



**MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer**

TO: Honorable Board of Supervisors **DATE:** March 8, 2022
FROM: Todd Leopold, County Executive Officer
BY: Bekki Riggan, Deputy County Executive Officer
Sarah Poindexter, Management Analyst II
SUBJECT: Ordinance Repealing and Replacing Placer County Code Chapter 12, Article 12.26, Entitled "Camping and Personal Property Storage on County Property and Public Areas"

ACTION REQUESTED

Introduce and waive oral reading of an ordinance repealing and replacing Placer County Code Chapter 12, Article 12.26 in its entirety regarding camping on County property.

BACKGROUND

Due to health and safety concerns associated with the significant increase in camping on County property, staff recommends updating the County's camping ordinance to ensure the safety and well-being of the public, the homeless community, and to preserve the public's right to use public areas for their intended purposes. This recommended action is in response to health and safety concerns raised by constituents and employees related to the unsheltered community camping on the Placer County Government Center (PCGC), in addition to the storage and abandonment of significant amounts of personal property on the PCGC.

On January 11, 2022, staff introduced a proposed ordinance to repeal and replace County Code Chapter 12, Article 12.26. The proposed ordinance would have banned all camping on the PCGC between the hours of 7 a.m. to 10 p.m. Your Board directed changes to the proposed ordinance reducing the hours of exemption from 7a.m. to 7p.m. for those camping by necessity and adding an exemption for inclement weather. Your Board also directed staff to explore service alternatives during the hours when camping would be prohibited.

On February 8, 2022, your Board received public comment on the proposed ordinance and continued the item to March 8, 2022 to allow staff the opportunity to solicit additional community input on PCGC camp site concerns and the proposed ordinance.

On February 23, 2022, staff from the Sheriff's Office, Health and Human Services, Probation, and the County Executive Office convened a two-hour community roundtable to share information on County-provided homeless services, discuss concerns regarding the camp site, and solicit public input on the proposed ordinance. The meeting was facilitated by Ret. Judge Richard Couzens. Approximately 40 individuals attended the meeting in person and another 25 joined the discussion virtually.

Honorable Board of Supervisors

March 8, 2022

Ordinance Repealing and Replacing Placer County Code Chapter 12, Article 12.26, Entitled
“Camping and Personal Property Storage on County Property and Public Areas”

Page 2

Key themes from the community roundtable discussion were as follows:

Points of agreement

- Attendees agreed that the current condition of unhoused encampments and accumulation of personal property on the PCGC is unacceptable and that action by the Board of Supervisors is warranted
- Attendees were generally complimentary of the array of services provided by the County for those experiencing homelessness
- Attendees were generally complimentary of the level of courtesy and professionalism demonstrated by the Homeless Liaison Team (comprised of Sheriff’s Office, Health and Human Services and Probation staff) when engaging with unhoused individuals

Points of Disagreement

Attendees opposed to the proposed ordinance cited the following concerns:

- A daytime camping ban which required daily breakdown and set up of camps would create a hardship, particularly for elderly or disabled individuals
- It was unclear where unhoused individuals would congregate during the day if a daytime camping ban were implemented
- It was unclear what unhoused individuals could do with their companion animals if a daytime camping ban were implemented.
- The enactment of a camping ban, even if localized, before implementing no-barriers shelter or other alternative would relocate encampments without improving conditions.

Attendees in support of the proposed ordinance cited the following concerns:

- The current encampments of unhoused individuals present health and safety concerns to County employees and the public, who have experienced vandalism, theft, confrontations, threats, and offensive behavior from unhoused individuals at the PCGC.
- Concerns that the situation, if left unaddressed, will continue to worsen as seen in other jurisdictions in California and across the country
- Putting time and place restrictions on encampments will encourage unsheltered individuals to engage in services and find housing

Modifications to the Proposed Ordinance Based on Community Input

The draft ordinance before your Board seeks to incorporate many points of community feedback within its revised requirements. Adoption of this ordinance will not result in an immediate and countywide ban. The current ordinance reflects the following changes:

- Camping on County property will only be prohibited where and when signage is posted
- Elimination of the daytime camping ban
- Those camping by necessity will be allowed to stay on County property; however, they will also be expected to assume a reasonable degree of responsibility for the condition of their camp and for their behaviors

Honorable Board of Supervisors

March 8, 2022

Ordinance Repealing and Replacing Placer County Code Chapter 12, Article 12.26, Entitled
“Camping and Personal Property Storage on County Property and Public Areas”

Page 3

- New “clean and clear” provisions allow the County to work with residents of encampments on addressing rodent infestations, removing soiled furniture and rotten food, and addressing other unsafe or unsanitary conditions

Proposed Camping Ordinance

Consistent with the Ninth Circuit *Martin v. Boise* ruling and subsequent case law, the proposed ordinance would prohibit camping on specific County properties, except in the case of camping by necessity. Camping by necessity is defined as camping at a time when there is no available shelter for an individual to utilize. Available shelter must be practically accessible by transportation and allow for the admission of a particular individual. Shelters that exclude individuals for reasons such as gender, religious conviction, criminal convictions, pets, or do not allow for a minor child to be housed with their legal guardian would not be considered available shelter.

Individuals who are camping by necessity are not permitted to conduct the following activities:

- Utilize public utilities
- Obstruct access to public right of ways for pedestrian travel or government use
- Interfere with passage as required by the Americans with Disabilities Act of 1990
- Sit, lie, sleep, or place personal property within fifty (50) feet of any entrance, exit, driveway or loading dock
- Create any barrier with string, wire, rope, chain, or other attachments upon county buildings, trees, light poles, fences, equipment, or other public facilities or structures
- Harass, county employees, contractors, or members of the public who are accessing County property.

The proposed ordinance authorizes enforcement officials to clean and clear any camp facilities on County property at any interval deemed necessary to ensure proper sanitation and health standards are maintained. Upon implementation of the proposed ordinance, staff will develop an Implementation Task Force comprised of staff from Code Enforcement, Environmental Health, Public Works, Adult System of Care, Facility Services, Animal Services, Placer County Sheriff's Office, and Probation to monitor and routinely clean areas where individuals are known to be camping by necessity to help ensure the health and safety of the public as well as those utilizing the area when camping by necessity. Following proper 48 hour noticing requirements, campers may be relocated to other public areas to facilitate site cleaning.

ENVIRONMENTAL IMPACT

As general policy and procedure making, the requested action does not constitute a project pursuant to CEQA Guidelines section 15378. The requested action is also exempt pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with reasonable certainty that there is no possibility the requested action may have a significant effect on the environment. In addition, the action is categorically exempt under CEQA Guidelines section 15301 (maintenance of existing facilities).

Honorable Board of Supervisors

March 8, 2022

Ordinance Repealing and Replacing Placer County Code Chapter 12, Article 12.26, Entitled
“Camping and Personal Property Storage on County Property and Public Areas”

Page 4

FISCAL IMPACT

One-time costs of \$150,000 are anticipated for clean-up efforts on County property including debris removal, temporary storage, and signage and will be funded with General Fund in lieu of The Coronavirus Aid, Relief, and Economic Security Act (CARES) dollars. Ongoing costs for future clean-up efforts are unknown at this time. Other state and/or federal grant funding opportunities for all proposed services will also be explored.

ATTACHMENTS

Attachment 1 – Ordinance

Attachment 2 – Staff Report January 11, 2022

Before the Board of Supervisors County of Placer, State of California

In the matter of:

An ordinance repealing and replacing Placer County Code Chapter 12, Article 12.26 in its entirety regarding Camping and Personal Property on County Property and Public Areas

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2022, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, the County of Placer encourages the use of County-owned open spaces, buildings and facilities within the unincorporated area of the County by all members of the community; and

WHEREAS, camping in areas of the County not designated and permitted for the same can create unsanitary, unhealthy, disorderly and dangerous conditions that may affect both the campers and the general public; and

WHEREAS, camping in areas of the County not designated and permitted for the same tends to degrade or even destroy the property upon which the camping is occurring, particularly in situations where an encampment is large and ongoing; and

WHEREAS, camping in areas of the County where County facilities and buildings are intended for use by County employees and are open to the public has created concerns for the health and safety of the same; and

WHEREAS, the County has the authority to regulate to ensure the public's health, safety and general welfare and desires to regulate camping within the unincorporated areas of the County as designated and identified in this ordinance; and

WHEREAS, the Board of Supervisors must balance the need to recognize camping by necessity with the health, safety and welfare of its employees and the public utilizing the county buildings, facilities and open space to ensure an environment that serves, protects and maintains County facilities and services for the purpose they were established and to best serve the public's health, safety and general welfare.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

SECTION 1. Placer County Code Chapter 12, Article 12.26 is hereby repealed in its entirety and replaced with Placer County Code Chapter 12, Article 12.26 as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

Exhibit A

Article 12.26 CAMPING AND PERSONAL PROPERTY STORAGE ON COUNTY PROPERTY AND PUBLIC AREAS

12.26.010 Purpose.

This article is intended to protect the health, welfare, and safety by reserving county owned or controlled open spaces, facilities, buildings, and utilities within the unincorporated area of the county for their intended purposes. County Public Property within the unincorporated area should be readily accessible and available to residents, county employees, citizens doing business in county buildings, 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 their intended purposes and is deleterious to public peace, health, safety, and welfare. The use of these areas for camping obstructs the intended uses for the public at large, employees and citizens doing business in county buildings and facilities, contributes to blight, and can cause damage to public property. This article is intended to avoid unsafe and potentially disorderly conditions, unsanitary and unhealthful conditions, and the degradation or destruction of County Public Property.

12.26.020 Definitions.

“Available shelter” shall mean a bed or other living accommodations that are practically accessible to a particular individual. To be practically accessible, the available shelter must either be affordable or, in the case of an indigent individual, free of charge. Practically available shelter must be physically accessible in terms of transportation and must allow for the admission of the individual. The term “available shelter” does not include, for example: (1) shelter where an individual cannot stay because the individual has exceeded a shelter’s maximum stay rule; (2) shelter that is unavailable due to the individual’s gender, religious affiliation, criminal convictions, or pets; (3) shelter space that cannot reasonably accommodate the individual’s mental or physical needs or disabilities; (4) shelter space that does not permit a minor child to be housed in the same facility with at least one parent or legal guardian, assuming the individual(s) seeking such shelter are at least one parent or legal guardian with a minor child; (5) shelter space that would require an individual to attend or participate in religious activities or programs as a condition of utilizing the shelter space where the individual declines to do so; and (6) shelter space in which the location is at capacity or where the individual does not otherwise satisfy the location’s criteria for admission. Shelter need not be permanent to be available.

“Camp” or “Camping” shall mean residing in or using County Public Property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or using any tents or storing personal property (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, furniture, televisions, backpacks, kitchen utensils, cookware and similar material). These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person is using County Public Property as a living accommodation for one or more nights by camping thereon. “Camping” includes, but is not limited to, utilizing County Public Property and building entrances, alcoves, loading docks, stairs, or other ingress/egress areas to County Public Property.

“Camping by necessity” shall mean camping at a time when there is no “available shelter”, as defined in this article.

“Camp facilities” shall mean, but are not limited to, tents, huts, boxes or similar temporary shelters consisting of any material with or without a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and may include the use of a tarp or other material tied or affixed to create an enclosed area.

“Camp paraphernalia” shall mean but is not limited to tarpaulins, cots, beds, sleeping bags, hammocks, recliners, couches, furniture, lawn chairs, and similar equipment.

“County Public Property” shall mean any facility, building, utility, landscaped area or open space located in the unincorporated area of the county, whether improved or unimproved, including, but not limited to, any of the following: public alleyways, public parking lots; public passageways; public streets; public rights-of-way; park playgrounds; freeway on-ramps and off-ramps; publicly owned, maintained or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, benches, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces; county owned or leased buildings including but not limited to surrounding parking and landscaped areas and all entries, breezeways, alleyways, loading docks, pedestrian pathways adjacent to or leading up to and into the buildings; public sidewalks, curbs, and gutters; public educational institutions, public libraries; or other county owned, maintained, or operated properties located within the unincorporated area of the county.

“Critical infrastructure” shall mean real property or a facility, whether privately or publicly owned, that the county executive officer designates as being vital and integral to the operation or functioning of the county or in need of protection that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, county buildings that are open and do business with the public; fire stations, police stations, jails, court houses or hospitals; bridges, roads, sidewalks, train tracks, drainage systems or levees; or water sources.

“Enforcement official” shall mean as set forth in Section 12.26.100.

“Landscaped area” shall mean any manicured or natural ground covered areas including but not limited to flower beds, bushes, brush areas, or shrubs.

“Personal property” shall mean any tangible property and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, blankets, sleeping bags, recliners, couches, lawn chairs, personal items such as household items, luggage, backpacks, clothing, food, documents, and medication.

“Public utilities” shall mean any outdoor water, sewer, or electrical outlets or fixtures on county owned, maintained or operated properties located within the unincorporated area of the county that are not designated for public use.

“Store” shall mean to put aside or accumulate for use when needed, to put for safekeeping, to place, or to leave in a location.

12.26.030 Unlawful camping.

It shall be unlawful for any person to camp, occupy camp facilities, use camp paraphernalia, or use public utilities on any County Public Property with posted notice, except as otherwise provided herein or mandated by applicable law.

12.26.040 Storage of personal property on public property.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any County Public Property, except as otherwise provided herein or mandated by applicable law.

12.26.050 Exemption for necessity.

A. The provisions of this article shall not apply to any individual camping by necessity as defined herein.

B. If an individual is camping by necessity, the following apply:

1. The use of public utilities not designated for public use is prohibited.

2. Camping inside or under public buildings is prohibited unless designated by the county as an available shelter location.

3. At no time shall any person obstruct access to a street, sidewalk, park playground, public utility, public property, or other public right-of-way open for pedestrian travel or governmental use:

a. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property in a manner that does not allow for passage as required by the Americans with Disabilities Act of 1990, as amended from time to time; or

b. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within fifty (50) feet of any operational or utilizable, entrance, exit, driveway or loading dock; or

c. By creating any barrier with string, wire, rope or chain, or other attachments or appurtenances upon county owned buildings, trees, light poles, fences, equipment, or other public facilities or structures.

4. No individual camping by necessity may harass county employees, contractors, or the public while accessing County Public Property.

5. All individuals camping by necessity must comply with Section 12.26.100(B).

12.26.060 Other exemptions.

The provisions of this article shall not apply in the event of an emergency reasonably affecting the person who is attempting to camp, including a county declared emergency or natural disaster, such as a fire or earthquake, nor to camping in public areas legally established and clearly designated for camping purposes, nor to any employee of the county or any public utility or governmental agency who is required to enter or be in said areas in the course of their employment.

12.26.070 Notices.

A. Violation of this article. The enforcement official shall provide occupants of a camp facility notice of intent to remove the encampment at least forty-eight (48) hours in advance of any action to remove the camp facility for a violation of Sections 12.26.030 and/or 12.26.040. Notice shall be in writing and shall be served personally on the occupant(s) of the camp facility

that are present when the enforcement official attempts to serve notice. In addition, the enforcement official shall post the notice on or near the camp facility so as to reasonably communicate the notice to persons living at the camp facility but not present during the attempt to serve notice. The notice shall contain the following information:

1. The location of the camp facility;
2. The date and time notice was served or posted;
3. A statement that the camp facility violates this article;
4. An advisement that the county will remove the camp facility within forty-eight (48) hours after the date and time of the notice;
5. Information about any available shelter and available shelter location, as defined in this article; housing or shelter and homeless services available and day use and gathering locations for occupants of the camp facility and the phone number and address to contact in order to obtain the housing or shelter or other health and human services;
6. An advisement that any personal property remaining at the camp facility site when the enforcement official returns to remove the camp facility will be impounded for no fewer than ninety (90) days and will be discarded thereafter if not claimed; and
7. The address, phone number and operating hours of the location where the personal property will be stored and may be retrieved and that the county will charge no fee for storage or retrieval.

B. Clean and Clear. The enforcement official is authorized to clean and clear any camp facilities on County Public Property at any interval deemed necessary to ensure proper sanitation and health standards are maintained. Clean and clear activities shall be noticed as outlined in subsection (A).

12.26.080 Offer of housing, shelter, and services.

Prior to directing a person to remove camp facilities or camp paraphernalia or prior to removing the camp facilities, the enforcement official or designee shall offer information to the occupant(s) regarding any available shelter and available shelter location and other health and human services programs that said enforcement official, or designee reasonably believes are relevant to the occupant(s) and their individual circumstances. The enforcement official or designee will also provide information on sanctioned day use or gathering locations in the area. A list of the same will be posted at locations where homeless, indigent individuals will reasonably see the information.

12.26.090 Personal property.

A person occupying a camp facility who is present at the time the enforcing officer is removing the camp facility may retain their personal property except those items constituting an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband may be seized, as permitted by law.

Any personal property seized shall be stored for no less than ninety (90) days, with the following exceptions:

A. Items that present a health or safety risk if stored, such as items soiled by bodily fluids, items that are moldy, items infested by insects or vermin, perishable items and food, need not be stored and may be discarded; and

B. Open alcohol containers; and

C. Items that constitute evidence of a crime or contraband may be seized and/or discarded, as permitted by law.

Notices provided pursuant to Section 12.26.080 will include notification that personal property not retrieved within the ninety (90) day period will be considered abandoned and the county may dispose of the same without further notice.

12.26.100 Enforcement official.

A. This article may be enforced by the: (1) code enforcement officer(s); (2) county sheriff; (3) facilities management director or designees; or (4) parks and open space director or designees. The county executive officer may issue regulations or guidelines necessary or appropriate to aid in the enforcement and implementation of this article and may create any additional procedures consistent with this article and state law necessary or appropriate to protect the property rights of individuals whose property is taken into custody pursuant to this article and to ensure that camping by necessity locations are maintained in compliance with subsection B and maintained to proper sanitation and health standards.

B. Nothing in this article excuses any individual from complying at all times with the following provisions of county code, as may be amended, and the enforcement official from enforcing the same:

County Code Chapter 6, Article 6.08, Section 6.08.010 – Violations of Animal Control Regulations Generally

County Code Chapter 8, Article 8.16, Section 8.16.150 – Littering

County Code Chapter 9, Article 9.08, Section 9.08.010 – Possession or Consumption of Alcoholic Beverages in Designated Areas Prohibited

County Code Chapter 9, Article 9.40 – Urinating or Defecating in Public Places

County Code Chapter 12, Article 12.26, Section 12.26.030(B) – Fires in Public Areas Prohibited

12.26.110 Penalties.

Violations of this article are subject to County Code Chapter 1, Article 1.24, Section 1.24.010.

12.26.120 Severability.

The provisions of this article are declared to be separated and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this article, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this article, or the validity of its application to other persons or circumstances.



**MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer**

TO: Honorable Board of Supervisors **DATE:** January 11, 2022
FROM: Todd Leopold, County Executive Officer
BY: Bekki Riggan, Deputy County Executive Officer
Sarah Poindexter, Management Analyst II
SUBJECT: Ordinance Repealing and Replacing Placer County Code Chapter 12, Article 12.26, Entitled "Camping and Personal Property Storage on County Property and Public Areas"

ACTION REQUESTED

Introduce and waive oral reading of an Ordinance repealing and replacing Placer County Code Chapter 12, Article 12.26, in its entirety regarding camping on county property.

BACKGROUND

Camping on public lands outside of areas specifically designed and designated for those purposes can create health and safety risks, not only for persons engaged in the camping but also for all persons encountering the sometimes unsanitary and disorderly environment in burgeoning, makeshift camps. Further, camping may interfere with the intended purposes of public areas and with important federal regulations requiring a clear path of travel on sidewalks under the Americans with Disabilities Act.

On July 7, 2015, your Board approved an Ordinance establishing County Code Chapter 12, Article 12.26 which regulated camping and personal property storage on county property and public places to balance the needs of homeless individuals with the rights of others in the community. However, subsequent changes in state law, along with recent case law, have posed challenges in enforcement of this Code.

Legal Background on Camping Ordinances

The Ninth Circuit case of *Martin v. City of Boise*, (2018) was brought by a group of homeless individuals in *Boise* who were cited for violating the City's camping ordinance along with its disorderly conduct ordinance. Plaintiffs alleged these citations violated the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Circuit Court held that local governments are prohibited from criminalizing homelessness, that jurisdictions must allow individuals to sleep on public property when no other shelter is available to them, and that prosecution under these circumstances violated the cruel and unusual clause of the Eighth Amendment.

The Court also made clear their ruling did not apply to individuals who refuse free shelter when offered realistic access, and that, in some circumstances, jurisdictions can criminalize sleeping outside at certain times or in certain locations. A key consideration in the *Boise* case pertained

to the lack of available beds in the City's homeless shelters at the time the citations were issued. The Ninth Circuit held that "so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters]," the jurisdiction cannot prosecute homeless individuals for "involuntarily sitting, lying, and sleeping in public." The *Boise* court concluded that if there is no suitable option for sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter. The court further held that the government cannot punish someone's status as being homeless if they have nowhere else to go. As a result of the *Boise* decision, the County cannot criminally cite or arrest a person for a condition of homelessness (such as sleeping, eating, and/or living in public spaces), unless it can demonstrate the individual subject to citation refused housing available to them.

Subsequent case law provides guidance on what jurisdictions can regulate. For example, Boise does not "establish a constitutional right to occupy public property indefinitely at Plaintiffs' option" (*Winslow v. City of Oakland*, 2020 WL 1031759 (N.D. Calif.)). Courts have also authorized the clearing of homeless encampments, particularly with policies providing adequate notice, offering of shelter beds, and storage of property. The policies must also address the Fourteenth Amendment right that homeless have to their property. In 2019, the Court allowed the City of Oakland to clean and clear a park provided it complies with stated policies including providing a notice to vacate, offering shelter beds, and storage of any property.

The legal challenges to camping ordinances and the disposal of articles in disbanded homeless encampments, as well as court rulings on these issues, continue to evolve. Jurisdictions around the state differ in their responses. Some jurisdictions are not enforcing camping ordinances, while others are enacting camping ordinances that attempt to align with the holding of *Boise* and other recent cases. Staff is recommending the latter approach with the proposed ordinance before you for consideration.

County Ordinances

It should be noted that there are other ordinances in County Code that are not impacted by the *Boise* decision and can continue to be enforced to ensure the health, safety and welfare of the public in and around the homeless encampments:

County Code Chapter 8, Article 8.16

8.16.150 Littering.

A. It is unlawful to litter or cause to be littered, or dump or cause to be dumped any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license or upon any private property without the consent of the owner, or in or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof.

County Code Chapter 9, Article 9.08 Possession or Consumption of Alcoholic Beverages in Designated Areas Prohibited.

Any person consuming any alcoholic beverage or possessing any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been opened, or a seal broken, or the contents of which has been partially removed in the following designated areas shall be guilty of an infraction.

*County Code Chapter 9, Article 9.40 Urinating or Defecating in Public Places
9.40.010 Acts Prohibited.*

No person shall deposit, by means of urination or defecation, any human waste material in any public place (other than in a public toilet or restroom designed to receive waste material), in any place exposed to public view, or upon the surface of the ground or upon any premises, lot, or public street.

*County Code Chapter 12, Article 12.26
12.26.030 Prohibitions...*

B. Fires in Public Areas Prohibited—Penalties.

1. It is unlawful for any person to start, maintain, or use a campfire, warming fire, or other similar open flame within the boundary of any county property or public area unless prior written permission is granted by the enforcement official.
2. Violations of this section shall be punishable pursuant to Section 1.24.010 of the Placer County Code.

Regional Homelessness Action Plan

As your Board is aware, an Ad Hoc committee from the County and municipalities, excluding the Tahoe region, have been working diligently on a Regional Homelessness Action Plan since August 2021. The initial phase of the planning effort (data collection and review, and preliminary recommendations) was concluded in December, and consultants and staff are working on a summary of those discussions. Staff in all jurisdictions are planning public outreach sessions to share information gained through this process and to solicit valuable input from constituents and are scheduling presentations to their respective Board and City/Town Councils in February/March 2022. One of the early recommendations discussed by Ad Hoc committee members, was that each jurisdiction develop compatible camping ordinances grounded in recent state and case law for a unified and consistent approach to addressing health and safety issues that camping creates across Placer County.

Proposed Camping Ordinance

Due to concerns associated with the significant increase in camping on public lands, updating the County's camping laws is recommended by staff to ensure the safety and well-being of the homeless community and preserve the rights of others to use public areas for their intended purposes. The purpose of this proposed ordinance is to avoid unsafe, unsanitary, and

potentially disorderly conditions as well as the degradation or destruction of open spaces and facilities within the County.

In compliance with the *Boise* decision, the proposed ordinance would prohibit camping in county public places (as defined in the ordinance) except in the case of camping of necessity, defined when a jurisdiction cannot offer an alternative because every shelter in the local area is at capacity.

The proposed ordinance would establish the following:

- It shall be unlawful for any person to camp, occupy camp facilities, use camp paraphernalia, or use public utilities on any County Public Property or Very High Fire Severity Zone area in the unincorporated area of the county, except as otherwise provided in Section 12.26.060 (camping due to necessity).
- It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any County Public Property.

The following rules will apply to persons deemed to be camping due to necessity:

- No person shall erect, configure, or construct any camp facilities in any public area from 7:00 a.m. to 10:00 p.m.
- A person must take down, fold and completely remove any camp facilities and camp paraphernalia stored, erected, configured, or constructed on any public property between the hours of 7:00 a.m. and 10:00 p.m.
- No camping facilities or paraphernalia shall be stored on County Public Property during the hours of 7:00 a.m. and 10:00 p.m.

Prior to any enforcement action, individuals who are camping on county property will be provided with information on available housing or shelter. Formal notice of the intent to remove the encampment will also be provided at least 48 hours in advance of any enforcement actions. Individuals occupying a camp facility at the time of enforcement will be permitted to retain their personal property, unless the items are deemed as an immediate threat to health or safety of the public or as evidence of a crime. If personal property is not retained at the time an encampment is removed, it will be stored for a maximum of 90 days.

Should your Board adopt the proposed camping Ordinance, a comprehensive implementation plan will be developed. Staff from County Executive Office and County Counsel will coordinate with the District Attorney's Office, the Sheriff's Office, Code Enforcement, Facilities Services, Health and Human Services, and other County Departments to develop operational policies consistent with recent case law, to ensure proper noticing and property storage requirements are in place.

ENVIRONMENTAL IMPACT

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA under Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines.

FISCAL IMPACT

It is projected that the fiscal impact resulting from adoption of this Ordinance will not exceed \$110,000. Anticipated one-time costs for clean-up efforts on county owned property including debris removal, temporary storage, and signage will be funded with General Fund in lieu of The Coronavirus Aid, Relief, and Economic Security Act (CARES) dollars. Other avenues for reimbursement through state and/or federal grant funding will also be explored.

ATTACHMENTS

Attachment 1 - Ordinance