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Add Division 21 to Title 3. Illegal Encampments and Camping on Public Property.

Sec. 3-21-1. Purpose.

(a) Public property within the unincorporated County should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes and/or for storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this chapter is to maintain property in blight-free conditions to secure access for all members of the public to public property, and to ensure that public property is used for its intended purposes and remains accessible to all citizens and visitors to the unincorporated areas of the County.

(b) When large amounts of personal property are left unattended on public property throughout unincorporated areas of the County, it creates blight, obstructs the public rights-of-way, interferes with access to public property and to businesses, and thus negatively affects quality of life, and negatively affects the profitable operation of such businesses.

Sec. 3-21-2. Definitions.

For purposes of this Division, the words and phrases defined herein shall be construed in accordance with the following definitions:

Abandoned Personal Property means unattended, but not stored, personal property that by its condition of damage, deterioration, disrepair, non-use, obsolescence, or location causes any reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto. In determining whether property is abandoned, enforcement officers shall, erring on the side of caution, evaluate the facts and circumstances surrounding the item(s), including whether the personal property is unattended and lacks objective signs of abandonment. Examples of objective signs of abandonment include, but are not limited to, items located in gutters, placed adjacent to trash receptacles, an empty and/or broken tent sitting by itself on a sidewalk with no other belongings, or a bag of clothes that is open and strewn across a sidewalk.

Camp means to pitch or occupy camp facilities, to use any public property, as defined herein, for living accommodation or habitation purposes such as sleeping activities, or making preparations to sleep, including the laying down of bedding for purposes of sleeping, or to use or store camp paraphernalia for purposes of living accommodation or habitation purposes.

Camp Facilities include, but are not limited to, tents, huts or other temporary shelters of any kind, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other camp paraphernalia items.

Camp Paraphernalia includes, but is not limited to, tarpaulins, umbrellas, cots, beds, bedding, sleeping bags, hammocks, cooking facilities, kitchen utensils, camping stoves, portable barbeques and similar equipment, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other items of camp paraphernalia.

Encampment means a temporary living area established by individuals. These areas often feature built structures and personal belongings, in addition to camp paraphernalia, and can be a source of public health and safety concerns. An encampment encompasses the definition of camp but applies to more than one individual pitching or occupying camp facilities on public property.

Enforcement officer is defined in Section 1-1-40.2(d).

Essential personal property means tents, tarpaulins, bedding, blankets, sleeping bags, bicycles, trailers, carts, clothing, identification, medical papers or devices, medications, personal items (e.g., photographs and documents) and items necessary to acquire assistance for, or achieve, instrumental activities of daily living. Essential personal property does not include any items intended for commercial purposes, such as items, consumable or otherwise, for sale, trade, barter, or in consideration of donations.

Non-Essential Personal Property means all items other than essential personal property.

Personal Property means any tangible property other than land that may be subject to ownership. Personal property includes essential and non-essential personal property.

Public Property means and includes, but is not limited to, any street, sidewalk, building, grounds, lot, parcel, open space area, park, plaza, or parking lot owned, operated and/or maintained by the County.

Public Street means and includes, but is not limited to, any street, road, highway, alley, sidewalk, parkway, bridge, culvert, drain, and other such facilities owned, operated, and/or maintained by the County.

Sidewalk means the portion of the public right-of-way between the curb line of any County owned, operated and/or maintained street, road, highway, bicycle lane, or other thoroughfare designed for vehicular travel, and the adjacent property line, whether or not that area is paved.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location. Stored personal property does not include abandoned personal property.

Stored Personal Property means personal property, other than abandoned personal property, that is accompanied by signs of ownership, such as packing, stacking, or organizing.

Unattended means no person is present with the personal property who asserts or claims ownership of the personal property.

Sec. 3-21-3. Prohibited Encampments, Camping, and Storage of Non-Essential Personal Property.

Unless authorized by permit or other applicable law, it is unlawful:

- (a) To construct, place, or maintain on public property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of sheltering one or more persons.
- (b) To camp on public property, including but not limited to using, placing or maintaining a tent, sleeping bag, blanket, or other materials for the purpose of sleeping, lying, or sheltering one or more persons in the same location. For purposes this section, the same

location shall mean within 500 feet of the location in which the person camped on the previous day or night.

- (c) To camp within 500 feet of any posted notice to vacate or other official signage designating a location for encampment clearance or otherwise prohibiting sitting, sleeping, lying, camping, or placing personal property in that location.
- (d) To sit, sleep, lie, or camp on any public street, road, bike path, public parking lot, restricted area, or on any sidewalk.
- (e) To store any non-essential personal property on any Public Property or on any sidewalk in a manner that impedes passage within the meaning of the American Disabilities Act.
 - 1. It shall not be a violation of subsection (e) to: (1) store property in accordance with a County issued permit; (2) store property as part of activities expressly authorized by the County; (3) store property for authorized County, public utility, or government agency purposes.

Sec. 3-21-4. Violations, Enforcement, and Penalties.

- (a) Any violations of the provisions of this Division are unlawful and subject to the enforcement remedies pursuant to Sections 1-1-34 through 1-1-39 and 1-1-40, et. seq. of this Code and any other means provided by law.

Sec. 3-21-5. Severability.

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this article irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the article be enforced.

Add Division 3 to Title 9. Illegal Encampments and Camping on Flood Control District Property.

Sec. 9-3-10. Purpose.

(a) The use of District property for camping purposes and/or for storage of personal property interferes with the lawful purposes and operations of the District. The purpose of this chapter is to maintain District property in blight-free conditions, to secure access for flood control purposes, and to ensure that District property is used for its intended purposes.

(b) When large amounts of personal property are being left unattended on District property, it creates blight, obstructs District property, interferes with access to and maintenance of District property and thus, affects the use of District property for its intended purposes.

Sec. 9-3-20. Definitions.

For purposes of this Division, the words and phrases defined herein shall be construed in accordance with the following definitions and those contained in Title 9, Section 9-2-20.

Abandoned Personal Property means unattended, but not stored, personal property that by its condition of damage, deterioration, disrepair, non-use, obsolescence, or location causes any reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto. In determining whether property is abandoned, enforcement officers shall, erring on the side of caution, evaluate the facts and circumstances surrounding the item(s), including whether the personal property is unattended and lacks objective signs of abandonment. Examples of objective signs of abandonment include, but are not limited to, items located in gutters, placed adjacent to trash receptacles, an empty and/or broken tent sitting by itself on a sidewalk with no other belongings, or a bag of clothes that is open and strewn across a sidewalk.

Camp means to pitch or occupy camp facilities, to use any District property for living accommodation or habitation purposes such as sleeping activities, or making preparations to sleep, including the laying down of bedding for purposes of sleeping, even in the absence of camp facilities, or to use or store camp paraphernalia for purposes of living accommodation or habitation purposes.

Camp Facilities include, but are not limited to, tents, huts or other temporary shelters of any kind, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other camp paraphernalia items.

Camp Paraphernalia includes, but is not limited to, tarpaulins, umbrellas, cots, beds, bedding, sleeping bags, hammocks, cooking facilities, kitchen utensils, camping stoves, portable barbeques and similar equipment, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other items of camp paraphernalia.

Enforcement Officer is defined in Section 1-1-40.2(d).

Essential Personal Property means tents, tarpaulins, bedding, blankets, sleeping bags, bicycles,

trailers, carts, clothing, identification, medical papers or devices, medications, personal items (e.g., photographs and documents) and items necessary to acquire assistance for, or achieve, instrumental activities of daily living. Essential personal property does not include any items intended for commercial purposes, such as items, consumable or otherwise, for sale, trade, barter, or in consideration of donations.

District Property means all or any part of the entire width of right-of-way of a District flood control channel, whether or not such entire area is actually utilized for flood control purposes and also includes, but is not limited to vacant parcels, basins, dams, and access roads, whether owned by District in fee or by easement, grant, indenture, or other legal document. "District property" is further defined as an area or interest identifying District ownership as shown on: County Assessor's parcel map; official record of survey; District right-of-way map; or deed recorded with a County Recorder.

Encampment means a temporary living area established by individuals on District property or any public property. These areas often feature built structures and personal belongings, including but not limited to camp paraphernalia, and can be a source of public health and safety concerns. An encampment encompasses the definition of camp but applies to more than one individual pitching or occupying camp facilities on public District property.

Non-Essential Personal Property means all items other than essential personal property.

Personal Property means any tangible property other than land that may be subject to ownership. Personal property includes essential and non-essential personal property.

Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location. Stored personal property does not include abandoned personal property.

Stored Personal Property means personal property, other than abandoned personal property, that is accompanied by signs of ownership, such as packing, stacking, or organizing.

Unattended means no person is present with the personal property who asserts or claims ownership of the personal property.

Sec. 9-3-30. Prohibited Encampments, Camping, and Storage of Non-Essential Personal Property.

Unless authorized by permit or other applicable law, it is unlawful:

- (a) To construct, place, or maintain on District Property any semi-permanent structure, including but not limited to hand-built sheds and structures with metal or other heavy roofing and siding materials, for the purpose of sheltering one or more persons.
- (b) To illegally camp on District Property, including but not limited to using, placing, or maintaining a tent, sleeping bag, blanket, or other materials for the purpose of sleeping, lying, or sheltering one or more persons in the same location. For purposes this section, the same location shall mean within 500 feet of the location in which the person camped on the previous day or night.

- (c) To illegally camp within 500 feet of any posted notice to vacate or other official signage designating a location for encampment clearance or otherwise prohibiting sitting, sleeping, lying, camping, or placing Personal Property in that location.
- (d) To sit, sleep, lie, or camp on any District Property in a manner that impedes access to District facilities and/or impedes or interferes with the operation of District facilities.
- (e) To store any Non-Essential Personal Property on District Property.
 - 1. It shall not be a violation of subsection (e) to: (1) store property in accordance with a District or County issued permit; (2) store property as part of activities expressly authorized by the County or District; (3) store property for authorized County, District, public utility, or government agency purposes.

Sec. 9-3-40. Violations, Enforcement, and Penalties.

- (a) Any violations of the provisions of this Division are unlawful and subject to the enforcement remedies pursuant to Sections 1-1-34 through 1-1-39 and 1-1-40, *et. seq.* of this Code and any other means provided by law.

Sec. 9-3-50. Severability.

If any section, paragraph, sentence, clause, phrase or portion of this Division is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this article irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the article be enforced.

Amend Division 5 of Title 2. Parks, Beaches and Recreational Areas.

Sec. 2-5-17. Camping; encampments; occupancy of camp facilities; use of camp paraphernalia, storage of personal property; payment of fees required.

(a) As it relates to camping, camp facilities, and camp paraphernalia, as defined in this division, in designated areas:

(1) It shall be unlawful for any person to camp, occupy camp facilities, use camp paraphernalia, or store personal property in a recreational area, except in an area designated for such purposes without paying fees established for such purposes by resolution of the Board of Supervisors. Each adult seeking to use designated areas for such purposes will be required to present a current form of identification upon payment of fees.

(2) No person shall camp, occupy camp facilities, use camp paraphernalia or store personal property in a recreational area in excess of the period prescribed by resolution of the Board of Supervisors.

(3) In addition to the other penalties provided herein, violation of this section shall subject the violator to suspension of camping privileges, loss of prepaid fees and eviction from the recreational area.

(4) Any property left in a recreational area after it closes, except personal property left in designated areas by persons having paid established fees thereof, shall be removed or impounded by the Director or his/her agents in accordance with the procedures set forth in Title 3, Division 21, Section 6.

(b) If an unauthorized individual remains within any park, beach, or recreational area as defined in this division outside of the established operational hours, County officials or any agent acting on their behalf, or law enforcement, will advise the individual that they may move to any public area outside the park property. If the individual does not then leave the park property after receiving both a warning and a reasonable opportunity to gather his or her belongings, law enforcement may issue a citation or arrest the individual, as appropriate.