

ORDINANCE NO. 2015-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA, ADDING A NEW CHAPTER 12.06, "CAMPING UPON PUBLIC PROPERTIES" ORDINANCE TO TITLE 12 OF THE AMERICAN CANYON MUNICIPAL CODE

WHEREAS, the potential exists for individuals to misuse public property within the City of American Canyon ("City") by camping or otherwise remaining on such property for an extended period of time; and

WHEREAS, the enactment of an ordinance is necessary to guarantee the use and enjoyment of such property by the public at large and to provide for proper maintenance of such property; and

WHEREAS, the City Council wishes to maintain public property in safe, sanitary, and accessible condition consistent with the public health, safety, and welfare of the City; and

WHEREAS, the City Council also wishes to ensure access to and enjoyment of public property for all segments of the population; and

WHEREAS, the City Council wishes to encourage the unimpeded use of public property in accordance with its intended purposes; and

WHEREAS, the City Council wishes to generally regulate conduct upon and use of public property in accordance with the City's public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of American Canyon as follows: Chapter 12.06 is hereby added to Title 12 of the City of American Canyon Municipal Code.

CHAPTER 12.06 CAMPING UPON PUBLIC PROPERTIES

12.06.010 Purpose.

The streets and public areas within the City should be readily accessible and available to the 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 public property without proper sanitary measures adversely affects the public health, safety, and welfare of the City and interferes with the intended use and enjoyment of public property. The purpose of this chapter is to maintain streets, parks, and other public 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 use of public or private property.

12.06.020 Definitions.

For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section, unless the context otherwise clearly requires.

- A. "Camp" means to
 - 1. Establish, maintain, operate, place, pitch or occupy camp facilities;
 - 2. Live temporarily in a camp facility or outdoors; or
 - 3. Use camp paraphernalia in a camp facility or outdoors.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, camper trailers, motor homes, or vehicles, as defined by California Vehicle Code Section 670.
- C. "Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or other sleeping equipment or any cooking equipment.
- D. "City" means the City of American Canyon.
- E. "City Manager" means the city manager of the City, the acting city manager, or the city manager's designee.
- F. "Establish" means setting up or moving equipment, supplies or materials on to public property to camp or operate camp facilities.
- G. "Maintain" means keeping or permitting equipment, supplies or materials to remain on public property in order to camp or operate camp facilities.
- H. "Operate" means participating or assisting in establishing or maintaining a camp or camp facility.
- I. "Parks" means and includes all parks, parkways, trails, malls, plazas, greenbelts, gardens, lakes, and any other property owned by the City, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term "park" also includes all off street parking areas which are used or intended to be used in connection therewith. The term "owned" includes any property interest under which the City department of community services operates, maintains, or controls said property. The term also includes any property owned or kept by the City as open space, including undeveloped sites for future parks.
- J. "Public property" means all public property, including, but not limited to, streets, sidewalks, bridges, alleys, improved or unimproved land, buildings, parking lots, streams, waterways, right-of-ways, trails, 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.

L. "Street" means a street, avenue highway, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

12.06.030 Unlawful camping

A. It is unlawful and a public nuisance for any person to camp, either overnight or on a day-to-day basis, on any public property.

B. The City Manager may, as provided in Section 12.06.050 of this chapter, issue a temporary permit to allow camping on public property in connection with a special event.

C. 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 actions to abate a public nuisance under this chapter.

12.06.040 Storage of personal property on public property

A. It is unlawful and a public nuisance for any person to store personal property, including camping facilities and camping paraphernalia, on any public property, except as otherwise provided by resolution or ordinance of the City Council.

B. 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 actions to abate a public nuisance under this chapter.

C. This section shall not apply to Vehicles that are stored consistent with City Code Section 10.32.03, so long as such Vehicles are not being occupied on an overnight or day-to-day basis for camping or sleeping purposes.

12.06.050 Permit for special events required

A. 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. 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.

B. 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 actions to abate a public nuisance under this chapter.

12.06.060 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 12.06.050 of this chapter.

12.06.070 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 12.06.050 of this chapter, 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.

12.06.080 Current ordinance provisions


Neither the adoption of the ordinance codified in this chapter 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: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

The foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 15th day of September, 2015 and was passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 6th of October, 2015, by the following vote:

AYES: Vice Mayor Leary, Council Members Ramos, Joseph, Bennett and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



Leon Garcia, Mayor

ATTEST:



Cherri Walton, Deputy City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney