

**CITY OF ORLAND
ORDINANCE 2024-XX**

**AN ORDINANCE OF THE CITY OF ORLAND
ADDING CHAPTERS 8.50, 8.52, 8.54 AND 8.56 TO THE ORLAND MUNICIPAL CODE**

**Measures Prohibiting (1) Camping, (2) Sitting/Lying/Sleeping, (3) Personal Property
Storage and (4) Sleeping in Motor Vehicles upon Public Property**

The City Council of the City of Orland does ordain as follows:

FINDINGS.

1. The streets and public areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes, storage of personal property, and sitting, lying or sleeping, interferes with the rights of others to use the areas for which they were intended. Such activities can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas.

2. The city council finds that a definite problem is posed by persons sleeping in motor vehicles which are parked along the public streets within the city, causing anxiety to residents and resulting in suspicious vehicles calls to the police. In addition, persons who are sleeping in vehicles are crime targets.

NOW THEREFORE, chapters 8.50, 8.52, 8.54 and 8.56 are added to the Orland Municipal Code as follows:

Chapter 8.50 UNLAWFUL CAMPING.

8.50.010 Purpose.

The streets and public areas within the city 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 activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. The purpose of this chapter is to maintain streets, parks and other public areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

8.50.020 Definitions.

As used in this chapter:

“Camp” means to utilize camp facilities and/or paraphernalia, including but not limited to laying down of bedding for the purpose of temporarily or permanently sleeping or living at that location. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, that the participants conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Camp facilities” include, but are not limited to, tents, huts, lean-tos, tarps, cardboard boxes or structures, vehicles, vehicle camping outfits, or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, materials intended to be used as beds or bedding, blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“City Manager” means the City Manager or designee.

“Establish” means setting up or moving equipment, supplies or materials on to public property to camp or operate camp facilities.

“Maintain” means keeping or permitting equipment, supplies or materials to remain on public property in order to camp or operate camp facilities.

“Operate” means participating or assisting in establishing or maintaining a camp or camp facility.

“Public property” means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

8.50.030 Prohibited Acts.

A. It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in or on any public property. The City Manager may, as provided in section 8.50.050 of this chapter, issue a temporary permit to allow camping on public property in connection with a special event.

B. It is unlawful and a public nuisance for any person to wash one's body or belongings in a fountain or other water source located on public property.

C. It is unlawful and a public nuisance to urinate or defecate in or on public property.

8.50.040 Violation.

A. A violation of this chapter is a misdemeanor, and upon conviction, confinement of up to twelve months in jail and/or fines of up to \$1,000 per violation, plus payment for the City's actual costs of transporting and storing property of the violator. In addition to the remedies set forth in Penal Code section 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this chapter.

B. An individual charged with violation of this chapter, in lieu of being taken to jail may, at the election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

8.50.050 Permit for Special Events Required.

The City Manager may, in his or her discretion, issue a permit to establish, maintain and operate a camp or a camp facility in connection with a special event. A special event is intended to include, but not be limited to, programs operated by the departments of the city, youth or school events, marathons or other sporting events and scouting activities. The City Manager may consult with various city departments, the health officer and the public prior to issuing any temporary permit. Each department or person consulted may provide comments regarding any health, safety or public welfare concerns and provide recommendations pertaining to the issuance, denial or conditioning of the permit. The City may establish a reasonable fee, to be paid in advance by the applicant. The fee shall be returned if the application is denied. In exercising his or her discretion to issue a temporary permit, the City Manager may consider any facts or evidence bearing on the sanitary, health, safety and welfare conditions on or surrounding the area or tract of land upon which the proposed temporary camp or camp facility is to be located.

Any person who establishes, maintains or operates a camp or camp facility without a permit is guilty of a misdemeanor and constitutes a public nuisance. In addition to remedies provided in Penal Code section 370 et seq., the City Attorney may institute civil actions to abate a public nuisance under this chapter.

8.50.060 Posting Copy of Permit.

It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the City Manager in accordance with the provisions of section 8.50.050 of this chapter.

8.50.070 Power of the City Manager to Make Rules and Regulations.

The City Manager is further empowered to ascertain that the operation or maintenance of any camp or camp facilities to which a temporary permit shall apply will in no way jeopardize the public health, safety or welfare and for this purpose may make additional rules and regulations pertaining to their establishment, operation or conduct. The City Manager may also impose conditions on the establishment, maintenance and operation of the camp or camp facility, including, but not limited to, security, sanitation facilities, the number of occupants, posting of bonds or deposits, insurance, quiet hours, duration of the permit, and permitted activities on the premises. When the City Manager shall issue any permit under the terms of section 8.50.050 of this chapter, the same may be revoked at any time thereafter by the City Manager if the City Manager becomes satisfied that the maintenance or continuing operation of the camp or camp facilities is adverse to the public health, safety and welfare.

Chapter 8.52. SITTING, LYING, OR SLEEPING OR STORING, USING MAINTAINING OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY.

8.52.010 No person may sit, lie, sleep or camp on a public place at any time. “Camp” shall be defined to include, but not limited to, sitting, lying, storing or placing a tent on a public place. “Public Place” shall be defined as: sidewalks, streets, alleyways, or other public space.

8.52.020 No person may sit, lie, sleep or camp in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

8.52.030 No person may sit, lie, sleep or camp on a property designated as a sensitive use. “Sensitive Use” is defined as a school, childcare facility, public park, public library, city facility, or any governmental facility located in the City of Orland.

8.52.040 In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

8.52.050 Violation.

A. A violation of this chapter is a misdemeanor, and upon conviction, confinement of up to one year in jail and/or fines of up to \$1,000 per violation. A violation of this chapter constitutes a public nuisance. In addition to the remedies set forth in Penal Code sections 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this chapter.

B. Any individual charged with violation of this chapter, in lieu of being taken to jail, may, at the election of the citing officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

Chapter 8.54 PUBLIC HAZARDS.

8.54.010 Storage of Personal Property.

The City enacts this chapter to balance the needs of the residents and public at large to access clean and sanitary public areas consistent with the intended uses for the public areas, with the needs of the individuals who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas. This section attempts to balance the needs of all of the City's residents.

8.54.020 Definitions.

As used in this chapter:

“Alley” means any Highway having a Roadway not exceeding 25 feet in width which is primarily for access to the rear or side entrances of abutting property.

“Bikeway” means all facilities that provide primarily for, and promote, bicycle travel.

“City Employee” means any full or part-time employee of the City of Orland, or a contractor retained by the City for the purpose of implementing this chapter.

“Essential Personal Property” means any and all Personal Property that cumulatively is less than two cubic feet in volume, which, by way of example, is the amount of property capable of being carried within a backpack.

“Excess Personal Property” means any and all Personal Property that cumulatively exceeds the amount of property that could fit in a 60-gallon container with the lid closed.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

“Parkway” means the area of the Street between the back of the curb and the Sidewalk that typically is planted and landscaped.

“Person” means any individual.

“Personal Property” means any tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items such as household items, luggage, backpacks, clothing, documents, and medication.

“Public Area” or “Public Areas” means all property that is owned, managed or maintained by the City, and shall include, but not be limited to, any Street, medial strip, space, ground, building or structure.

“Roadway” means that portion of a Highway improved, designed or ordinarily used for vehicular travel.

“Sidewalk” means that portion of a Highway, other than the Roadway, set apart by curbs, barriers, markings or other delineation, for pedestrian travel.

“Storage Facility” means any facility, whether operated by a public, non-profit or private provider, which allows and has capacity for voluntary storage, free of charge, for a homeless person to store Personal Property up to the equivalent of the amount of property that would fit into a single 60-gallon container with the lid closed.

“Store”, “Stored”, “Storing” or “Storage” means to put Personal Property aside or accumulate for use when needed, to put for safekeeping, and/or to place or leave in a Public Area. Moving Personal Property to another location in a Public Area or returning Personal Property to the same block on a daily or regular basis shall be considered Storing and shall not be considered to be removing the Personal Property from a Public Area. This definition shall not include any Personal Property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or state, is Stored with the permission of the City or state on real property that is owned or controlled by the City.

“Street” includes every Highway, avenue, lane, Alley, court, place, square, Sidewalk, Parkway, curbs, Bikeway or other public way in the City which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tent” means a collapsible shelter made of fabric such as nylon or canvas or a tarp stretched and sustained by supports, which is not open on all sides, and which hinders an unobstructed view behind or into the area surrounded by the fabric. In order to qualify as a Tent for purposes of this subsection, a Tent, when deconstructed, must be able to fit within a 60-gallon container with the lid closed.

“Unattended” means no Person is present with the Personal Property who asserts or claims ownership over the Personal Property. Conversely, property is considered “Attended” if a Person is present with the Personal Property and the Person claims ownership over the Personal Property.

8.54.030 Regulation and Impoundment of Stored Personal Property; Discard of Certain Stored Personal Property.

A. No Person shall Store any Unattended Personal Property in a Public Area. With pre-removal notice as specified in section 8.54.040(A), the City may impound any unattended Personal Property in a Public Area, regardless of volume. Post-removal notice shall be provided as set forth in section 8.54.040(A).

B. No Person shall Store any Attended Excess Personal Property in a Public Area. With pre-removal notice as specified in section 8.54.040(A), the City may impound any Attended Excess Personal Property Stored in a Public Area. Post-removal notice shall be provided as set forth in section 8.54.040(B).

C. No Person shall Store any Personal Property in a Public Area in such a manner as to obstruct City operations, including a Street or Sidewalk maintenance or cleaning. Without prior notice, the City may temporarily move Personal Property, whether Attended or Unattended, which is obstructing City operations in a Public Area, including a Street or Sidewalk maintenance or cleaning, during the time necessary to conduct the City operations. The City may also impound Personal Property that is obstructing City operations in a Public Area, pursuant to sections 8.54.030(A) or 8.45.030(B).

D. No Person shall Store any Personal Property in a Public Area in such a manner that it does not allow for passage as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in such manner that it does not allow for the passage as required by the ADA. Post-removal notice shall be provided as set forth in section 8.54.040(B). A violation of this section is governed by section 8.52.050.

E. No Person shall Store any Personal Property, whether Attended or Unattended, within:

1. 10 feet of any operational or utilizable driveway or loading dock;
2. 5 feet of any operational or utilizable building entrance or exit; or
3. 2 feet of any fire hydrant, fire plug, or other fire department connection.

Without prior notice, the City may move or may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in violation of this section. Post-removal notice shall be provided as set forth in section 8.54.040(B).

F. No Person shall Store any Personal Property in a Public Area that has a clearly posted closure time after the posted closure time. Without prior notice, the City may remove and impound Personal Property, whether Attended or Unattended, Stored in a Public Area that has a clearly posted closure time, provided the Personal Property is removed and impounded after the posted closure time. Post-removal notice shall be provided as set forth in section 8.54.040(B).

G. No Person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes an immediate threat to the health or safety of the public. Without prior notice, the City may remove and may discard any Personal Property Stored in a Public Area if the Personal Property poses an immediate threat to the health or safety of the public.

H. No Person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes evidence of a crime or contraband. Without prior notice, the City may remove and discard any Personal Property that constitutes evidence of a crime or contraband, as permissible by law.

I. No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner that obstructs or interferes with any activity in a Public Area for which the City has issued a permit. Without prior notice, the City may move any Personal Property Stored in a Public Area in violation of this section. With pre-removal notice as specified in section 8.54.040(A), the City may impound any Personal Property Stored in violation of this section. Post-removal notice shall be provided as set forth in section 8.54.040(B). A violation of this section is governed by section 8.52.050.

J. No Person shall Store any Personal Property, whether Attended or Unattended, in such a manner as to obstruct any portion of a street or other public right-of-way open to use by motor vehicles, a designated bike lane or bike path, or other public right-of-way open exclusively to use by bicycles. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this section. Post-removal notice shall be provided as set forth in section 8.54.040(B). A violation of this section is governed by section 8.52.050.

K. No Person shall Store any Personal Property, whether Attended or Unattended, in violation of section 8.54.030(C). The City may move and may immediately impound any Personal Property, whether Attended or Unattended, in violation of this section. Pre-removal notice and post-removal notice will be provided by erecting signage providing notice that Storage of Personal Property is a violation of chapter 8.54, which may result in removal or impoundment of the Personal Property. The signage must also provide information on retrieval of the Personal Property and provide notice that the Personal Property may be discarded, if not claimed within 90 days. A violation of this section is governed by section 8.52.050.

L. No Person shall Store any Personal Property, whether Attended or Unattended, in violation of 8.52.030. With pre-removal notice as specified in section 8.54.040(A) or posted signage, the City may impound any Personal Property, whether Attended or Unattended, in violation of this section. If the City has not posted signage, post-removal notice shall be provided as set forth in section 8.54.050(B). A violation of this section is governed by Section 8.52.050.

8.54.040 Notice.

A. Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written notice is provided to the Person who is Storing or claims ownership of the Personal Property or is posted conspicuously on or near the Personal Property and the actual removal commences at least 24 hours after the pre-removal notice is posted. The written notice shall contain the following:

- (1) A general description of the Personal Property to be removed.

- (2) The location from which the Personal Property will be removed.
- (3) The date and time the notice was posted.
- (4) A statement that the Personal Property has been Stored in violation of section 8.54.030.
- (5) A statement that the Personal Property may be impounded if not removed from Public Areas within 24 hours.
- (6) A statement that moving Personal Property to another location in a Public Area shall not be considered removal of Personal Property from a Public Area.
- (7) The address where the removed Public Property will be located, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s).
- (8) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

B. Post-Removal Notice. Upon removal of Stored Personal Property, written notice shall be conspicuously posted in the area from which the Personal Property was removed. The written notice shall contain the following:

- (1) A general description of the Personal Property removed.
- (2) The date and approximate time the Personal Property was removed.
- (3) A statement that the Personal Property has been Stored in violation of section 8.54.030.
- (4) The address where the removed Personal Property will be located including a telephone number and internet website of the City through which a Person may receive information as to impound Personal Property.
- (5) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

8.54.050 Storage and Disposal.

A. Except as specified herein, the City shall move Personal Property to a place of storage.

B. Except as specified herein, the City shall store impounded Personal Property for 60 days, after which time, if not claimed, may be discarded. The City shall not be required to

undertake any search for, or return, any impounded Personal Property stored for longer than 60 days.

C. The City shall maintain a record of the date any impounded Personal Property was discarded.

8.54.050 Repossession.

The owner of impounded Personal Property may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership. A Person may establish proof of ownership by, among other methods, describing the location from and date when the Personal Property was impounded from a Public Area, and providing a reasonably specific and detailed description of the Personal Property. Valid, governmental-issued identification is not required to claim impounded Personal Property.

8.54.060 Power of the City Manager to Make Rules and Regulations.

The City Manager is hereby authorized to promulgate rules, protocols, and procedures for the implementation and enforcement of this chapter, consistent with the provisions herein.

Chapter 8.56 SLEEPING IN MOTOR VEHICLES

8.56.010 Sleeping in vehicles-Findings of fact.

The city council finds that a definite problem is posed by persons sleeping in motor vehicles which are parked along the public streets within the city, causing anxiety to residents and resulting in suspicious vehicles calls to the police. In addition, persons who are sleeping in vehicles are crime targets.

8.56.020 Sleeping in vehicles-Prohibited in public places.

No person shall sleep in any automobile or other vehicle parked on any sidewalk, street, alley, or other public place within the city.

8.56.030 Violation.

A. A violation of this chapter is a misdemeanor, and upon conviction, confinement of up to one year in jail and/or fines of up to \$1,000 per violation. A violation of this chapter constitutes a public nuisance. In addition to the remedies set forth in Penal Code sections 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this chapter.

B. Any individual charged with violation of this chapter, in lieu of being taken to jail, may, at the election of the citing officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 15th day of October, 2024, and was passed and adopted by the City Council of the City of Orland at a regular meeting thereof duly held on the 5th day of November, 2024, by the following vote, to wit:

AYES:

NOES:

Chris Dobbs, Mayor

Jennifer Schmitke, City Clerk