES:

A. Any person who engages in the business of shopping cart or laundry cart retrieval, as defined in this article, in the City shall have a City business license and shall retain records showing written authorization from the cart owner, or an agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved, unless the person is an employee of the cart owner.

B. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart or laundry cart retrieval.

C. Each vehicle employed for the retrieval of shopping carts or laundry carts shall display a sign that clearly identifies the retrieval service or the cart's owner.

D. Any person who violates the provisions of this section is guilty of a misdemeanor and subject to punishment in accordance with section 1-9 of this Code. (Ord. 1848, 8-7-2018)

18-109: PENALTY:

Any person who violates any provision of this Code, or the California Business and Professions Code as referenced above shall be guilty of a misdemeanor and subject to punishment in accordance to California Penal Code section 19. Upon recommendation of the Prosecuting Attorney, the court may reduce the charged offense from a misdemeanor to an infraction, punishable under section 1-9 of this Code. An administrative fine may also be imposed as set forth in section 2-144 of this Code. Nothing in this article shall prevent the City from pursuing criminal, civil, administrative or any other legal remedy to address violations of this article. (Ord. 1848, 8-7-2018)

18-110: PROSECUTION FOR THEFT NOT PRECLUDED:

The provisions of this article are not intended to preclude the application of any other laws relating to prosecution for theft. (Ord. 1848, 8-7-2018)

18-111: SEVERABILITY:

If any provision, clause, sentence or division of this article or the application thereof to any person or circumstance shall be held invalid, the invalidity shall not affect the other provisions or application of the provisions of this article which can be given effect without the invalid provisions or application and, to this end, the provisions of this article are declared to be severable. (Ord. 1848, 8-7-2018)

ORDINANCE NO. 2022-09-27-1202

AN ORDINANCE ADDING TITLE 8, CHAPTER 8.100, TO THE STOCKTON MUNICIPAL CODE RELATING TO PROTECTION OF CRITICAL INFRASTRUCTURE AND WILDFIRE RISK AREAS

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

SECTION I. AMENDMENT OF CODE

Title 8, Chapter 8.100, Sections 8.100.010, 8.100.020, 8.100.030, 8.100.040, 8.100.050, and 8.100.060 are added to the Stockton Municipal Code and shall read as follows:

8.100.010 Findings and purpose.

The City Council finds as follows: (1) a principal threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities including communication, water, wastewater, stormwater, and waste disposal; (2) destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, obstructing access, or other causes; and (3) destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure.

The purpose of this chapter is to mitigate the threat of fire and other potential causes of destruction and damage to, and interference with, critical infrastructure, in order to protect the health, safety, and welfare of the public, by authorizing the removal of persons and their personal property in, on, or near critical infrastructure.

8.100.020 Definitions.

When used in this chapter, the following words and phrases have the following meanings:

“Camp” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, and similar equipment.

“Critical infrastructure” means each of the following:

1. Levees;

2. Sloughs, rivers, canals, and waterways; or

3. Real property or a facility, whether privately or publicly owned, as approved by action of the City Council, that the City Manager designates as being so vital and integral to the operation or functioning of the City that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare.

Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, or drainage systems; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources; and parks.

“Debris” means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.

“Facility” means a building, structure, equipment, system, or asset.

“Garbage” means discarded household items, objects, or materials for which there is no use or reuse intended.

“Hazardous waste” has the same meaning as in California Public Resources Code section 40141.

“Infectious waste” has the same meaning as in California Code of Regulations, title 14, section 17225.36.

“Solid waste” means all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage; ashes; industrial waste; demolition and construction waste; discarded home and industrial appliances; abandoned vehicles and vehicle parts; dewatered, treated, or chemically fixed sewage that is not hazardous waste; manure; dirt; soil, rock, gravel, sand, or other aggregate material; and other discarded solid and semisolid waste.

“Wildfire risk area” has the same meaning as in California Code of Regulations, title 24, part 9, section 202.

8.100.030 Prohibited activities.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia, or for a property owner to allow such activity to occur, at the following locations:

1. Critical infrastructure;
2. Within 30 feet of critical infrastructure;
3. Within 30 feet of the property line of any parcel enclosing critical infrastructure;
4. Within 30 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
5. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law enforcement, fire prevention, or emergency medical services agencies; or
6. In a wildfire risk area.

B. It is unlawful and a public nuisance for any person to store personal property, including camp facilities and camp paraphernalia, in the following locations without the written consent of the owner, except as otherwise provided by action of the City Council:

1. Critical infrastructure;
2. Within 30 feet of critical infrastructure;
3. Within 30 feet of the property line of any parcel enclosing critical infrastructure;
4. Within 30 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
5. On those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction to first responders, including but not limited to members of law-enforcement, fire-prevention, or emergency-medical-services agencies; or
6. Wildfire risk area.

C. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such activities are expressly authorized by the Stockton Development Code or other laws, ordinances, and regulations.

8.100.040 Summary abatement.

A. Any violation of section 8.100.030 may be abated by the City upon 24 hours of prior notice by way of posting notice conspicuously on or in front of property; but a violation of section 8.100.030 may be abated immediately by the City without prior notice, if the violation poses an imminent threat to public health or safety.

B. Abatement pursuant to subsection A may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk, or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity.

8.100.050 Interference with summary abatement.

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of an abatement pursuant to this chapter.

8.100.060 Violation—Penalty.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is guilty of a misdemeanor and subject to criminal sanctions pursuant to Chapter 1.08.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties in the minimum amount of \$250 and a maximum amount of \$25,000 for each day a violation continues.

D. Any person who violates a provision of this chapter is subject to administrative penalties to reimburse the City for all costs, including time, services, and materials, needed to abate a violation of this chapter and hold violator(s) accountable unless the City waives such reimbursement in whole or in part. The hourly rate used to compute the time spent to investigate, document, and abate a violation for purposes of reimbursement shall be the actual costs. Costs may be assessed against the violator and the owner of property where the violation occurred as a personal obligation, lien against the subject premises, or both. Administrative penalties may be appealed within 10 calendar days from the date of a notice of violation in accordance with Chapter 1.44.

E. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the City from the pursuit of any other remedy to enforce this chapter.

//

SECTION II. CRITICAL INFRASTRUCTURE LIST

The City Council approves of the Critical Infrastructure List included as Attachment A to this ordinance. Properties and facilities on the Critical Infrastructure List shall be included in the definition of critical infrastructure for Chapter 8.100 of the code.

SECTION III. SEVERABILITY

If any section of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given without the invalid provisions or application, and to this end the provisions of this act are severable.

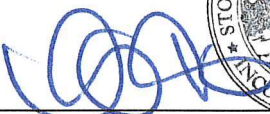
SECTION IV. EFFECTIVE DATE

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

ADOPTED: 9/27/2022

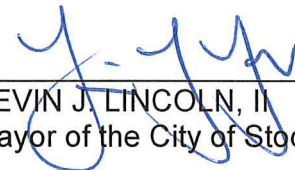
EFFECTIVE: 10/27/2022

ATTEST:



ELIZA R. GARZA, CMC
City Clerk of the City of Stockton





KEVIN J. LINCOLN, II
Mayor of the City of Stockton

City of Stockton - Critical Infrastructure List

In addition to those properties and facilities already defined as critical infrastructure by Chapter 8.100 of the Stockton Municipal Code (SMC), the following properties and facilities are deemed critical infrastructure for purposes of that chapter:

Utilities	Gov't Operations	Public Safety	Transportation	Gathering Areas	Vulnerable Pop.
- Storm and sanitary pump stations - Storm system access locations (e.g., catch basins, manholes, lampholes) - Open storm conveyances (e.g., ditches, lake structures, retentions, and detention basins) - Sanitary system access locations (e.g., manholes and lampholes) - Pipes, valves, meters, vaults, hydrants, and appurtenances - Water sampling stations and associated equipment - Well sites, all equipment, and tanks - Water storage reservoirs, all equipment, and sites - Intake pumping stations and pipes - Delta Water Treatment Plant (entire site) - North Stockton Pipeline Ammonia Facility - Groundwater Recharge Basin site, structure, and equipment - All Water Division sites and property - Regional Wastewater Control Facility - Sewer pump stations - Back-flow preventers, whether public or private - All discharge pipes, and associated appurtenances, into area waterways - All sewer system access (e.g., manholes, clean-outs, lampholes, etc.) - All underground pipe systems (with the H2S levels in the collection system a match or cigarette dropped in a manhole could trigger an explosion).	- City Permit Center - City Hall - Community centers	- Police stations and training facilities - Fire stations and training facilities	- Roads¹ - Sidewalks¹ - Bike paths¹ - Bridges - Underpasses - Parking lots	- Parks² - Sports fields and complexes - Stockton Civic Auditorium	- Libraries - Child Care Facilities (as defined in SMC § 16.240.020) - Schools and Colleges (as "Academic Schools" are defined in SMC § 16.240.020)

Footnotes:

¹ SMC section 8.100.030(A)(2)-(4) and (B)(2)-(4) do not apply.

² If there is no shelter space available in the City then for that particular day and the next day, SMC section 8.100.030 shall not be enforceable at parks with respect to the following: bedroll, cot, sleeping bag, and personal property (but not other camp facilities or camp paraphernalia), all occupying no greater than 75 square feet measured from the center of the primary living space, but not within 30 feet of any playground, restroom, or picnic shelter. All other restrictions apply.

Expansion Options Summary

	Current	Expansion Option 1	Expansion Option 2	Expansion Option 3
Amenities	2 Modular Shelter Units (15 beds)	1 Kitchen/Dining building	1 Kitchen/Dining building	1 Kitchen/Dining building
	1 Office Building	Additional Office Space	Additional Office Space	Additional Office Space
	1 Laundry room	1 Public Bathrooms/ Shower building (4)	1 Public Bathrooms/ Shower building (4)	1 Public Bathrooms/ Shower building (4)
		(Does not include Site work)	(Does not include Site work)	(Does not include Site work)
Additional Beds		Emergency Bed Overnight Overflow (Max Capacity 50)	10 Emergency/Bridge Beds	30 Emergency/Bridge Beds
Initial Capital Investments	\$ -	\$ 1,100,000	\$ 1,500,000	\$ 2,500,000
Annual Operation Expenses	\$ 1,641,236	\$ 1,856,384	\$ 2,063,145	\$ 2,667,892
Total	\$ 1,641,236	\$ 2,956,384	\$ 3,563,145	\$ 5,167,892
Difference		\$ 215,148	\$ 421,909	\$ 1,026,656

UNSAFE CAMPING ORDINANCE

San Diego Municipal Code – Chapter 6, Article 3, Division 4

OVERVIEW

The City of San Diego's Unsafe Camping Ordinance, approved in June 2023, established **new regulations prohibiting encampments on public property** and codifying how, when and where the City may abate or conduct enforcement related to violations of the regulations. **Enforcement of the ordinance will begin July 31, 2023.**

This document is meant to provide an overview of SDMC 63.0404. To read the full ordinance, please visit sandiego.gov/city-clerk. If you are experiencing homelessness and would like to access shelter or services, please dial 2-1-1 or visit 211sandiego.org.



IMPLEMENTATION

The City of San Diego is implementing the Unsafe Camping Ordinance in a way that is coordinated across all City departments.

Outreach: For weeks leading up to the start of enforcement, the City's non-law enforcement outreach teams worked to educate individuals living in encampments near schools and parks that the ordinance was passed and enforcement may begin soon.

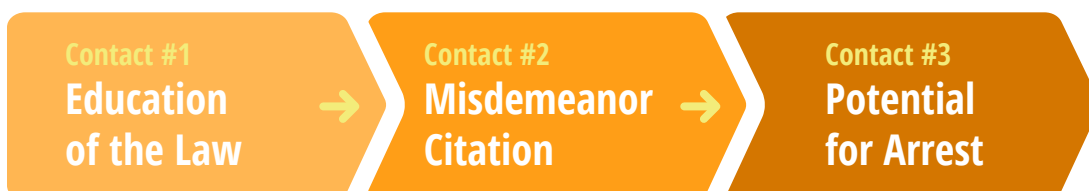
Scaled Approach: Enforcement of the ordinance will be a scaled approach – starting first near schools and parks most impacted by encampments.

Signage: Per the ordinance, the City is installing signage in several locations citywide identified as being sensitive areas impacted by homeless encampments that may cause a risk to public health and safety near schools and parks. These locations will be addressed first, then additional locations throughout the city will be evaluated for signage.

PROGRESSIVE ENFORCEMENT

The San Diego Police Department uses a **"progressive enforcement"** model to provide a consistent approach to enforcement. Officers are trained to always offer shelter to individuals prior to taking enforcement action and continue to provide offers for shelter and services at each subsequent interaction. Enforcement related to SDMC 63.0404 is outlined as follows. Other quality of life crimes may follow other enforcement procedures.

SHELTER IS OFFERED AT EVERY POINT OF CONTACT



UNSAFE CAMPING ORDINANCE

San Diego Municipal Code – Chapter 6, Article 3, Division 4



If shelter is available, officers may enforce for violations of SDMC 63.0404 on any person camping on public property.

Regardless of shelter availability, officers may enforce violations in the following locations:

- Within two blocks of K-12 schools.
- Within two blocks of a shelter.
- Along trolley tracks and transportation hubs.
- In City parks, where a substantial public health and safety risk is determined.
- In any open space, waterway or banks of a waterway.

Officers may enforce violations of other laws throughout the city related to homeless encampments, including when there is an immediate threat to public safety or the person is wanted in connection to another crime.

ABATEMENT PROCEDURE

The Unsafe Camping Ordinance standardized a citywide process for how the City's Environmental Services Department notices and addresses encampments and property found at encampments. The following steps outline how abatements will be carried out:

- 24 hours written notice posted at the encampment.
- Crews perform abatement of the encampment after the 24-hour notice period.
- Store any items of value* and post a notice for how to retrieve items.
- Abate any debris or items remaining in the area.

Crews document the following:

- Photograph or video of the site before abatement.
- Items eligible for storage as outlined in the ordinance.
- Photograph or video of the cleanup process.
- Photograph or video the site after the abatement.

***Items eligible for storage include items with apparent utility such as identification and paperwork, medication, art, musical instruments and other items.**



Article 3: Public Parks, Playgrounds, Beaches, Tidelands and other Property**Division 4: Encampments on Public Property**

(*“Encampments on Public Property” added 6-29-2023
by O-21674 N.S.; effective 7-29-2023.*)

§63.0401 Purpose

The Council finds that the City is committed to protecting the life, health, and safety of all people in the City and finds that certain public lands within the geographical boundaries of the City pose significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this Division to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in *encampments* on public property.

(*“Purpose” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.*)

§63.0402 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Abatement means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of *waste* at an *encampment* according to the process in section 63.0406.

Camp means to pitch, erect, or occupy an *encampment*, or to use *camp paraphernalia* or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.

Camp paraphernalia means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.

(7-2023)

Encampment means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. *Encampment* includes any *camp paraphernalia* and personal property associated with or located in or around the structures or tents.

Open space has the same definition as in San Diego Municipal Code section 63.0102(b).

Park has the same definition as in San Diego Municipal Code section 63.0102(b).

Shelter means any City-funded shelter or shelter provided as part of the City's Coordinated Intake System for shelter placements where individuals or families experiencing homelessness can access beds and other services or an area designated by the City Manager for use by individuals or families experiencing homelessness. A list of current *shelters* is provided on the City's website and is available through 2-1-1 San Diego.

Waste has the same definition as in San Diego Municipal Code section 54.0202.

Waterway means all the portions of Chollas Creek, Los Peñasquitos Creek, San Diego River, San Dieguito River, and Tijuana River found within the boundaries of the City of San Diego.

(“Definitions” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.)

§63.0403 Protection of Waterways

- (a) It is unlawful for any person to do any of the following:
- (1) build or erect a structure of any type along the banks of any *waterway*, or drive a nail or other object into any tree or other natural area vegetation for the purpose of building an *encampment* or any other structure, or to affix an object to any tree or other natural vegetation,
 - (2) move boulders or large rocks, destroy vegetation, paved roads or paths created by the City, or otherwise reconfigure the natural landscape in the waters of or along the banks of a *waterway*,
 - (3) drive, park, or bring any vehicle along the banks of a *waterway*, except in places specifically provided and designated for vehicular use,
 - (4) dig on the banks of a *waterway*, or

(7-2023)

- (5) discharge or store *waste*, including garbage, refuse, or human or animal *waste*, along the banks or into the waters of a *waterway*.
 - (b) Nothing in section 63.0403 is intended to prohibit the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property; and nothing is intended to prohibit the activities of a lawful user if such activities are expressly authorized by the City Manager or by any law, regulation, permit, order or other directive from a regulatory authority.
- (“Protection of Waterways” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.)

§63.0404 Unauthorized Encampments on Public Property

- (a) It is unlawful for any person to *camp* or to maintain an *encampment* in or upon any public property, including in any street, sidewalk, *park*, beach, *open space*, *waterway*, and banks of a *waterway*, unless specifically authorized by the City Manager.
- (b) At all times, regardless of the availability of *shelter* space or beds, it is unlawful for any person to *camp* or to maintain an *encampment* where such activity poses:
 - (1) an immediate threat or an unreasonable risk of harm to any natural person,
 - (2) an immediate threat or an unreasonable risk of harm to public health or safety, or
 - (3) disruption to vital government services.
- (c) At all times, regardless of the availability of *shelter* space or beds, it is unlawful for any person to *camp* or to maintain an *encampment* in the following locations:
 - (1) within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of section 63.0404(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;

(7-2023)

- (2) within two blocks of any *shelter* provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
- (3) in any *open space*, *waterway*, or banks of a *waterway*;
- (4) within any transit hub, on any trolley platform, or along any trolley tracks provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
- (5) in any *park* where the City Manager determines there is a substantial public health and safety risk and provided that signs are posted prohibiting camping that are clearly visible to pedestrians. For purposes of this section 63.0404(c)(5), the definition of *park* does not include *open space* or *beach areas*, as defined in section 63.0102(b), or beaches, bays, or wetlands.

(“Unauthorized Encampments on Public Property” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.)

§63.0405 Enforcement

- (a) Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provisions in San Diego Municipal Code section 12.0201.
- (b) Law enforcement officers shall not issue a criminal citation to enforce a violation of section 63.0404(a) between the hours of 9:00 p.m. and 5:30 a.m. or when the person is on public property at a time when there is no available *shelter*. For purposes of this Section 63.0405(b), available *shelter* means the *shelter* is reasonably available to the person at the time enforcement is taking place and taking into consideration any disability or other specific circumstances applicable to that person.
- (c) Sections 63.0403 and 63.0404(b) and (c) are enforceable at all times regardless of *shelter* availability.

(“Enforcement” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.)

§63.0406 Abatement of Encampments

The City Manager may remove personal property, *camping paraphernalia*, and all other property, contraband, litter, and *waste* found at an *encampment* or at a location where a person is engaged in unlawful camping in compliance with the following procedures:

(a) Written Notice Required Prior to Abatement

- (1) A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the *encampment* providing notice of the date of clean-up and giving a minimum of 24 hours for persons to remove their personal property. The written notice shall also include the following statement, which may be updated by the City Manager to provide accurate and current information:

You must remove your belongings from the site within 24 hours. You should not leave behind any belongings you want to keep. All belongings left behind will be removed by the City. The City will post an Impound Notice if belongings are stored during the clean-up process.

If you wish to minimize the risk of losing valued belongings, you should try to keep those belongings on your person at all times, in a storage facility, or in visible, sanitary, and safely accessible bags or bins.

If you think your belongings were stored, you can claim them by following the directions on the Impound Notice after the clean-up is complete. Information about how to claim your belongings is also available on the City's website. You may retrieve any stored belongings without being asked about your criminal background or outstanding warrants.

You may access shelter or services, including access to storage for your personal belongings, through the City of San Diego's website or by calling 2-1-1 San Diego.

- (2) After 24 hours, the City Manager shall conduct *abatement* of the site on the date posted on the Notice of Clean-Up. If *abatement* is delayed or rescheduled, the City Manager may conduct *abatement* within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If *abatement* is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.
- (b) The City Manager shall follow these additional procedures when persons are present at an *encampment* during *abatement*:
 - (1) When *shelter* is available, the City Manager shall provide any person at an *encampment* with *shelter* and service information and direct them to remove their belongings from the site. The City Manager shall evaluate reasonable requests for additional time or assistance to remove items and may accommodate those requests to the extent practicable.
 - (2) Any person who returns to an *encampment* during *abatement* shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.
 - (3) Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken to the San Diego Police Department for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the City Manager shall follow the *abatement* process in this Division.
- (c) The City Manager shall document the *abatement* process as follows:
 - (1) photograph or video record the site before any abatement begins,
 - (2) open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage,
 - (3) set out items contained in bags or suitcases and photograph the items,
 - (4) photograph or video record all items to be stored,
 - (5) photograph or video record the cleanup process, and
 - (6) photograph or video record the site after abatement has concluded.

- (d) Unclaimed items found in *abatement* shall be eligible for storage if:
- (1) circumstances indicate that the item belongs to a person,
 - (2) the item has apparent utility in its current condition and circumstances, and
 - (3) the item can be safely retrieved from the site.

Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.

- (e) An eligible item found during an *abatement* shall be put into storage, unless it meets one the following disqualifying conditions:
- (1) hazardous, including items contaminated with human *waste*, animal *waste*, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
 - (2) likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
 - (3) practically un-storable, due to large size, weight, or other similar characteristic;
 - (4) contraband or stolen; or
 - (5) is on the City Manager's current list, published on the City's website, of common types of items that, in the experience of City staff, individuals regularly abandon during *abatement*, and there is no contrary indication as to the specific item.
- (f) The City Manager shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 90 calendar days and then may be disposed of, recycled, or reused following the process in San Diego Municipal Code section 54.0212.

(7-2023)

- (g) After *abatement* has concluded and when eligible items are collected and will be placed in storage, the City Manager shall post notices at the location of the *abatement* that includes information how a person can claim stored items. Information about retrieval of stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.
- (h) Expedited Abatement
 - (1) In an expedited *abatement*, the City Manager shall follow the same *abatement* and storage procedures in section 63.0406, but shall post a Notice of Clean-Up giving a minimum of three hours for all persons to remove their personal property.
 - (2) The City Manager shall prioritize and expedite the removal of an *encampment* if:
 - (A) the City receives direction from County of San Diego or other governmental authority that *abatement* of the *encampment* is necessary to preserve public health or safety, including to address known or suspected outbreaks of diseases; or
 - (B) the City Manager observes or reasonably suspects the *encampment* creates a condition that presents a significant risk of property damage, bodily injury or death.

(“*Abatement of Encampments*” added 6-29-2023 by O-21674 N.S.; effective 7-29-2023.)



AGENDA NO: C-2

MEETING DATE: December 12, 2023

Staff Report

TO: Honorable Mayor and City Council

DATE: December 6, 2023

FROM: Amy Watkins, Police Chief
Dan McCrain, Fire Chief
Chris F. Neumeyer, City Attorney

SUBJECT: For Mitigation of Harms to Public Health, Safety and Welfare: Adoption of Urgency Ordinance No. 664, and Introduction of Regular Ordinance No. 665, to add Chapter 8.26 to the Morro Bay Municipal Code (MBMC) for Regulation of Camping and Storage of Personal Property on Public Property; and, Introduction of Regular Ordinance No. 666 to add Chapter 8.27 to the MBMC for Regulation of Overnight Human Habitation of Vehicles on Private Property Used for Business or Nonprofit Organization Operations

RECOMMENDATION

1. Adoption, by title only and with further reading waived, of Urgency Ordinance No. 664, entitled "An Urgency Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare"; and
2. Introduction, by title only and with further reading waived, of regular Ordinance No. 665, entitled "An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare"; and
3. Introduction, by title only and with further reading waived, of regular Ordinance No. 666, entitled "An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.27 to Title 8 of the Morro Bay Municipal Code Regulating Overnight Human Habitation of Vehicles on Private Property Used for Business or Nonprofit Organization Operations to Mitigate Harm to Public Health, Safety and Welfare."
4. Direct staff to subsequently return with budget adjustments required to support the implementation of these ordinances. Eligible funding sources would include General Fund or Measure Q&E funds. Expected initial budget allocation of no less than \$50,000 to begin the cleanup and securing storage containers for the retention of personal property collected during cleanups.

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Prepared By: AW/CFN

Dept Review: _____

City Manager Review: YK

City Attorney Review: CFN

FISCAL IMPACT

Failure to adopt the ordinances will predictably see a steady increase in an ongoing and continuing drain on City resources, time and money. This is from ever increasing City staff responses (including from Police Department, Fire Department, Code Enforcement Division and Public Works Department) to the growing public health, safety and welfare harms generated by lack of regulations like those in the proposed ordinances. The findings in the ordinances document these conditions.

Adoption of the ordinances will result in upfront additional City enforcement costs, including the costs of retaining personal property held under the ordinance and cleanup of encampments, which may involve the collection and disposal of trash and potential hazardous material response. The Police Department and Code Enforcement Division will be primarily responsible for enforcement and handling of personal property, while the Public Works Department will provide support for coordinating the pickup and disposal of trash and hazmat response through its contractors.

An initial budget of approximately \$50,000 is expected to begin the cleanup and securing storage containers for the retention of personal property during cleanups. This budget allocation is not included in the FY 2023-24 Adopted Budget. If Council adopts the ordinances, Council should also direct staff to return later in time with budget allocations required to support the implementation of these ordinances. Eligible funding sources would include General Fund or Measure Q&E funds.

Future costs are unknown and are dependent on changes in the resident homeless population and the amount of enforcement associated with the proposed ordinance.

BACKGROUND

I. Introduction

In November of 2022, the City Manager created a City Homeless Working Group dedicated to discussing issues related to the unhoused or those experiencing homelessness. The working group was comprised of City department directors, staff, and homeless outreach service groups and began to focus on addressing the underlying issues and seeking solutions.

Addressing the unhoused continues to be a challenge locally, regionally, and statewide. In Morro Bay, concerns are often raised at public meetings, through calls for service to Police and Code Enforcement, to City administrators, to Council Members, and in public forums such as Facebook or NextDoor. During the pandemic, encampments expanded while more residents used the trails, pathways, and public infrastructure where persons experiencing homelessness often reside. Pandemic-related impacts, historically low vacancy rates, rising rents, and conversion of rental housing into ownership housing have all contributed to increasing homelessness. Staff estimates there are approximately 100 people experiencing homelessness in Morro Bay at any given time.

A primary public health and safety concern is camping on public property, especially (but not limited to) when an encampment site develops and spreads out over large areas, generates considerable garbage or waste, or when unlawful camping, coupled with other illegal activity, impacts a sensitive land use such as schools, degrades and destroys environmental areas, and creates dangerous water shed into waterways and the ocean. Camping on public property creates public health and safety hazards for City residents and for people living in encampment sites, including impacts related to the disposal of hazardous materials and unsanitary conditions that can lead to an infestation of vermin and the spread of communicable diseases. Camping on public property has also been a problem for

Public Works staff. Access to public facilities has been impeded by individuals camping, and trash and debris have accumulated in creeks and other storm drain facilities, in some cases reducing flood control capacity and/or threatening the environment, affecting the City's ability to comply with state permitting requirements.

II. City Efforts to Address Homelessness

For many years the City has invested significant funds, resources and time to assist persons experiencing homelessness. These efforts include assistance seeking temporary and permanent shelter, as well as assistance finding necessary public health services to address the causes of their homelessness. The City has sought to address the underlying issues contributing to homelessness and has striven to be a part of the solution. These City of Morro Bay actions and efforts have included:

1. City staff and City Manager participation on committee and sub-committees with service groups, county non-profits, and County Public Health Services to address causes of homelessness and work towards solutions.
2. Assignments of officers to the police department as a homeless liaison to address needs of the unhoused within the City limits.
3. Provision of connections to County Public Health Nurse and Doctors.
4. Facilitating connections to local and regional outreach services to assist with mental health needs, drug and alcohol counselors, probation and parole services, connections to permanent housing (THEMA, CAPSLO, 805 Street Outreach, Esteros Bay Alliance for Care, Salvation Army, SLO Food Bank, County Public Health and Behavioral Health services).
5. Monthly meetings with Estero Bay Alliance for Care (EBAC), a local, ad-hoc volunteer organization started in 2011 by Morro Bay Council Members to include different agencies and community organizations with the intent to study and address social issues in the Estero Bay area. EBAC membership includes a current Morro Bay City Council member, representatives from the Police Department, Social Services, local churches, health care organizations, the Food Group, various other active organizations, such as the Community Resource Connections office, and legal services organizations.
6. The City of Morro Bay supports a one-of-a kind weekly community dinner - where all are welcome - with financial and staffing resources in an effort to support our community needs.
7. In 2022, the Morro Bay City Manager created a City homeless working group comprised of City department heads, staff and homeless outreach service groups to address homelessness in Morro Bay. One of the first items the team addressed was the need for continued outreach and case management. The City conducted a recruitment for Homeless Outreach Case Manager. The Homeless Outreach Case Manager is one step in the city's efforts to meet the San Luis Obispo Countywide plan to address homelessness adopted by the County Homeless Services Oversight Council in 2022.
8. The Homeless Outreach Case Manager assists those experiencing homelessness to navigate services and to connect to resources that they need to secure housing, as well as shelter and transitional housing resources when available (e.g., ID Cards, financial benefits, transportation to service meetings and appointments). Duties include to make contact with unhoused or people struggling with housing in the field, build rapport and provide opportunities for assistance to those seeking help. The case manager schedules and provides

transportation to appointments for drug and alcohol services, county probation, state parole, behavioral health, CAPSLO, ECHO, and THMA.

9. City of Morro Bay provides annual funding to San Luis Obispo County Department of Social Services and Public Health.
10. Regular meetings with homeless outreach groups such as CAPSLO, THMA, County Public Health, Salvation Army, Veteran Services, 805 Street Outreach, and EBAC.
11. The City committed \$25,000 in housing impact in lieu fees to the HASLO Atascadero Rd Housing Project.
12. The City has transferred the City's portion of the National Opioid Settlement back to San Luis Obispo County to manage a regional effort to combat opioid related issues that directly impact our unhoused population.

III. Public Health and Safety Issues Presented by Camping on Public Property

Despite these efforts, and efforts from other agencies, the City of Morro Bay continues to experience significant and continuing threats to public health and safety resulting from persons experiencing homelessness sleeping and camping in unauthorized locations in the City, including the following:

1. Homeless encampments raise a number of public health concerns related to waste, sanitation and disease transmission. Homeless people, like all other people, generate solid waste during their daily activities of food preparation and consumption, shelter building and maintenance and storing their possessions. Though without any place or method of proper storage or disposal, the resulting piles of trash become food sources for rodents, breeding grounds for pathogens, fuel for fires, and unattractive nuisances to the public.
2. The opportunity for the spread of communicable diseases is increased in homeless encampments lacking basic sanitation services and waste collection, with some diseases such as hepatitis A and typhus more likely to occur in homeless populations.
3. Health and safety issues are presented by the violation of fire, building, electrical and other codes and standards for the public health and safety, including the unauthorized and unpermitted use of electrical and utility connections, due to the potential and reality of unsafe and unhealthy conditions in encampments, posing life, safety, fire and health threats to both the occupants of the encampments, the general public and emergency responders.
4. Health and safety issues are exacerbated and compounded by larger encampments as there is an exponential increase in these health and safety issues the larger the encampment, including but not limited to both accumulation of trash and debris as well as the greater likelihood of the spread of disease.
5. The City regularly receives a large volume of emails, phone calls and in-person complaints regarding the encampments in the City, and the frequency and number of these complaints has been increasing greatly recently and in the last year.
6. The homelessness problem in Morro Bay impacts crime rates. Homelessness related crime rates are significant both in terms of crimes against the homeless and also crimes committed by the homeless. The Morro Bay Police Department estimates a call volume of 60% of total calls for service are related to our unhoused population.
7. Business owners and residents near encampments are confronted by trash, used needles, and human waste, and increased instances of open drug use, property damage, theft, and break-ins. They have seen their property values decline, their small businesses fail, and their public spaces become uninhabitable.

8. Businesses and residences near encampments experience physical impediments to access to public and private property which both impedes emergency responses, evacuation of occupants during an emergency, and general public access, as well as exacerbates the likelihood of conflict, intimidations and threats to the public safety for both the unhoused as well as all members of the public, and furthermore the collection of biohazard materials, human waste, trash and rubbish near businesses and residential areas contributes to a general decline in public health, safety and welfare.
9. Encampments near emergency shelters established for emergency evacuations during events such as winter rain storms can cause barriers to access for evacuees.
10. Encampments near active construction sites, areas with heavy vehicle use, and similar areas pose unique threats to both the unhoused as well as the operators of construction equipment and vehicles through unintentional yet predictable collisions and threats to health and safety.
11. Encampments on or near public utilities and critical infrastructure, such as stormwater, water and sewer infrastructure, fire stations, electrical wires and natural gas pipelines, pose unique safety, environmental and security issues and are generally closed to the public or have limited public access for safety, environmental and security reasons.
12. Unauthorized connections or taps to public utilities, as well as violation of fire, building, electrical and other codes and standards, create unsafe conditions and a potential life safety hazard for the occupant, the general public and emergency responders.
13. Encampments pose immense public health concerns as the rates of overdoses from drugs like fentanyl and heroin have increased substantially among the unhoused and encampments can provide an environment conducive to illegal drug consumption.
14. Abandoned encampment cleanups are performed by police officers with police equipment and City staff in an attempt to maintain and or control the spread of large encampments and this taxes public resources while unnecessarily exposing first responders and City staff to unhealthy and unsafe situations.
15. Fires in unsafe locations for cooking and warming occur at encampments increasing the risk of fires posing a threat to safety and health.
16. Accumulation of biohazard and medical waste occurs in and around encampments and these items end up in our creeks, storm drains, waterways, and beaches posing a direct threat to health and safety.
17. Severe blockage of storm drains due to excessive encampment debris leads to increased roadway and stream flooding and drain blockages during storms causing threats to health and safety.
18. During times of severe storms, unhoused camps are located in and evacuated from low lying, unsafe areas, and storm drains due to increased risk of flooding, rapid water movement, and blockage of storm drains, posing safety threats to the residents of the encampments.

IV. Federal Court Decisions

Under applicable State and federal law, the City has limitations on the scope of its enforcement efforts regarding camping on public property.

A federal Ninth Circuit Court of Appeals decision, *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019) ("Martin"), prohibits criminal prosecution for sleeping outside on public property when adequate shelter is not reasonably available for persons involuntarily experiencing homelessness, based upon

an interpretation of the Cruel and Unusual Punishments Clause of the U.S. Constitution's Eight Amendment. The federal Ninth Circuit court suggested in its decision in *Martin* that the prohibition on criminal prosecution would not apply to individuals who have reasonable access to adequate temporary shelter.

The court also suggested that even when adequate shelter is unavailable, an ordinance establishing reasonable time, place and manner regulations on sitting, lying or sleeping may be allowed under the U.S. Constitution when the regulations are to address legitimate public health and safety concerns. The federal Ninth Circuit court in the case of *Johnson v. City of Grants Pass*, 72 F.4th 868 (9th Cir. 2023) expanded upon its decision in *Martin* to prohibit civil enforcement for sleeping outside when adequate shelter is not reasonably available for persons involuntarily experiencing homelessness if civil enforcement can lead to criminal enforcement.

These federal Ninth Circuit court decisions are at present on appeal to the U.S. Supreme Court.

V. Vehicle Camping on Private Property

In addition to the health and safety problems generated by unregulated camping on public property, the use of vehicles for human habitation overnight on private property used for business or nonprofit organization operations also impacts public health and safety, including for the following reasons:

1. Damage to private property, theft, the accumulation of trash, food waste, human waste and contaminated medical waste and the unauthorized discharge of Greywater and Hazardous Water. The accumulation of trash, food waste and human waste has the potential to spread disease and result in infestations by vermin and insects.
2. The accumulation of discarded contaminated medical waste, including used hypodermic needles, has the potential to harm patrons of the businesses or non-profits located where the overnight human habitation of vehicles is occurring who are exposed to this waste, and is an attractive nuisance for children.
3. The collection of contaminated medical waste, human waste and trash and the discharge of Greywater and Hazardous Water has the potential to contaminate the City's waterways and beaches due to the proximity to storm drains.
4. Overnight human habitation in vehicles on private property used by business or nonprofit establishments has resulted in a significant number of police calls for service related to vandalism, property damage and criminal activity, including narcotics usage, noise violations, excessive debris around the vehicles, prowling, parking violations, private property trespassing, and loitering.
5. Unregulated overnight human habitation in vehicles on private property used by business or nonprofit establishments creates increased public health and safety risks such as those from overdoses, fire hazards, and death.

DISCUSSION

With all of these considerations in mind, and in consultation with the City homeless working group, staff has prepared the proposed ordinances for the City Council's consideration. Draft ordinances were reviewed by the City's homeless working group and then finalized by City staff. They add Chapter 8.26 and Chapter 8.27 to the MBMC concerning, respectively, public property camping regulations, as well as overnight camping in vehicles parked on private property with businesses or nonprofits.

I. Ordinance for Public Property Camping Regulations

A. Urgency Adoption

Government Code section 36937(b) provides that an “ordinance takes effect immediately, if it is an ordinance ... [f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is **passed by a four-fifths vote of the city council.**” (Emphasis added.)

The basis for an urgency adoption of this ordinance are articulated in the findings for the urgency ordinance. These include immediate threats from unregulated camping on public property, which continue to grow, to public health and safety from improper waste disposal and sanitation, disease transmission, fire risks, criminal activity (such as property damage, theft and break-ins), and impediment of emergency responses. The proposed regulations are intended to address these immediate threats so as to preserve public health and safety.

There is also the matter, as articulated more fully in the urgency ordinance findings, of the pending threats to public peace, health and safety posed by multiple encampments in the City when anticipated heavy winter storms arrive in the near future. The City needs adequate time to clean up these encampments before the winter storm season commences. Last year during heavy rainfall in the winter season, debris from encampments obstructed storm drains downstream and exacerbated roadway flooding, and a repeat of these events is imminent. Areas of multiple campsites of persons experiencing homelessness in the City are also in waterways intended for stormwater runoff or in low lying areas, and there is immediate concern for the safety of the occupants. The anticipated increased rain also has the very real potential of carrying the ongoing human waste, medical waste, accumulated trash and items containing and emitting dangerous chemicals, from the campsites if they are not removed, to the City’s residential areas, business areas, community areas, the beaches and to the ocean, potentially causing contamination and injury.

The same amendment to the local code is also proposed for introduction by first reading as a regular ordinance. Notwithstanding the articulated findings and reasons for the passage of this code amendment on an urgency basis, simultaneous introduction of the same ordinance (and then a subsequent second reading for adoption) provides for the further codification of the MBMC amendment on a non-urgency basis, thereby providing the fullest basis under state law for the codification of this ordinance.

B. Summary of Ordinance

The proposed ordinance mitigates harms to public health, safety and welfare through time, place and manner regulation of camping on public property. Below is a summary.

1. **Regulations.** Provides persons who do not have a permanent residence or domicile and/or are involuntarily experiencing homelessness the ability to camp on public property or rights-of-way, provided the camping is occurring in compliance with time, place, and manner regulations and consistent with any administrative rules and policies. Provides for authority for City to adopt administrative rules or policies governing or guiding enforcement of the chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances.

- a. **Time Regulations.** Camping on public property, where allowed, may only occur for 24 hours at a time in any one location.
 - b. **Place Regulations.** Camping on public property is not allowed in certain places in the City, including:
 - i. in or within 200 feet of residential areas, schools, playgrounds, visitor serving commercial areas, critical infrastructure, or high/very high fire zones.
 - ii. where creates physical impediments preventing emergency or non-emergency access to public or private property
 - iii. vehicle and bicycle lanes within public rights-of-way
 - iv. certain public property such as City Hall, Community Center and Veterans Hall
 - c. **Manner Regulations.** Camping, when and where allowed, is subject to regulations, including:
 - i. cannot impede sidewalk accessibility or use of public rights-of-way
 - ii. camping limited to space of not more than 12x12 feet (144 square feet)
 - iii. a camp may not be located within a 150 foot radius from another camp
 - iv. requires areas to be kept clean and free of garbage, debris, and waste
 - v. open flames, recreational fires, and the like are prohibited (some flameless warming and cooking devices permitted)
 - vi. dumping of greywater or hazardous water prohibited
 - vii. no unauthorized connections or taps to public utilities
 - viii. building structures out of plywood, pallets, etc. not allowed (portable tents used for shelter not included in this prohibition)
 - ix. limited storage of personal property related to what is necessary for camping, sleeping, or keeping warm and dry
 - x. camps limited to no more than two persons, two animals and one portable tent used for shelter
2. **Enforcement.** The ordinance provides for gradual and humane enforcement seeking to respect the dignity of all involved. The intent is to always resolve violations at the lowest possible level, and to engage to seek compliance and solve problems while maintaining the dignity of all involved.
- a. **Voluntary Compliance.** The first step is seeking voluntary compliance. Good faith efforts will be made to determine whether the person subject to enforcement has been referred to service providers and/or local non-profit assistance organizations and make a referral if it appears none has been made.
 - b. **72 Hour Notice.** After that if the violation persists, a 72 hour notice will be provided (with limited exceptions including for emergencies) in advance of any action to remove an established campsite or camp facilities in violation of the regulations. That notice (among other requirements) will provide information about any available housing, shelter or homeless services available, the phone number and address to contact in order to obtain such housing, shelter or homeless services, if available, and information about obtaining free transportation, if available, to such housing, shelter or homeless services.

- c. **Removal of Established Campsites.** Finally, if both of these steps occur and violations continue, City officials are authorized to remove established campsites or camp facilities not in compliance with the time, place and manner regulations. When removing camp facilities, or individuals, camp materials, or personal property from an established campsite, enforcement personnel will make reasonable efforts to remove individuals without the use of force or citation. Personal property removed, of reasonable value or utility and that is not hazardous, will be held by the City, at the City's expense, for no less than 90 days (or as required by applicable law), for retrieval. Property not retrieved within the applicable time frame is subject to disposition or destruction by the City.

C. Mapping Restricted Places and Review of Buffer Zones

The proposed ordinance provides for a 200 foot buffer from certain places such as residential zones, visitor serving commercial, critical infrastructure, etc. These are in Section 8.26.030(B)(1,7,8,9,11 and 12).

Three maps are provided (attached) which summarize the place restrictions in the new ordinance with the proposed 200 foot buffer, and then alternative buffers of 150 feet and 100 feet.

Council may direct staff to amend the ordinance on the floor to change the buffer distance. Or, the ordinance as presented may be adopted with the proposed 200 foot buffer used for many of the place restrictions.

II. Ordinance Regulating Overnight Vehicle Camping on Private Property With Business and Nonprofit Operations

The proposed ordinance provides for regulation of overnight human habitation of vehicles on private property used for business or nonprofit organization operations. Such activity would be prohibited without the consent of the property owner or the lessee. However, such camping is allowed if done with the permission of the property owner or the lessee. If permission is received, then such overnight vehicle camping is allowed subject to following certain regulations, which include:

1. Access to sanitary facilities at all times.
2. No payment of any fee, rent or other monetary charge.
3. Restricted to no more than 3 overnight stays, within a ten day period, per vehicle.
4. No dumping of wastewater, greywater, hazardous water, or trash on the property unless sufficient City approved receptacles or hook-ups are available.
5. Reasonable personal property restrictions.

This ordinance also provides for authority for City to adopt administrative rules or policies governing or guiding enforcement of the chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances.

CONCLUSION

Staff recommends City Council, to mitigate harms to public health, safety and welfare, adopt the urgency ordinance to regulate camping on public property, and introduce for first reading both a regular ordinance regulating camping on public property as well as a regular ordinance to regulate

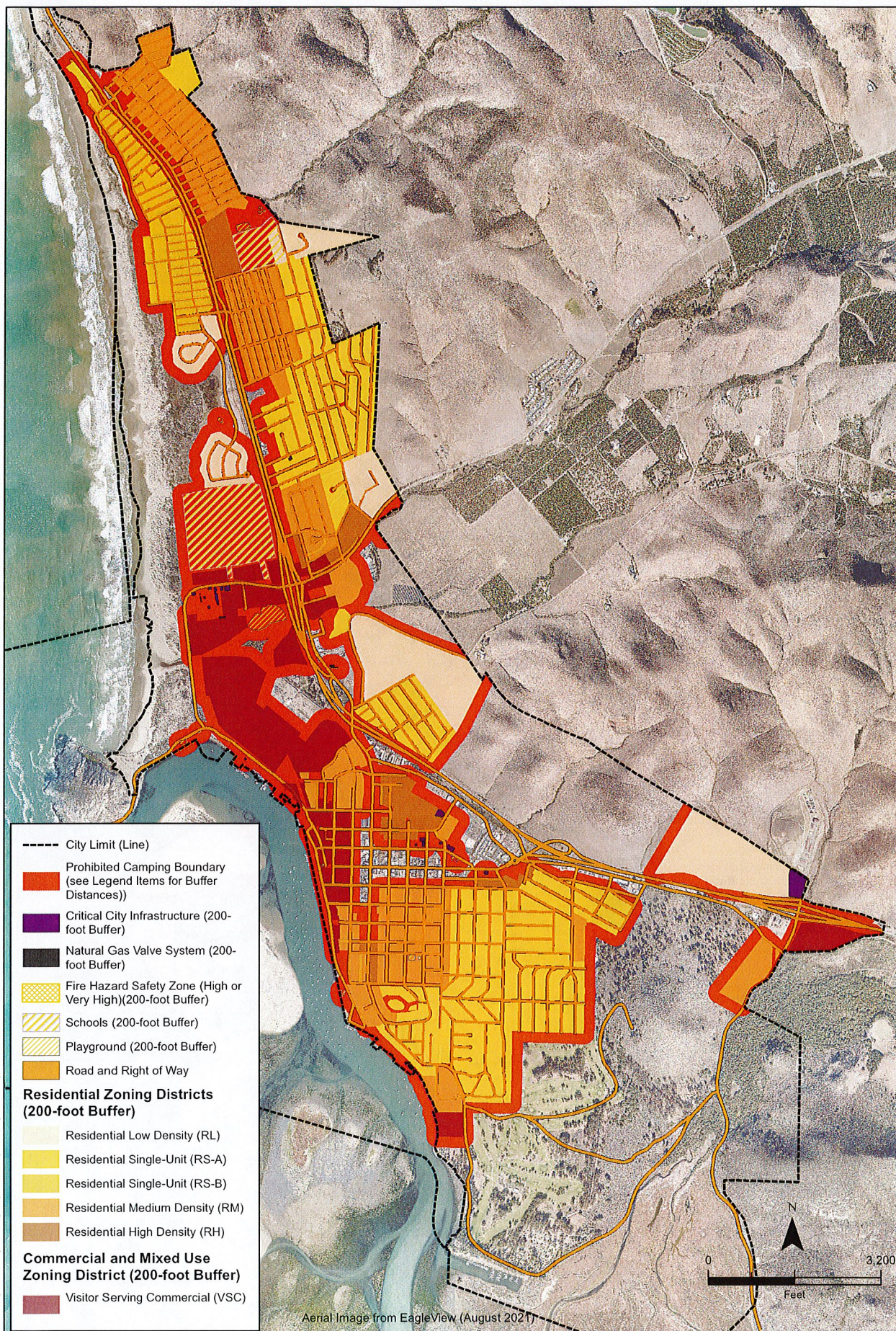
use of vehicles for human habitation on private property with businesses or nonprofits.

ATTACHMENTS

1. Ordinance 664, An Urgency Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare.
2. Ordinance 665, An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.26 to Title 8 of the Morro Bay Municipal Code Regulating Camping and Storage of Personal Property on Public Property to Mitigate Harm to Public Health, Safety and Welfare.
3. Ordinance 666, An Ordinance of the City Council of the City of Morro Bay, California Adding Chapter 8.27 to Title 8 of the Morro Bay Municipal Code Regulating Overnight Human Habitation of Vehicles on Private Property Used for Business or Nonprofit Organization Operations to Mitigate Harm to Public Health, Safety and Welfare.
4. Maps, "City of Morro Bay Prohibited Camping Boundary," with 200, 150 and 100 foot buffers



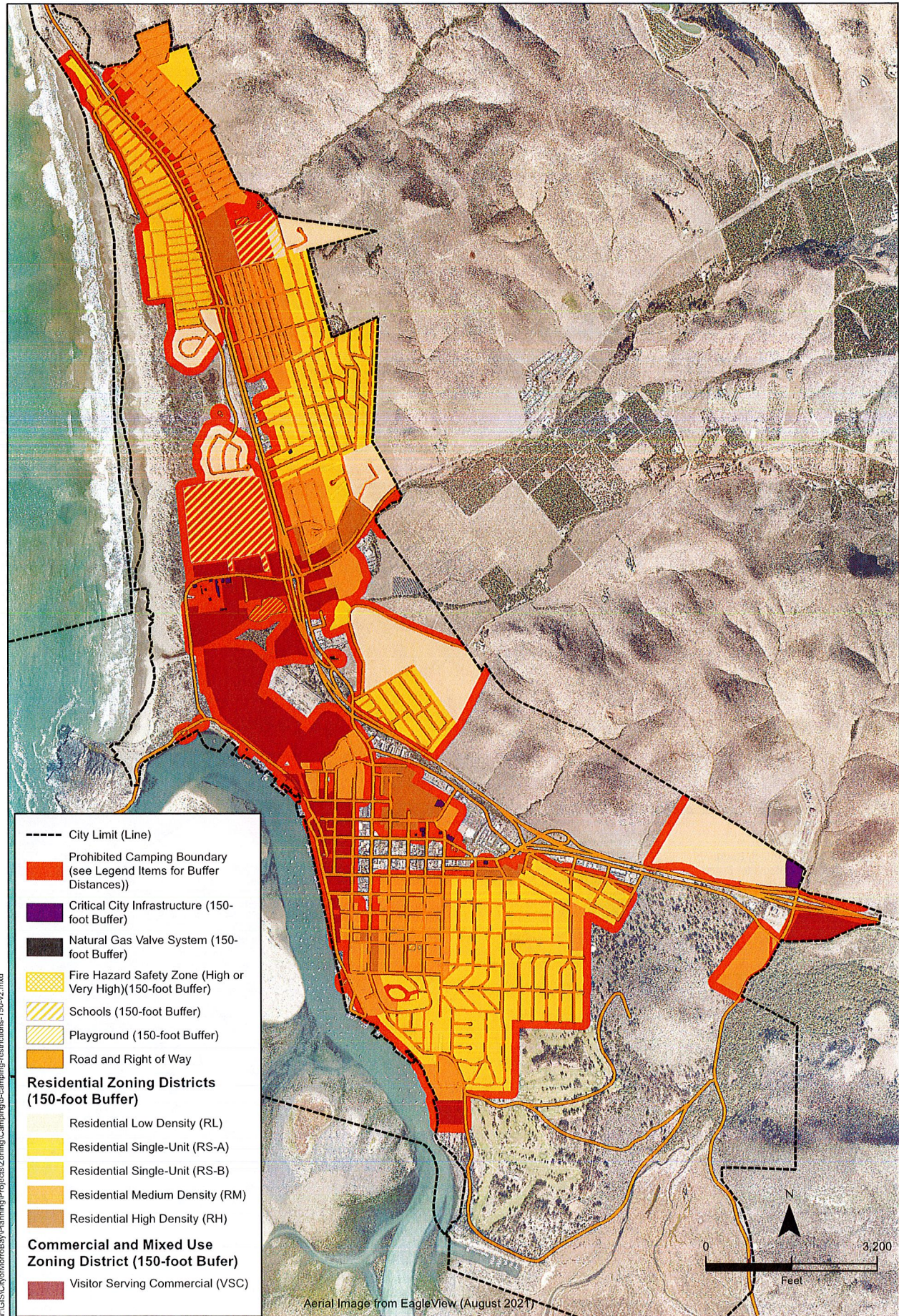
City of Morro Bay Prohibited Camping Boundary





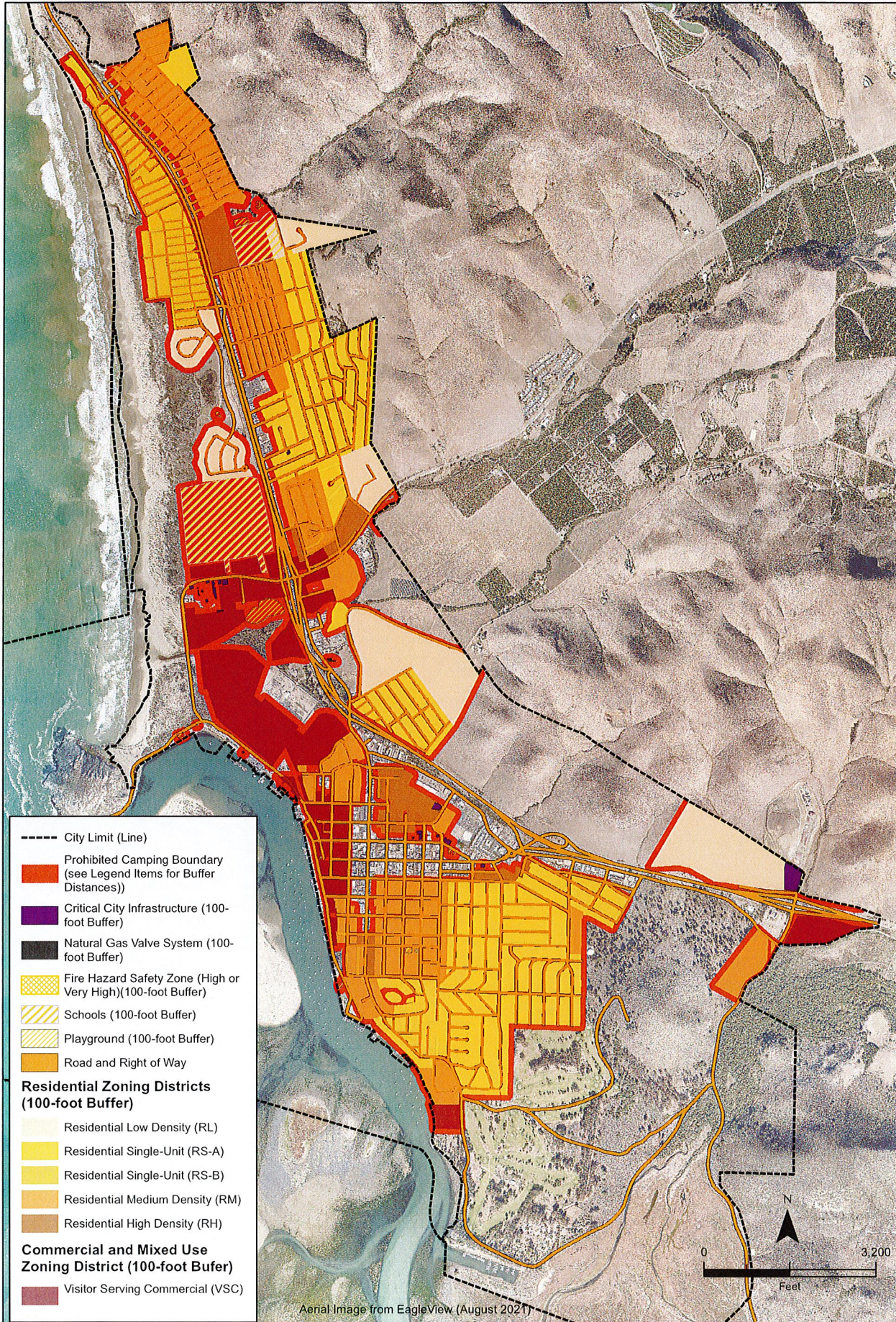
City of Morro Bay

Prohibited Camping Boundary





City of Morro Bay Prohibited Camping Boundary



ORDINANCE NO. 665

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ADDING CHAPTER 8.26 TO TITLE 8 OF THE MORRO BAY
MUNICIPAL CODE REGULATING CAMPING AND STORAGE OF
PERSONAL PROPERTY ON PUBLIC PROPERTY TO MITIGATE HARM
TO PUBLIC HEALTH, SAFETY AND WELFARE**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay ("City") encourages the use of open spaces and facilities within the City by all members of the community; and

WHEREAS, camping in undesignated campsites within the City limits creates unsanitary, unhealthy, disorderly, and dangerous conditions that may affect both the campers and the general public; and

WHEREAS, camping in undesignated campsites within the City limits tends to degrade and even destroy the property upon which the camping is occurring, particularly in situations where an encampment is large and ongoing; and

WHEREAS, camping in undesignated campsites within the City limits detracts from the use of the property for its intended purposes; and

WHEREAS, the City has the authority to adopt regulations to ensure the public's health, safety, and general welfare, and desires to regulate camping within the City; and

WHEREAS, a federal Ninth Circuit Court of Appeals decision, *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019) ("Martin"), prohibits criminal prosecution for sleeping outside on public property when adequate shelter is not reasonably available for persons involuntarily experiencing homelessness, based upon an interpretation of the Cruel and Unusual Punishments Clause of the U.S. Constitution's Eight Amendment; and

WHEREAS, the federal Ninth Circuit court suggested in its decision in *Martin* that the prohibition on criminal prosecution would not apply to individuals who have reasonable access to adequate temporary shelter; and

WHEREAS, the Ninth Circuit court in *Martin* suggested that even when adequate shelter is unavailable, an ordinance establishing reasonable time, place and manner regulations on sitting, lying or sleeping may be allowed under the U.S. Constitution when the regulations are to address legitimate public health and safety concerns; and

WHEREAS, the federal Ninth Circuit court in the case of *Johnson v. City of Grants Pass*, 72 F.4th 868 (9th Cir. 2023) (“Grants Pass”) expanded upon its decision in *Martin* to prohibit civil enforcement for sleeping outside when adequate shelter is not reasonably available for persons involuntarily experiencing homelessness if civil enforcement can lead to criminal enforcement; and

WHEREAS, for many years the City has invested significant funds, resources and time to assist persons experiencing homelessness to find temporary and permanent shelter and necessary public health services to address the causes of their homelessness, has sought to address the underlying issues contributing to homelessness and has striven to be a part of the solution. These City of Morro Bay actions and efforts have included:

1. City staff and City Manager participation on committees and sub-committees with service groups, County non-profits, and County Public Health Services to address causes of homelessness and work towards solutions.
2. Assignments of officers to the police department as a homeless liaison to address needs of the unhoused within the City limits.
3. Provision of connections to County Public Health Nurse and Doctors.
4. Facilitating connections to local and regional outreach services to assist with mental health needs, drug and alcohol counselors, probation and parole services, connections to permanent housing (THEMA, CAPSLO, 805 Street Outreach, Esteros Bay Alliance for Care, Salvation Army, SLO Food Bank, County Public Health and Behavioral Health services).
5. Monthly meetings with Estero Bay Alliance for Care (EBAC), a local, ad-hoc volunteer organization started in 2011 by Morro Bay Council Members to include different agencies and community organizations with the intent to study and address social issues in the Estero Bay area. EBAC membership includes a current Morro Bay City Council member, representatives from the Police Department, Social Services, local churches, health care organizations, the Food Group, various other active organizations, such as the Community Resource Connections office, and legal services organizations.
6. The City of Morro Bay supports with financial and staffing resources a one-of-a kind weekly community dinner - where all are welcome - in an effort to support our community needs.
7. In 2022, the Morro Bay City Manager created a City homeless working group comprised of City department heads, staff and homeless outreach service groups to address homelessness in Morro Bay. One of the first items the team addressed was the need for continued outreach and case management. The City conducted a recruitment for Homeless Outreach Case Manager. The Homeless Outreach Case Manager is one step in the City’s efforts to meet the San Luis Obispo Countywide plan to address homelessness adopted by the County Homeless Services Oversight Council in 2022.
8. The Homeless Outreach Case Manager assists those experiencing homelessness to navigate services and to connect to resources that they need to secure housing, as well as

shelter and transitional housing resources when available (e.g., ID Cards, financial benefits, transportation to service meetings and appointments). Duties include to make contact with unhoused or people struggling with housing in the field, build rapport and provide opportunities for assistance to those seeking help. The case manager schedules and provides transportation to appointments for drug and alcohol services, county probation, state parole, behavioral health, CAPSLO, ECHO, and THMA.

9. City of Morro Bay provides annual funding to San Luis Obispo County Department of Social Services and Public Health.
10. Regular meetings with homeless outreach groups such as CAPSLO, THMA, County Public Health, Salvation Army, Veteran Services, 805 Street Outreach, and EBAC.
11. The City committed \$25,000 in housing impact in lieu fees to the HASLO Atascadero Rd Housing Project.
12. The City has transferred the City's portion of the National Opioid Settlement back to San Luis Obispo County to manage a regional effort to combat opioid related issues that directly impact our unhoused population.

WHEREAS, despite the City's efforts the Police and Fire Departments have found that a significant number of the City's homeless population routinely decline the City's offers of help for various reasons including many people experiencing homelessness refuse to accept services and refuse to move from encampments. Some of the homeless actually have access to temporary shelter but choose not to use it, and, therefore, of the City's estimated population of persons experiencing homelessness, the Police and Fire Departments estimates less than ten percent of the City's homeless population would be categorized as involuntarily homeless; and

WHEREAS, the City has experienced significant and continuing threats to public health and safety resulting from persons experiencing homelessness sleeping and camping in unauthorized locations in the City, including the following:

1. Homeless encampments raise a number of public health concerns related to waste, sanitation and disease transmission. Homeless people, like all other people, generate solid waste during their daily activities of food preparation and consumption, shelter building and maintenance and storing their possessions. Though without any place or method of proper storage or disposal, the resulting piles of trash become food sources for rodents, breeding grounds for pathogens, fuel for fires, and unattractive nuisances to the public.
2. The opportunity for the spread of communicable diseases is increased in homeless encampments lacking basic sanitation services and waste collection, with some diseases such as hepatitis A and typhus more likely to occur in homeless populations.
3. Health and safety issues are presented by the violation of fire, building, electrical and other codes and standards for the public health and safety, including the unauthorized and unpermitted use of electrical and utility connections, due to the potential and reality of unsafe and unhealthy conditions in encampments, posing life, safety, fire and health threats to both the occupants of the encampments, the general public and emergency responders.

4. Health and safety issues are exacerbated and compounded by larger encampments as there is an exponential increase in these health and safety issues the larger the encampment, including but not limited to both accumulation of trash and debris as well as the greater likelihood of the spread of disease.
5. The City regularly receives a large volume of emails, phone calls and in-person complaints regarding the encampments in the City, and the frequency and number of these complaints has been increasing greatly recently and in the last year.
6. The homelessness problem in Morro Bay impacts crime rates. Homelessness related crime rates are significant both in terms of crimes against the homeless and also crimes committed by the homeless. The Morro Bay Police Department estimates a call volume of 60% of total calls for service are related to our unhoused population.
7. Business owners and residents near encampments are confronted by trash, used needles, and human waste, and increased instances of open drug use, property damage, theft, and break-ins. They have seen their property values decline, their small businesses fail, and their public spaces become uninhabitable.
8. Businesses and residences near encampments experience physical impediments to access to public and private property which both impedes emergency responses, evacuation of occupants during an emergency, and general public access, as well as exacerbates the likelihood of conflict, intimidations and threats to the public safety for both the unhoused as well as all members of the public, and furthermore the collection of biohazard materials, human waste, trash and rubbish near businesses and residential areas contributes to a general decline in public health, safety and welfare.
9. Encampments near emergency shelters established for emergency evacuations during events such as winter rain storms can cause barriers to access for evacuees.
10. Encampments near active construction sites, areas with heavy vehicle use, and similar areas pose unique threats to both the unhoused as well as the operators of construction equipment and vehicles through unintentional yet predictable collisions and threats to health and safety.
11. Encampments on or near public utilities and critical infrastructure, such as stormwater, water and sewer infrastructure, fire stations, electrical wires and natural gas pipelines, pose unique safety, environmental and security issues and are generally closed to the public or have limited public access for safety, environmental and security reasons.
12. Unauthorized connections or taps to public utilities, as well as violation of fire, building, electrical and other codes and standards, create unsafe conditions and a potential life safety hazard for the occupant, the general public and emergency responders.
13. Encampments pose immense public health concerns as the rates of overdoses from drugs like fentanyl and heroin have increased substantially among the unhoused and encampments can provide an environment conducive to illegal drug consumption.
14. Abandoned encampment cleanups are performed by police officers with police equipment and City staff in an attempt to maintain and or control the spread of large

encampments and this taxes public resources while unnecessarily exposing first responders and City staff to unhealthy and unsafe situations.

15. Fires in unsafe locations for cooking and warming occur at encampments increasing the risk of fires posing a threat to safety and health.
16. Accumulation of biohazard and medical waste occurs in and around encampments and these items end up in our creeks, storm drains, waterways, and beaches posing a direct threat to health and safety.
17. Severe blockage of storm drains due to excessive encampment debris leads to increased roadway and stream flooding and drain blockages during storms causing threats to health and safety.
18. During times of severe storms, unhoused camps are located in and evacuated from low lying, unsafe areas, and storm drains due to increased risk of flooding, rapid water movement, and blockage of storm drains, posing safety threats to the residents of the encampments; and

WHEREAS, in light of these significant and continuing threats to public health and safety, the City seeks to adopt reasonable time, place and manner regulations in a manner consistent with the federal Ninth Circuit court's decisions in *Martin* and *Grants Pass*; and

WHEREAS, the City finds that reasonable camping regulations for public property will best serve the public's health, safety, and general welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTIONS 2. NEW CHAPTER 8.26 ADDED TO CODE. Chapter 8.26 is added to Title 8 of the Morro Bay Municipal Code to read as follows:

"CHAPTER 8.26 – PUBLIC PROPERTY CAMPING REGULATIONS

8.26.010 FINDINGS AND PURPOSE

- A. As the City continues to offer assistance and services to persons experiencing homelessness, the City must appropriately consider various interests and formulate policy to best protect public health, safety, welfare, property, and the environment, with its limited resources.
- B. The City Council acknowledges that at the time of the adoption of this ordinance, there is a lack of nightly shelter beds and housing available regionally for persons experiencing homelessness and recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness.

- C. The City Council acknowledges that it is currently unavoidable that some persons will live or shelter for survival outdoors until they are able to access affordable or free shelter or housing. In Morro Bay, this has typically meant sheltering, sometimes for extended periods of time, on City rights-of-way and City property, and at times on other public agency property such as the California Department of Parks and Recreation property.
- D. Public rights-of-way and public property are generally intended for public use and travel. The City Council is the authority for rights-of-way within the City; as such, the City must consider the safety of motorists and pedestrians travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences.
- E. The City owns limited property where camping can or should be allowed for reasons including but not limited to public health and safety concerns and issues created by the impact of camping on public property.
- F. The City has had increasing concerns regarding public health and safety due to camping on or in rights-of way and public property in or near streets, roads, sidewalks, schools, residences, businesses, critical infrastructure, public access points and similar locations. Public utility properties (e.g., stormwater, water, sewer) are environmentally and operationally sensitive and generally closed to the public or have limited access for safety, environmental and security reasons.
- G. Over the long term and working with other governmental agencies and non-profit organizations, the City's goal is that people should not have to live outside and there should be safer options because long-term camping for survival and sheltering outside is not a solution for people without homes.
- H. It is the purpose and intent of the City Council to provide standards for camping and survival sheltering on City rights-of-way and public property, which are intended to be as compatible as possible with the needs of everyone in Morro Bay to be healthy, safe, and have access to public places.
- I. Smaller camp sites support both the health and safety of people who are camping for survival on public property as well as the health and safety of the public.
- J. It is the purpose and intent of the City Council to provide standards for camping and survival sheltering on City rights-of-way and public property which will address issues such as fire risk, unsanitary conditions, health risks, public infrastructure security, public access impediments, trash, waste and public safety hazards to both people camping as well as neighboring businesses, residents and community members, as well as environmental degradation, which have occurred with longer-term camping in the City.
- K. It is the intent of the City to evaluate each removal of an Established Campsite with considerations of public health and safety, including for the people who are sheltering in the camps, potential user conflicts, and available resources. The City intends to use a team approach and coordinate with other governmental agencies and non-profit organizations as appropriate. When the City requires a person experiencing homelessness to remove an Established Campsite, through these regulations, it intends to provide the person

adequate time to remove the Established Campsite before the City removes the Established Campsite, to secure any personal property with reasonable utility or reasonable value for the person to retrieve at a later date, and to clean the former Established Campsite to address threats to public health and safety.

8.26.020 DEFINITIONS

The following words and phrases, when used in this Chapter, shall have the meaning ascribed to them by this section unless it is apparent from the context that another meaning is intended.

- A. "Camp" or "Camping" means residing in or using any public property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or using any tents, or storing personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), or making any fire using Bunsen burners or other heating items, or regularly cooking meals. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person is using public property as a living accommodation for one or more nights, with the intent to camp.
- B. "Camp Facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.
- C. "Camp Materials" includes but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, shopping carts, recyclable material and/or non-City designated cooking or heating facilities and similar equipment, or personal possessions that would facilitate one's use of a park, public property, or any portion of the public right-of-way as a temporary residence.
- D. "Critical Infrastructure" means real property or a facility, whether privately or publicly owned, that the City Manager designates as being so vital and integral to the operation or functioning of the City or in need of protection that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources.

- E. "Enforcement Personnel" means the employee(s) of the City, including but not limited to sworn police officers, authorized by the City to seek compliance with, and enforce, the regulations, requirements and rules of this Chapter.
- F. "Established Campsite" means a location or locations in the public right-of-way or on City property where a Camp, Camps, and/or Camp Materials have been set up for twenty-four (24) hours or more.
- G. "Fire Severity Zones" means mapped area as defined by the Office of State Fire Marshal that designates zones (based on factors such as fuel, slope, and fire weather) with varying degrees of fire hazard (i.e., moderate, high, and very high).
- H. "Greywater" means untreated wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines and the like. It does not include any toilet discharge, unhealthy bodily wastes, or manufacturing wastes.
- I. "Hazardous Water" means sewage, toilet discharge, unhealthy bodily wastes, manufacturing wastes and the like.
- J. "Landscaped Area" means any manicured or natural ground covered areas including but not limited to flower beds, bushes, brush areas, or shrubs.
- K. "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, backpacks, clothing, food, documents, and medication.
- L. "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on City, county, or State park grounds.
- M. "Public Property" means any publicly owned property in the City, whether improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; park Playgrounds; freeway on-ramps and off-ramps; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces including, but not limited to, public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public educational institutions; or other government owned, maintained, or operated properties located within the City.

- N. "Public Utilities" means every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof, as defined by Public Utilities Code section 216, and as amended.
- O. "Rights-of-Way" means all City-owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way or public access purposes. Public rights-of-way include but are not limited to any public road, street, sidewalk, or private street or other property that is subject to a public access easement dedicated or granted to the City for vehicular use, pedestrian use, utilities or other means, and any planter strip or landscaped area located adjacent to or contained within streets that is part of the public right-of-way.
- P. "School" means any institution, facility or organization, whether public or private, that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. School for purposes of this section does not include a vocational or professional institutions of higher education, including a community or junior college, college, or university. The setback shall be calculated from the school property boundaries.
- Q. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Transportation Facility Loading Area" means that area within 200 feet of where trains, buses or any form of public transportation loads or unloads passengers.
- S. "Vehicle" means a "motor vehicle" as defined by California Vehicle Code, section 415 and includes a "recreational vehicle" as defined by California Health and Safety Code, section 18010(a).

8.26.030 TIME, PLACE AND MANNER REGULATIONS

Persons who do not have any other permanent residence or domicile and/or are involuntarily experiencing homelessness are permitted to camp on public property or rights of-way, provided the camping is occurring in compliance with the following time, place and manner regulations and consistent with any administrative rules and policies promulgated by the City Manager, or designee, adopted after the Effective Date of this Ordinance, in accordance with this Chapter.

- A. Time.** Unless otherwise specified, any Camping or Camp, where allowed, may only occur for 24-hours at a time in any one location. After 24 hours in one location, the Camp and all

associated Camp Materials must be moved at least one street block or 600 feet, whichever is greater, to another allowed location.

B. Place. Camping is not allowed at any time in any of the following places:

1. Within 200 feet of a residentially zoned property boundary or within any area zoned Residential, as determined by the City of Morro Bay Zoning Map and the Morro Bay Municipal Code.
2. Within any Mixed Use Overlay Zone, as determined by the City of Morro Bay Zoning Map and the Morro Bay Municipal Code.
3. Any place where Camping, a Camp, or Camp Materials create a physical impediment preventing emergency or non-emergency ingress, egress or access to public or private property, including but not limited to, on public sidewalks or other public rights-of-way, driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
4. Any vehicle lane, bicycle lane, or roundabout within any public rights-of-way or Transportation Facility Loading Area.
5. Within 1000 feet from any shelter both established for emergency evacuations as well as approved under the Morro Bay Municipal Code and/or approved consistent with any applicable provision of State or federal law.
6. On any street or public rights-of-way, the City has closed to camping due to construction, heavy vehicle use, or other use of the roadway that is incompatible with camping in the rights-of-way. The City does not need to close a street to vehicle traffic, to close a street to camping under this section.
7. Within, or within 200 feet of, any School.
8. Within, or within 200 feet of, any Playground.
9. Within, or within 200 feet of, any area designated as Visitor Serving Commercial (VSC), as determined by the City of Morro Bay Zoning Map and the Morro Bay Municipal Code.
10. At the following public property: Morro Bay City Hall, Morro Bay Community Center, Morro Bay Veterans Hall, Morro Bay Public Library, Morro Bay Centennial Parkway and Stairway, and such further designations made in writing by the City Manager, or her or his designee, upon the written recommendation of the Morro Bay Police Chief and the Morro Bay Fire Chief.
11. Within, or within 200 feet of, Critical Infrastructure.
12. Within, or within 200 feet of, either a very high Fire Severity Zone or a high Fire Severity Zone.

C. Manner. Camping, when and where allowed, is subject to all of the following limitations and regulations:

1. Individuals, Camp Materials, Camps, or personal property may not obstruct, block, prevent access to, or impede: sidewalk accessibility or passage; clear vision of moving vehicles or bicycles; usage of fire hydrants; usage or function of Public Utilities, Critical Infrastructure, or other City infrastructure; or, otherwise obstruct, block, prevent access to, or impede the use of the Rights-of-Way for vehicular, pedestrian, bicycle, or other passage.
2. A Camp or Camping shall be limited to a spatial footprint of no greater than 12 feet by 12 feet, or 144 square feet, and shall have a smaller footprint if necessary to comply with the restrictions set forth in this Chapter. The intent of this section is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
3. To prevent larger Camping sites from forming and the impacts to public health and safety that can result, a Camp shall not be within a one hundred fifty (150) foot radius of any other Camp.
4. Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no reasonable utility or reasonable value, as determined by the City, in public rights-of-way, on City property, or on any adjacent public or private property.
5. Open flames, recreational fires, burning of garbage, bonfires, or other fires, flames, or heating deemed unsafe by the Morro Bay Fire Department, or the Morro Bay Police Department, are prohibited. Types of flameless cooking stoves and other flameless devices for keeping warm, as consistent with this subsection, are permitted.
6. Dumping of Greywater or Hazardous Water into any facilities or places not intended for Greywater or Hazardous Water disposal is prohibited. This includes but is not limited to City streets, public rights-of-way, public waterways and storm drains, which are not intended for disposal of Greywater or Hazardous Water.
7. Unauthorized connections or taps to Public Utilities, including but not limited to such connections or taps that cross over City property, roadways, rights-of-way, driveways, streets, sidewalks, and fences, are prohibited.
8. Violations of building codes, fire codes, and other relevant codes or standards for health and safety, are prohibited.
9. Obstruction of, or attachment of Camp Materials or personal property to, fire hydrants, utility poles, Public Utilities infrastructure, public infrastructure, fences, trees, vegetation, vehicles, or buildings is prohibited.

10. Individuals may not build or erect structures, whether by using plywood, wood materials, pallets, or other materials. Items such as tents, and similar items used for shelter that are readily portable, are not structures for purposes of this section.

11. Storage of personal property such as vehicle tires, bicycles, or associated components (except as needed for an individual's personal use), gasoline, generators, lumber, household furniture, propane tanks, combustible material or gases, or other items or materials, is prohibited, other than what is related to camping, sleeping, or keeping warm and dry.

12. Digging, excavation, terracing of soil, alteration of ground, water or infrastructure, or damage to vegetation or trees is prohibited.

13. All animals, in the custody, ownership or companionship of an individual, must be leashed or crated at all times.

14. Camps shall consist of no more than two persons, two animals (e.g., dogs) that are leashed or crated at all times, and one tent.

8.26.040 ENFORCEMENT

A. Voluntary Compliance. Before enforcement actions are taken in respect to this Chapter (with the exception of enforcement of subsection (B)(3)), the enforcement personnel shall make a good faith effort to contact the person violating this Chapter and provide a reasonable opportunity to cure or remedy the alleged violation. Enforcement Personnel shall make a good faith effort to determine whether the person subject to enforcement has been referred to service providers and/or local non-profit assistance organizations and make a referral if it appears none has been made. The following shall be communicated to the person in a manner designed to help them understand the alleged violation:

1. A written or verbal description or identification of the activity constituting the alleged violation and identification of the recipient as being the person responsible for the violation;
2. A written or verbal statement that the enforcement personnel has determined the activity to be a violation;
3. A written or verbal statement of the action required to fix the violation and the time and/or date by which the violation must be fixed; and
4. A written or verbal statement advising that if the violation is not fixed within the time specified, enforcement actions may be imposed.

B. Notice of Violation

1. **72 Hour Notice.** Prior to implementing any of the enforcement mechanisms provided for in this Chapter to remove an Established Campsite and/or Camp Facilities because of violations of this Chapter, the Enforcement Personnel shall provide occupants of an Established Campsite or Camp Facilities, at least 72 hours in advance of any action to

remove the Established Campsite or Camp Facilities, notice both to remove the camp within 72 hours consistent with the requirements of this Chapter as well as of the intent by the City to remove the Established Campsite or Camp Facilities in no less than 72 hours (the “notice”). The notice shall be in writing and shall be posted on or near the Established Campsite or Camp Facilities, so as to reasonably communicate the notice to persons living at the Established Campsite or Camp Facilities but not present during the attempt to provide notice. In addition, the Enforcement Personnel shall make a good faith effort to personally provide the written notice to the occupant(s) of the Established Campsite or Camp Facilities present at the time the Enforcement Personnel posts the notice. Failure of the occupant(s) of the encampment to comply with the notice’s requirements to remove the camp within 72 hours consistent with the requirements of this Chapter shall constitute a violation of this Chapter. The notice shall contain the following information:

- a. The location of the Established Campsite or Camp Facilities;
- b. The date and time notice was posted;
- c. A statement that the Established Campsite or Camp Facilities violates this Chapter;
- d. An advisement that the City will remove the Established Campsite or Camp Facilities 72 hours after the date and time of the notice;
- e. Information about any housing, shelter or homeless services available for occupants of the Established Campsite or Camp Facilities, the phone number and address to contact in order to obtain such housing, shelter or homeless services, if available, and information about obtaining free transportation, if available, to such housing, shelter or homeless services;
- f. An advisement that any personal property remaining at the Established Campsite or Camp Facilities site when the Enforcement Personnel returns to remove the Camp Facilities will be impounded for no fewer than 90 days, or as provided for by applicable law, and will be discarded thereafter if not claimed; and
- g. The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved, being a storage facility and depending on the property potentially with the Morro Bay Police Department, and that the City will charge no fee for storage or retrieval.

- 2. Less Than 72 Hour Notice.** The notice detailed above may establish a shorter time for the removal of the encampment if the Enforcement Personnel have determined the conditions at the Established Campsite or Camp Facilities requires removal of the Established Campsite or Camp Facilities in less than 72 hours to avoid a potential emergency, such as possible site contamination by hazardous materials or when there is reasonable potential danger to human life or safety. Failure of the occupant(s) of the encampment to comply with the notice’s requirements to remove the camp consistent with the requirements of this Chapter shall constitute a violation of this Chapter.

3. Illegal Activity or Exceptional Emergency. Enforcement personnel may remove an Established Campsite or Camp Facilities without providing the notice described above in the following circumstances:

- a. When there is probable cause for law enforcement officials to believe that illegal activity, other than camping, is occurring at an Established Campsite or Camp Facilities, or in the immediate vicinity of an Established Campsite or Camp Facilities; or
- b. When there is probable cause for law enforcement officials to believe that the property that comprises an Established Campsite or Camp Facilities is being used or is intended to be used to commit or facilitate the commission of otherwise illegal activity; or
- c. In the event of an exceptional emergency, such as significant evidence of site contamination by hazardous materials or when there is immediate danger to human life or safety.

C. Removal of an Established Campsite or Camp Facilities. If the occupant(s) fail to comply with the request for voluntary compliance set forth in subsection A above, and after the enforcement personnel comply with the requirements set forth in subsection B above, any Camp, Camp Materials, or personal property in violation of any of the standards in this Chapter may be removed or cleaned-up by the City or its designated contractors, and the enforcement personnel may take appropriate actions to remove an Established Campsite or Camp Facilities and enforce this Chapter, consistent with the following:

1. When removing Camp Facilities, or individuals, Camp Materials, or personal property from an Established Campsite, enforcement personnel will make reasonable efforts to remove individuals without the use of force or citation.
2. When removing personal property, the City shall make reasonable efforts to determine if the property belongs to an individual and has any reasonable utility or reasonable value. The City shall make reasonable efforts to identify which Established Campsite the property was removed from, to aid in connecting people with their property. Items that are perishable, that have no reasonable use or value, that are not identifiable as belonging to an individual, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and need not be stored.
3. Weapons, drug paraphernalia, or other contraband, and items that appear to be either stolen or evidence of a crime, shall be provided to law enforcement officials.
4. Following removal of personal property from City property or rights-of-way, the City shall post a notice at or as near as possible to the location the property was collected and on the City's website, stating where the personal property is being stored, and listing the phone number and hours a person claiming ownership can collect or make arrangements to collect their personal property.
5. After an Established Campsite or Camp Facilities has been removed, then at the recommendation of the Police Chief or Fire Chief on the basis of public health and safety, the City Manager may order that no camp be set up in that same location or a

100-foot radius for up to 30 days. The City shall post signs informing the public that camping is prohibited at the location for the specified period of time.

D. Removal and Storage of Personal Property or Camp Materials During Removal of an Established Campsite or Camp Facilities. Personal property or Camp Materials may be removed from City rights-of-way, City property, or a Camp, during removal of an Established Campsite or Camp Facilities pursuant to Section C above, if in violation of the provisions of this Chapter, as provided for herein.

1. Personal property removed from City rights-of-way or City property and unclaimed at the time of removal will be stored by the City for a minimum of ninety (90) days, or the duration (if shorter in time) allowed by applicable State or federal law, counting from the day of the removal as day one.
2. Items that are perishable, that have no reasonable use or value, that are not identifiable as belonging to an individual, or that are in an unsanitary condition due to saturation or contamination from bodily fluids, whether human or animal, or other contamination, will be considered garbage, discarded, and will not be stored. Property discarded, dumped, or otherwise abandoned in the City rights-of-way or on public property may be immediately discarded.
3. The City will store personal property at a storage facility at or near a designated City facility, where people can reasonably retrieve belongings. Notwithstanding any otherwise applicable City policy or procedure, all items collected and stored pursuant to this Chapter that reasonably appear to have a monetary value at the time of collection of less than one thousand dollars (\$1,000) shall be stored at a storage facility, and items that reasonably appear to have a monetary value at the time of collection of one thousand dollars (\$1000) or more shall be separately stored for safekeeping with the Morro Bay Police Department ("MBPD").
4. The City will make reasonable efforts to provide a range of times the storage facility will be available for people to collect their personal property. The City may dispose of any personal property (whether stored at the storage facility or with the MBPD) that remains unclaimed after ninety (90) days, or the duration (if shorter in time) allowed by applicable State or federal law, counting from the day of the removal as day one.

8.26.050 VIOLATIONS

A citation for a violation of Chapter 8.26 shall be for an infraction. At the City's discretion, it may issue Administrative Citations under Chapter 1.03. Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the particular situation.

8.26.060 SUSPENSION OF ENFORCEMENT

The City Manager, or designee, is specifically authorized to modify or suspend enforcement of any section or part of this Chapter in the event of a declared emergency, pursuant to

administrative rules or policies, weather conditions (including but not limited to extreme heat or cold), or for any other reason within the City Manager's authority, regardless of whether an emergency has been declared. In addition, the City Manager may suspend the enforcement of regulations contained in this Chapter when the City Manager, or designee, has determined a person does not have access to shelter and is engaged in case management or behavioral health services, or when necessary or appropriate to respond to a person's disability, or as further set forth in City's administrative policies implementing this Chapter 8.26 adopted by the City Manager, or designee, pursuant to Section 8.26.090.

8.26.070 ADOPTION OF ADMINISTRATIVE RULES

The City Manager, or designee may adopt administrative rules or policies governing or guiding enforcement of this Chapter, consistent with the intent of this Chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances. These administrative rules or policies should ensure that enforcement is tailored to various circumstances, including but not limited to situations where a person has a disability under the Americans with Disabilities Act, where minor children are present or otherwise involved, where a person has employment obligations that may relate to their ability to comply with this Chapter, or for other reasons that may support discretion in enforcement.

8.26.80 METHODS OF ENFORCEMENT NOT EXCLUSIVE

Methods of enforcement for violations of this Chapter are not exclusive and may consist of multiple enforcement mechanisms where legally authorized and appropriate. However, the intent of the City is to always resolve violations at the lowest possible level, and to engage to seek compliance and solve problems while maintaining the dignity of all involved."

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. POTENTIAL CONFLICTS. All ordinances, parts of ordinances, City resolutions or policies, and the like, in conflict with those sections amended or added herein to the Morro Bay Municipal Code, are hereby expressly superseded by this ordinance, with the exception of Section 8.24.010(D) of the Morro Bay Municipal Code.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the 12th day of December 2023, by motion of _____ and seconded by _____.

PASSED AND ADOPTED on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance No. 665 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the ____ day of _____ 2024, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this ____ day of _____, _____.

DANA SWANSON, City Clerk

ORDINANCE NO. 666

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
ADDING CHAPTER 8.27 TO TITLE 8 OF THE MORRO BAY
MUNICIPAL CODE REGULATING OVERNIGHT HUMAN
HABITATION OF VEHICLES ON PRIVATE PROPERTY USED FOR
BUSINESS OR NONPROFIT ORGANIZATION OPERATIONS TO
MITIGATE HARM TO PUBLIC HEALTH, SAFETY AND WELFARE**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City finds that the use of vehicles for human habitation overnight on private property used for business or nonprofit organization operations impacts public health and safety as this activity tends to result in damage to private property, theft, the accumulation of trash, food waste, human waste and contaminated medical waste and the unauthorized discharge of Greywater and Hazardous Water; and,

WHEREAS, the accumulation of trash, food waste and human waste has the potential to spread disease and result in infestations by vermin and insects; and,

WHEREAS, the accumulation of discarded contaminated medical waste, including used hypodermic needles, has the potential to harm patrons of the businesses or non-profits located where the overnight human habitation of vehicles is occurring who are exposed to this waste, and is an attractive nuisance for children; and,

WHEREAS, the collection of contaminated medical waste, human waste and trash and the discharge of Greywater and Hazardous Water has the potential to contaminate the City's waterways and beaches due to the proximity to storm drains; and,

WHEREAS, overnight human habitation in vehicles on private property used by business or nonprofit establishments has resulted in a significant number of police calls for service related to vandalism, property damage and criminal activity, including narcotics usage, noise violations, excessive debris around the vehicles, prowling, parking violations, private property trespassing, and loitering; and,

WHEREAS, unregulated overnight human habitation in vehicles on private property used by business or nonprofit establishments creates increased public health and safety risks such as those from overdoses, fire hazards, and death; and,

WHEREAS, the City finds that reasonable regulations for human habitation of vehicles overnight on private property used for businesses and nonprofit organizations are necessary to protect public health and safety.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTIONS 2. NEW CHAPTER 8.27 ADDED TO CODE. Chapter 8.27 is added to Title 8 of the Morro Bay Municipal Code to read as follows:

“CHAPTER 8.27 – REGULATION OF OVERNIGHT HUMAN HABITATION OF VEHICLES ON PRIVATE PROPERTY USED FOR BUSINESS OR NONPROFIT ORGANIZATION OPERATIONS

8.27.010 FINDINGS AND PURPOSE

- A. The use of various types of vehicles for human habitation overnight on private property used for businesses or non-profit organizations impacts public health and safety as this activity tends to result in damage to private property, theft, public safety risks, the accumulation of trash, food waste, human waste and contaminated medical waste and the unauthorized discharge of Greywater and Hazardous Water.
- B. It is the purpose and intent of the City Council to regulate and provide standards for the human habitation of vehicles overnight on private properties used for business and nonprofit operations so as to be as compatible as possible with the needs of everyone in Morro Bay to be healthy and safe.

8.27.020 DEFINITIONS

The following words and phrases, when used in this Chapter, shall have the meaning ascribed to them by this section unless it is apparent from the context that another meaning is intended.

- A. “Business” means any business that is required to obtain a current and valid business tax certificate under Chapter 5.04 of the Morro Bay Municipal Code.
- B. “Greywater” means untreated wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines and the like. It does not include any toilet discharge, unhealthy bodily wastes, or manufacturing wastes.
- C. “Hazardous Water” means sewage, toilet discharge, unhealthy bodily wastes, manufacturing wastes and the like.
- D. “Human Habitation” means, considering all the circumstances, that a person is using a vehicle for: sleeping; bathing; preparing or cooking meals; or, possessing or storing items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, used bedding, kitchen utensils, cookware, cooking equipment, camping gear, food, water, personal grooming items, or containers of feces or urine. Evidence of

human habitation includes observations, considering all the circumstances, of any of the above, as well as that: a person has obscured some or all of the windows; there is litter, rubbish, or waste in or around the vehicle; there is furniture set up in or around the vehicle, such as chairs, tables, umbrellas, or portable cooking equipment; or, there is evidence of human urination or defecation around the vehicle.

- E. "Nonprofit Organization" means an organization that qualifies for tax-exempt status by the IRS because its mission and purpose are to further a social cause and provide a public benefit, regardless of whether or not the organization has secured such tax-exempt status.
- F. "Overnight" means at any time during the hours of 10:00 p.m. and 6:00 a.m. the following day.
- G. "Vehicle" means a "motor vehicle" as defined by California Vehicle Code, section 415 and includes a "recreational vehicle" as defined by California Health and Safety Code, section 18010(a).

8.27.030 PROHIBITION AND REGULATIONS

- A. Prohibition.** Notwithstanding any other provision of this Code, overnight human habitation is prohibited in vehicles parked on private property owned or leased by a business or a nonprofit organization.
- B. Exception.** A total of three vehicles per parcel, may be used by persons who lack access to permanent or safe shelter and who cannot obtain other housing, for overnight human habitation in a parking lot or paved or gravel surface of a parcel of any size owned or leased by a business or nonprofit organization, with the permission of the property owner or lessee, after the owner or lessee is issued a City permit by the Community Development Department, and the owner or lessee complies with the requirements of subsection C.
- C. Requirements.** A property owner or lessee who allows overnight human habitation in vehicles on private property pursuant to this section shall:
 - 1. Provide persons occupying such vehicles with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities at all times people are authorized to be present overnight.
 - 2. Not require payment of any fee, rent or other monetary charge for the activity authorized by this Chapter.
 - 3. Restrict this use of owner's or lessee's property to one period consisting of no more than three (3) overnight stays, once every ten (10) days, per vehicle.
 - 4. Not allow the discharge or dumping of wastewater, Greywater, Hazardous Water, or trash on the property unless sufficient City approved receptacles or hook ups are available.

5. Not allow for the storage of personal property beyond six (6) feet immediately adjacent to the vehicle.
6. Not allow on-site storage of personal property when the personal property owner is no longer staying on the private property being used.

D. Revocation. A property owner or lessee who permits overnight human habitation in vehicles on private property pursuant to this Chapter may revoke that permission at any time and for any reason. Any person who has permission for human habitation in a vehicle on that property as provided in this Chapter shall leave the property with their vehicle and personal property immediately after permission has been revoked.

E. Existing Land Uses. The provisions of this Chapter are not intended to limit or otherwise change any land uses that may be permitted on real property under the Morro Bay Municipal Code.

8.27.040 VIOLATIONS AND ENFORCEMENT

- A. Violations of this chapter are deemed a public nuisance, and may be abated as such. Each day a violation continues is deemed a new violation.
- B. Violations of this chapter may be punishable as infractions or misdemeanors, pursuant to Chapter 1.16 of this Code.
- C. Violations of this chapter may be punishable thorough administrative fines, in accordance with Chapter 1.03 of this Code, as may be set by City Council resolution.
- D. Methods of enforcement for violations of this Chapter are not exclusive and may consist of multiple enforcement mechanisms where legally authorized and appropriate.

8.27.050 SUSPENSION OF ENFORCEMENT

The City Manager, or designee, is specifically authorized to modify or suspend enforcement of any section or part of this Chapter in the event of a declared emergency, pursuant to administrative rules or policies, weather conditions (including but not limited to extreme heat or cold), or for any other reason within the City Manager's authority, regardless of whether an emergency has been declared. In addition, the City Manager may suspend the enforcement of any of the regulations in this Chapter when the City Manager, or designee, has determined a person does not have access to shelter and is engaged in case management or behavioral health services, or when necessary or appropriate to respond to a person's disability, or as further set forth in City's administrative policies implementing this Chapter 8.27 adopted by the City Manager, or designee, pursuant to Section 8.27.060.

8.26.060 ADOPTION OF ADMINISTRATIVE RULES

The City Manager, or designee, may adopt administrative rules or policies governing or guiding enforcement of this Chapter, consistent with the intent of this Chapter, including but not limited to ensuring consistent and appropriate enforcement for various circumstances. These administrative rules or policies should ensure that enforcement is tailored to various circumstances, including but not limited to situations where a person has a disability under the Americans with Disabilities Act, where minor children are present or otherwise involved, where a person has employment obligations that may relate to their ability to comply with this Chapter, or for other reasons that may support discretion in enforcement. “

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. POTENTIAL CONFLICTS. All ordinances, parts of ordinances, City resolutions or policies, and the like, in conflict with those sections amended or added herein to the Morro Bay Municipal Code, are hereby expressly superseded by this ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

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SECTION 6. CERTIFICATION. The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the 12th day of December 2023, by motion of _____ and seconded by _____.

PASSED AND ADOPTED on the _____ day of _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSE:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance No. 666 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the ____ day of _____ 2024, and that it was so adopted by the following vote:

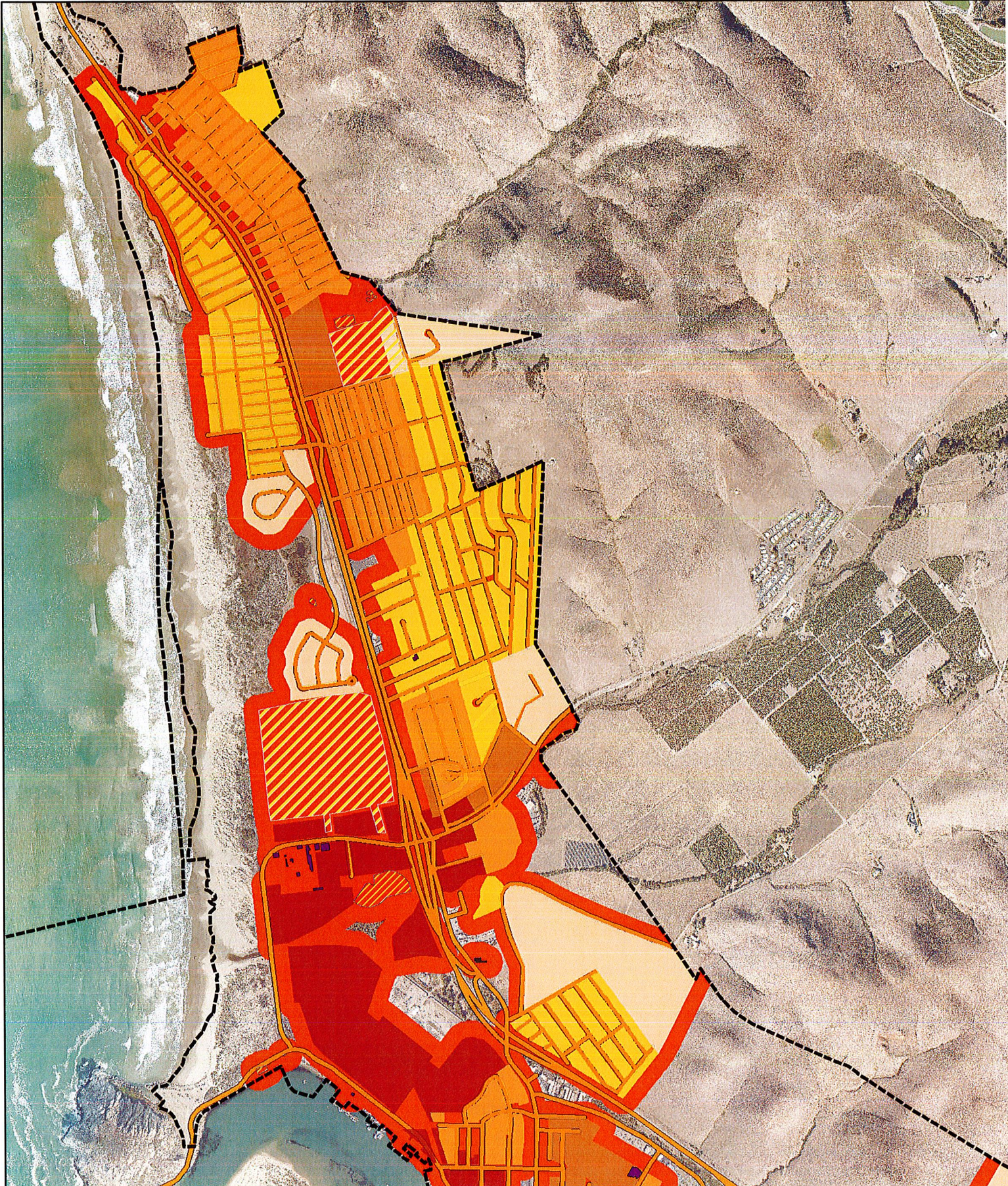
AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this ____ day of _____, _____.

DANA SWANSON, City Clerk



City of Morro Bay Prohibited Camping Boundary



OBJECTID	Number	PreDir	StreetName	StreetType	CommonName	Type	Symbology	UnitNumber	Address
1	61	W	OAK	AVE	PORTERVILLE TRANSIT CENTER	Facilities	Transit		61 W OAK AVE
2	2700	W	TEAPOT DOME	AVE	PORTERVILLE FAIRGROUNDS	Facilities	Fairgrounds		2700 W TEAPOT DOME AVE
3	700	N	NEWCOMB	ST	SKATE PARK	Facilities	Recreation		700 N NEWCOMB ST
4	2701	W	SCRANTON	AVE	OHV PARK	Facilities	Recreation		2701 W SCRANTON AVE
5	97	N	PARK	DR	CITY POOL	Facilities	Pool		97 N PARK DR
6	256	E	ORANGE	AVE	HERITAGE COMMUNITY CENTER	Facilities	Community Center		256 E ORANGE AVE
7	50	W	OLIVE	AVE	PORTERVILLE PUBLIC LIBRARY	Facilities	Library	B	50 W OLIVE AVE UNIT B
8	291	N	MAIN	ST	CITY HALL	Facilities	City Hall		291 N MAIN ST
9	256	E	ORANGE	AVE	MARGARET J SLATTERY LIBRARY	Facilities	Library		256 E ORANGE AVE
11	555	N	PROSPECT	ST	CORPORATION YARD	Facilities	City Services		555 N PROSPECT ST
12	280	N	FOURTH	ST	SANTA FE DEPOT	Facilities	City Services		280 N FOURTH ST
13	393	N	HOCKETT	ST	ZALUD HOUSE	Facilities	Museum		393 N HOCKETT ST
14	300	E	OLIVE	AVE	JUSTICE CENTER	Facilities	Law		300 E OLIVE AVE
15	257	N	D	ST	PORTERVILLE MUSEUM	Facilities	Museum		257 N D ST
16	185	N	D	ST	ANIMAL SHELTER PRIMARY	Facilities	City Services		185 N D ST
17	65	W	MILL	AVE	US POST OFFICE	Facilities	Post Office		65 W MILL AVE
18	211	N	MAIN	ST	FAMILY CRISIS CENTER	Facilities	Services		211 N MAIN ST
19	14	N	MAIN	ST	PUBLIC DEFENDER	Facilities	Law		14 N MAIN ST
24	480	N	HENRAHAN	ST	US FOREST SERVICE	Facilities	Governemnt Services		480 N HENRAHAN ST
98	980	S	JAYE	ST	PORTERVILLE PUBLIC SAFETY BUILDING	Facilities	City Services		980 S JAYE ST
100	1893	S	NEWCOMB	ST	PORTERVILLE MUNICIPAL AIRPORT	Facilities	Airport		1893 S NEWCOMB ST
514	1061	W	HENDERSON	AVE	CSET	Facilities	County Services		1061 W HENDERSON AVE
630	313-315	W	HENDERSON	AVE	FAMILY SERVICES OF TULARE COUNTY	Facilities	County Services		313 W HENDERSON AVE
914	15	E	THURMAN	AVE	PARKS AND LEISURE SERVICES	Facilities	City Services	A	15 E THURMAN AVE #A
931	1900	W	OLIVE	AVE	PORTERVILLE VETERANS MEMORIAL BUILDING	Facilities	City Services		1900 W OLIVE AVE
1157	1333	W	GRAND	AVE	WASTE WATER TREATMENT FACILITY	Facilities	City Services		1333 W GRAND AVE
1158	1063	W	HENDERSON	AVE	TULARE COUNTY EMPLOYMENT CONNECTION	Facilities	County Services		1063 W HENDERSON AVE
1159	1055	W	HENDERSON	AVE	TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY	Facilities	County Services		1055 W HENDERSON AVE
1160	1055	W	HENDERSON	AVE	TULARE COUNTY PROBATION DEPARTMENT	Facilities	County Services		1055 W HENDERSON AVE
1161	890	W	MORTON	AVE	US SOCIAL SECURITY ADMINISTRATION	Facilities	Governemnt Services		890 W MORTON AVE
1167	300		INDIAN RESERVATION	DR	TULE RIVER TRIBAL COUNCIL	Facilities	Tribal		300 INDIAN RESERVATION DR
1168	1839	S	NEWCOMB	ST	TULARE COUNTY SHERIFFS OFFICE	Facilities	Governemnt Services		1839 S NEWCOMB ST
1193	259	N	MAIN	ST	TULARE COUNTY CHILD SUPPORT SERVICES	Facilities	County Services		259 N MAIN ST
1214	1013	E	OLIVE	AVE	PORTERVILLE CEMETERY	Facilities	Cemetery		1013 E OLIVE AVE
1223	1124	E	SUCCESS	DR	PORTA VISTA PUBLIC UTILITY	Facilities	Utility		1124 E SUCCESS DR
1234	1331	S	SECOND	ST	PORTERVILLE CALTRANS	Facilities	State Services		1331 S SECOND ST
1238	563	W	GIBBONS	AVE	ST ANNES CEMETERY	Facilities	Cemetery		563 W GIBBONS AVE
1240	1960	W	SCRANTON	AVE	SOUTH COUNTY DETENTION FACILITY TULARE COUNTY	Facilities	County Services		1960 W SCRANTON AVE
1263	1061	W	HENDERSON	AVE	TULARE COUNTY GOVERNMENT PLAZA SOUTH	Facilities	County Services		1061 W HENDERSON AVE
1308	16	E	OLIVE	AVE	DA OFFICE	Facilities	Law		16 E OLIVE AVE
1320	12261		ROAD 216		PORTERVILLE PD RANGE	Facilities	Governemnt Services		12261 ROAD 216
1326	29	N	PLANO	ST	ARMY NATIONAL GUARD	Facilities	Governemnt Services		29 N PLANO ST
1333	565	E	SCRANTON	AVE	VANDALIA CEMETERY	Facilities	Cemetery		565 E SCRANTON AVE
1360	165	N	D	ST	ANIMAL SHELTER SECONDARY	Facilities	City Services		165 N D ST
1429	220	E	MORTON	AVE	SEQUOIA NATIONAL FOREST HEADQUARTERS	Facilities	Governemnt Services		220 E MORTON AVE
32	534	N	E	ST	PORTERVILLE SCHOOL DISTRICT	School	Office		534 N E ST
52	465	W	OLIVE	AVE	PORTERVILLE HIGH SCHOOL	School	School		465 W OLIVE AVE
53	960	N	NEWCOMB	ST	MONACHE HIGH SCHOOL	School	School		960 N NEWCOMB ST
54	1701	E	PUTNAM	AVE	GRANITE HILLS HIGH SCHOOL	School	School		1701 E PUTNAM AVE
55	261	E	MULBERRY	AVE	CITRUS HIGH SCHOOL	School	School		261 E MULBERRY AVE
57	900	W	PIONEER	AVE	BUTTERFIELD CHARTER HIGH SCHOOL	School	School		900 W PIONEER AVE
58	335	N	G	ST	BARTLETT MIDDLE SCHOOL	School	School		335 N G ST
59	225	E	COLLEGE	AVE	PIONEER MIDDLE SCHOOL	School	School		225 E COLLEGE AVE
60	1450	W	CASTLE	AVE	SEQUOIA MIDDLE SCHOOL	School	School		1450 W CASTLE AVE
61	197	W	BELLEVIEW	AVE	BELLEVIEW ELEMENTARY	School	School		197 W BELLEVIEW AVE
62	1045	E	ORANGE	AVE	JOHN J DOYLE ELEMENTARY	School	School		1045 E ORANGE AVE
63	500	E	MULBERRY	AVE	LOS ROBLES ELEMENTARY	School	School		500 E MULBERRY AVE

64 701	W	WESTFIELD	AVE	MONTE VISTA ELEMENTARY	School	School	701 W WESTFIELD AVE
65 255	W	OLIVE	AVE	OLIVE STREET ELEMENTARY	School	School	255 W OLIVE AVE
66 388	N	ROCHE	ST	ROCHE AVENUE ELEMENTARY	School	School	388 N ROCHE ST
67 286	E	ORANGE	AVE	SANTA FE ELEMENTARY	School	School	286 E ORANGE AVE
68 271	E	COLLEGE	AVE	VANDALIA ELEMENTARY	School	School	271 E COLLEGE AVE
69 1345	W	PUTNAM	AVE	WEST PUTNAM ELEMENTARY	School	School	1345 W PUTNAM AVE
70 1151	W	PIONEER	AVE	WESTFIELD ELEMENTARY	School	School	1151 W PIONEER AVE
71 1414	W	OLIVE	AVE	PORTERVILLE ADULT SCHOOL	School	Special Education Center	1414 W OLIVE AVE
72 175	S	MATHEW	ST	SUMMIT CHARTER ACADEMY MATHEW CAMPUS	School	School	175 S MATHEW ST
73 15550		REDWOOD	ST	SUMMIT CHARTER COLLEGIATE ACADEMY	School	School	15550 REDWOOD ST
74 1509	N	LOMBARDI	ST	SUMMIT CHARTER ACADEMY LOMBARDI CAMPUS	School	School	1509 N LOMBARDI ST
75 2375	W	MORTON	AVE	BURTON ELEMENTARY SCHOOL	School	School	2375 W MORTON AVE
76 1873	W	MULBERRY	AVE	OAK GROVE ELEMENTARY SCHOOL	School	School	1873 W MULBERRY AVE
77 2573	W	WESTFIELD	AVE	WILLIAM R BUCKLEY ELEMENTARY SCHOOL	School	School	2573 W WESTFIELD AVE
78 252	N	WESTWOOD	ST	JIM MAPLES ACADEMY	School	School	252 N WESTWOOD ST
79 1155	N	ELDERWOOD	ST	BURTON MIDDLE SCHOOL	School	School	1155 N ELDERWOOD ST
80 100	E	COLLEGE	AVE	PORTERVILLE COLLEGE	School	College	100 E COLLEGE AVE
81 15518		REDWOOD	ST	SUMMIT CHARTER INTERMEDIATE ACADEMY	School	School	15518 REDWOOD ST
82 385	N	F	ST	ST ANNES SCHOOL	School	School	385 N F ST
83 254	W	ORANGE	AVE	TULARE COUNTY CHILD CARE EDUCATION PROGRAM	School	Special Education Center	254 W ORANGE AVE
84 2293	E	CRABTREE	AVE	ALTA VISTA ELEMENTARY SCHOOL	School	School	2293 E CRABTREE AVE
85 613	W	TEAPOT DOME	AVE	HOPE ELEMENTARY SCHOOL	School	School	613 W TEAPOT DOME AVE
86 900	W	PIONEER	AVE	PORTERVILLE MILITARY ACADEMY	School	School	900 W PIONEER AVE
87 1051	S	PLANO	ST	LB HILL LEARNING CENTER	School	Special Education Center	1051 S PLANO ST
88 645	N	PROSPECT	ST	PROSPECT EDUCATION CENTER	School	Special Education Center	645 N PROSPECT ST
180 265	W	HENDERSON	AVE	HOOPS PRESCHOOL	School	Preschool	265 W HENDERSON AVE
232 600	W	GRAND	AVE	PORTERVILLE UNIFIED SCHOOLS	School	Office	600 W GRAND AVE
364 314	N	MAIN	ST	SAN JOAQUIN VALLEY COLLEGE	School	College	314 N MAIN ST
524 420	N	E	ST	KRAYOLA KORNER	School	Preschool	420 N E ST
769 81	N	G	ST	PORTERVILLE 1ST BAP PRESCHOOL	School	Preschool	81 N G ST
1189 264	N	WESTWOOD	ST	BURTON SCHOOL DISTRICT	School	Office	264 N WESTWOOD ST
1190 331	N	F	ST	ST ANNES PRESCHOOL	School	Preschool	331 N F ST
1200 111	N	VILLA	ST	HAPPY HEARTS CHILDRENS CENTER	School	Preschool	111 N VILLA ST
1256 632	W	GRAND	AVE	PORTERVILLE SCHOOLS WAREHOUSE	School	Office	632 W GRAND AVE
1261 1061	S	PLANO	ST	LB HILL PRESCHOOL	School	Preschool	1061 S PLANO ST
1386 822	W	PIONEER	AVE	VINE COMMUNITY DAY SCHOOL	School	Special Education Center	822 W PIONEER AVE
1409 245	W	WALNUT	AVE	CHILDRENS CENTER SCHOOL	School	Preschool	245 W WALNUT AVE