

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING  
CHAPTER 6.36 "CAMPING" OF THE SANTA CRUZ MUNICIPAL CODE

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1: Chapter 6.36 "CAMPING" of the Santa Cruz Municipal Code is hereby amended to read as follows:

**"Chapter 6.36  
CAMPING**

**6.36.010 PURPOSE AND INTENT.**

Public places within the City of Santa Cruz should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such action can constitute a public health and safety hazard which adversely impacts public property, neighborhoods, and commercial areas. The purpose of this chapter is to maintain public places within the City of Santa Cruz in a clean and accessible condition, to prevent the accumulation of trash and debris, and to reduce the risk of both structural and brush fires.

This chapter is intended to replace the "Standard Operating Procedure for vacating and closing nuisance encampments" which was approved by the Council on April 9, 2019.

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**6.36.020 DAYTIME ENCAMPMENTS.**

(a) Between the hours of 7:00 a.m. and 10:00 p.m., it shall be unlawful to establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, a temporary or permanent place for cooking or sleeping, by setting up or maintaining bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment, or by setting up any cooking equipment, with the intent to remain in that location overnight. This subdivision shall apply anywhere in the city of Santa Cruz, whether on public or private property, except as hereinafter expressly permitted.

(b) Prior to issuing a citation or making an arrest, as appropriate, for a violation of Section 6.36.020(a), the citing or arresting officer shall advise the individual that they may remove their belongings and move to any other area that is open to the public provided, however, that persons cited or arrested in a city park shall be required to vacate the entire park property. If the individual does not then leave the area after receiving both a warning and a reasonable opportunity to gather their belongings and vacate the area, the officer may issue a citation or arrest the individual, as appropriate.

**6.36.030 NIGHTTIME ENCAMPMENTS.**

(a) Between the hours of 10:00 p.m. to 7:00 a.m., it shall be unlawful to sleep in any of the following places:

- (1) Outdoors, with or without bedding, tent, hammock, or other similar protection or equipment;
- (2) In, on, or under any structure not intended for human occupancy, whether with or without bedding, tent, hammock, or other similar protection or equipment;
- (3) In, on, or under any parked vehicle, including an automobile, bus, truck, camper, trailer, or recreational vehicle.

(b) Between the hours of 10:00 p.m. to 7:00 a.m., it shall be unlawful to establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, a temporary or permanent place for sleeping, by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment in such a manner as to be immediately usable for sleeping purposes.

(c) Subsections (a) and (b) above shall apply anywhere in the city of Santa Cruz, whether on public or private property, except as hereinafter expressly permitted.

(d) Subsections (a) and (b) above shall not be enforced against persons experiencing homelessness, and a homeless person found in violation thereof shall not be cited, if:

- (1) There are a greater number of homeless individuals in the City of Santa Cruz than the number of available beds in shelters, AND
- (2) At the time the citation is issued, the person has no actual and immediate access to adequate temporary shelter. A person has actual and immediate access to shelter if that person has the financial means to pay for that shelter and/or shelter is realistically available for free.

(e) Any citation issued for a violation of Subsections (a) or (b) above shall be dismissed by the city attorney in the interest of justice if, at the time of citation issuance: (i) the recipient of the citation was homeless, and (ii) there were a greater number of homeless individuals in the City of Santa Cruz than the number of available beds in shelters.

(f) Absent exigent circumstances, enforcement of Subsection (a) and (b) above against individuals experiencing homelessness will first be preceded by contacts with homeless shelter providers to determine the availability of alternative temporary shelter for the person in question. The Police Department shall locate and offer appropriate shelter placement for the individual, and may, but shall not be required, to transport the person to the available shelter location. To any individual who declines the offer of placement, the Police Department will give the person a warning and an opportunity to immediately relocate to a location where the person may lawfully be

present before issuing a citation and/or effecting an arrest. If the individual declines the offered placement, the Police Department may proceed with enforcement.

#### **6.36.040 CAMPING PERMITTED.**

Camping may be permitted in the City of Santa Cruz only under the following circumstances:

- (a) Camping in public areas specifically set aside and clearly marked for public camping purposes;
- (b) Camping events authorized and permitted by the Santa Cruz City parks and recreation department;
- (c) Camping events authorized by resolution of the city council.
- (d) Camping:
  - (1) In the yard of a residence with the consent of the owner or occupant of the residence, so long as the camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge, or other obstruction; or
  - (2) Inside of a licensed and registered motor vehicle in the parking lot on the site of a religious institution with the written consent of such institution, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than three vehicles shall be permitted at any one location;
  - (3) Inside of a licensed and registered motor vehicle in the parking lot on the site of a business institution in a non-residential district with the written consent of both the business institution and property owner, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than two vehicles shall be permitted at any one location;
  - (4) Inside a licensed and registered vehicle in a residential off-street driveway with the written consent of the owner and occupant of the residence, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than one vehicle shall be permitted at any one location. No particular location shall be used for camping under this provision for more than three days during any one calendar month.

Camping shall not be permitted under this subsection where it is conducted in such a manner as to create noise, inadequate sanitation, or other matters offensive to persons of ordinary sensibility; nor where the camping is of such frequency, intensity or duration as to constitute a use of land prohibited by any provision of Title [24](#) of this code; nor where the camping activity would be prohibited under any other provision of this code concerning use of mobile homes; nor where any fee, charge or other monetary consideration is collected for the privilege of camping or for any services or the use of any facilities related thereto; nor where the covenants, conditions and restrictions of a duly organized homeowners association would prohibit the activity in the residential area subject to the covenants, conditions and restrictions.

**6.36.050 PERMIT FOR CAMPING IN CITY PARKS.**

(a) The director of parks and recreation may issue a permit authorizing persons or groups to camp in the improved areas of Harvey West Park, the improved area known as lower De Laveaga Park adjacent to Branciforte Drive and San Lorenzo Park bench lands upon finding that the applicant has met the city's requirements for:

- (1) Parking and traffic control;
- (2) Toilet and other sanitary facilities;
- (3) Security;
- (4) Liability insurance;
- (5) Garbage collection and cleanup;
- (6) Security and cleanup deposits;
- (7) Such other public health, safety and general welfare matters as may be raised by the camping application; and
- (8) Environmental compliance according to the California Environmental Quality Act (CEQA) and the city's CEQA Guidelines.

(b) Except as set forth in subsection (c) no person or group may camp in a city park under authority of this section for more than three nights in any twelve months, except as otherwise may be authorized by resolution of the City Council. No permit shall be required for security guards who camp in city parks incident to a lawful event.

(c) Where the camping activity is taking place in conjunction with an authorized and permitted restoration or conservation project being performed by campers at or near the campsite, the director of parks and recreation may permit an individual or group to camp in one of the afore-referenced city parks for a period of time in excess of that prescribed in subsection (b).

(d) To ensure the fair and consistent application of this section, the director of parks and recreation shall promulgate regulations defining the criteria for permit issuance contained in this section.

**6.36.060 PENALTY – SINGLE OFFENSE.**

Any person who violates any section in this chapter is guilty of an infraction and shall be subject to a fine of not more than twenty dollars. Alternatively, any person who violates any section in this chapter, in lieu of a fine may, if that person so requests, be required to provide no more than three hours of community service.

**6.36.070 PENALTY – SUBSEQUENT OFFENSE WITHIN FORTY-EIGHT HOURS.**

Any person who violates any section in this chapter, other than subsections (a) and (b) of Section 6.36.030, and is cited for such violation, and who within forty-eight hours after receiving such citation again violates the same section, is guilty of a misdemeanor.

**6.36.080 REMOVAL AND STORAGE.**

(a) Unattended Encampments. The presence of unattended encampments is declared to be a public nuisance, and the Santa Cruz Police Department, in coordination with appropriate city officials, is authorized and empowered to remove any unattended encampments, after providing reasonable notice, in accordance with standard operating procedures to be established by resolution of the City Council. What length of notice period is deemed to be reasonable shall depend on factors such as the size of the encampment, the location of the encampment, and the presence of any urgent circumstances, such as an increased fire risk.

(1) The location of any unattended personal property including camp facilities and paraphernalia shall be posted as follows:

“PERSONS IN THIS AREA MUST VACATE AND REMOVE ALL BELONGINGS ON OR BEFORE: [insert date and time to vacate]

THE CITY WILL CLEAN THIS SITE AT THE TIME AND DATE SPECIFIED ABOVE, OR ON THE NEXT BUSINESS DAY.

UNACCOMPANIED ITEMS ARE SUBJECT TO REMOVAL AND MAY BE DISCARDED OR DESTROYED.

YOU MAY CALL [insert appropriate City staff phone number] WITH QUESTIONS OR CONCERNS.”

(b) Attended Encampments. When a Santa Cruz Police Department officer or ranger encounters an illegal encampment, and the owner of the encampment property is present, the officer or ranger shall give the individual who owns the encampment property a reasonable amount of time, to collect the encampment property and vacate the area, in accordance with standard operating procedures to be established by resolution of the City Council. What length of notice period is deemed to be reasonable shall depend on factors such as the size of the encampment, the ability of the individual to collect the encampment property, the location of the encampment, and the presence of any urgent circumstances, such as an increased fire risk.

(1) When the person who owns the encampment property is present, a Santa Cruz Police Department officer or ranger shall personally deliver the following written notice:

“YOU MUST VACATE AND REMOVE ALL BELONGINGS ON OR BEFORE: [insert date and time to vacate]

THE CITY WILL CLEAN THIS SITE AT THE TIME AND DATE SPECIFIED ABOVE, OR ON THE NEXT BUSINESS DAY.

UNACCOMPANIED ITEMS ARE SUBJECT TO REMOVAL AND MAY BE DISCARDED OR DESTROYED.

YOU MAY CALL [insert appropriate City staff phone number] WITH QUESTIONS OR CONCERNS.”

(2) The person receiving the notice above shall be required to sign an acknowledgment of receipt, including the date and time notice was received. Failure or refusal to sign an acknowledgment of receipt shall be a separate violation of this chapter and shall be separately documented by the citing officer.

(c) Removal and Storage.

(1) Personal property which poses an imminent threat to public health or safety, is contraband, or is evidence of a crime shall not be subject to any notice requirements and may be removed immediately by City personnel or police and stored or destroyed, in accordance with the law and generally accepted law enforcement procedures.

(2) If items remain at an encampment site after the relevant notice period has expired, prior to discarding items in the encampment, City personnel (including potentially SCPD officers, rangers, and/or other City staff) shall make a good faith attempt to identify and remove personal effects from the encampment. Any personal effects identified by City personnel shall not be discarded. For purposes of this section, "Personal Effects" means personal property consisting of the following items.

(i) ID/Social Security cards

(ii) Medications, medical devices, eyeglasses

(iii) Photos/Photo Albums

(iv) Tax/medical records

(v) Reasonably usable, not soiled, non-verminous items believed to have an estimated individual fair market value of over \$25.00, such as jewelry, purses/backpacks/briefcases, clean clothing, suitcases, tents, phones, radios & electronics, tools, stoves & generators, bicycles (although bicycle parts shall not be considered Personal Effects), clean bedding/sleeping bags, clean pots & pans, and books.

(3) At the time of removal of any Personal Effects in the encampment, City personnel shall conspicuously post a dated notice (either at the exact location from which the Personal Effects were removed or at another nearby location) with the following information.

(i) A list of personal effects removed;

(ii) A telephone number for information on retrieving personal effects;

(iii) An address where the personal effects are temporarily stored;

(iv) The length of time during which the personal effects may be claimed.

(4) Following removal of any Personal Effects, City personnel shall do the following:

- (i) Maintain an inventory identifying the Personal Effects; where the Personal Effects were approximately located; and the reasonable value of each item;
  - (ii) Place the removed Personal Effects in containers labeled in a manner facilitating identification by City personnel and owner and which reasonably protect such property from damage or theft.
  - (iii) Any Personal Effects identified by City personnel shall be stored by the City for a period of ninety (90) days.
- (5) Personal property stored by the City which is claimed within ninety (90) days from removal shall be released to the person claiming ownership providing they identify the property and the approximate location where the property was left.
- (6) Property which remains unclaimed after 90 days may be discarded, recycled, dedicated for public use, or given to a local nonprofit agency for charitable use.

Section 2. SEVERABILITY

If any subsection, sentence, clause, or phrase of this article is for any reason held to be invalid or unconstitutional by a 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 section, and each and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 26<sup>th</sup> day of November, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:  
DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this day of \_\_\_\_, 2019 by the following vote:

AYES:  
NOES:  
ABSENT:  
DISQUALIFIED:

APPROVED: \_\_\_\_\_

Martine Watkins, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above  
and foregoing document is the  
original of Ordinance No. 2019-\_\_\_\_\_  
and that it has been published or  
posted in accordance with the  
Charter of the City of Santa Cruz.

\_\_\_\_\_  
City Clerk Administrator