



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Community Development  
City Attorney

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City Manager Approval: \_\_\_\_\_

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**TOPIC: ORDINANCE REGULATING CAMPING ON PUBLIC PROPERTY**

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 19.50 TO THE SAN RAFAEL MUNICIPAL CODE, ENTITLED "CAMPING ON PUBLIC PROPERTY" REGULATING CAMPING ON PUBLIC PROPERTY WITHIN THE CITY OF SAN RAFAEL**

**EXECUTIVE SUMMARY:**

Staff recommends that the City Council adopt an ordinance amending the City's regulation of camping on public property. In July 2023, the City Council adopted [Ordinance No. 2030](#) setting new spacing and density rules for camping on public property by persons with no alternative shelter available. Among the new rules, codified in Chapter 19.50 of the San Rafael Municipal Code ("SRMC"), a campsite, including all camp facilities and personal property, have been limited to an area of 100 sq. ft. for one person and 200 sq. ft. for more than one person and cannot be located within 200 ft. of another campsite. Also, for properties where camping is absolutely prohibited, two new restrictions were applied: i) no camping within 100 ft. of a playground, and ii) no camping within 10 ft. of public utility infrastructure. The new rules were intended to mitigate the significant public health and safety impacts and hazards that are associated with encampments in the City, where groups of persons camp at one location or in close proximity to one another, and the adverse impact of waste, trash and other debris that is discarded or left unattended on public property.

Three days before [Ordinance No. 2030](#) was to go into effect, several persons living on the Mahon Creek Path filed a lawsuit in the U.S. District Court of the Northern District of California to challenge the legality of the ordinance. The case is *Boyd et al. v. City of San Rafael*, N.D. Cal., Case No. 23-cv-04085-EMC ("*Boyd*"). Following a brief Temporary Restraining Order ("TRO"), which paused the City's ability to enforce its ordinance, Judge Edward Chen issued a [Preliminary Injunction Order](#) ("PI Order") under which the City has been permitted to enforce its ordinance under Court-modified rules. These rules have been operationally impractical to implement, particularly as they involve the procedures to administer the density and spacing requirements of the PI Order.

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**FOR CITY CLERK ONLY**

**Council Meeting:**

**Disposition:**

Staff recommend that the City Council adopt amendments to its camping regulations. Among other changes, the amended ordinance would permit campsites of up to 200 sq. ft. for one person and 400 sq. ft. for up to 4 persons camping together. The amended ordinance would eliminate the 200 ft. spacing requirement, requiring only a 10-foot safety buffer zone around each campsite for ingress/egress and to mitigate fire danger. An enforcement section is also included in the amended ordinance, specifying notice and due process requirements. With these changes to the ordinance, the City's goal is to effectively regulate and enforce camping laws for the health and safety of all of the public, including residents who are experiencing homelessness, and to refocus the City's limited staff time and resources towards developing more interim shelter options and long-term housing solutions.

**RECOMMENDATION:**

Introduce and waive further reading of an ordinance amending Chapter 19.50 to the San Rafael Municipal Code regulating camping on public property.

**BACKGROUND:**

*The City's Response to Homelessness in the Community*

The City of San Rafael seeks to end homelessness through partnerships and policies that create housing and shelter for our residents with the fewest options and has made ending homelessness one of its key [Goals and Objectives](#) for FY 23-25.

City and County staff and nonprofit partners working to end homelessness have successfully housed hundreds of individuals experiencing homelessness in the City in permanent supportive housing. Unfortunately, the overall number of individuals experiencing homelessness in the City, County, and region remains high as additional community members lose their housing and fall into homelessness. There are 107 shelter beds in the City for 348 total homeless individuals, according to the January 2022 [Point In Time Count](#), leaving hundreds of unsheltered homeless individuals sleeping in tents, vehicles, and other locations. Some individuals experiencing homelessness in the City, like in many other cities throughout California, have established campsites on public property. This is most acutely concentrated along the Mahon Creek Path and surrounding areas on Francisco Blvd. West and Andersen Drive, where approximately 70 individuals live in large encampments.

Some of the City's recent efforts to assist residents experiencing homelessness have included:

- Specialized Assistance For Everyone (SAFE) Team. City-funded Alternative Response Team three-year pilot (\$775K annually): Petaluma People Services Center provides mobile crisis response to the community, especially to vulnerable populations, 12 hours/day and 7 days/week. The program dispatches a crisis intervention worker with an emergency medical technician to respond to certain emergencies, such as suicide prevention and psychiatric emergencies, instead of law enforcement. In its first year of operations, SAFE diverted more than 250 calls from ambulances, emergency departments, and jails. Of SAFE's 1,690 calls where homelessness status data was collected, 1,070 of these calls (63.3%) were responses to individuals experiencing homelessness.
- Affordable Housing Trust Fund contributions to 190 Mill Street (~\$1.1M) and 3301 Kerner Boulevard (~\$2.1M), projects that together provide 40 shelter beds and 75 units of permanent supportive housing.
- Funding housing navigation, outreach, and employment readiness services in the City. Contracts include case management services through the County regional program for frequent utilizers of emergency services who are unhoused (\$260K), an Encampment

Resolution Funding Round 1 grant (ERF-1, \$522K awarded), Downtown Streets Team cleanup efforts in the Downtown area and at encampments in the City (\$200K), and Dignity on Wheels mobile showers (\$36K).

- City and County are jointly funding a Housing-Based Case Manager to work with individuals at the Mahon Creek Path.
- City staff and nonprofit organization partners conducted a survey of individuals staying at the City's encampments, using [survey results](#) to plan funding and program strategies.
- Encampment Resolution Funding Round 2 (ERF-2, \$250K awarded) grant awarded to the City in June 2023, currently being deployed. Marin County and the City recently jointly applied for Encampment Resolution Funding Round 3 (ERF-3, \$5.9M application pending).
- Community Mental Health Liaison, Homelessness and Housing Analyst Position, and Assistant Director of Community Development: full-time City staff positions that conduct outreach to populations experiencing homelessness, ensure adequate resource referral, and work collaboratively with the organizations providing services within the City, administer funding, and implement policy.
- Participating in the Countywide Coordinated Entry System, which has housed 700+ people since its launch in 2017.
- As the Mahon Creek Path Area encampment area has grown, the City has added six portable restrooms and handwashing stations (two of these are ADA restrooms) and provides garbage collection and hauling services to the encampment.

Marin County and the City jointly applied for \$5.9M in State Encampment Resolution Funding Round 3 (ERF-3) in January 2024. If awarded, the grant would add contracts for one full-time outreach staff and 3 full-time case managers for the Mahon Creek Path Area encampment, provide funding for housing transitions, and fund at least two years of interim housing operations. The ERF-3 grant would fund security, sanitation, and cleanup efforts, including mobile showers and portable bathrooms. These funds would facilitate the City's ability to establish a safe camping area with services designed to place individuals more quickly on a path to housing.

### *Ordinance No. 2030 Regulating Camping on Public Property*

In July 2023, the City Council adopted [Ordinance No. 2030](#), codified in Chapter 19.50 of the San Rafael Municipal Code ("SRMC"), setting new rules for camping on public property. Ordinance No. 2030 kept pre-existing prohibitions on camping on specific public property, including open space, city parking garages, and other properties, and added new restrictions for playgrounds and public utility infrastructure. Otherwise, camping is allowed by persons with no alternative shelter available.

Among the changes, [Ordinance No. 2030](#) added spacing and density restrictions to mitigate the significant public health and safety impacts and hazards that are associated with encampments in the City, where groups of persons camp at one location or in close proximity to one another and the adverse impact of waste, trash and other debris that is discarded or left unattended on public property. Under [Ordinance No. 2030](#), a campsite, including all camp facilities and personal property, has been limited to an area of 100 sq. ft. for one person and 200 sq. ft. for more than one person and cannot be located within 200 ft. of another campsite. Also, two additional restrictions applied: i) no camping within 100 ft. of a playground, and ii) no camping within 10 ft. of public utility infrastructure.

### *Lawsuit and Preliminary Injunction Order*

Three days before [Ordinance No. 2030](#) was to take effect, several persons living on the Mahon Creek Path filed a lawsuit in the U.S. District Court of the Northern District of California to challenge the legality of the ordinance. The case is *Boyd et al. v. City of San Rafael*, N.D. Cal., Case No. 23-cv-04085-EMC

(“Boyd”). Following a brief Temporary Restraining Order (“TRO”), which paused the City’s enforcement of its ordinance, in October 2023, Judge Edward Chen issued a [Preliminary Injunction Order](#) (“PI Order”). The PI Order remains in effect during the pendency of the litigation or until further order of the court.

The PI Order allows the City to enforce its ordinance on the plaintiffs and at the Mahon Creek Path, but subject to court-modified rules to “maintain some semblance of community, affording them an opportunity for mutual protection and assistance while preserving the City’s goal of breaking up large encampments.” In order to prevent “irreparable harm” to those camping in the City’s encampments, Judge Chen set modified density and spacing restrictions, allowing up to 4 persons in 400 sq. ft. campsites, spaced at least 100 ft. apart. In assessing the plaintiffs’ related Americans with Disabilities (“ADA”) legal challenges, he further concluded that allowing a one-person increase in the number of campers (4 vs. 3) and a corresponding increase in square footage to accommodate such clusters (400 sq. ft. vs. 200 sq. ft.) would not be a fundamental alteration to the City’s existing regulation. Judge Chen further required the City to ensure there was a process for clearly identifying permissible camping sites and an orderly process by which those sites may be allocated or claimed.

Since the October 2023 PI Order, the City has attempted to implement the court’s rules by administering campsite registration, resolving individual ADA claims over the amount of space allotted, and gaining voluntary compliance among individuals camping at the Mahon Creek Path encampment. The implementation of Judge Chen’s requirements, particularly the registration process for campers, has been a challenging undertaking and has not effectively ameliorated problematic conditions at the encampment.

The City’s primary concern for regulating camping on public property is one of public health and safety. The existing regulation was intended to address the establishment and proliferation of high-concentration encampments. When groups of unsheltered persons camp in close proximity to one another on public property, forming a larger, unregulated encampment, the public health and safety impacts and hazards are concentrated in and around that property and have a significant negative impact on those living in the encampment and the neighboring residents, businesses, and community. At locations where large-concentration encampments have been established, like the Mahon Creek Path, the City responds to a significant increase in the volume of public safety calls for service and complaints. The increased calls for service at encampments include fires, sanitation, human waste, biohazards, litter and refuse, abandonment of personal property, vandalism, theft, physical fights, public alcohol consumption and intoxication, drug possession and use, obstruction of sidewalks and pathways, and disruptive behavior of encampment occupants. The encampments also consume public spaces, preventing other members of the public from using and enjoying these spaces.

*Proposed Ordinance – Amending Ordinance No. 2030 Regulating Camping on Public Property*

Staff recommend that the City Council adopt amendments to its camping regulations. Among other changes, the amended ordinance would permit campsites of up to 200 sq. ft. for one person and 400 sq. ft. for up to 4 persons camping together. For safe ingress/egress and to mitigate fire danger, it would require a 10-foot clearance area around each campsite be maintained free and clear of items and property and establish a 10-foot setback to any other campsite, public utility infrastructure, and neighboring private properties. An enforcement section is also included in the amended ordinance, specifying notice and due process requirements. With these changes to the ordinance, the City’s goal is to effectively regulate and enforce camping laws for the health and safety of all of the public, including residents who are experiencing homelessness, and to refocus the City’s limited staff time and resources towards developing more interim shelter options and long-term housing solutions.

The City is focused on providing a compassionate response to homelessness by addressing its root causes through housing and services and consistently expands its efforts toward both interim and long-term solutions. The management of camping on City property is a necessary but small part of the City’s response to homelessness. This management has consumed a significant amount of attention and resources in the last year due to litigation around the City’s camping ordinance, including costs of outside counsel, responding to the Court’s fact-finding process, attempting to implement court-ordered processes, resolving individual ADA claims over amount of space allotted, and seeking voluntary compliance while the City’s enforcement authority has been restrained by the Court. The proposed amendments intend to provide the City with a regulatory framework that it can implement and enforce with minimal resources. It aims to allow staff to redirect attention and resources toward furthering the aforementioned solutions to end homelessness. By adopting this proposed amended ordinance that reflects Court guidance on a citywide basis, the City hopes to retain its ability to enforce when necessary and to manage public property for the safety of the entire community, including individuals experiencing homelessness.

**ANALYSIS:**

The proposed ordinance would amend SRMC Chapter 19.50 regulating camping on public property. Attachment 2 includes a redline of all proposed changes to Chapter 19.50 (as compared with Ordinance No. 2030). The following summarizes the specific changes being proposed.

**1. Certain properties prohibited to all camping (Section 19.50.030).**

The City’s regulation lists several properties where camping is strictly prohibited due to threats to public health, safety, and welfare. The amended ordinance would add one (1) new restriction:

No camping within 250 feet of a school property. This restriction is intended to mitigate the potential health and safety impacts, including garbage, waste, and biohazards, that nearby camping areas can have on children’s schools and their walking routes to schools. This restriction would apply to all public and private schools up to Grade 12.

Following is a summary table of areas where camping would be prohibited under the proposed ordinance.

**Table 1: Areas Where Camping is Prohibited**

<b>Areas where camping is prohibited</b>	<b>Explanation of change to existing rule</b>
Open spaces	Same
City parking garages	Same
Public Facilities (e.g., buildings)	Same
Within 100 ft. of playgrounds	Same
Within 250 ft. of schools	New rule added.
Within 10 ft. of public utility infrastructure	Moved to section 19.50.040 (time, place, and manner restrictions) as a 10-foot setback requirement.
Sidewalks and public rights-of-way	Same

In addition, the amended regulation would continue to allow the City Council or City Manager to prohibit camping or adopt time, place, or manner conditions on camping on one or more public properties at any time due to a threat to public health, safety, or welfare.

The City would maintain on its public website and in hard copy at the City Clerk's office a City-wide map of the following public properties prohibited to camping by the ordinance: open space property, parking garages, those within 100 feet of playgrounds or 250 feet of schools, and those specifically prohibited to camping by the City Manager or City Council (e.g., Boyd Park and Albert Park.)

**2. Time, place and manner restrictions on public camping where no alternative shelter is available (Section 19.50.040).**

Camping on other properties (i.e., those not listed as "areas where camping is prohibited" above under Section 19.50.030) is permitted only by persons who have no alternative shelter option available, subject to time, place, and manner restrictions.

Under the proposed ordinance, the spacing and density rules would change as follows:

- 1) Maximum allowable campsite size. Staff recommend that the City Council allow camping in spaces of up to 200 sq. ft. in size for one person or 400 sq. ft. for up to 4 people. This would align with Judge Chen's PI Order, setting a maximum size of 400 sq. ft. for 4 people. Over the last nine months, the City received many ADA requests for accommodation, where individuals were seeking more than the 100 sq. ft. of space. Therefore, staff recommend allowing a campsite of double the size (from 100 to 200 sq. ft.) for one person when camping alone and 400 sq. ft. for up to 4 people, as a way or preemptively accommodating needs for more space.
- 2) Removal of minimum spacing requirements. Staff recommends removing the campsite spacing regulation. Judge Chen's PI Order required the City to develop and administer an "allocation and registration process" for campers to find permitted campsites that met the City's spacing requirements (set at 100 ft. in the PI Order). As discussed earlier in this staff report, those procedures required to implement the spacing rule proved to be an ineffective and impractical way to manage impacts of the encampments.
- 3) Addition of 10-foot clearance and setbacks. One of the primary objectives of the City is to make the conditions safer for those camping in the City and neighboring communities. Many of the calls for service at the City's encampments concern fires, sanitation, human waste, biohazards, litter and refuse, abandonment of personal property, and obstruction of sidewalks and pathways. With elimination of the spacing requirements, it is important that areas around campsites are kept clear for ingress/egress and to mitigate fire risk. This rule would require a 10-foot clearance area around each campsite be maintained free and clear of all items, including trash, debris, and personal property. This rule would also establish a 10-foot setback (safety buffer) to other campsites, public utility infrastructure, and neighboring private properties (including buildings and fences). The City has experienced an increase in complaints and calls for service from properties directly abutting the encampments related to fires and individuals affixing camping equipment to fencing and buildings. For clarity, the same 10-foot area can satisfy the setback and clearance requirements (the ordinance does not require a 10-foot setback *plus* an additional 10-foot clearance area).

Following is a summary table of the time, place, and manner restrictions of the proposed new ordinance.

**Table 2: Proposed Ordinance Time, Place, and Manner Restrictions**

<b>New proposed time, place, and manner restrictions</b>	<b>Explanation of change to existing rule</b>
Maximum allowable campsite size: - 200 sq. ft. for 1 person - 400 sq. ft. for up to 4 persons	Increased from: - 100 sq. ft. for 1 person - 200 sq. ft. for more than 1 person.
Minimum allowable distance to another campsite: - 10 ft.	Removed rule that campsites be spaced at least 200 ft. apart and aligned spacing requirement with the new setback and clearance rules.
Minimum clearance and setbacks: - 10 ft. clearance around each campsite - 10 ft. setback from other campsites, public utility infrastructure, and private real property	New rule added.

In addition to the above changes, the amended ordinance clarifies that individuals with no alternative shelter options in the City may use fabric tents for shelter and plastic pallets or sandbags to raise a tent off of the ground, provided they are not affixed to public or private property, vegetation, or infrastructure. These types of camping facilities and conditions are already permitted so these provisions are added for clarification only.

**3. Violations; Enforcement (Section 19.50.050).**

In his PI Order, Judge Chen expressed concern that an individual or group camping legally could be placed in jeopardy of violating the City’s distancing rules through no fault of their own, by another individual or group camping too close to their established site. He also raised a “due process problem regarding fair notice,” highlighting that unhoused individuals or groups may not know where they may camp lawfully under the ordinance given the existing ordinance’s large separation requirements. These concerns are largely addressed by eliminating the campsite spacing rules other than 10-foot clearance/setback.

In addition, new enforcement and notice provisions are included. First, a rule has been added that no person may be charged with a crime for violation of the camping regulations “unless their unlawful conduct is knowing or willful.” Also, each person found in violation of the camping restrictions will receive a written warning notice prior to criminal or other enforcement. The warning will include notice of the violation, the actions that are required to be taken to comply, the specific timeframe to come into compliance, and potential penalties for failure to comply. The City’s [guidelines](#) for removal and storage of unattended personal property will also be provided with the notice. This is already standard practice for the City’s enforcement of its camping regulations. Lastly, if a person is noticed for violation of the size, occupancy, or clearance or setback requirements of the ordinance, they may request that the City provide a physical demarcation of the allowed boundary to assist them in complying with the ordinance.

The enforcement rules set forth in the ordinance would be minimum obligations for the City to enforce its camping regulations. As a standard practice, prior to enforcement of camping laws, the City works with its non-profit community partners to provide additional notice and outreach, and where available, offers assistance to affected persons.

#### **4. Definitions and other language updates.**

In addition to the sections discussed above, other less substantive edits and minor revisions to the ordinance have been made. For example, the definitions of “camping” and “open space” have been revised to address vagueness challenges raised in the *Boyd* lawsuit and a definition of “school” has been added. The definition of “public utility infrastructure”, where 10-foot setbacks would apply, has been amended to include stormwater and electrical facilities. See Attachment 2 for a redline of all proposed changes to Chapter 19.50.

#### **Legal Analysis**

This proposed ordinance complies with *Martin v. Boise* 920 F.3d 584 (9th Cir. 2019) (“*Martin*”) and other caselaw interpreting that Ninth Circuit Court of Appeals decision. In *Martin*, the court held that the Eighth Amendment’s cruel and unusual punishment clause prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public properties for individuals who cannot obtain shelter. The formula established in *Martin* is that the government cannot prosecute homeless people for sleeping in public if there “is a greater number of homeless individuals in [a jurisdiction] than the number of available” shelter spaces. However, the Ninth Circuit also stated that a city is not required to provide shelter, or allow anyone to sit, lie, or sleep on public property at any time and any place of their choosing.

The proposed time, place, and manner conditions on use of public property do not form a citywide camping ban as prohibited under *Martin*. The City’s proposed ordinance does not prohibit individuals from sleeping anywhere in the City, or otherwise engaging in the “universal and unavoidable consequences of being human.” The holding in *Martin*, while restricting local governments from criminalizing the act of sleeping, does not prohibit a city from controlling the use of public space to require individuals to sleep anywhere in the city. In a subsequent case, *Gomes v. County of Kauai*, an ordinance was found not to violate *Martin*, although that ordinance did restrict some camping locations and activities. The court in *Gomes* concluded that the ordinance did not prohibit individuals from sleeping *anywhere* in public as long as those individuals had other locations to sleep.

The PI Order issued by Judge Chen in the *Boyd* litigation is time limited and remains in effect during the pendency of the litigation or until further order of the court. It is not a final ruling on the merits of the case challenging Ordinance No. 2030; however, it provides some insight into how the court may rule on final judgment. Judge Chen set restrictions of 100 sq. ft. per camper and up to 400 sq. ft. for campsites of up to 4 persons, spaced 100 ft. apart. These rules were developed based on the court’s preliminary injunction analysis of the plaintiffs’ various legal challenges, including those brought under the Fourteenth Amendment (state-created danger theory and due process), the ADA, and the Eighth Amendment. The proposed ordinance allows for double that size - 200 sq. ft. per individual camper - and up to 400 sq. ft. for 4 persons. The proposed ordinance lifts the campsite spacing rules, affording the sense of community that Judge Chen found important, but adds 10-foot clearance and setback requirements which are necessary to protect the health and safety of all members of the public, including those currently experiencing homelessness.

Furthermore, the proposed ordinance adds an enforcement section to address the court’s questions concerning notice and due process. No person would be charged with a crime unless their unlawful conduct is knowing or willful. Consistent with the City’s current practice, any person in violation of the camping rules would be issued a notice that they are violating the rules and providing details on how to come into compliance before any enforcement is taken. For noticed violations of the size, occupancy, or clearance or setback requirements of the ordinance, the City would provide a physical demarcation of the allowed boundary. Any removal of a campsite or seizure of property would not be completed without



notice. In sum, the proposed ordinance addresses the potential legal issues identified by the court in the *Boyd* litigation.

The City's interest is in protecting public health, safety, and welfare; preserving public property for the enjoyment, safety, comfort, and convenience of all members of the public; enhancing and preserving the orderly administration and management of public property; and preserving, protecting, and preventing damages to public resources. The camping area location and size restrictions are aimed at keeping public spaces in a clean and orderly condition, and in locations where potential harms to the community are reduced. These regulations are intended to address some of the collateral impacts that camping in public spaces can have, but otherwise does not prohibit the act of sleeping, or work to deprive individuals from using tents, bedding and tarps necessary to protect themselves from the elements in order to sleep.

It is important to note that this legal analysis of the proposed ordinance is based on existing judge-made law. The PI Order relies heavily on precedent set by the Ninth Circuit in *Martin*. The U.S. Supreme Court will hear oral argument in the case of *City of Grants Pass, Oregon v. Johnson*, U.S. Supreme Court, Case No. 23-175 ("*Grants Pass*") on April 22, 2024 and is expected to issue a decision in the case during this term, which ends in June 2024. Relying on the Ninth Circuit's decision in *Martin*, homeless advocates filed a class action lawsuit against the City of Grants Pass, Oregon, challenging the City's homelessness policies. A District Court ruled against Grants Pass, which appealed the case to the Ninth Circuit. The Ninth Circuit upheld the lower court's decision and issued a decision that expanded upon its precedent in *Martin*. In August 2023, the City of Grants Pass filed a Writ of Certiorari, asking the U.S. Supreme Court to review the decision. The U.S. Supreme Court agreed to take the case on January 12, 2024. The question at issue in *Grants Pass* is whether generally applicable laws regulating public lodging or camping are considered "cruel and unusual" punishment, which is prohibited by the Eighth Amendment. The anticipated ruling by the U.S. Supreme Court may change existing law, in which case staff would re-evaluate these camping regulations.

This proposed ordinance represents the City's efforts to address the use of public property by all and seeks to balance the ability of the City to lawfully manage public property under existing law with the fair treatment of individuals experiencing homelessness. For the reasons presented above, staff recommends that the City Council adopt the proposed ordinance.

**COMMUNITY OUTREACH:**

Since the adoption of the original ordinance in July 2023, City staff have worked closely with nonprofit organizations, shelters, outreach teams, and Marin County Health & Human Services staff who work closely with the population experiencing homelessness. The City has worked with these partners to conduct an assessment of the individuals in the Mahon Creek Path Area encampment and to identify health and safety measures as requested by these individuals. Since the survey, the City has provided six portable restrooms and hand-washing stations in the vicinity of the encampment, including two wheelchair-accessible toilets, and expanded its trash-hauling services. The County and the City jointly applied for approximately \$6M in ERF3 funding for programs to support people living in the surveyed encampments in January 2024. The application includes funding for case managers, interim housing projects/programs, and ongoing encampment support (i.e., waste management, public restrooms, etc.). On April 10, City and County Staff, with four nonprofit community partners, conducted an "Assessment Extravaganza" event on April 10 to address service gaps identified in the survey. Following this event, nearly 100% of the encampment residents have been assessed for housing assistance or had their assessments updated, and many completed benefit applications for medical care, mental health support, food assistance, and more. Staff have also engaged the Ritter Center to dispatch Ritter's Street Medicine Van to provide focused services around identified mental and medical health care gaps in the

encampments. The Street Medicine team will look for opportunities to match individuals in need to Ritter's psychiatry services and connect with underserved Spanish-speaking residents.

In addition, City staff have held regular meetings with *Boyd* lawsuit plaintiffs and homeless representatives to better understand their issues, support individuals with special challenges, reduce the impacts of the encampments on the surrounding local businesses and community, and work toward a productive and collaborative working relationship.

City staff regularly conduct outreach and engagement with the individuals in the Mahon Creek Path Area encampment and have provided dozens of replacement tents, service referrals, and gift-card incentives for voluntary compliance with the City's regulations. The City provides monthly updates to the community about its efforts to end homelessness through an email newsletter with more than 2,000 active subscribers. Additionally, City staff respond to a high volume of constituent complaints and concerns about the Mahon Creek Path and other encampments. Staff respond to every complaint and concern and take this feedback into consideration when developing recommendations to the City Council. Staff and City officials also meet with representatives of the most impacted businesses and educate them about the City's efforts and limitations under existing federal law.

All of these parties, particularly individuals camping at the Mahon Creek Path, will continue to receive education and engagement from City staff. If the proposed amendments are adopted, staff would provide targeted outreach, which would include informative brochures and flyers in English and Spanish that outline the changes to the ordinance, explain its purpose, and provide clear instructions on how to achieve compliance and how to access alternative shelter resources and case management services. Materials would also be distributed through social service agencies, the homelessness email newsletter, libraries, community centers, and other relevant locations.

**FISCAL IMPACT:**

Costs incurred by the City of San Rafael associated with responding to impacts of homelessness are largely borne by the City's General Fund. While the City continues to pursue grant funding for the creation of interim and permanent supportive housing units, Federal and State funding to provide locally-administered programs and services are allocated to county governments who have the primary responsibility for providing health and human services countywide.

The City's Finance staff recently estimated the fully-burdened costs (including salary and benefits) of City staff that work with homelessness in the City, including multiple staff in the Community Development and the San Rafael Police Departments, and part-time staff costs within the City Manager's and City Attorney's offices, at \$890,000 annually. All of these costs have been absorbed by the City's General Fund FY 2023-24 budget.

Encampment response costs include the costs of retaining personal property held under the ordinance and cleanup of encampments, which may involve the collection and disposal of trash and potential hazardous material response. The San Rafael Police Department is primarily responsible for enforcement and handling of personal property, while the Department of Public Works or their contractors provide support for disposal of trash and hazmat response. First year cleanup costs are accommodated and absorbed within the Fiscal Year 2023-24 budget. The Department of Public Works' proposed Fiscal Year 2024-25 operating budget includes \$75,000 for services related to encampment cleanup, including the potential need for hazardous material response. However, the actual encampment clean-up cost is expected to be much higher overall. Staff is reviewing the City's strategy for encampment sanitation as recent hauling costs have reached as many as 4-6 loads twice a week, costing \$26,000 per month. Staff

is actively building a list of approved contractors and deploying them in a more targeted manner, to reduce this cost to a more manageable number. Hauling is time-intensive, and costs can be expected to remain high, considering the hazardous conditions involved in dismantling certain camps, the large volumes of trash generated, including through illegal dumping, and the relationship-building and care involved with working with the encampment population.

Approximately 63% of the City's alternative response calls through the SAFE team are for individuals experiencing homelessness at any location in the City, costing the City \$488,250 annually.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Introduce the ordinance amending SRMC Chapter 19.50 (Camping on Public Property)
2. Introduce ordinance with modifications.
3. Direct staff to return with more information.
4. Take no action.

**RECOMMENDED ACTION:**

Introduce the ordinance amending Chapter 19.50 to the San Rafael Municipal Code Entitled "Camping on Public Property" regulating camping on public property within the City of San Rafael.

**ATTACHMENTS:**

1. Ordinance
2. Redline of Chapter 19.50, showing changes from Ordinance No. 2030

## ORDINANCE NO.

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING CHAPTER 19.50 TO THE SAN RAFAEL MUNICIPAL CODE, ENTITLED "CAMPING ON PUBLIC PROPERTY" REGULATING CAMPING ON PUBLIC PROPERTY WITHIN THE CITY OF SAN RAFAEL

#### SECTION 1. FINDINGS

**WHEREAS**, the purpose of this Ordinance is to enact regulations to address camping in or on public property in the City of San Rafael. The City Council has authority to adopt this Ordinance pursuant to the California Constitution Article XI, section 7; and

**WHEREAS**, the City Council recognizes that camping in the City by persons with no alternative shelter, and the activities often attendant with camping, have created adverse public health, safety, and welfare conditions for the public, including those who live in the City's encampments; and

**WHEREAS**, the City, along with the County of Marin and community partners, has been and is undertaking extensive actions to assist unsheltered persons in the City and region to find shelter and needed services; and

**WHEREAS**, in the case of *Martin v. City of Boise* 920 F.3d 584 (9th Cir. 2019), the federal Court of Appeals for the Ninth Circuit held that the City of Boise's criminal enforcement of its ordinance banning camping on all public property was unconstitutional when applied to individuals who had no alternative shelter available to them; and

**WHEREAS**, while the *Martin v. City of Boise* decision mandates that a city without sufficient alternative shelter may not criminalize the act of sleeping on public property, it does not require a city to allow camping on all public property, and does not prevent a city from prohibiting camping on specified public properties, or enacting other time, place, and manner conditions on camping; and

**WHEREAS**, the City Council recognizes and finds that there are public health and safety hazards and public nuisance activities and conditions frequently associated with camping on public property, and that there are certain public properties where the existence of campsites is incompatible with the necessary use of the property by the public, or where camping presents unacceptable hazards and/or costs to the City's operations and to the public; and

**WHEREAS**, some unsheltered persons in the City live in temporary shelters on public property, such as tents and tarps, and accumulate, store, or leave behind personal property, garbage, waste, and biohazards; and

**WHEREAS**, camping on public property can lead to damage to public property, or hindrance of the operation or protection of public infrastructure and utilities, creating a potential health and safety hazard; and

**WHEREAS**, camping on public property can have a deleterious impact on the public use of public property, businesses, private real property, and economic development within the City; and

**WHEREAS**, in July 2023, the City Council adopted Ordinance No. 2030, setting new spacing and density rules and other restrictions for camping on public property by persons with no alternative shelter available; and

**WHEREAS**, in the case of *Boyd et al. v. City of San Rafael*, N.D. Cal., Case No. 23-cv-04085-EMC (“*Boyd*”), the Court issued a Preliminary Injunction Order under which the City was permitted to enforce Ordinance No. 2030 under Court-modified rules which were operationally impractical to implement, particularly as they involved procedures to administer the Ordinance’s spacing and density requirements; and

**WHEREAS**, by this Ordinance, the City Council seeks to modify the regulations adopted through Ordinance No. 2030 by allowing campsites of up to 200 square feet for one person and 400 square feet for up to 4 persons camping together; eliminating the 200-foot spacing requirement; requiring a 10-foot safety clearance around each campsite and 10-foot setbacks from other campsites, public utility infrastructure, and private real property; specifying enforcement notice and due process requirements; and making other language changes set forth in the Ordinance; and

**WHEREAS**, by amending the City’s camping regulations, the City’s goal is to effectively regulate and enforce camping laws for the health and safety of all of the public, including residents who are experiencing homelessness; and

**WHEREAS**, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary to protect public health, safety, and welfare; preserve public property for the enjoyment and safety of all members of the public; enhance and preserve the orderly administration and management of public property; and preserve, protect, and prevent damage to public resources, and the recitals above taken together constitute the City Council’s statement of the reasons for adopting this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**SECTION 2. AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE CHAPTER 19.50**

Chapter 19.50 of the San Rafael Municipal Code, entitled “Camping on Public Property”, is hereby amended in its entirety to read as follows:

**Chapter 19.50 – CAMPING ON PUBLIC PROPERTY**

**19.50.010. - Purpose.**

The purposes of this chapter include but are not limited to: protecting public health, safety, and welfare; preserving public property for the enjoyment and safety of all members of the public; enhancing and preserving the orderly administration and management of public property; and preserving, protecting, and preventing damage to public resources. This chapter prohibits conduct that unreasonably interferes with the administration and lawful uses of public property by establishing reasonable time, place, and manner conditions related to camping on public property.

**19.50.020 - Definitions.**

As used in this chapter, the following terms shall have the following meaning:

- A. "Camp" or "Camping" means use of space on public property 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 storing personal belongings, or using any tents or shelter or other structure or vehicle for sleeping. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are using the area as a living accommodation regardless of the nature of any other activities in which they may also be engaging.
- B. "Camp facility" means a tent, cot, bed, hammock, vehicle, or other temporary physical shelter.
- C. "Camp paraphernalia" means implements and equipment used for camping, including camp facilities, tarpaulins, mattresses, sleeping bags, bedrolls, blankets, sheets, pillows, and cookware or cooking equipment.
- D. "Campsite" means the primary physical area of occupation of one person camping or up to four persons camping together, inclusive of camp facilities, camp paraphernalia, and personal property.
- E. "Open space property" means any area described in San Rafael Municipal Code Section 19.10.020. The city will maintain on its public website and in hard copy at the City Clerk's office a map of all open space property meeting this definition.
- F. "Playground" means an improved outdoor area designed, equipped, and set aside for children's play in a park or school that is not intended for use as an athletic playing field or athletic court, and also includes any playground equipment, fall zones, surface materials, access ramps, and all areas within and including any designated enclosure and barriers.
- G. "Public facility" means any building or structure on public property, whether secured, unsecured, locked, unlocked, open, or enclosed, as well as any area of public property enclosed by a locked fence.
- H. "Public property" means any real property within the jurisdiction of the City of San Rafael, which is owned, managed, or controlled by the City of San Rafael.
- I. "Public right-of-way" means any area described in San Rafael Municipal Code Section 11.04.020(K).
- J. "Public utility infrastructure" means public bathrooms or infrastructure and equipment used to provide public utility services, including electricity, gas, water, stormwater, telecommunications, and sanitation services.
- K. "School" means any public or private institution of educational learning up to and including grade 12.

- L. "Sidewalk" means any area in the city provided for the use of pedestrians, including planting areas, driveway approaches, and parking strips, between the public vehicular roadway and the edge of public right-of-way bordering, fronting, or adjacent to private real property.
- M. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
- N. "Vehicle" means any wheeled conveyance, whether motor-powered or self-propelled, and includes any trailer in tow of any size, kind, or description.

**19.50.030 - Prohibited Camping on Certain Public Property.**

A. Prohibited Camping

1. Open space property. No person or persons shall camp in or on any open space property, or portion thereof.
  2. Parking garages. No person or persons shall camp in or on the premises of any parking garage, or portion thereof, owned or operated by the city.
  3. Public facilities. No person or persons shall camp in or on any public facility, or portion thereof, or in a manner that obstructs, blocks, or otherwise interferes with access to a public facility or private real property.
  4. Playgrounds. No person or persons shall camp within 100 feet of any playground.
  5. Schools. No person or persons shall camp within 250 feet of the property boundary of any school.
  6. Public right-of-way and sidewalks. No person or persons shall camp in or on any public right-of-way or sidewalk, or portion thereof, or in a manner that obstructs, blocks, or otherwise interferes with use of or access to a public right-of-way or sidewalk.
- B. The city council or city manager may, by resolution or administrative order, absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one or more public properties, or portion thereof, where such camping is determined to be a threat to the public health, safety, or welfare.
- C. The city shall maintain on its public website and in hard copy at the city clerk's office a current citywide map of all public property parcels prohibited to camping by subsections (A)(1), (A)(2), (A)(4), (A)(5), and (B) of this section 19.50.030.

**19.50.040 - Prohibited Camping on Other Public Property; Exception.**

- A. No person or persons shall camp in or on public property not listed under Section

19.50.030, or portion thereof, except as set forth below.

- B. Exception. Nothing in this section shall be deemed to prohibit camping on public property that is not listed under Section 19.50.030 when there is no alternative shelter available to the person camping.
- C. When the exception set forth in subsection 19.50.040(B) applies, the following time, place, and manner conditions shall apply:
  - 1. Campsite size and occupancy.
    - a. No campsite occupied by one person shall exceed an area of 200 sq. ft., inclusive of camp facilities, camp paraphernalia, and personal property.
    - b. No campsite occupied by more than one person shall i) exceed an occupancy of four persons or ii) exceed an area of 400 sq. ft., inclusive of camp facilities, camp paraphernalia, and personal property.
    - c. All camp facilities, camp paraphernalia, and other personal property shall be stored and kept within the maximum permitted campsite area.
    - d. Items stored or discarded outside of the maximum permitted campsite area shall be presumed to be unattended personal property or trash or debris and may be stored or discarded according to city policy.
    - e. No person shall establish or occupy more than one campsite.
  - 2. Clearance and setbacks.
    - a. A minimum clearance of 10 feet around all sides of any campsite allowed under this section shall be maintained free and clear of trash, debris, and personal property, including but not limited to camp facilities and camp paraphernalia. Items stored or discarded within the 10-foot clearance area shall be presumed to be unattended personal property or trash or debris and may be stored or discarded according to city policy.
    - b. No campsite may be established or occupied within 10 feet of any other campsite allowed by this section, public utility infrastructure, or private real property, including a fence of such property.
  - 3. Fabric tents, fabric tarps, or other similar non-permanent, removable items may be used for temporary shelter within a campsite, provided they are not affixed or tied to any public property, private real property, vegetation, or infrastructure, except for the use of removable stakes to secure the item to unimproved ground on public property.
  - 4. Removable plastic pallets or sandbags may be used to temporarily raise a tent or other camp facility off of the ground, provided that such items are not affixed or tied to any public property, private real property, vegetation, or infrastructure.



### **19.50.050 – Violations; Enforcement.**

- A. Enforcement of this chapter shall be pursuant to chapters 1.42, 1.44, and 1.46; provided, however, that no person shall be charged with a criminal violation unless their unlawful conduct is knowing or willful.
- B. The city manager or their designee shall be responsible for enforcement of this chapter.
- C. For a first violation of this chapter, the city manager or their designee shall issue a written warning notice to the person violating the chapter, informing that person of the nature of the violation, the actions that are required to be taken to comply with this chapter, the city's guidelines for removal and storage of unattended personal property, the timeframe to come into compliance, and the potential penalties that will apply for future violations.
- D. For violation of section 19.50.040(C)(1)-(2), related to the size, occupancy, and clearance or setbacks of a campsite, the person camping shall be given 3 business days to come into compliance with this chapter. The city manager or their designee shall provide upon request a physical demarcation of the allowed boundary to assist the person camping to comply with this chapter.

### **19.50.060 – Conflict with Other Regulations.**

To the extent that there is any conflict with any other provisions of this code, the standards and regulations of this chapter shall prevail.

### **SECTION 3. COMPLIANCE WITH CEQA**

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the city. The city council hereby finds that under section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. It also finds the Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

### **SECTION 4. SEVERABILITY**

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses or phrases, and the remaining portions of this Ordinance shall continue in full force and effect unless amended or modified by the city.

### **SECTION 5. EFFECTIVE DATE AND PUBLICATION**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall

be in full force and effect 30 days after its adoption. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

**THE FOREGOING ORDINANCE** was first read and introduced at a special meeting of the San Rafael City Council on the 15<sup>th</sup> day of April 2024, and was passed and adopted at a regular meeting of the San Rafael City Council on the \_\_\_\_\_ of \_\_\_\_\_ by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

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KATE COLIN, Mayor

ATTEST:

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LINDSAY LARA, City Clerk

## Attachment 2. Redlines to Chapter 19.50, as compared with Ordinance No. 2030

### Chapter 19.50 – CAMPING ON PUBLIC PROPERTY

#### 19.50.010 - Purpose.

The purposes of this ~~Chapter~~chapter include but are not limited to: protecting public health, safety, and welfare; preserving public property for the enjoyment, and safety, ~~comfort and convenience of all members~~ of the public; enhancing and preserving the orderly administration and management of public property; and preserving, protecting, and preventing ~~damages~~damage to public resources. This ~~Chapter~~chapter prohibits conduct that unreasonably interferes with the administration and lawful uses of public property by establishing reasonable time, place, and manner conditions related to camping on public property.-

#### 19.50.020 - Definitions.

As used in this chapter, the following terms shall have the following meaning:

A. ~~“Camp” or “Camping” means using use of space on public property as a place of residence or for living accommodation purposes, such as evidenced by:-~~

~~1. Remaining for prolonged or repetitious periods of time, not associated with ordinary recreational use of public property, and~~

~~2. One or more of the following:~~

~~(a) Possessing camp paraphernalia; or~~

~~(b) Using or erecting camp facilities or other form of shelter; or~~

~~(c) Making a fire, cooking, or consuming meals; or~~

~~(d) Engaging in one or more of the following:-~~

~~(i) sleeping activities, or making preparations to sleep (including the laying down of bedding for the purposespurpose of sleeping);, or~~

~~(ii) Unattended storage of storing personal belongings, including storing camp paraphernalia or camp facilities.~~

~~A. or using any tents or shelter or other structure or vehicle for sleeping. The combinedabove-listed activities of (1) and (2) constitute camping when it reasonably appears, in light of all the circumstances, that a person isthe participants, in conducting these activities, are using public propertythe area as a living accommodation regardless of their intent or the nature of any other activities in which the person mightthey may also be engagedengaging.~~

B. “Camp facility” means ~~the use of~~ a tent, hut, cot, bed, hammock, ~~lean-to, shack,~~

vehicle, or other temporary physical shelter.

- C. "Camp paraphernalia" means implements and equipment used for ~~temporary residence camping~~, including, camp facilities, tarpaulins, mattresses, sleeping bags, bedrolls, blankets, sheets, pillows, ~~luggage, backpacks,~~ and cookware, or cooking equipment, kitchen utilities, and similar equipment.
- D. "~~Camping area~~Campsite" means the primary physical area of occupation of ~~a single one person camping person. A or up to four persons camping area occupied by one person shall not exceed 10 ft. by 10 ft., (100 sq. ft. total), together,~~ inclusive of camp facilities, camp paraphernalia, and personal property. ~~If two or more persons are occupying one camping area, the camping area may be expanded to an area that shall not exceed 10 ft. by 20 ft., (200 sq. ft. total). In no event shall any camping area, regardless of the number of occupants, exceed a space greater than 200 sq. ft.~~
- E. "Open space property" means any area described in San Rafael Municipal Code Section 19.10.020. The city will maintain on its public website and in hard copy at the City Clerk's office a map of all open space property meeting this definition.
- F. "Playground" means an improved outdoor area designed, equipped, and set aside for children's play in a park or school that is not intended for use as an athletic playing field or athletic court, and also includes any playground equipment, fall zones, surface materials, access ramps, and all areas within and including ~~the any~~ designated enclosure and barriers.-
- G. "Public facility" means any building, or structure, or area enclosed by a fence located on public property, whether secured, unsecured, locked, unlocked, open, or enclosed, as well as any area of public property enclosed by a locked fence.
- H. "Public property" means any real property within the jurisdiction of the City of San Rafael, which is owned, managed, or controlled by the City of San Rafael.-
- I. "Public right-of-way" means any area described in San Rafael Municipal Code Section 11.04.020-~~(K)~~.
- J. "Public utility infrastructure" means public bathrooms, ~~and electrical boxes, fire hydrants, and similar or infrastructure and~~ equipment used to provide public utility services, but does not include light or electrical poles including electricity, gas, water, stormwater, telecommunications, and sanitation services.
- K. "School" means any public or private institution of educational learning up to and including grade 12.
- ~~K.~~L. "Sidewalk" means any area in the ~~City~~city provided for the use of pedestrians, including planting areas, driveway approaches, ~~or~~and parking strips, between the public vehicular roadway and the edge of public right-of-way bordering, fronting, or adjacent to private real property.

~~L.M.~~ "Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.-

~~M.N.~~ "Vehicle" means any wheeled conveyance, whether motor-powered, ~~animal-drawn,~~ or self-propelled, and includes any trailer in tow of any size, kind, or description. ~~For purposes of this chapter, a vehicle does not include a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, used by a sidewalk vendor engaging in sidewalk vending with a permit issued for such activity.-~~

### **19.50.030 - Prohibited Camping on Certain Public Property.**

#### **A. Prohibited Camping**

1. Open space property. No person or persons shall camp in or on any open space property, or portion thereof.
2. Parking garages. No person or persons shall camp in or on the premises of any parking garage, or portion thereof, owned or operated by the city.
3. Public facilities. No person or persons shall camp in or on any public facility, or portion thereof, ~~including the parking lot of any such area,~~ or in a manner that obstructs, blocks, or otherwise interferes with access to a public facility or private real property.
4. Playgrounds. No person or persons shall camp within 100 ~~ft.~~feet of any playground.
5. ~~Public utility infrastructure.~~Schools. No person or persons shall camp within ~~40 ft.~~250 feet of the property boundary of any ~~public utility infrastructure.~~school.
6. Public right-of-way and sidewalks. No person or persons shall camp in or on any public right-of-way or sidewalk, or portion thereof, or in a manner that obstructs, blocks, or otherwise interferes with use of or access to a public right-of-way or sidewalk.

B. The city council or city manager may, by resolution or administrative order, absolutely prohibit camping, or adopt time, place, or manner conditions on camping, at any time in or on one ~~(1)~~ or more public properties, or portion thereof, where such camping is determined to be a threat to the public health, safety, or welfare.

C. The city shall maintain on its public website and in hard copy at the city clerk's office a current citywide map of all public property parcels prohibited to camping by subsections (A)(1), (A)(2), (A)(4), (A)(5), and (B) of this section 19.50.030.

## 19.50.040 - Prohibited Camping on Other Public Property; Exception.-

- A. No person or persons shall camp in or on public property not listed under Section 19.50.030, or portion thereof, except as set forth below.-
- B. Exception. Nothing in this section shall be deemed to prohibit camping on public property that is not listed under Section 19.50.030, ~~or to prohibit the use of minimal measures for staying warm or dry while sleeping on such property,~~ when there is no alternative shelter available to the person camping.
- C. When the exception set forth in subsection 19.50.040(B) applies, the following time, place, and manner conditions shall apply:

- ~~1. No camping area shall be used for any purpose other than for living accommodation purposes. Living accommodation purposes includes sleeping and making preparations to sleep, including the laying down of bedding for the purpose of sleeping, by a person with no alternative shelter available to the person camping.~~
- ~~2. In no event shall a camping area exceed the maximum physical space dimensions permitted for a "camping area" as defined in Section 19.50.020.-~~

### 1. Campsite size and occupancy.

- a. No campsite occupied by one person shall exceed an area of 200 sq. ft., inclusive of camp facilities, camp paraphernalia, and personal property.
- b. No campsite occupied by more than one person shall i) exceed an occupancy of four persons or ii) exceed an area of 400 sq. ft., inclusive of camp facilities, camp paraphernalia, and personal property.
- ~~a.c.~~ All camp facilities, camp paraphernalia, and other personal belongings ~~property~~ shall be stored and kept within the maximum permitted ~~camping~~ campsite area.-
- ~~b.d.~~ Items stored, kept, or discarded, or otherwise existing outside of the ~~camping~~ maximum permitted campsite area shall be presumed to be unattended personal property or trash or debris and may be stored or discarded according to city policy.-
- e. No person shall use, establish, or occupy more than one camping campsite.

### 2. Clearance and setbacks.

- ~~3.a.~~ A minimum clearance of 10 feet around all sides of any campsite allowed under this section shall be maintained free and clear of trash, debris, and personal property, including but not limited to camp facilities and camp paraphernalia. Items stored or discarded within the 10-foot clearance area shall be presumed to be unattended personal property or

trash or debris and may be stored or discarded according to city policy.

4.b. No ~~camping area~~ ~~campsite~~ may be ~~used~~, established, or occupied within 200 ft. of another ~~camping area~~ 10 feet of any other campsite allowed by this section, public utility infrastructure, or private real property, including a fence of such property.

3. Fabric tents, fabric tarps, or other similar non-permanent, removable items may be used for temporary shelter within a campsite, provided they are not affixed or tied to any public property, private real property, vegetation, or infrastructure, except for the use of removable stakes to secure the item to unimproved ground on public property.

4. Removable plastic pallets or sandbags may be used to temporarily raise a tent or other camp facility off of the ground, provided that such items are not affixed or tied to any public property, private real property, vegetation, or infrastructure.

#### **19.50.050 – Violations; Enforcement.**

A. Enforcement of this chapter shall be pursuant to chapters 1.42, 1.44, and 1.46; provided, however, that no person shall be charged with a criminal violation unless their unlawful conduct is knowing or willful.

B. The city manager or their designee shall be responsible for enforcement of this chapter.

C. For a first violation of this chapter, the city manager or their designee shall issue a written warning notice to the person violating the chapter, informing that person of the nature of the violation, the actions that are required to be taken to comply with this chapter, the city's guidelines for removal and storage of unattended personal property, the timeframe to come into compliance, and the potential penalties that will apply for future violations.

D. For violation of section 19.50.040(C)(1)-(2), related to the size, occupancy, and clearance or setbacks of a campsite, the person camping shall be given 3 business days to come into compliance with this chapter. The city manager or their designee shall provide upon request a physical demarcation of the allowed boundary to assist the person camping to comply with this chapter.

#### **19.50.060 – Conflict with Other Regulations.-**

To the extent that there is any conflict with any other provisions of this code, the standards and regulations of this chapter shall prevail.-