

CITY OF HEMET
HEMET, CALIFORNIA
ORDINANCE NO. 2040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HEMET AMENDING PORTIONS OF ARTICLE I OF
CHAPTER 53 (PERSONAL CONDUCT) REGARDING
CAMPING ON PUBLIC PROPERTY FOLLOWING THE
UNITED STATES SUPREME COURT'S DECISION IN
JOHNSON V. CITY OF GRANTS PASS

WHEREAS, the City of Hemet recognizes the need to maintain public order, safety, and the quality of life for all its residents and visitors; and

WHEREAS, the City has an obligation to ensure that public spaces such as parks, sidewalks, and other public properties remain accessible and safe for all members of the community; and

WHEREAS, camping in public spaces leads to health and safety hazards, including unsanitary conditions, fire risks, and increased crime; and

WHEREAS, the Supreme Court decision in *Johnson v. City of Grants Pass* affirmed that generally applicable bans on camping in public places do not violate the Eighth Amendment when applied in a manner that does not specifically target individuals based on their status of being homeless, but rather on the conduct of camping in public places; and

WHEREAS, the City of Hemet seeks to provide compassionate solutions to homelessness by supporting shelters, housing programs, and services designed to assist individuals in finding stable and permanent housing; and

1 **WHEREAS**, the City has determined that the enforcement of a ban on camping
2 in public places, coupled with supportive services, is essential to maintaining public
3 health, safety, and welfare; and
4

5 **WHEREAS**, the City expends significant public resources to provide shelter and
6 services to those experiencing homelessness and commits to ongoing efforts to
7 increase the availability of such resources; and
8

9 **WHEREAS**, the City Council finds that this ordinance is necessary to promote
10 the health, safety, and welfare of the community, and to preserve the public order and
11 quality of life in the City of Hemet.

12 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEMET DOES**
13 **HEREBY ORDAINS AS FOLLOWS:**
14

15 **SECTION 1: FINDINGS.** The recitals set forth above are hereby adopted as
16 findings in support of this Ordinance.

17 **SECTION 2:** Section 53-1 of the Hemet Municipal Code is hereby amended to
18 read as follows:
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20 **(a) Purpose.**

21 This Section is intended to protect the public health, welfare, and safety by
22 reserving open spaces and facilities within the City limits for their intended purposes.
23 Public property within the City should be readily accessible and available to residents
24 and the general public at large. Use of public property for camping or storage of personal
25 property interferes with the rights of others to make use of such shared public spaces
26 for their intended purposes and causes blight, pollution, and damage to public property.
27 This Section is intended to avoid unsafe and potentially disorderly conditions, unsanitary
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1 and unhealthful conditions, and the degradation or destruction of open spaces and
2 facilities within the City, and preserve such open spaces and natural resources.

3
4 **(b) Definitions.**

5 The following words and phrases, when used in this Section, shall have the
6 below meanings unless it is readily apparent from the context that another meaning is
7 intended.

8
9 **(1)** "Camp" or "Camping" means the conduct of more than one of the following
10 activities on public property, when it reasonably appears, in light of all
11 circumstances, that a person is using such public or private property for living
12 accommodation purposes:

13
14 **(A)** sleeping or preparing to sleep (including the laying down of bedding
15 for the purpose of sleeping), including undertaking such activities in a vehicle
16 (including any motorhome, camp trailer, camper, coach, fifth wheel travel trailer,
17 house car, recreational vehicle, mobile home), or obscuring some or all of the
18 vehicle's windows;

19
20 **(B)** erecting or using any tent, camp facilities, or building any other form
21 of shelter;

22
23 **(C)** unattended storage of personal belongings (including but not
24 limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage,
25 backpacks, kitchen utensils, cookware) or camp paraphernalia;

26
27 **(D)** making or using any fire, for purpose of heating or cooking, or using
28 any flame, grill, portable stove, or similar flame producing device for cooking of
meals on public property, except for in City parks with designated barbeque and

1 cooking areas while using City-provided cooking facilities designed for such
2 purposes; or

3 (E) doing any digging or earth breaking activities for purpose of
4 creating or improving a shelter.
5

6 Camping shall be deemed to occur regardless of whether a full night is actually
7 spent occupying any specific location on public property.
8

9 (2) "Camp facilities" include, but are not limited to, tents, huts, or similar
10 temporary shelters consisting of any material with a top or roof or any other upper
11 covering or that is otherwise enclosed by sides that is of sufficient size for a person to
12 fit underneath or inside while sitting or lying down and includes the use of a tarp or other
13 material tied or affixed to a structure or bush to create an enclosed area.
14

15 (3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds,
16 sleeping bags, hammocks, or non-City designated cooking or heating equipment.
17

18 (4) "Public property" means any publicly owned property in the City, whether
19 improved or unimproved, including, but not limited to, any of the following: public
20 alleyways; public parking lots; public passageways; public streets; public rights-of-way;
21 park playgrounds; state highways; publicly owned, maintained, or operated parks;
22 publicly owned, maintained, or operated landscaped areas or greenbelts; publicly
23 owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or
24 operated open spaces including, but not limited to, public facilities or buildings of any
25 kind; public sidewalks, curbs, and gutters; public educational institutions; or other
26 government owned, maintained, or operated properties located within the City.
27

28 (c) **Camping Prohibited.**

1 It shall be unlawful for any person to camp on any public property within the City,
2 except as otherwise provided herein.

3
4 **(d) Storage of Personal Property Prohibited.**

5 **(1)** It shall be unlawful for any person to store any personal property, including
6 camp facilities and camp paraphernalia, on any public property within the City, except
7 as otherwise provided herein.

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9 **(2)** Before removing any personal property, the enforcement officer, or their
10 designee, shall attempt to provide any readily apparent owners with notice of the intent
11 to remove the personal property and a reasonable opportunity to remove the personal
12 property from public property. If there is no readily apparent owner, or if the readily
13 apparent owner refuses to remove the personal property from public property, then the
14 enforcement officer, or their designee, may cause the personal property to be removed
15 from public property. The enforcement officer, or their designee, shall post a notice on
16 or near the personal property so as to reasonably communicate the notice to the owner
17 the following information:
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20 **(A)** The location of where the personal property was located;

21 **(B)** The date and time notice was served or posted;

22 **(C)** A statement that the storage of personal property
23 violates this Section;

24
25 **(D)** An advisement that the City has impounded the
26 personal property for at least 30 days, the location where the
27 personal property is impounded, and that the personal property will
28 be discarded after 30 days if not claimed.

1 **(E)** The address, phone number, and operating hours of
2 the location where the personal property will be stored and may be
3 retrieved, and that the City will charge no fee for storage or
4 retrieval.
5

6 **(F)** Information about any housing or shelter and
7 homeless services available for the owners of the personal
8 property, the phone number and address to contact in order to
9 obtain the housing or shelter or other health and human services;
10

11 **(3)** The enforcement officer, or their designee, may immediately
12 discard, without impounding or retaining for 30 days, any items which constitute an
13 immediate threat to the health or safety of the public or items that constitute evidence
14 of a crime or contraband that may be seized, as permitted by law.
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16 **(e) Exceptions.**

17 The provisions of this Section shall not apply in the event of a declared state of
18 emergency, nor to any persons participating in an event subject to a permit issued in
19 conformity with this Code, nor to camping in public accommodations that are properly
20 zoned, legally established and designated for camping purposes.
21

22 **(f) Enforcement.**

23 **(1)** Any person causing, permitting, aiding, abetting, suffering or concealing a
24 violation of this Section shall be guilty of a misdemeanor, and may, in the discretion of
25 the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to
26 a fine not to exceed \$1,000.00 or imprisonment in the city or county jail for a period of
27 not more than six months, or by both such fine and imprisonment.
28

1 **(2)** The city attorney, in his or her sound discretion, may prosecute a violation
2 of this Section as an infraction, rather than a misdemeanor, or reduce or agree to the
3 reduction of a previously filed misdemeanor to an infraction. Any person convicted of
4 an infraction under this Section shall be punished by a fine not exceeding \$100.00 for
5 the first violation, a fine not exceeding \$200.00 for a second violation within one year,
6 and a fine not exceeding \$500.00 for a third violation within one year. A fourth violation
7 of this Section within one year shall be charged as a misdemeanor and may not be
8 reduced to an infraction.
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11 **(3)** This Section may be enforced by injunction issued by the superior court
12 upon a suit brought by the City Attorney.

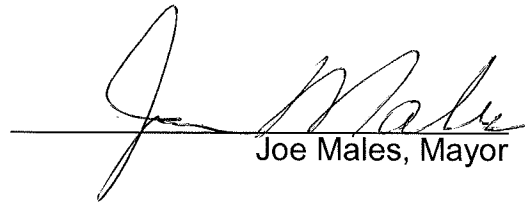
13 **SECTION 3: SEVERABILITY.** If any section, subsection, subdivision, sentence,
14 clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or
15 unconstitutional by the decision of any court of competent jurisdiction, such decision
16 shall not affect the validity of the remaining portions of this Ordinance. The City Council
17 hereby declares that it would have adopted this Ordinance, and each section,
18 subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the
19 fact that any one or more sections, subsections, subdivisions, sentences, clauses,
20 phrases, or portions thereof be declared invalid or unconstitutional.
21


22 **SECTION 4: EFFECTIVE DATE.** This Ordinance shall take effect thirty (30) days
23 from its passage by the City Council of the City of Hemet.
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25 **SECTION 5: PUBLICATION.** The City Clerk is authorized and directed to cause
26 this Ordinance to be published in the manner required by law.
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1 **INTRODUCED** at the regular meeting of Hemet City Council on the 9th day of July, 2024.

2
3 **APPROVED AND ADOPTED** this 13th day of August, 2024.

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6 
7 Joe Males, Mayor

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9 **ATTEST:**
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11 John Paul Maier, City Clerk

1 State of California)
2 County of Riverside)
3 City of Hemet)

4 I, John Paul Maier, City Clerk of the City of Hemet, do hereby certify that the
5 foregoing Ordinance was adopted by the Hemet City Council on the 13th day of
6 August, 2024, and was passed by the following vote:

7
8 AYES: Council Members: Kendrick, Krupa, Lilienthal, Mayor Pro Tem
9 Peterson, Mayor Males.
10 NOES: Council Members: None.
11 ABSTAIN: Council Members: None.
12 ABSENT: Council Members: None.

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14 John Paul Maier, City Clerk
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