

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.: 6132-B

Introduced: March 8, 2022

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held March 22, 2022, by the following vote on roll call:

Ayes: GORE, WEYGANDT, HOLMES, JONES, GUSTAFSON

Noes: NONE

Absent: NONE

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 Placer County Code Chapter 12, Article 12.26 is hereby repealed in its entirety and replaced with Placer County Code Chapter 12, Article 12.26 as set forth in Exhibit A, which is attached hereto and incorporated herein by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 with posted notice, except as otherwise provided herein or mandated by applicable law.

12.26.050 Camping by necessity.

A. An individual may camp by necessity on County Public Property not posted pursuant to 12.26.030.

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 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.