

CHAPTER 9.66:  
CAMPING, SLEEPING IN PUBLIC AND  
STORAGE OF PERSONAL PROPERTY IN PARKS  
AND OTHER PUBLIC PLACES

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**9.66.010 DEFINITIONS**

For purposes of this chapter, the following words shall have the following meaning, unless the context clearly indicates otherwise.

**ABANDONED PERSONAL PROPERTY** means personal property that the owner surrenders, relinquishes, or disclaims. Indicia of abandoned personal property shall include, but not be limited to: personal property that its owner has indicated he/she does not want; and personal property left on private real property for any period of time without the permission of the real property owner or current tenant.

**BACKYARD CAMPING.** Occasional camping in the area behind the front yard setback at residential properties, with the property owner's or lawful tenant's express permission, not to exceed three consecutive days in any ninety-day period.

**CAMP OR CAMPING.** The use of land or premises for temporary living accommodation purposes for periods of more than eight (8) hours, including to place, pitch, or use Camp Facilities or Camp Paraphernalia for such purposes. Such use constitutes Camping when it reasonably appears, in light of all the circumstances, that the area is being used as a living accommodation regardless of the intent of the person(s) using such area, and regardless of any other activities in which they may also be engaging.

**CAMP FACILITIES.** Includes, but is not limited to, tents, huts, motor vehicles, recreational vehicles (as defined in California Health and Safety Code Section 18010) or temporary structures, when established, maintained or operated to Camp for periods of more than eight (8) hours.

**CAMP PARAPHERNALIA.** Includes, but is not limited to, bedrolls, blankets, tarpaulins, cots, beds, sleeping bags, tents, hammocks, items used for cooking food or similar equipment. Camp Paraphernalia also includes other personal effects, when used or stored with Camp Paraphernalia as described herein.

**HOMELESS INDIVIDUAL.** A homeless individual is an individual who lacks permanent housing (without regard to whether the individual is a member of a family), including an individual who may live on the streets; stay in a shelter, mission, single room occupancy facilities, abandoned building or vehicle; or in any other unstable or non-permanent situation.

**PARK.** A park, playground, recreational trail, recreation center or any other area in the city owned, maintained or used by the city for the purpose of public rest, play, enjoyment, active or passive recreation, or assembly, and shall include all buildings and structures located thereon or therewith.

**PRIVATE PROPERTY.** All private property including, but not limited to, private streets, sidewalks, alleys, and privately owned improved or unimproved land.

**PUBLIC AREA.** Public area means and includes, but is not limited to, any street, alley, park, public right-of-way, recreational area, any place open to the public view or other place to which the public has access. A public area can be privately or publicly owned.

**PUBLIC PROPERTY.** All public property including, but not limited to, public streets, sidewalks, alleys, and improved or unimproved publicly owned land and parks.

**SPECIAL OCCUPANCY PARK OR MOBILE HOME PARK.** Any area of land within the City licensed pursuant to the California Health and Safety Code as a Mobile Home Park, as defined in California Health and Safety Code Section 18214, or a Special Occupancy Park as defined in California Health and Safety Code Section 18862.43, which has a currently effective City business license, and in which space is rented or held out for Camping.

**STORE.** To put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

#### **9.66.015 PURPOSE**

Public parks, beaches, parking lots, streets and other 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. The purpose of this Ordinance is to maintain streets, parks and other public and private areas within the City in safe, clean, sanitary and accessible condition in order to adequately protect the health, safety and public welfare of the community, and to limit Camping to circumstances that do not create public and private nuisances or have adverse public safety impacts.

#### **9.66.020 UNLAWFUL CAMPING**

A. It is unlawful and a public nuisance for any person to Camp, establish, maintain, operate or occupy Camp Facilities, or use Camp Paraphernalia in the following areas, unless specifically excepted as set forth in subsection B below:

1. Any park.
2. Any public beach.
3. Any street.
4. Any public parking lot or public area, improved or unimproved; or
5. Any private property:

**B. Exceptions.**

1. This section shall not prohibit sleeping, camping or storing personal property in areas designated for such purposes, which are permitted by a governmental entity, or inside a caretaker's residence.
2. Camping in Mobile Home Parks and Special Occupancy Parks;
3. Backyard Camping, provided such activity does not create a nuisance by excessive noise exceeding the night time noise levels set forth in the City General Plan or odors which are offensive to a person with a reasonable sense of smell, or any other basis for nuisance set forth in this code; or
4. Camping on Public or Private Property in connection with a special event, when authorized pursuant to Section 9.66.050.

**C. Signs.** The chief of police, or a designated representative thereof, is hereby authorized to construct, maintain, and post such markings and signs as are determined to be necessary or desirable to give public notice of the provisions of this section.

#### **9.66.030 APPLICABILITY TO HOMELESS INDIVIDUALS**

Prior to enforcement of this Section 9.66.020 of this chapter, a peace officer or enforcement officer shall determine if the person is a Homeless Individual and the location is public property. Upon determination that the person is a Homeless Individual and the property is publicly owned, that person shall be allowed to sleep at that location until 6:00 am the following morning and no further enforcement of this chapter will apply to the act of sleeping. This section does not permit the establishment of Camp Facilities for a period to exceed 8 consecutive hours, nor permit the storage of Camp Paraphernalia for a period exceeding 8 consecutive hours.

#### **9.66.040 SLEEPING IN THE CENTRAL BUSINESS DISTRICT PROHIBITED**

Sleeping in any Public Area in the Central Business District is prohibited between the hours of 6:00 am to 10:00 pm. The chief of police, or a designated representative thereof, is hereby authorized to construct, maintain, and post such markings and signs as are determined to be necessary or desirable to give public notice of the provisions of this section.

#### **9.66.050 SPECIAL EVENT PERMIT**

The Community Development Director or his or her designee may issue a Limited Term Permit pursuant to Section 17. 71.030 of the Coastal Land Use & Development Code or Section 18.71.030 of the Land Use & Development Code for camping during special events. Special event," as used herein, means an event sponsored by the City or a non-profit or community-based organization of not more than 72 hours duration which is conducted for the purpose of promoting sports, education, or other charitable activities.

#### **9.66.060 STORAGE OF CAMP PARAPHERNALIA OR PERSONAL PROPERTY**

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

1. Any park.
2. Any public beach.
3. Any street.
4. Outside a structure on any Private Property without the prior written consent of the owner.
5. Any public parking lot or public area, improved or unimproved.

#### **9.66.070 LIVING OR SLEEPING IN VEHICLE.**

It shall be unlawful for any person to park a motor vehicle or a recreational vehicle on any street, highway, or public or private property for purposes of living or residing or sleeping therein, except as otherwise permitted by law. "Living" or "residing" or "sleeping" as used herein shall include use of a facility as living or sleeping quarters for a single day or night. This section shall not apply to registered guests, campers or residents of mobile home or recreational vehicle parks validly existing pursuant to City zoning requirements or, where not expressly prohibited by the zoning ordinance, to any nonprofit entity, business, public agency or church that offers a supervised environment for providing emergency shelter on their property under procedures established by the City Manager's Office. In addition, sleeping in a parked vehicle for a limited time, not exceeding four hours, under bona fide conditions of emergency, or in the interest of public safety, shall not constitute a violation of this section. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section.

#### **9.66.080 LIVING OR SLEEPING IN CERTAIN VEHICLES.**

A resident within the city may permit a visitor or visitors to live or sleep in a vehicle equipped for transportable living or sleeping on a temporary basis, or recreational vehicle, pursuant to the following: the resident may permit one such vehicle to be so parked and so used on the site of the host residence property for no more than seven days in any 90-day period provided that, (1) parking room is available on site (without use of front lawns or other areas required to be maintained as open areas); (2) parking the vehicle does not constitute a safety hazard; (3) the presence of the vehicle and/or its occupants does not cause a public nuisance.

#### **9.66.090 COOKING.**

No person shall cook food on any public beach, or outdoors in any park or parking lot between the hours of 11:00 p.m. and 5:00 a.m. This section shall not prohibit cooking in areas designated for such purposes.

#### **9.66.100 PROPERTY FOUND ON PUBLIC PROPERTY OR PRIVATE PROPERTY WITHOUT THE OWNER'S CONSENT.**

A. Unless otherwise authorized in this chapter, any personal property including camp facilities and paraphernalia, unlawfully stored or found in the Coastal Zone or in an encampment in a city park, or public parking lot shall be deemed abandoned property.

B. The police chief, or designee (collectively "enforcement officer"), is authorized to remove property unlawfully stored or found in the Coastal Zone or in an encampment in a city park or public parking lot in accordance with this chapter.

C. Unless otherwise authorized in this chapter, any personal property including camp facilities and paraphernalia, unlawfully stored or found on private property without the owner's written consent, shall be deemed abandoned property.

C. For purpose of this chapter, "encampment" includes a shelter consisting of tents, tarps or other coverings, a latrine, cooking facilities, and other evidence of habitation near the shelter.

#### **9.66.110 PROPERTY REMOVAL.**

The enforcement officer may remove personal property unlawfully stored or found in the Coastal Zone, any encampment in a city park or public parking lot, or on private property upon receipt of the private property owner's written consent, as follows:

A. The location of any personal property including camp facilities and paraphernalia, shall be tagged and dated with a notice including the following:

"It is illegal to store personal property on this property. If this personal property is not removed by (specify date at least 7 days from posting), THIS PERSONAL PROPERTY SHALL BE DEEMED INTENTIONALLY ABANDONED AND SUBJECT TO REMOVAL AND POSSIBLE DESTRUCTION."

B. The enforcement officer may remove any personal property still unlawfully stored or remaining in the Coastal Zone, or any encampment in a city park or public parking lot, or on private property after receipt of the private property owner's written consent, after the posting period has expired.

#### **9.66.120 PERSONAL EFFECTS.**

A. Personal effects for purposes of this chapter 9.66, means personal property consisting of the following items:

1. Medication, eye glasses, or other medical devices;
2. Sleeping bag or bed roll which is sanitary and non-verminous;
3. Tents in usable and reasonably good condition;
4. Clothes stored in a manner protecting them from the elements, which are not unsanitary, soiled, or verminous; and
5. Personal property with an individual fair market value of \$50.00.

B. At the time of removal of unlawfully stored or remaining personal effects in the flood plains or in an encampment in a city park, the enforcement officer shall conspicuously post and date a notice either at the exact location from which the personal effects were removed or at another nearby location giving the following information:

1. A list of personal effects removed;
2. A telephone number for information on retrieving personal effects; and
3. The length of time during which the personal effects may be claimed.

C. Following removal of unlawfully stored or remaining personal effects, an enforcement officer shall:

1. Maintain an inventory identifying the personal effects; where the personal effects were approximately located; and the reasonable value of each item;
2. Place the removed personal effects in containers labeled in a manner facilitating identification by the enforcement officer and owner and which reasonably protect such property from damage or theft; and
3. Store removed personal effects in an area designated by the enforcement officer for a period of 90 days.

D. If personal effects are claimed within 90 days from removal, unless the property is connected to a crime or is illegal to possess, the enforcement officer shall release the stored property to the owner upon the following:

1. The person claiming ownership identifies the property and approximate location where the property was left by the owner.

#### **9.66.130. DISPOSITION OF PROPERTY.**

A. Unlawfully stored or found personal effects removed from the Coastal Zone, any encampment in a city park or public parking lot, or on private property after receipt of the private property owner's written consent, remaining unclaimed at the end of 90 days from removal shall be dedicated for public use, and may be given for charitable use to a local nonprofit agency, or placed for sale pursuant to this Code.

B. All other unlawfully stored or found personal property removed from the Coastal Zone, any encampment in a city park or public parking lot, or on private property upon receipt of the private property owner's written consent is deemed intentionally abandoned and may be summarily abated and destroyed.

#### **9.66.140 PENALTY FOR VIOLATION**

Any violation of this Chapter shall be deemed an infraction and upon conviction thereof shall be punishable as provided in Chapter 1.12.