

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING ARTICLE 17 TO CHAPTER 10 OF
THE FRESNO MUNICIPAL CODE, RELATING TO
UNLAWFUL CAMPING.

SECTION 1. Article 17 is added to Chapter 10 of the Fresno Municipal Code to read:

ARTICLE 17

UNLAWFUL CAMPING

Section 10-1700. Purpose.

10-1701. Definitions.

10-1702. Prohibited Acts.

10-1703. Violation.

10-1704. Permit for Special Events Required.

10-1705. Posting Copy of Permit.

10-1706. Power of the City Manager to Make Rules and
Regulations.

SECTION 10-1700. 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 article is to maintain streets, parks and other public and private areas within the city in a

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

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 article is intended to interfere with otherwise lawful and ordinary uses of public or private property.

SECTION 10-1701. 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 utilize camp facilities and/or paraphernalia, including but not limited to laying down of bedding for the purpose of temporarily or permanently sleeping or living at that location. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging;

(b) “Camp facilities” include, but are not limited to, tents, huts, lean to’s, tarps, cardboard boxes or structures, vehicles, vehicle camping outfits, or temporary shelter.

(c) “Camp paraphernalia” includes, but is not limited to, materials intended to be used as beds or bedding, blankets, 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) “Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

(i) “Public property” means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

SECTION 10-1702. PROHIBITED ACTS.

(a) It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

(1) Any public property; or

(2) Any private property.

(i) 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 that overnight camping on the front of the property is limited to not more than two consecutive nights.

(ii) 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 this Code or other laws and regulations.

(iii) Nothing in this article is intended to prohibit or make unlawful the mere possession of or transportation of camp facilities or camp paraphernalia on public or private property, except as provided in this article.

(iv) The City Manager may, as provided in section 10-1704 of this article, issue a temporary permit to allow camping on public or private property in connection with a special event.

(b) It is unlawful and a public nuisance for any person to wash one's body or belongings in a fountain.

(c) It is unlawful and a public nuisance to urinate or defecate in public, as per section 9-2512 of this code.

SECTION 10-1703. VIOLATION.

(a) A violation of this article is a misdemeanor, with fines of up to \$1,000 per violation, or as set forth in the Master Fee Schedule, plus payment for the City's actual costs of transporting and storing property of the violator. In addition to the remedies set forth in Penal Code section 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this article.

(b) An individual charged with violation of this article, in lieu of being taken to jail may, at the election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

SECTION 10-1704. 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 departments of the city, 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. The City may establish a reasonable fee, to 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 et seq., the City Attorney may institute civil actions to abate a public nuisance under this article.

SECTION 10-1705. 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 10-1704 of this article.

SECTION 10-1706. 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 10-1704 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.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr Date
Chief Assistant City Attorney

KBD:ns [75938ns/kbd]