

AMENDED
ORDINANCE NO. 95-047

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF SEP 19 1995

**AN ORDINANCE AMENDING CHAPTERS 44.01 AND 44.03
AND DELETING CHAPTER 44.04 OF TITLE 44 OF THE
SACRAMENTO CITY CODE, RELATING TO TRAILER
CAMPS AND PUBLIC CAMPS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 44.01 of Title 44 of the Sacramento City Code is hereby amended to read as follows:

44.01.001 Definitions.

The following words and phrases when used in this title shall for the purposes of this title, have the meanings respectively ascribed to them in this section:

Auto and trailer camp: "Auto and trailer camp" shall mean any area or tract of land where space is rented or held out for rent to owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches.

Trailer coach: "Trailer coach" shall mean any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at

- 1 -

FOR CITY CLERK USE ONLY

95-047

ORDINANCE NO. _____

DATE ADOPTED: SEP 19 1995

the maximum allowable speed limit and in accordance with the provisions of the Vehicle Code of the state, and designed or used for human habitation.

44.01.001-1 Violations

Any person violating any provision of this title is guilty of an infraction unless otherwise specified.

SECTION 2.

Chapter 44.03 of Title 44 of the Sacramento City is hereby amended to read as follows:

Chapter 44.03. Camping and Storage of Personal Property 44.03.005 Purpose.

The streets and public areas within the City of Sacramento 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. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City of Sacramento. The purpose of this Article is to maintain streets, parks and other public and private areas within the City of Sacramento 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 ordinance is intended to interfere with

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-047
DATE ADOPTED: SEP 19 1995

otherwise lawful and ordinary uses of public or private property.

44.03.006 Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this Chapter.

- (a) Camp means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- (b) Camp facilities include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.
- (c) Camp paraphernalia includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.
- (d) Park means the same as defined in Section 27.02.010 of this Code.
- (e) Store means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- (f) Street means the same as defined in Section 38.15.202 of this Code.
- (g) Public property means all public property including, but not limited to, streets, sidewalk, alleys, improved or unimproved land and parks.
- (h) Private property means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.
- (i) City manager means the city manager or designee.

FOR CITY CLERK USE ONLY

95-047

ORDINANCE NO. _____

DATE ADOPTED: _____

SEP 19 1005

- (j) Establish - as used in this section, "establish" is defined as setting up or moving equipment, supplies or materials on to public or private property to "camp" or operate camp facilities.
- (k) Maintain is defined as keeping or permitting equipment , supplies or materials to remain on public or private property in order to camp or operate camp facilities.
- (l) Operate is defined as participating or assisting in establishing or maintaining a camp or camp facility.

44.03.007 Unlawful camping.

It shall be unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

- (a) any public property; or
- (b) any private property.
 - (1) It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.
 - (2) Nothing in this ordinance is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and

provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive zoning ordinance or other laws, ordinances and regulations.

- (3) The city manager may, as provided in Section 44.03.009, issue a Temporary Permit to allow camping on public or private property in connection with a special event.

A violation of this section is a misdemeanor. In addition the remedies set forth in Penal Code Section 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.

44.03.008 Storage of personal property on public and private property.

It shall be unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

- (a) any public property; or
- (b) any private property without the written consent of the owner

A violation of this section is a misdemeanor. In addition the remedies set forth in Penal Code Section 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.

FOR CITY CLERK USE ONLY

95-047

ORDINANCE NO. _____

DATE ADOPTED: SEP 13 1995

44.03.009 Permit for special events required

The City Manager may, in his/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 of Sacramento, 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. A reasonable fee, to be set by the City Council shall be paid, in advance, by the applicant. The fee shall be returned if the application is denied. In exercising his/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 § 370 the city attorney may institute civil actions to abate a public nuisance under this chapter.

44.03.010 Posting copy of permit.

It shall be 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 44.03.009.

44.03.011 Power of the city manager to make rules and regulations.

The city manager is hereby 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 44.03.009, 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.

SECTION 3.

Sections 44.03.012 and 44.03.013 are hereby added to the Sacramento City Code, to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-047

DATE ADOPTED: SEP 19 1995

44.03.012 Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The city council of the City of Sacramento hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

44.03.013 Current ordinance provisions.

Neither the adoption of this ordinance nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

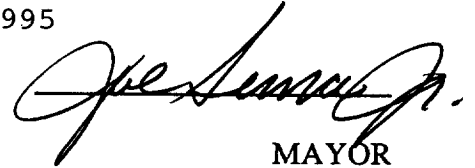
SECTION 4.

Chapter 44.04 of Title 44 of the Sacramento City Code is hereby deleted.


FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-047
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DATE PASSED FOR PUBLICATION: September 12, 1995
DATE ENACTED: September 19, 1995
DATE EFFECTIVE: October 20, 1995


MAYOR

ATTEST:



CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. 95-047

DATE ADOPTED: SEP 19 1995
