

**City Manager's Report**  
**December 10, 2013 City Council Meeting**  
**Prepared by: Scott Heller, Chief of Police**  
**Item #: 9.2**



**Subject:** Introduce an Ordinance adding Chapter 19 to Title VI of the Placerville City Code relating to Camping on Public or Private Property and Waive the First Reading

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**Discussion:** Placerville has seen a proliferation of temporary and makeshift camps being set up on both public and private property throughout the City. These camps present public safety and health concerns which adversely impact neighborhoods and commercial areas.

These spontaneous camps are set up in areas not designated or zoned as campgrounds. These camps are frequently exposed to extreme weather conditions. They have no restroom facilities or garbage pickup which creates a major public health concern due to the lack of any sanitation services. Likewise, campers will often cook and heat by open flame in areas where fire could catch and spread rapidly endangering public and private structures. These camps often attract various pests increasing the likelihood of sickness and disease. It has been the experience of law enforcement that narcotic use and paraphernalia are often present within these camps. Camps are often occupied by those with dependency issues involving drugs and alcohol. Similarly, camps are often occupied by subjects wanted for outstanding warrants, sex registration offenses, and absconding from parole or have failed to comply with their terms of probation and/or parole. As a result of this criminal element, the camps can be dangerous for those living in them because they can become victims of crime by others from either within or outside of the camps. Occupants of illegal camps often do not report crimes to the police for fear of retaliation.

At present, the Placerville City Code does not provide the Police Department with a comprehensive set of tools to address unregulated camping within City limits other than Code Section 8-8-2, which primarily addresses constructing or building any permanent or temporary structure on public property. The proposed ordinance will provide the Police Department with an effective and comprehensive tool with which to address the problems described above which are created by unregulated camping within the City limits on both public and private property, while also providing for a permitting process by which camping activities which are conducted without public safety and health risks can be conducted under regulated conditions.

This new ordinance allows the City Manager to issue a temporary 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 programs operated by the City, youth or school events, marathons or other sporting events and scouting activities.

The ordinance also addresses illegal camp articles and property left idle on public and private properties. Under the ordinance, any person, who stores personal property, including camp paraphernalia, on any public property or any private property without the consent of the owner is guilty of a misdemeanor and constitutes a public nuisance.

The purpose of adding Chapter 19 to Title VI of the Placerville City Code 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 mitigating the serious fire dangers presented by illegal camps.

The primary strategy when dealing with homeless persons is to attempt to connect them with outreach services and, in turn, temporary shelters through voluntary compliance. Therefore, the enforcement posture of the Placerville Police Department when contacting homeless in illegal camps will be to attempt to connect the inhabitants with outreach services and available shelter. When encountering the habitual homeless that are plagued with serious mental health and dependency issues, this camping ordinance will serve as a last resort tool to force compliance and connect the habitual homeless by mandating assistance under the jurisdiction of the courts. Again, the aim is not to criminalize homelessness. Rather, law enforcement aims to collaborate with community and mental health services to seek long term solutions to the habitual homeless challenge.

**Cost:** None.

**Budget Impact:** There is no budget impact associated with this item.

**Recommendation:** Introduce an Ordinance adding Chapter 19 to Title VI of the Placerville City Code relating to Camping on Public or Private Property and Waive the First Reading.



**M. Cleve Morris, City Manager**



**Scott Heller, Chief of Police**

Attachment:  
Ordinance



**CITY OF PLACERVILLE**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADDING CHAPTER 19 OF TITLE VI OF THE  
PLACERVILLE CITY CODE RELATING TO CAMPING ON PUBLIC  
OR PRIVATE PROPERTY**

The City Council of the City of Placerville does ordain as follows:

Section 1: AMENDMENT OF CODE. Chapter 19 of Title VI is hereby added to the City Code to read as follows:

**CHAPTER 19**

**CAMPING ON PUBLIC OR PRIVATE PROPERTY**

**SECTION:**

- 6-19-1: Purpose
- 6-19-2: Definitions
- 6-19-3: Unlawful Camping
- 6-19-4: Storage of Personal Property on Public and Private Property
- 6-19-5: Permit for Special Events Required
- 6-19-6: Posting Copy of Permit
- 6-19-7: Power of the City Manager to Make Rules and Regulations
- 6-19-8: Current Ordinance Provisions

**6-19-1: 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.

**6-19-2: 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 Article.

- (a) **“Camp”** means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- (b) **“Camp facilities”** include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.
- (c) **“Camp paraphernalia”** includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- (d) **“City Manager”** means the City Manager or designee.
- (e) **“Establish”** means setting up or moving equipment, supplies or materials on to public or private property to “camp” or operate camp facilities.
- (f) **“Maintain”** means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.
- (g) **“Operate”** means participating or assisting in establishing or maintaining a camp or camp facility.
- (h) **“Park”** means any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, beaches, recreation centers, golf courses, model plane fields, and any other areas owned or operated by the City of Placerville and which are intended for active or passive recreational purposes. The word "park" shall also include any parking lot adjacent to any park, any buildings, equipment, plants or other facilities located in any park and any landscaped public area and/or right-of-way.
- (i) **“Private property”** means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.
- (j) **“Public property”** means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.
- (k) **“Store”** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

### **6-19-3: 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 five consecutive nights.
  - (2) Nothing in this Article 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 City's comprehensive zoning ordinance or other laws, ordinances and regulations.
  - (3) The City Manager may, as provided in Section 6-19-5 of this Article, 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 or administrative actions to abate a public nuisance under this Article.

#### **6-19-4: 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 or administrative actions to abate a public nuisance under this Article.

#### **6-19-5: 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 City departments, 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 or administrative actions to abate a public nuisance under this Article.

#### **6-19-6: 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 6-19-5 of this Article.

#### **6-19-7: 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 6-19-5 of this Article, 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.

#### **6-19-8: CURRENT ORDINANCE PROVISIONS.**

Neither the adoption of the ordinance codified in this Article 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.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Placerville held on December 10, 2013, by Councilmember \_\_\_\_\_, and the reading of said Ordinance was waived. The Ordinance was read for the second time on \_\_\_\_\_ and Councilmember \_\_\_\_\_ moved its adoption. The motion was seconded by Councilmember \_\_\_\_\_. A poll was taken, which stood as follows:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
WENDY THOMAS, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN ZITO, City Clerk, M.M.C.

APPROVED AS TO FORM:

\_\_\_\_\_  
JOHN DRISCOLL, City Attorney