



**CITY OF FORT BRAGG**

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**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE:** APRIL 4, 2019  
**TO:** PUBLIC SAFETY COMMITTEE  
**FROM:** TABATHA MILLER, CITY MANAGER  
**AGENDA ITEM TITLE:** Receive Report and Provide a Recommendation to City Council Regarding Proposed Changes to the City's Camping and Sleeping in Public Ordinances

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**ISSUE:**

Over the past year, the Police Department and Code Enforcement have received increasing complaints of camping within the City limits in a manner that creates nuisance conditions and/or interferes with the health, safety or enjoyment of other's use of property. This proposed Ordinance provides the Police Department and Code Enforcement with stronger enforcement options.

**SUMMARY:**

The proposed Ordinance makes it unlawful for anyone to camp within the City limits except:

1. Within a mobile home park or other similarly designated park;
2. Within areas permitted for such purposes by governmental entities;
3. In the case of an emergency, for no longer than 4 hours;
4. By Agencies providing emergency shelter under "procedures established by the City Manager's Office";
5. With a Limited Term Permit during special events; and
6. Backyard camping on private property, so long as it doesn't violate any other section of the City Code such as noise or nuisance condition and is for a limited term.

The proposed Ordinance also prohibits sleeping in the Central Business District (CBD) during the hours of 6:00 am to 10:00 pm. A special exception is carved out for homeless individuals, in order to comply with recent Federal case law. This section may be controversial, in that it essentially provides certain individuals with the right to sleep within the CBD on public property.

No citation under the proposed Ordinance can be issued, unless the person has been notified that he or she is in violation of this section and fails to cure the violation.

The proposed Ordinance also outlines specific steps and procedure for dealing with personal property, including camp facilities and paraphernalia (as defined) unlawfully stored or found in the Coastal Zone or in an encampment in a City park or public lot, which is deemed abandoned property. The process is fairly complex so that it complies with state and federal law regarding personal property rights.

In addition to the proposed changes to Chapter 9.66, a new Chapter 10.60 Nuisance Vehicle is proposed. It defines Nuisance Vehicle and provides for abatement under the City Code Chapter 6.12 – Nuisances, and under applicable State law.

**RECOMMENDATION:**

Review the proposed Ordinance, make suggested edits and recommend City Council consider adopting the Ordinance.

**ATTACHMENTS:**

1. Proposed Ordinance
2. Proposed Ordinance for Chapter 10.60: Nuisance Vehicles