

CITY OF YUBA CITY
STAFF REPORT

Date: October 1, 2019
To: Honorable Mayor & Members of the City Council
From: City Attorney
Presentation By: Shannon Chaffin, City Attorney

Summary

Subject: Camping Ordinance update
Recommendation: Introduce an ordinance amending the Yuba City Municipal Code to update the ordinance regarding camping on public and private property, and waive the first reading
Fiscal Impact: None, other than staff time to administer and enforce the ordinance as appropriate.

Purpose:

To update the Municipal Code to provide clarity regarding regulations governing camping.

Background:

From time to time there are changes to the law that may require the Municipal Code to be updated to be clear there is consistency. Recently, a federal court placed certain restrictions on public agencies regarding their ability to regulate camping, and litigation was filed against the County and City regarding the same. To ensure that the Municipal Code is clearly consistent with these updated requirements, an ordinance is proposed which will remove the prohibition of camping on public property and clarify restrictions on camping on private property.

Staff will continue to closely monitor this matter and will report back to the City Council in the event that there are further developments regarding this item.

Analysis:

Language to be removed:

~~Section 5-20.030 – Camping on Public Property.~~

~~It is unlawful for any person to camp in or upon any public property or public right of way within the city, unless otherwise specifically authorized by this Code or by a resolution of the City Council.~~

Language to be added:

Sec. 5-20.050. - Camping on private property.

(a) [*Prohibited.*] It is unlawful to **intentionally** camp upon any private property within the City.

(1) For purposes of this section, “intentionally” shall mean the person knows or reasonably should have known the property is private property.

Fiscal Impact:

None, other than staff time to administer and enforce the ordinance as appropriate.

Alternatives:

- 1) Reject the proposed ordinance.
- 2) Provide Staff with direction for modifying the proposed ordinance.

Recommendation:

Introduce an ordinance amending the Yuba City Municipal Code to allow for placement of garden refuse and defining violation as a nuisance, and waive the first reading.

Attachment:

1. Ordinance amending and repealing the Municipal Code regarding camping on private and public property.

Prepared By:

/s/ Shannon L. Chaffin

Shannon L. Chaffin
City Attorney

Submitted By:

/s/ Michael Rock

Michael Rock
City Manager

ATTACHMENT 1

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
REPEALING SECTION 5-20.030 AND AMENDING SECTION 5-20.050
OF THE YUBA CITY MUNICIPAL CODE RELATING TO CAMPING ON
PUBLIC AND PRIVATE PROPERTY**

THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 5-20.030 of the Yuba City Municipal Code, titled "Camping on Public Property," is hereby repealed in its entirety.

Section 2. Section 5-20.050 of the Yuba City Municipal Code, titled "Camping on Private Property," is hereby amended in its entirety to read as follows:

Sec. 5-20.050. - Camping on private property.

(a) [*Prohibited.*] It is unlawful to **intentionally** camp upon any private property within the City.

(1) For purposes of this section, "intentionally" shall mean the person knows or reasonably should have known the property is private property.

(b) *Exceptions.* This section shall not apply to persons camping with the written consent of the owner, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer.

Section 3. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be effective thirty (30) days after its adoption and shall be published as provided for by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City the 1st day October 2019, and adopted at a regular meeting thereof held on the ____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

APPROVED AS TO FORM:

Shannon Chaffin, City Attorney
Aleshire & Wynder