



AGENCY:	City Council
MEETING DATE:	July 22, 2019
DEPARTMENT:	City Manager
PRESENTED BY:	Tabatha Miller
EMAIL ADDRESS:	tmiller@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Introducing by Title Only and Waiving the First Reading of Ordinance No. 949-2019 Repealing and Replacing Chapter 9.66 (Camping) with Chapter 9.66 (Camping, Sleeping in Public and Storage of Personal Property in Parks and Other Places) of Title 9 (Public Peace, Safety and Morals) of the Fort Bragg Municipal Code

ISSUE:

On April 4, 2019, the Public Safety Committee reviewed three proposed Ordinances:

1. Proposed Changes to the City's Camping and Sleeping in Public;
2. Public Property Trespassing;
3. Update to the Nuisance Chapter to add Nuisance Vehicles (addressed in a separate staff report).

The Public Safety Committee recommended that the language of the proposed Ordinances be cleaned up and presented to the City Council for possible adoption. Within that timeframe the City elected to appoint a new City Attorney, Keith Collins, who was tasked with reviewing and revising the proposed language.

After discussion with staff, Mr. Collins determined that the updates to Camping and Sleeping in Public and the Trespassing Ordinance could be combined to meet the needs of the City. The proposed language to replace Chapter 9.66 (Camping) of the Municipal Code with Camping, Sleeping in Public and Storage of Personal Property in Parks and Other Places, is attached as Ordinance No. 949-2019.

ANALYSIS:

The City's existing Camping Ordinance (Chapter 9.66 Camping) is limited in scope and does not address issues that the City is now dealing with, including unsafe and unsanitary conditions associated with camping or living in public parks, beaches, parking lots, other public and private areas, and within vehicles not equipped for overnight living. Unsafe and unsanitary conditions caused by illegal camping include the establishment of encampments, public excretion, cooking outside of designated areas, illegal use of fires, and storage of personal belongings in public spaces.

These uses also interfere with the use and enjoyment of public facilities including: parks, beaches, parking lots, streets and other public facilities. In addition, such unsafe and unsanitary conditions impact the economic vitality of the community. Both public and private nuisances interfere with the safe and healthy enjoyment of one's private property.

The Ordinance addresses the following issues:

Unlawful Camping

The proposed Ordinance makes camping in any park, public beach, street or alley, public parking lot or area and on private property unlawful. Exceptions to this ban include areas designated for

purposes such as caretaker residences, mobile home parks, and backyard camping, so long as such activity does not create nuisance conditions such as offensive noise or odors.

Sleeping in the Central Business District (CBD) is Prohibited

Sleeping in the CBD during daytime hours from 6am to 10pm is prohibited to eliminate the interference with the general public's use and enjoyment of the City's downtown shopping and business district.

Storage of Personal Property

Personal property cannot be stored in any park, public beach, street, public lot or public area, or on private property without the written consent of the property owner.

Property found on public property or on private property without the owner's consent will be deemed abandoned property and may be removed. Personal property, defined as personal effects, will be tagged and noticed for removal on a specific date more than seven days out from the date of notice. Personal property removed from the public property will be inventoried and stored for a period of 90 days. Personal property which remains unclaimed after 90 days may be disposed of by law enforcement. Personal Property that is deemed to create a health hazard will be disposed of and not stored.

Public Excretion

It is unlawful to urinate or defecate in a public area, a place open or exposed to the public, or a private place without the consent of the owner.

Cooking

It is unlawful to cook on public beaches, outdoors in any park or parking lot between 11:00 p.m. and 5:00 a.m.

Authorization to Enforce on Private Property

The Ordinance provides for private property owners to give permission to the City to enforce the provisions of the code consistent with the City's Trespass Letter Program.

RECOMMENDED ACTION:

Introduce by title only and waive the first reading of Ordinance No. 949-2019 replacing Chapter 9.66 (Camping) with Chapter 9.66 (Camping, Sleeping in Public and Storage of Personal Property in Parks and Other Places.

ALTERNATIVE ACTION(S):

1. Provide staff alternative direction on the text of the proposed change to the City Code.
2. Do not introduce the Ordinance.

FISCAL IMPACT:

The Ordinance deems certain conduct relating to sleeping in vehicles and camping in public areas unlawful, which may increase the enforcement work of the Police Department and Code Enforcement. However, in most cases, the police or enforcement officer are already receiving reports and/or complaints about these nuisance conditions. The legal costs associated with drafting the language and the staff time reviewing and preparing the staff reports have already been incurred.

GREENHOUSE GAS EMISSIONS IMPACT:

Adoption of the Ordinance by itself does not impact greenhouse gas emissions.

CONSISTENCY:

The Ordinance supports the City Council Goal to foster and help sustain local businesses. It also protects the quality of life for our residents and visitors, and supports healthy ecosystems in our community.

IMPLEMENTATION/TIMEFRAMES:

If the Ordinance is introduced on July 22, 2019, and adopted at the regular City Council meeting on August 12, 2019, the Ordinance is effective September 11, 2019.

ATTACHMENTS:

1. Proposed Ordinance No. 949-2019

NOTIFICATION:

1. Homeless Notify Me List
2. Fort Bragg Downtown Businesses Notify Me List