



# **REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE – CAMPING ORDINANCE**

City Council  
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# Current Ordinance

- Chapter 11-22 – Camping on Public Streets and Public Property, adopted by Council in 1994
- Applies to camping on public and private property within the Santa Rosa city limits
- Prohibits camping on public property and conflicts with *Martin v. City of Boise*, a 2019 decision by the U.S. Court of Appeals for the Ninth Circuit.
- *Martin* prohibits cities from criminally enforcing camping restrictions on public property if there is no alternative shelter available for those facing enforcement

# Ordinance Amendments

Adopted	Effective	Ord. No.	Provisions Amended
9/20/1994	10/21/1994	3147	Adopted – Prohibit habitation of vehicles, camping on public and private property
11/10/2011	11/10/2011	3977	Urgency ordinance – regulate camping on public property in response to issues that arose during the Occupy Santa movement
1/24/2012	2/24/2012	3979	Eliminated the permitting option allowed under 3977 and restored camping prohibition on public property
9/24/2013	10/25/2013	4010	Repealed prohibition on habitation of vehicles

# Ordinance Changes

- Martin limits v. prohibits enforcement of camping on public property
- CA Jurisdictions updating ordinances
  - Align with Martin
  - Adopt time, place, manner restrictions on camping activities

# City Practice

- Offer services and shelter prior to any enforcement action
- Prioritize encampments that pose an immediate threat to health and safety
- Enforce violations of law, other than camping, consistently throughout City regardless of housing status

# Health & Safety Impacts

- Increased City resources to mitigate
- Threat to individuals residing in encampments, surrounding neighborhoods and businesses
- Fires/fire hazards, debris/garbage, hazardous/biohazardous waste, illegal activity, environmental harm
- Violate state and federal regulations
  - water quality protection and clear paths of travel

# City Efforts

- Declared Homeless Emergency
- Established Homeless Services Division
- Invest approx. \$5M annually, \$10M COVID response
- Innovative Programs
  - inRESPONSE
  - Safe Parking Program
- City Encampment Team
- \$3.8M State Encampment Resolution Funding

# Summary of Recent Ordinances

## Rohnert Park

- Prohibits camping and storage of personal property in specific areas
- Establishes conduct regulations prohibiting certain activities
- Prohibits camping on private property
- Violations – Misdemeanor or infraction



# Summary of Recent Ordinances

## County of Sonoma

- Prohibits camping in specific areas
- Prohibits camping in remaining areas – **7am to 9pm**
- Prohibits camping on private property
- Violations – Misdemeanor

# Proposed City Ordinance

Prohibits camping and storage of personal property in specific areas:

- City Parks
- Public right-of-way that impedes passage by pedestrians, cyclists, vehicles
- 25 ft. of driveway/loading dock; building entrance/exit; fire hydrant, lane, connection/equipment, transit hubs/bus shelters
- 150 ft. of high-water mark
- 100 ft. of school

# Proposed City Ordinance

*If alternate shelter is not available –*

Establishes conduct regulations prohibiting certain activities:

- Occupying an area greater than 10x10 ft.
- Camping within 4 ft. of another person
- Dumping gray/black water
- Unpermitted electrical connections
- Possession of combustible gas/liquids

# Proposed City Ordinance

## Continued

- Fires except for cooking in City installed facilities
- Improper disposal of hypodermic needles
- Environmental harm
- Damage to public property
- Camping near vegetation that could aid in spreading fire
- Excessive noise

# Proposed City Ordinance

## Private Property

- Permission of property owner
- Limits location and duration of stay
- Access to facilities
- Community Homeless Assistance Program (CHAP)

Violations – Misdemeanor

# Comparison of Ordinances

	Time	Place	Manner
Santa Rosa	No	Yes	Yes
Rohnert Park	No	Yes	Yes
County	Yes 7am- 9pm	Yes	No

# Implementation

- City Encampment Team
- Ordinance intended to mitigate health and safety impacts of encampments
- Not a solution to homelessness

# Recommendation

It is recommended by the Housing and Community Services Department that Council introduce an ordinance repealing and replacing Chapter 11-22 of the Santa Rosa City Code (Camping on Public Streets and Public Property) to: 1) eliminate a blanket ban on camping on public property to align with *Martin v. City of Boise*, a 2019 decision by the United States Court of Appeals for the Ninth Circuit; and 2) establish standards for camping on public or private property that protect the health and safety of the community.