

CITY OF YUBA CITY
STAFF REPORT

Date: October 4, 2022
To: Honorable Mayor & Members of the City Council;
From: Police Department
Presentation By: James Runyen, Police Commander

Summary

Subject: Technical refinements to the Camping and Storage of Personal Property Ordinance

Recommendation: Introduce an Ordinance of the City Council of the City of Yuba City, California, Renumbering/Re-Lettering Yuba City Municipal Code Section 5.23.050 by title only, and waive the first reading

Fiscal Impact: No fiscal impact. The Ordinance is already in place and needs amendment

Purpose:

Renumber/re-letter existing Municipal Code Chapter 5.23.050 to allow effective enforcement of Ordinance. Improving the quality of life through a regionally consistent Camping and Storage of Personal Property Ordinance while preserving the rights of all citizens.

Council's Strategic Goal:

This meets the Council's goal of Public Safety as the purpose of the Ordinance is to provide enforcement of unauthorized camping and storage.

Background:

In January of 2019, a Camping and Storage of Personal Property Ordinance was adopted to assist in the enforcement efforts of the City in reducing the public health and safety issues associated with unauthorized camping. The proliferation of unauthorized camping has continued to be an issue in the City since the adoption of the Ordinance. The proposed refinements to the existing Ordinance will provide greater clarity and will allow for greater ease of enforcement as was intended by the City Council.

Analysis:

The current Ordinance has proven a reasonable regulation that applies to all citizens that camp or store personal property within the incorporated area of Yuba City. The overall purpose of this Ordinance is to preserve the rights of all citizens within the City so as to maintain certain areas of land for the purpose for which they were intended to be used, to maintain the integrity of the levee

system that protects Yuba City residents, businesses and environment, protect the health of riparian habitats and waterways as well as to protect the rights of individuals that may be subject to personal property removal. The amendment to the existing Ordinance will allow the City to enforce the ordinance already in place.

Environmental:

No new environmental impacts

Fiscal Impact:

No fiscal impact. The Ordinance is already in place and needs amendment.

Alternatives:

1. Provide direction to staff as to changes which should be incorporated into the Ordinance.
2. Take no action on the Ordinance.

Recommendation:

Introduce an Ordinance of the City Council of the City of Yuba City, California, Renumbering/Re-Lettering Yuba City Municipal Code Section 5.23.050 by title only, and waive the first reading

Attachments:

1. Proposed Amendment - Chapter 5.23.050- Camping and Storage of Personal Property on Private and Public Property

Prepared By:

Jim Runyen
Police Commander

Submitted By:

Diana Langley
City Manager

Attachment AATTACHMENT 1

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, RENUMBERING/RE-LETTERING YUBA CITY MUNICIPAL CODE SECTION 5.23.050

WHEREAS, Yuba City Municipal Code (“YMC”) Section 5.23.050 contains inadvertent typographical errors relating to the numbering/lettering thereof which require correction; and

WHEREAS, therefore, the City Council desires to adopt this Ordinance in order to correct such inadvertent errors.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

SECTION 1. Recitals. The recitals set forth above are incorporated herein by this reference.

SECTION 2. Renumbering/Re-lettering of Section 5.23.050. Section 5.23.050 of Chapter 23 of Title 5 of the Yuba City Municipal Code is hereby amended in its entirety as follows:

Section 5.23.050. - Unlawful camping.

(a) With the exception of authorized camping at a private or public campground or recreational vehicle park or camping authorized under any other ordinance, law, or regulation, no person shall camp in the following areas:

- (1) Any private property unless:
 - (i) The person camping (aa) is the owner or tenant of the private property; (ab) is a family member or relative of an owner or tenant of the private property; (ac) is accompanied by an owner or tenant of the private property; or (ad) has written permission in his or her possession from an owner or tenant of the private property and the written permission includes the owner's or tenant's name, address, and phone number, or
 - (ii) The camping is not prohibited under Chapter 5.20 or any other ordinance, law, or regulation;
- (2) Any City Park or trail facility, except in locations designated for such purposes or pursuant to a lawfully issued permit;
- (3) Any City airport;
- (4) Any City cemetery;
- (5) Any property that is within or below 200 feet above the Ordinary High Water Mark of any lake, waterway, river, stream, pond, or reservoir;
- (6) Any levee or within 50 feet of the landside levee toe; and

Commented [RK1]: Officer Koski: should this be an AND or should this be an OR?

(7) Any City right-of-way including but not limited to public highways, roadway shoulders, sidewalks, or alleys so as to in any manner hinder or obstruct the free passage therein or thereon of any persons or vehicles passing or attempting to pass along the same right-of-way.

(b) Permitting of camping in City parks shall be governed by Chapter 5.20.

SECTION 3. 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 4. Effective Date and Publication. This Ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 4th day of October, 2022, and passed and adopted at a regular meeting held on the 4th day of October, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

Dave Shaw, Mayor
City of Yuba City

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM:

~~Ciara Wakefield, Deputy City Clerk~~

Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP