

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MEGAN BASINGER, DIRECTOR
HOUSING AND COMMUNITY SERVICES
SUBJECT: REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA
ROSA CITY CODE (CAMPING ON PUBLIC STREETS AND
PUBLIC PROPERTY) – CAMPING ORDINANCE

AGENDA ACTION: ORDINANCE INTRODUCTION

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.

EXECUTIVE SUMMARY

Chapter 11-22 of the Santa Rosa City Code – Camping on Public Streets and Public Property (Camping Ordinance) was adopted by Council in 1994 and applies to camping on public and private property within the Santa Rosa city limits. The current Camping Ordinance prohibits camping on public property and conflicts with *Martin v. City of Boise* (Martin), a 2019 decision by the United States Court of Appeals for the Ninth Circuit that prohibits cities from criminally enforcing camping restrictions on public property if there is no alternative shelter available for those facing enforcement. . The update to the Camping Ordinance will eliminate the City's current blanket ban on camping on public property and establish camping standards that are protective of the public health and safety of all Santa Rosa residents.

BACKGROUND

1. The City's Camping Ordinance applies to camping on public and private property within the Santa Rosa city limits. The Camping Ordinance took effect in 1994 and has been amended several times as detailed in Table 1, below. The table is not an exhaustive list of amendments.

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 2 OF 8

Table 1 – Summary of Ordinance Updates

Adopted by Council	Effective	Ordinance 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. Set standards for the issuance of permits to allow camping at City Hall.
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

2. The Camping Ordinance prohibits camping on public property and conflicts with Martin, 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
3. Martin has had national implications and shaped cities' responses to encampments, but the ruling does not prohibit cities from placing reasonable restrictions on camping on public property. The ruling expressly allows local jurisdictions to adopt time, place and manner restrictions on camping activities. The City of Rohnert Park and the County of Sonoma recently adopted camping ordinances to align with Martin and established standards that protect public health and safety (summarized below in Analysis). Additionally, the Healdsburg City Council recently reviewed camping on public property, including an overview of the County's ordinance, but is not considering changes to its ordinance at this time.
4. Staff is recommending that Council approve an updated Camping Ordinance that eliminates the City's current blanket ban on camping on public property and establishes camping standards that are protective of the public health and safety of all Santa Rosa residents.

PRIOR CITY COUNCIL REVIEW

The City's Camping Ordinance took effect in 1994 and has been amended numerous times as detailed in Table 1.

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 3 OF 8

ANALYSIS

1. In light of Martin, it has been the City's practice to work with the City funded homeless service providers to offer services and shelter to persons experiencing homelessness and residing in encampments, prior to any enforcement action. Additionally, the City prioritizes addressing encampments that pose an immediate threat to health and safety, which fall outside of the Martin ruling. These include encampments that present a risk of fire or other hazard such as blocking a roadway or sidewalk or in areas prone to flash floods. The City enforces violations of law, other than camping, for offenses like trespassing on private property; polluting creeks, streams or storm drains in violation of the Fish and Game Code; possession of controlled substances; and lack of vehicle registration. Such laws are enforced consistently throughout the City regardless of housing status.
2. The City has documented the health and safety issues in and around encampments, including multiple fires and fire hazards, environmental harm, accumulation of large amounts of debris and garbage, unsafe structures, storage of hazardous and bio-hazardous materials and wastes, unsafe electrical connections, illegal activity, dumping of waste into storm drains, and limitations to accessibility for pedestrians and vehicles. These health and safety issues pose a significant threat to individuals residing in encampments and the surrounding neighborhoods and businesses; have required increased City resources to clean-up and maintain public areas for their intended purpose; and in many instances violate state and federal regulations that require protection of water quality and clear paths of travel.
3. The City has devoted substantial resources to support persons experiencing homelessness and to reduce impacts on the broader community, including:
 - Recognizing a homelessness emergency within Santa Rosa by Council's declaration of a homeless shelter crisis (Resolution No. 28838) and proclamation of a local homeless emergency (Resolution No. 28839), August 9, 2016.
 - Establishing a Homeless Services Division within the Housing and Community Services Department with dedicated staff comprised of a Manager, Program Specialist, and Housing and Community Services Technician.
 - Investing approximately \$5 million annually in services to support persons experiencing homelessness, including emergency shelter, street outreach, supportive services, and housing assistance. In Fiscal Year 2021/22,

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 4 OF 8

these programs served more than 3,000 individuals, including 1,271 sheltered and 219 housed.

- Investing approximately \$10 million to protect vulnerable community members experiencing homelessness during the COVID-19 pandemic through the implementation of non-congregate shelter at a local hotel; the Safe Social Distancing Program; and emergency shelter expansion at the Samuel L. Jones Hall Homeless Shelter.
- Implementing inRESPONSE, a mental health response team, designed to respond to calls for service with a mental health first approach, comprised of a licensed mental health clinician, a paramedic, and a homeless outreach specialist, and supported by a wrap-around services provider.
- Implementing a Safe Parking Program to provide a safe alternative to vehicle encampments with wrap-around services to help end participants' homelessness and lessen impacts on the broader community.
- Implementing the City's Encampment Team which proactively visits encampments to mitigate health, safety, and environmental concerns. Consistent with City protocols, this team prioritizes outreach and offering of services to individuals residing in encampments prior to any enforcement action.
- Receiving an award of \$3.8 million from the State of California's Business, Consumer Services and Housing Agency (BCSH) Encampment Resolution Funding (ERF) Program to provide comprehensive services for individuals residing in encampments in the Southwest and Southeast areas of the City.

4. A summary of camping ordinances adopted by the City of Rohnert Park and the County of Sonoma is provided below (Table 2). Both the City of Rohnert Park's and the County of Sonoma's ordinances prohibit camping in specific public areas to ensure public health and safety while avoiding a total prohibition on camping to ensure alignment with Martin. The ordinances differ in that Rohnert Park's outlines conduct regulations when camping does occur on public property, including the storage of personal belongings; and the County's prohibits camping during the hours of 7am and 9pm in the remaining areas of public property (areas not specified in the ordinance).

Table 2 – Summary of Recent Camping Ordinance Changes in Sonoma County

City of Rohnert Park Adopted: 8/9/2022, 9/27/2022 Ordinance Nos: 969 further amended by 970
Prohibits camping and storage of personal property in the following areas: <ul style="list-style-type: none">• Public parks

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 5 OF 8

- Wellhead and creek protection zones
- Street, sidewalk, or other public right-of-way in a manner that impedes pedestrian passage; obstructs right-of-way for any activity for which the city has issued a permit; or within 10 feet of any driveway/loading dock, 5 feet of any building entrance/exit, 15 feet of any fire hydrant, fire lane, or other fire department connection
- Street, bike lane, bike path or other right-of-way in a manner that obstructs use by vehicles and bicycles
- On any street, sidewalk, or public right-of-way, or other city property where camping is designated as prohibited
- On a city-owned parcel in violation of any adopted site management plan
- Within 1,500 feet of a school, daycare facility, or library
- Within 1,000 feet of a homeless services facility

Establishes conduct regulations prohibiting:

- Occupying an area greater than 10 x 10 feet or within 4 feet of another person
- Dumping gray/black water
- Unpermitted electrical connections
- Storage of hazardous materials
- Improper disposal of hypodermic needles
- Fires except for cooking purposes within a fire-proof receptacle
- Disturbing wildlife, soil, or vegetation, or causing damage to public property
- Noise in excess of levels permitted within residential areas

Private Property

- Prohibits camping on private property without permission of owner and under certain conditions which limit location, duration of stay, and require sanitary facilities

Violations

- Misdemeanor or infraction

County of Sonoma

Adopted: 4/18/2023

Ordinance No: 6419

Prohibits camping at all times of the day in the following areas:

- Inside public buildings, fenced areas attached to public buildings, or within 25 feet of an entrance/exit of a public building
- Very High Fire Severity Zones
- Public parks, except in designated campgrounds
- Public highway, road, street
- Public right-of-way, where camping obstructs the free passage of persons, bicycles, or vehicles
- Within 50 feet of a residence
- Within 100 feet of a school, preschool, playground, daycare, licensed childcare facility

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 6 OF 8

- Within 150 feet of high-water mark or Regulatory Floodway
- Within 25 feet of a homeless services facility

Prohibits camping in remaining areas of public property between the hours of 7am and 9pm

Private Property

- Prohibits camping on private property without permission of owner

Violations

- Misdemeanor

5. Similar to Rohnert Park, the City's proposed Camping Ordinance, summarized below (Table 3), restricts camping to specific locations and under specific circumstances, if alternate shelter is not available. Given the unsanitary and unsafe impacts of encampments and related public safety issues, the updated Camping Ordinance restricts camping near schools and includes prohibitions related to fire safety and camping near creeks and waterways. The Camping Ordinance does not prohibit camping during specific times of the day as does the County's ordinance (7am and 9pm).

Table 3 – Summary of Proposed Ordinance

Prohibits camping and storage of personal property in the following locations:

- City parks
- Street, sidewalk, or other public right-of-way in a manner that impedes pedestrian passage; or within 25 feet of any driveway/loading dock, building entrance/exit, fire hydrant, designated fire lane, fire department connection, or fire protection equipment, transit hubs and bus shelters
- Street, bike lane, bike path or other right-of-way in a manner that obstructs use by vehicles and bicycles
- Within 150 feet of highwater mark per California Fish and Game code
- Within 100 feet of a school

Establishes conduct regulations which prohibit the following:

- Occupying an area greater than 10 x 10 feet for storage of unattended personal property
- Camping within 4 feet of another person occupying another tent, structure, or other form of shelter
- Dumping gray/black water
- Unpermitted electrical connections
- Possessing combustible or flammable gas or liquids
- Fires except for purposes of cooking in City installed facilities
- Improper disposal of hypodermic needles
- Disturbing wildlife, soil, or vegetation, or causing damage to public property

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 7 OF 8

- Camping under a tree canopy or within vegetation that could aid in spreading a fire to a nearby structure as determined by the Fire Marshal or designee
- Noise in excess of levels permitted within residential areas

Private Property

- Prohibits camping on private property without permission of owner and places certain limitations on location and duration of stay, and requirements for access to cooking and sanitary facilities; or as otherwise allowed under the Community Homeless Assistance Program

Violations

- Misdemeanor

5. Similar regulations on camping at specific times and locations have been adopted by the cities of Oceanside, Los Angeles, Santa Cruz, South Lake Tahoe, San Jose, and San Diego. A key component of these ordinances is that they do not impose a citywide “blanket ban” on camping, which is consistent with Martin. Such regulations are focused on addressing the negative impacts of encampments and related public safety issues rather than targeted at harassing or punishing unsheltered persons.
6. Updating the Camping Ordinance will assist in addressing camping-related violations not covered under existing laws (i.e., existing laws addressing trespassing on private property, violation of the Fish and Game Code, possession of controlled substances, and lack of vehicle registration). The Camping Ordinance is intended to mitigate the public health and safety impacts of encampments and not as a solution to end homelessness. Strategic efforts to prevent and address homelessness are underway via the implementation of the City’s five-year Homelessness Solutions Strategic Plan (2023-2027) and the Sonoma County Continuum of Care’s (CoC) Five Year Strategic Plan to Prevent and End Homelessness (2023-2027).

FISCAL IMPACT

There is no immediate fiscal impact associated with the proposed Camping Ordinance.

ENVIRONMENTAL IMPACT

The Council finds that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

REPEALING AND REPLACING CHAPTER 11-22 OF THE SANTA ROSA CITY CODE
(CAMPING ON PUBLIC STREETS AND PUBLIC PROPERTY) – CAMPING
ORDINANCE
PAGE 8 OF 8

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

ATTACHMENTS

Attachment 1 – Camping on Public and Private Property Ordinance (SRCC 11-22)

PRESENTER

Kelli Kuykendall, Housing and Community Services Manager