

EXHIBIT "A"

Chapter 9.11 – CAMPING AND ENCAMPMENTS

Section 9.11.010 - Purpose.

The Council finds that the City is committed to protecting the life, health, and safety of all people in the City of Riverside and finds that certain public lands within the geographical boundaries of the City pose significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this Chapter to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in *encampments* on public property.

Section 9.11.020 - Definitions.

For purposes of this Chapter, defined terms appear in italics. The following definitions apply in this Chapter:

Abatement means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of *waste* at an *encampment* according to the process in Section 9.11.040.

Bulky item means any item that is too large or a group of items that cumulatively are too large to fit in one 60-gallon trash container with the lid closed, including, but not limited to, a mattress, couch, chair or other furniture or appliance. The following items shall not constitute a bulky item: a portable, collapsible picnic chair or table, bicycle or any item approved for a City-authorized special event.

Camp means to pitch, erect, or occupy an *encampment*, or to use *camp paraphernalia* or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.

Camp paraphernalia means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.

City Manager means the Chief Administrative Officer of the City, or his designee.

Encampment means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. *Encampment* includes any *camp paraphernalia* and personal property associated with or located in or around the structures or tents.

Open space means any undeveloped public property either primarily in its natural state, including canyons, and unimproved waterways, or that is held out by the City or used by the public for passive recreational

purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.

Park means any public property, whether developed or undeveloped, held out by the City or used by the public for active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks. The definition of park includes *open space* within the City.

Personal property means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items.

Shelter means any City-funded shelter or shelter provided as part of the City's Department of Housing and Human Service coordinated response for shelter placements where individuals or families experiencing homelessness can access beds and other services or an area designated by the *City Manager* for use by individuals or families experiencing homelessness. A list of current *shelters* is provided on the City's website and is available through 3-1-1 Riverside.

Waste means material of any nature that constitutes Rubbish, Solid Waste, Liquid Waste or Medical Waste. Waste also includes abandoned or unidentified personal property that is left unattended on public sidewalks and rights-of-way or other Public Property. *Waste* includes *Hazardous waste* as defined in California Public Resources Code section 40141.7 and *Infectious waste* as defined in California Code of Regulations, title 14, section 17225.36. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.

Wildland Urban Interface means a public geographical area identified by the State of California as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189.

Section 9.11.030 - Unauthorized Encampments on Public Property.

- A. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, to maintain an *encampment*, or place any *bulky item* in or upon any public property, including in any street, sidewalk, *park*, and *open space*, unless specifically authorized by the *City Manager*.
- B. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, or to maintain an *encampment*, or place any *bulky item* where such activity poses (Expedited Abatement applicable, see Section 9.11.040(H)):
 - 1. An immediate threat or an unreasonable risk of harm to any natural person,
 - 2. An immediate threat or an unreasonable risk of harm to public health or safety, or
 - 3. Disruption to vital government services.
- C. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, to maintain an *encampment*, or place any *bulky item* in the following locations:

1. Within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of section 9.11.030(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
2. Within two blocks of any *shelter* provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
3. In any *park* where the *City Manager* determines there is a substantial public health and safety risk and provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
4. In the *Wildland Urban Interface*.

Section 9.11.040 - Abatement of Encampments.

The *City Manager* may remove personal property, *camping paraphernalia*, and all other property, contraband, litter, and *waste* found at an *encampment* or at a location where a person is engaged in unlawful camping in compliance with the following procedures:

- A. Written Notice Required Prior to Abatement
 1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment providing notice of the date of clean-up and giving a minimum of 24 hours for persons to remove their personal property.
 2. After 24 hours, the *City Manager* shall conduct *abatement* of the site on the date posted on the Notice of Clean-Up. If *abatement* is delayed or rescheduled, the *City Manager* may conduct *abatement* within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If *abatement* is delayed longer, the *City Manager* shall repost a Notice of Clean-Up with a new date.
- B. The *City Manager* shall follow these additional procedures when persons are present at an *encampment* during *abatement*:
 1. When *shelter* is available, the *City Manager* shall offer any person at an *encampment* with *shelter* and service information and direct them to remove their belongings from the site.
 2. Any person who returns to an *encampment* during *abatement* shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.
 3. Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken by City for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the *City Manager* shall follow the *abatement* process in this

Section.

- C. The *City Manager* shall document the *abatement* process as follows:
1. Photograph or video record the site before, during, and after the abatement process.
 2. Open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage.
 3. Set out items contained in bags or suitcases and photograph the items.
- D. Unclaimed items found in *abatement* shall be eligible for storage if:
1. Circumstances indicate that the item belongs to a person,
 2. The item has apparent utility in its current condition and circumstances, and
 3. The item can be safely retrieved from the site.
- Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.
- E. An eligible item found during an *abatement* shall be put into storage, unless it meets one the following disqualifying conditions:
1. Hazardous, including items contaminated with human *waste*, animal *waste*, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
 2. Likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
 3. *Bulky items* that are practically un-storable, due to large size, weight, or other similar characteristic;
 4. Contraband or stolen; or
 5. Is on the *City Manager's* current list, published on the City's website, of common types of items that, in the experience of City staff, individuals regularly abandon during *abatement*, and there is no contrary indication as to the specific item.
- F. The *City Manager* shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 60 calendar days and then may be disposed.
- G. After *abatement* has concluded and when eligible items are collected and will be placed in storage by City, the *City Manager* shall post notices at the location of the *abatement* that includes information how a person can claim stored items. Information about retrieval of

stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.

H. Expedited Abatement

1. In an expedited *abatement*, the *City Manager* shall follow the same *abatement* and storage procedures in Section 9.11.040 but shall post a Notice of Clean-Up giving a minimum of 3 hours for all persons to remove their personal property.
2. The *City Manager* shall prioritize and expedite the removal of an *encampment* if:
 - a. The City receives direction from County of Riverside or other governmental authority that *abatement* of the *encampment* is necessary to preserve public health or safety, including to address known or suspected outbreaks of diseases; or
 - b. The *City Manager* observes or reasonably suspects the *encampment* creates a condition that presents a significant risk of property damage, bodily injury or death.

Section 9.11.050 - Interference with abatement.

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of an abatement pursuant to this section.

Section 9.11.060 - Enforcement.

- A. Unless otherwise specified herein, all administrative citations issued for violations of this chapter shall be subject to the provisions set forth in Chapter 1.17 of this Code, including but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fines.
- B. Violations of this Chapter may be prosecuted as misdemeanors or infractions subject to Section 1.01.110.
- C. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.