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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 6 AND TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY AMENDING SECTION 6.15.020 REGARDING ABATEMENT OF PUBLIC NUISANCES, DELETING IN THEIR ENTIRETY SECTIONS 9.04.600, 9.04.610, 9.04.620, AND 9.04.630 REGARDING CAMPING ON PUBLIC SIDEWALKS, STREETS, AND/OR OTHER PUBLIC PROPERTY, AND ADDING CHAPTER 9.11 REGARDING CAMPING AND ENCAMPMENTS.

City Attorney’s Summary

This ordinance replaces the City’s existing Municipal Code provisions relating to camping and sleeping on public property.

WHEREAS, on June 28, 2024, the U.S. Supreme Court issued its decision in *Johnson v. City of Grants Pass, Oregon* (144 S.Ct. 2202). Among other things, the Supreme Court held that the Eighth Amendment does not prohibit cities from enforcing laws regulating camping on public property; and

WHEREAS, the Supreme Court’s Johnson decision abrogates (i.e., overrules) the Ninth Circuit’s decision in *Martin v. City of Boise* ((2019) 920 F.3d 584). Consequently, *Martin* is no longer good law or binding on cities; and

WHEREAS, the City Council is committed to protecting the life, health, and safety of its residents and all people within the geographic boundaries of the City; and

WHEREAS, the Council finds that certain public lands within the City’s geographical boundaries pose significant health and safety hazards to people who make shelter or stay overnight in these areas; and

WHEREAS, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity; and

WHEREAS, the 2023 Point-in-Time Count administered by the County of Riverside Continuum of Care reported 605 people were experiencing unsheltered homelessness within the City, which represents a 18% percent increase from the prior year; and

WHEREAS, City streets, sidewalks, and parks are intended for safe and sanitary shared use by a diverse community of users including businesses, government, and the general public for

1 gathering, recreating, movement of people, maintenance, and cleaning, and are frequently used by  
2 people relying on a variety of mobility devices; and

3 WHEREAS, the Council finds that certain public lands in the City pose a greater danger to  
4 the health and safety of people who may stay in those areas overnight and to the general public if  
5 used for sheltering, including near schools, shelters, in open space and the Wildland Urban Interface,  
6 and in certain City parks; and

7 WHEREAS, this activity has forced students to walk in the street to pass encampments  
8 blocking City sidewalks on their way to school and puts students at risk of injury or death from  
9 vehicular traffic; and

10 WHEREAS, there are significant adverse impacts caused by encampment activity  
11 concentrated around shelters provided to individuals and families experiencing homelessness,  
12 including predatory behavior and drug dealing that undermines the community's efforts to provide  
13 meaningful assistance and long-term solutions for people seeking assistance; and

14 WHEREAS, people experiencing homelessness on the City's streets and in transit hubs have  
15 been involved in serious and deadly accidents involving cars, or buses; and

16 WHEREAS, people experiencing homelessness on City streets, in City parks, and in transit  
17 hubs have been exposed to illicit fentanyl leading to exponential increases in the accidental deaths  
18 by overdose among people experiencing homelessness; and

19 WHEREAS, the sustained presence of people in the City's open space and waterways within  
20 the City has created unsafe, unsanitary, unhealthy, and dangerous conditions including water  
21 pollution and frequent uncontained fires that threaten people living or using these areas, first  
22 responders, and the general public; and

23 WHEREAS, City of Riverside Fire Rescue indicates that fire crews responded to 848  
24 vegetation and rubbish fires in the City's open space areas, which were all suspected to have resulted  
25 from human activity in these areas; and

26 WHEREAS, the City annually experiences extended periods of high temperatures with little  
27 or no precipitation and strong seasonal dry winds from the east (i.e., Santa Ana winds) that can  
28 significantly increase the danger and spread of wildfires, adding to the severity of fires when they

1 start; and

2 WHEREAS, due to the high wildfire risk in Riverside County, City of Riverside Fire Rescue  
3 responds to a vegetation fire as a First Alarm Fire with at least three fire engines, nine to twelve first  
4 responders, and a battalion chief, and these fires are frequently elevated to a Second Alarm Fire  
5 necessitating additional support including brush engines, additional battalion chiefs and helicopters;  
6 and

7 WHEREAS, people sheltering along riverbeds and flood control channels within the City are  
8 at risk of experiencing flooding, vector-related disease and other health issues and these areas often  
9 contain sensitive environments at risk of significant damage by unregulated human activity; and

10 WHEREAS, the City counted approximately 730 encampments, including contacts and  
11 notices issued, along the riverbed in 2023 and collected over 267.29 tons of trash; and

12 WHEREAS, the City is obligated to protect public health and safety and its natural resources  
13 by maintaining clean, safe, and accessible City properties for all residents to enjoy, including parks,  
14 open space, and the public right of way; and

15 WHEREAS, to mitigate risks to the health and safety of its citizens and potential damage to  
16 environmentally sensitive lands, the Council desires to adopt regulations establishing locations  
17 where camping and the maintenance of an encampment is prohibited, regardless of the availability of  
18 shelter, due to the significant health and safety risk to those engaged in that activity, the general  
19 public, and the environment; and

20 WHEREAS, it is the intent of this Ordinance to prohibit camping, sleeping, and maintenance  
21 of encampments within the City while encouraging people experiencing homelessness to use  
22 available low barrier shelters and access a variety of services available from the City and its partners;  
23 and

24 WHEREAS, when abating any encampment, the City will provide written notice in advance  
25 of the cleared that explains when the encampment will be cleaned up and how an individual can  
26 reclaim items stored during the process; and

27 WHEREAS, the City will store any personal property that may belong to a person, has  
28 apparently utility in its current condition and can be safely retrieved from the site, but will not store

1 property that is hazardous, practically un-storable, contraband, or listed on the City’s current list of  
2 common items regularly abandoned during the abatement process.

3 The City Council of the City of Riverside, California, does ordain as follows:

4 Section 1: Section 6.15.020 of the Riverside Municipal Code is hereby amended as follows:

5 **“Section 6.15.020 Declaration of nuisances.**

6 It is unlawful and is hereby declared a nuisance for any person owning, leasing, occupying or  
7 having charge or possession of any property and any vehicles thereon, in the City to maintain the  
8 property in such a manner that any of the following conditions are present:

9 A. The existence of any garbage, rubbish, refuse or waste matter upon the premises contrary  
10 to the provisions of Chapter 6.04 of the Riverside Municipal Code.

11 . . .

12 I. Any dangerous or substandard building, whether or not occupied, abandoned,  
13 boarded-up or partially destroyed contrary to the provisions of the Uniform Fire Code, Uniform  
14 Building Code, Uniform Housing Code, and/or Uniform Code for Abatement of Dangerous  
15 Buildings.

16 J. Peeling or blistering paint on any building or structure such that the condition is  
17 plainly visible from a public right-of-way.

18 K. The existence of loud or unusual noises, or foul or noxious odors which offend the  
19 peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable  
20 enjoyment of life or property and affect the entire neighborhood or any considerable number of  
21 persons.

22 L. The existence of hazardous substances and waste unlawfully released, discharged, or  
23 deposited upon any premises onto any City property.

24 M. The existence of any stagnant water or water contained in hazardous and/or  
25 unmaintained swimming or other pools which obscure required visibility and proper filtering.

26 N. Any attractive nuisance.

27 O. Any other condition which is contrary to the public peace, health and safety.

28 P. Any other violation of this Code pursuant to Section 1.01.110.E.”

1            Section 2: Sections 9.04.600, 9.04.610, 9.04.620, and 9.04.630 of the Riverside Municipal  
2 Code are deleted in their entirety.

3            Section 3: Chapter 9.11 entitled “Camping and Encampments” is added to the Riverside  
4 Municipal Code as shown in Exhibit “A” attached hereto and incorporated herein.

5            Section 4: The City Clerk shall certify to the adoption of this Ordinance and cause  
6 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter  
7 of the City of Riverside. This Ordinance shall become effective on the 30th day after the date of its  
8 adoption.

9            ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2024.

11 \_\_\_\_\_  
12 PATRICIA LOCK DAWSON  
13 Mayor of the City of Riverside

14 Attest:

15 \_\_\_\_\_  
16 DONESIA GAUSE  
17 City Clerk of the City of Riverside

18  
19  
20            I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
21 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the  
22 \_\_\_\_ day of \_\_\_\_\_, 2024, and that thereafter the said ordinance was duly and regularly  
23 adopted at a meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the  
24 following vote, to wit:

25            Ayes:

26            Noes:

27            Absent:

28            Abstain:

1           IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
2 City of Riverside, California, this \_\_\_\_ day of \_\_\_\_\_, 2024.

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4 \_\_\_\_\_  
5 DONESIA GAUSE  
6 City Clerk of the City of Riverside  
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