

ORDINANCE NO. NS-2926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 10-551 AND ADDING NEW SECTIONS 10-552, 10-553 AND 10-554 TO THE SANTA ANA MUNICIPAL CODE RELATED TO STORAGE OF PROPERTY, VEHICLE ACCESS AND VOLUNTEER SERVICES IN THE CIVIC CENTER AREA

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. On December 20, 1993, the City Council approved Ordinance No. NS-2210 adding Sections 10-550 and 10-551 to Chapter 10 of the Santa Ana Municipal Code for the purpose of regulating camping and storage of property in the Civic Center Area.

B. For three decades now, homeless individuals have increasingly gathered on a daily basis in the Civic Center Area where they can receive services and food provided by local non-profits and volunteers. Over the past year alone, the homeless population has dramatically increased.

C. The homeless individuals in the Civic Center have erected shade structures and tents and more recently have begun to accumulate various large or bulky household items, including mattresses, dressers, propane stoves, sofas, desks, and hazardous items, including but not limited to propane and acetylene tanks, gasoline, hazardous chemicals, and related items susceptible to combustion or fire due to the severe amount of flammable materials within the Civic Center.

D. In the past year, the City has received numerous written and verbal complaints about the conditions in the Civic Center Area from 1) citizens coming to the area to conduct business; 2) employees of the City and the County of Orange coming to and going from work; 3) state and federal representatives charged with managing the nearby buildings; and 4) the Chief Executive Officer and Jury Commissioner of the Orange County Superior Court.

E. The complaints have identified significant health, safety and welfare concerns, including but not limited to:

- 1) Employees having to walk over human waste and through make-shift encampments filled with litter and used hypodermic needles;
- 2) Homeless individuals tossing buckets of urine over rails and onto pathways where individuals are splashed with the waste;

- 3) Potential jurors asking for their jury service location to be transferred from the Central Justice Center to another location;
- 4) An increase in large rats and insects in the area;
- 5) An increase in vandalism and damage to City property and buildings within the Civic Center area;
- 6) An increase in narcotics use and sales and physical and sexual assaults occurring within the encampment areas which are not visible or easily accessible to law enforcement officers due to the shade structures, tents, and excessive crowding;
- 7) Used and discarded hypodermic needles found in the Civic Center including the Library, which reported, as of August 2017, finding 101 needles since January 2017 placing its employees and patrons, including children and unaccompanied minors, at risk of disease or injury;
- 8) An accumulation of discarded and broken household items;
- 9) Increased incidents of individuals or employees being attacked and bitten by dogs; and
- 10) Portable shower structures without proper plumbing, allowing waste water runoff to spill into public walkways and ultimately into storm drains which is a violation of the City's National Pollutant Discharge Elimination System permit.

F. On a recent walkthrough of the Civic Center Area, City staff observed the following: individuals using hypodermic needle disposal bins and buckets as portable toilets; tents and areas in unsanitary conditions filled with wet and soiled clothing and broken items; people cooking on propane stoves; generators connected to television sets; large number of bicycle frames and parts; unrestrained dogs that had recently had large litters of puppies; excessive accumulation of personal property; and a woman walking around warning others of an outbreak of hepatitis A.

G. The City has learned of recent media reports of hepatitis A outbreaks in San Diego and Los Angeles Counties largely attributed to homeless individuals sitting and sleeping on unclean sidewalks and streets and preparing food without proper sanitation procedures.

H. On October 6, 2016, the County of Orange announced the opening of a year-round transitional center designated to benefit and serve homeless individuals congregated in the Santa Ana Civic Center. Located at the former Santa Ana Transit Terminal and renamed "The Courtyard", it has emergency shelter beds and enhanced services for those without permanent housing.

I. The City has closely examined the homeless conditions and on September 6, 2016, the City Council adopted Resolution No. 2016-073 and declared a public health and safety homeless crisis in the Civic Center Area. Conditions have since deteriorated significantly such that the City Council has determined that it must take further and immediate action to address the crisis.

J. The City Council has determined based on the recitals and the information contained in the Request for Council Action presented to the City Council that it

must immediately adopt new regulations to address the ongoing health and safety concerns regarding unsanitary conditions, an infestation of insects and rodents, and hazardous items that place employees, the general public and individuals temporarily living in the Civic Center Area at risk of injury or disease.

Section 2. Section 10-551 of the Santa Ana Municipal Code is hereby amended and new Sections 10-552, 10-553 and 10-554 are hereby added to read as follows:

## ARTICLE X. CIVIC CENTER REGULATION

### Sec. 10-551. – Storage of Property Prohibited in Civic Center

(a) Within the Civic Center, possession and/or use of the following items or engagement in the following activities are prohibited:

- (1) Placement of any item in a manner that impedes pedestrian access to/through the public walkways or general right-of-way.
- (2) Placement or use of an upright structure or materials to form a wall or barrier, but not including umbrellas, canopies, or other shade structures so long as they do not create enclosed spaces on Civic Center public property.
- (3) Construction and landscaping materials including but not limited to, lumber, pallets, plywood, paint, drywall, nails, screws, hammers, screwdrivers, small hand tools, or cutting tools.
- (4) Compressed gas containers, except for in-use medical purposes.
- (5) Weapons.
- (6) Generators, solar panels, or motorized vehicle batteries or accessories.
- (7) Machinery, including but not limited to, power tools or construction equipment.
- (8) Amplifiers.
- (9) Hazardous chemicals or materials.
- (10) Barbecues or grills.
- (11) Propane tanks.
- (12) Gasoline or other similar combustible or flammable liquids, gases or solid fuels.
- (13) Shopping carts (See also S.A.M.C. Section 33-215).
- (14) Furniture, including but not limited to, recliner chairs, mattresses, sofas, coffee tables, desks, chests of drawers, and bookcases.
- (15) Athletic equipment such as baseball bats, boxing apparatus, weights, hockey sticks, golf clubs or similar items.
- (16) Any structure or apparatus that can be described or used as an outdoor shower.
- (17) Any items used as temporary toilets for human waste.
- (18) Storage of non-functioning bicycles or bicycle parts.
- (19) Storage, dismantling and sorting of any discarded recyclable materials such as newspapers, metals, cans, or bottles.
- (20) Area rugs or carpets.
- (21) Running or stringing any utility cord or line into, upon, or across the Civic Center Area.

- (22) Conducting, advertising, announcing, or calling the public attention to the purchase, barter or sale of any article, good or service for sale or hire, unless by any regularly licensed business or concessionaire acting by and under the authority and regulation of the City.
- (23) Possession or storage of any uncapped hypodermic needles, unless within a medically approved and sealed container.

(b) Notwithstanding subsection (a) of this section, a public agency, a non-profit entity or an individual shall not be in violation of this section if they have a permit or written permission from the City Manager, or his or her designee, to possess the prohibited items or engage in the identified activities in connection with an approved contract for work, event or celebration.

(c) Subsection (a)(2) above shall not be enforced while it is raining.

#### Sec. 10-552. – Limitation of Animals in the Civic Center

No person shall own, keep or harbor more than three animals in the Civic Center, except for service dogs as defined by law.

#### Sec. 10-553. – No Vehicles in Pedestrian Areas in the Civic Center

No person shall operate or park a motorized vehicle in the Civic Center, except on a vehicular road designated for that purpose in the Civic Center, without the written permission from the City Manager, or his or her designee, provided however, that this section shall not apply to motorized personal assistive devices or law enforcement vehicles, maintenance vehicles or contractor vehicles on Civic Center plazas, walkways or other areas intended for pedestrians where the drivers of these vehicles are on the property to fulfill their professional responsibilities.

#### Sec. 10-554. – Permit Required to Provide Organized Services in the Civic Center

(a) No person, entity, organization or business shall provide organized food, medical or social services or events in the Civic Center without first obtaining an event permit in accordance with policies adopted by the City Manager, or his or her designee, and any applicable licenses or permits required to provide such services or access to Civic Center property. The purpose of this section is to ensure that all services are provided in an organized manner by those who have the proper experience and/or credentials needed to provide the service and who have submitted a set-up and clean-up plan to the City.


(b) This section shall not apply to City, County, State or Federal employees conducting official business or those who are contracted by these agencies to provide services related to that official business.

Section 3. 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 Santa Ana 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.

Section 4. Violations of this Ordinance may be cited as an infraction or misdemeanor at the discretion of the City officer.

ADOPTED this 17<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:

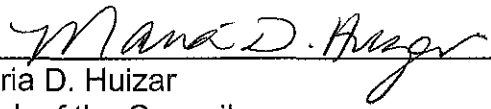
By:   
\_\_\_\_\_  
Sonia R. Carvalho  
City Attorney

AYES:	Councilmembers:	<u>Benavides, Martinez, Pulido, Sarmiento, Solorio,</u> <u>Tinajero, Villegas (7)</u>
NOES:	Councilmembers:	<u>None (0)</u>
ABSTAIN:	Councilmembers:	<u>None (0)</u>
ABSENT:	Councilmembers:	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2926 to be the original ordinance adopted by the City Council of the City of Santa Ana on October 17, 2017, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 10/26/2017

  
\_\_\_\_\_  
Maria D. Huizar  
Clerk of the Council  
City of Santa Ana