

ORDINANCE 1310

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CALIFORNIA, AMENDING CHAPTER 8.40 CAMPING AND STORAGE ON PRIVATE AND PUBLIC PROPERTY TO BE ALIGNED WITH RECENT COURT DECISIONS AND CONSISTENT WITH THE GOVERNOR'S EXECUTIVE ORDER N-1-24, ALONG WITH ASSOCIATED CLEAN UP ITEMS.

RECITALS

WHEREAS, pursuant to the police power granted in Article XI, Section 7 of the California Constitution, the City may enact and enforce ordinances that protect the health, safety, and welfare of the community; and

WHEREAS, there is a need to protect the public health, safety and welfare against adverse impacts caused by unlawful camping and storage of personal property on private and public property. These activities can lead to serious health, safety, and accessibility concerns, contribute to conditions of blight, and deteriorate private and public property and City facilities; and

WHEREAS, the City recognizes the need to have standards applicable to all using public and private space and for such standards to apply in a manner which balances access with the desire for a clean, orderly, welcoming, and comfortable community where the public peace, health, and safety tend to be preserved; and

WHEREAS, the City considers the needs and abilities of residents in programs, services, and regulations to ensure fair and balanced application and such application does not interfere with the rights of others to use public and private facilities for the purposes for which they were intended, and creates a hazard to the public health and safety through the creation of unsanitary and unsafe conditions; and

WHEREAS, on January 23, 2024, the City Council adopted Ordinance 1302 to create standards to regulate camping and storage of personal of personal property on private and public property, which considered the needs for those without means or alternatives and accounts for the programs and services the City and its partners offer to facilitate an overall healthy and safe environment for all; and

WHEREAS, on June 28, 2024, the Supreme Court ruled that enforcement of laws regulating camping on public property does not constitute cruel and unusual punishment prohibited by the Eight Amendment of the Constitution and cities can prohibit people from sleeping in all public spaces regardless of if shelter is available or not; and

WHEREAS, on July 25, 2024, Governor Newsome signed Executive Order N-1-24, which provides guidance for cities when addressing homeless encampments; and

WHEREAS, the City seeks to adopt changes to Chapter 8.40 of the San Dimas Municipal Code to be aligned with recent court decisions and consistent with the Governor's Executive Order N-1-24.

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

Title 8 of the San Dimas Code Shall be amended as provided for in Exhibit A.

SECTION 1. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 2. CEQA DETERMINATION. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law in a newspaper of general circulation in the City of San Dimas hereby designated for that purpose; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

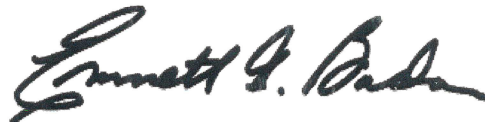
PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this 10th day of September, 2024, by the following vote:

AYES: Badar, Bratakos, Nakano, Weber

NOES: None

ABSENT: Vienna

ABSTAIN: None



Emmett G. Badar, Mayor

ATTEST:

APPROVED AS TO FORM:



Debra Black, City Clerk



Jeff Malawy, City Attorney

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1310 was introduced at a regular meeting of the City Council of the City of San Dimas on the 27th, day of August, 2024, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 10th, day of September, 2024.



Debra Black, City Clerk

Exhibit A

New text is in blue underlined
~~Deleted text is in red and strikethrough~~

**CHAPTER 8.40
CAMPING AND STORAGE OF PERSONAL PROPERTY ON PRIVATE AND PUBLIC
PROPERTY**

§ 8.40.010. Purpose.

The purpose of this chapter is to protect the public health, safety and welfare against adverse impacts caused by unlawful camping, unlawful storage of personal property, unlawful fires, littering, and loitering on private and public property. These activities can lead to serious health, safety, and accessibility concerns, contribute to conditions of blight, and deteriorate private and public property and city facilities. This chapter is meant to create standards to ensure that private property, public streets and public areas within the city are used for their intended purposes and are readily accessible and available to city residents and the general public.
(Ord. 1302, 1/23/2024)

§ 8.40.020. Definitions.

The following definitions shall apply in this chapter:

~~"Available shelter" means an indoor sleeping space or a space at a permitted camping location where the person in question (1) would be lawfully permitted to sleep overnight, (2) has the means to relocate to the shelter, and (3) would not face any barriers to entering the shelter, including, but not limited to, required fees that the person cannot pay or required participation in religious programming to which the person objects.~~

"Camp" or "camping" means residing in or using any property for living accommodation purposes, such as sleeping or making preparations to sleep (including laying down bedding for the purpose of sleeping), setting up or occupying camp facilities, storing personal property, making any fire, regularly cooking meals, or setting up or using any camp paraphernalia. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person is using the property as a living accommodation with the intent to camp.

"Camp facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that are of sufficient size for a person to fit underneath or inside while sitting or lying down, including the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.

"Camp paraphernalia" means, but is not limited to, tarps, cots, beds, sleeping bags, other bedding, hammocks, or non-city-designated cooking facilities or heating equipment and similar equipment.

"County" means Los Angeles County.

"Enforcement officer" means a law enforcement officer, a city code enforcement officer, or any other person authorized by the city to enforce this code.

~~"Flood zones" means flood areas as determined by the current Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (FEMA).~~

"Personal property" means any tangible property and includes, but is not limited to, goods,

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materials, merchandise, tents, tarps, bedding, blankets, sleeping bags, and personal items such as household items, luggage, backpacks, clothing, food, documents, and medication.

~~"Prohibited public place" means any of following locations:~~

- ~~1. Any portion of Bonita Avenue or Arrow Highway, and any public property located within 1,000 feet of Bonita Avenue or Arrow Highway;~~
- ~~2. All city-owned or leased buildings and facilities, or those owned or leased by the San Dimas Housing Authority, as well as the entire parcel or parcels on which they are located, including but not limited to:
 - ~~a. San Dimas Civic Center;~~
 - ~~b. San Dimas City Hall;~~
 - ~~c. San Dimas Stanley Plummer Community Building;~~
 - ~~d. San Dimas Senior Citizen/Community Center;~~
 - ~~e. San Dimas Recreation Center;~~
 - ~~f. San Dimas City Yard;~~
 - ~~g. Martin House;~~
 - ~~h. Walker House; and~~
 - ~~i. Charter Oak Estates Mobile Home Park;~~~~
- ~~3. City parks and all structures located therein;~~
- ~~4. All county-owned property within the city, including, but not limited to, the Los Angeles County Public Library and county parks, unless camping is authorized on the property by the county;~~
- ~~5. All property owned by the Los Angeles County Metropolitan Transportation Authority or the Metro Gold Line Foothill Extension Construction Authority, unless camping is authorized on the property by the property owner.~~
- ~~6. On, under, or within five hundred feet of bridges and highway underpasses, with the exception of property that is part of a state highway;~~
- ~~7. Very high fire severity zones; and~~
- ~~8. Flood zones.~~

"Public property" means any city-owned property, county-owned property, all public right-of-way, property owned by the Los Angeles County Metropolitan Transportation Authority or the Metro Gold Line Foothill Extension Construction Authority, and any other publicly owned, operated, or maintained property in the city, with the exception of state highways.

"Public Right-of-Way" means all City-owned or controlled rights-of-way, whether in fee title or as holder of an easement for ingress, egress, public access, maintenance, infrastructure, or utilities purposes. Public rights-of-way include but are not limited to any public road, street, sidewalk, and planter strip/parking strip or landscaped area, located adjacent to a street, that is within a public easement.

"Sidewalk" means that portion of a street between the curb line and the adjacent property line, whether hard-surfaced or not, or an easement or right-of-way held by the city across the front of private property, and intended for use of pedestrians.

"Street" means and includes all streets, highways, avenues, boulevards, alleys, courts, places, squares or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

"Store" means, in light of all of the circumstances, to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location. "Store" does not include keeping one's personal property next to one's person while lawfully camping, or while lawfully sitting or standing in a public place.

~~"Very high fire severity zone" means a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or a very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202.~~

(Ord. 1302, 1/23/2024)

§ 8.40.030. Locations where camping is prohibited.

- A. It is unlawful to camp on any public property in the city, with the following exceptions:
1. City-designated campsites; or
 2. With respect to county-owned property, any property on which the county allows camping; or
 3. With respect to property owned by the Los Angeles County Metropolitan Transportation Authority or the Metro Gold Line Foothill Extension Construction Authority, any property on which the property owner allows camping.
- B. It is unlawful to camp on any private property with the following exceptions:
1. Camping within campgrounds licensed for camping activities;
 2. Temporary backyard camping on residential properties with the property owner's permission and where such use does not violate any provision of this code or state law, does not create or permit a public nuisance, and where such use is not within view of the public right-of-way;
 3. Camping at the Girl Scouts of Greater Los Angeles Center, located at 146 W. Arrow Highway, with the property owner's permission.

(Ord. 1302, 1/23/2024)

~~**§ 8.40.040. Applicability to persons without available shelter.**~~

- ~~A.—Section 8.40.030(A) does not apply to a person that has no available shelter. In determining whether a person has available shelter, the enforcement officer shall consider the following:~~
- ~~1.—The distance between the potential shelter and the location of the person;~~
 - ~~2.—The opening, closing, and check-in times at the shelter, if any;~~

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~~3. Limitations on the amount of consecutive nights a person can stay at the shelter, or other similar requirements; and~~

~~4. Any other circumstance of the person, or any policy or requirement of the shelter, known by the enforcement officer, that would make the shelter practically unavailable to the person, even if the shelter would be practically available to someone else.~~

~~B. Notwithstanding subsection A, a person with no available shelter is subject to the following restrictions on camping:~~

~~1. A person with no available shelter shall not camp in or on a prohibited public place, or in a transit facility, as prohibited by Section 12.18.040 of this code.~~

~~2. A person with no available shelter shall not erect, configure, or construct any camp facilities between 7:00 a.m. and sunset (except during rainfall).~~

~~3. A person with no available shelter must take down, fold, and completely remove or put away all camp facilities between 7:00 a.m. and sunset (except during rainfall).~~

~~4. A person with no available shelter shall not camp in or otherwise occupy any public property that is closed to the public at any time.~~

~~(Ord. 1302, 1/23/2024)~~

§ 8.40.050. Prohibition citywide against living in motor vehicles.

A. It shall be unlawful for any person to sleep overnight in, bathe in, cook in, or otherwise use as a place of residence or habitation any parked trailer, camper shell, motor home, or any other vehicle as defined by Vehicle Code Section 670 anywhere in the city.

B. This section does not apply to vehicles that are lawfully parked in an authorized trailer court, a [City-designated](#) campsite within the city, nor on private property when owner's permission is provided and when done so in accordance ~~with~~ [to](#) law and regulation.

~~C. Subsection A does not apply to a person that has no available shelter. In determining whether a person has available shelter, the enforcing employee shall consider the factors listed in Section 8.40.040(A).~~

~~D. Notwithstanding subsection C, a person with no available shelter shall not sleep overnight in, bathe in, cook in, or otherwise use as a place of residence or habitation any parked trailer, camper shell, motor home, or any other vehicle as defined by Vehicle Code Section 670 in any prohibited public place.~~

~~(Ord. 1302, 1/23/2024)~~

§ 8.40.060. Prohibition against obstructing public property or doorways.

A. No person in the city shall obstruct the public right-of-way, including, but not limited to, streets and sidewalks, or pedestrian and/or vehicle access by sitting, lying, sleeping, storing, using, maintaining, or placing personal property:

1. In a manner that impedes passage required by the Americans with Disabilities Act of 1990, as amended from time to time;

2. Within fifteen feet of any operational or utilizable driveway, or loading dock;

3. Within fifteen feet of any operational or utilizable building entrance or exit; or
 - ~~4. Within fifteen feet of any fire hydrant, fire plug, or other fire department connection.; or~~
 - ~~5. On or in any prohibited public place.~~
- B. Any person creating an obstruction in violation of this section shall move their person or property immediately in a way that removes the obstruction upon the request of an enforcement officer.
- C. Any unattended item of personal property that is creating an obstruction in violation of this section may be immediately moved by an enforcement officer to an adjacent ~~nearby~~ location where it will no longer create an obstruction.
- (Ord. 1302, 1/23/2024)

§ 8.40.070. Unlawful storage of personal property.

- A. It shall be unlawful for any person to store personal property on any public property. Nothing herein shall be construed to allow storage where otherwise prohibited by this code.
- B. An enforcement officer may remove personal property stored in violation of subsection A as follows:
1. The location of any illegally stored personal property shall be posted with a written notice including the date and the following: "It is illegal to store personal property on public property, such as parks and sidewalks. If this personal property is not removed within 24 hours of the date of this posting, it will be removed by the City."
 2. An enforcement officer may remove any personal property unlawfully stored or remaining in a public place after the posting period has expired.
 3. Personal property that poses an imminent threat to public health or safety, may result in pollutants entering storm drains or other illegal discharge into water, is contraband, or is evidence of a crime shall not be subject to the above notice requirements and may be removed immediately by an enforcement officer and stored or destroyed, in accordance with the provisions below, or other applicable laws.
- C. Notice. In the event that personal property is removed by an enforcement officer, the enforcement officer shall leave a notice in a prominent place at or near the location where the property was located. The notice shall contain the address and phone number of where the property is being stored, the hours during which the property may be retrieved, and the length of time that the property will be stored before being disposed of.
- D. Following removal of unlawfully stored personal property, city personnel shall do the following:
1. Maintain a log containing information about the property that will facilitate identification by the owner. Such log may include an inventory of some or all of the property, information about where the property was located, the date the property was taken by the city, and the name of any person who has previously claimed ownership of the property or whose identification was found with the property;

2. Store the property in a manner facilitating identification by city personnel, which reasonably protects such property from damage or theft; and
 3. Store the property in an area designated by the city for a period of ~~ninety~~ sixty days.
- E. Personal property may only be retrieved during regular city business hours.
- F. Personal property stored by the city, that is claimed within ~~ninety~~ sixty days from removal, shall be released to the person claiming ownership at no charge, provided the person reasonably identifies the property and the approximate location where the property was left, unless there is clear evidence that the property does not belong to such person. Any person retrieving personal property from the city under this chapter shall retrieve all of their personal property at one time. Any items belonging to the person that are left in the custody of the city will be deemed abandoned and may be thrown away or otherwise disposed of.
- G. Any property that is not claimed after the ~~ninety~~ sixty-day storage period may be disposed of without further notice.
- H. Notwithstanding any other provision of this chapter, the city shall not be required to store items that are a health or safety hazard ~~hazardous~~, decaying or rotting, or otherwise unsafe to store or transport.

(Ord. 1302, 1/23/2024)

§ 8.40.080. Removal of camp facilities and paraphernalia.

In the event camp facilities or camp paraphernalia in violation of this chapter are found by an enforcement officer, a notice shall be provided to the occupants of the camp facility of the city's intent to remove the camp facility or paraphernalia at least ~~forty-eight~~ twenty-four hours in advance of any action. Notice shall be provided in writing and shall be served personally on the occupant(s) of the camp facility present when the enforcement officer attempts to serve notice. In addition, the enforcement officer shall post the notice in a prominent place on or near the facilities, so as to reasonably communicate the notice to persons living at the camp who are not present during the attempt to serve notice. The notice shall contain the following information:

- A. A statement that the camp facility and/or paraphernalia are in violation of this chapter.
- B. An advisement that the city will remove the camp facility and/or paraphernalia ~~forty-eight~~ twenty-four hours after the date and time of the notice, or any longer period of time determined by the city.
- C. The date and time notice was served and posted.
- D. The address and phone number of where any removed personal property will be stored and the hours of when the property can be retrieved.
- E. That the camp facility and/or paraphernalia will be stored for ~~ninety~~ sixty days and will be discarded thereafter if not claimed.
- F. Information about any housing or shelter and unhoused services available for the occupants of the camp and contact information for obtaining the housing, shelter, or other health services.

(Ord. 1302, 1/23/2024)

§ 8.40.090. Offer of housing, shelter and services.

Prior to taking any enforcement action against any person under this chapter, the enforcement officer shall offer information to such person regarding any available housing or shelter and other health and human services that the enforcement officer reasonably believes are relevant

to the person's individual circumstances. However, failure to offer such information shall not be grounds to invalidate or challenge any enforcement action.
(Ord. 1302, 1/23/2024)

§ 8.40.100. Exceptions.

The provisions of this chapter shall not apply in the event of an emergency, including a city-declared emergency or natural disaster, such as a fire or earthquake, nor to any persons participating in city-authorized recreational activities in parks within the city, the Civic Center area, or any other public place or facility, nor to camping in public areas legally established and clearly designated for camping purposes, nor to any employee of the city or any public utility or governmental agency who is required to enter or be in said areas in the course of their employment.

(Ord. 1302, 1/23/2024)