

ORDINANCE NO. 7689

AN URGENCY ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 6 AND TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY AMENDING SECTION 6.15.020 REGARDING ABATEMENT OF PUBLIC NUISANCES, DELETING IN THEIR ENTIRETY SECTIONS 9.04.600, 9.04.610, 9.04.620, AND 9.04.630 REGARDING CAMPING ON PUBLIC SIDEWALKS, STREETS, AND/OR OTHER PUBLIC PROPERTY, AND ADDING CHAPTER 9.11 REGARDING CAMPING AND ENCAMPMENTS NECESSARY AS AN EMERGENCY MEASURE TO PRESERVE THE PUBLIC PEACE, HEALTH, AND SAFETY.

City Attorney's Summary

This ordinance replaces the City's existing Municipal Code provisions relating to camping and sleeping on public property.

WHEREAS, on June 28, 2024, the U.S. Supreme Court issued its decision in *Johnson v. City of Grants Pass, Oregon* (144 S.Ct. 2202). Among other things, the Supreme Court held that the Eighth Amendment does not prohibit cities from enforcing laws regulating camping on public property; and

WHEREAS, the Supreme Court's Johnson decision abrogates (i.e., overrules) the Ninth Circuit's decision in *Martin v. City of Boise* ((2019) 920 F.3d 584). Consequently, *Martin* is no longer good law or binding on cities; and

WHEREAS, the City Council is committed to protecting the life, health, and safety of its residents and all people within the geographic boundaries of the City; and

WHEREAS, the City Council finds that certain public lands within the City's geographical boundaries pose significant health and safety hazards to people who make shelter or stay overnight in these areas; and

WHEREAS, the City Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity; and

WHEREAS, the 2023 Point-in-Time Count administered by the County of Riverside Continuum of Care reported 605 people were experiencing unsheltered homelessness within the City, which represents a 18% percent increase from the prior year; and

1 WHEREAS, City streets, sidewalks, and parks are intended for safe and sanitary shared use  
2 by a diverse community of users including businesses, government, and the general public for  
3 gathering, recreating, movement of people, maintenance, and cleaning, and are frequently used by  
4 people relying on a variety of mobility devices; and

5 WHEREAS, the City Council finds that certain public lands in the City pose a greater danger  
6 to the health and safety of people who may stay in those areas overnight and to the general public if  
7 used for sheltering, including near schools, shelters, in open space and the Wildland Urban Interface,  
8 and in certain City parks; and

9 WHEREAS, this activity has forced students to walk in the street to pass encampments  
10 blocking City sidewalks on their way to school and puts students at risk of injury or death from  
11 vehicular traffic; and

12 WHEREAS, there are significant adverse impacts caused by encampment activity  
13 concentrated around shelters provided to individuals and families experiencing homelessness,  
14 including predatory behavior and drug dealing that undermines the community's efforts to provide  
15 meaningful assistance and long-term solutions for people seeking assistance; and

16 WHEREAS, people experiencing homelessness on the City's streets and in transit hubs have  
17 been involved in serious and deadly accidents involving cars, or buses; and

18 WHEREAS, people experiencing homelessness on City streets, in City parks, and in transit  
19 hubs have been exposed to illicit fentanyl leading to exponential increases in the accidental deaths  
20 by overdose among people experiencing homelessness; and

21 WHEREAS, the sustained presence of people in the City's open space and waterways within  
22 the City has created unsafe, unsanitary, unhealthy, and dangerous conditions including water  
23 pollution and frequent uncontained fires that threaten people living or using these areas, first  
24 responders, and the general public; and

25 WHEREAS, City of Riverside Fire Rescue indicates that fire crews responded to 848  
26 vegetation and rubbish fires in the City's open space areas, which were all suspected to have resulted  
27 from human activity in these areas; and

28

1 WHEREAS, the City annually experiences extended periods of high temperatures with little  
2 or no precipitation and strong seasonal dry winds from the east (i.e., Santa Ana winds) that can  
3 significantly increase the danger and spread of wildfires, adding to the severity of fires when they  
4 start; and

5 WHEREAS, due to the high wildfire risk in Riverside County, City of Riverside Fire Rescue  
6 responds to a vegetation fire as a First Alarm Fire with at least three fire engines, nine to twelve first  
7 responders, and a battalion chief, and these fires are frequently elevated to a Second Alarm Fire  
8 necessitating additional support including brush engines, additional battalion chiefs and helicopters;  
9 and

10 WHEREAS, people sheltering along riverbeds and flood control channels within the City are  
11 at risk of experiencing flooding, vector-related disease and other health issues and these areas often  
12 contain sensitive environments at risk of significant damage by unregulated human activity; and

13 WHEREAS, the City counted approximately 730 encampments, including contacts and  
14 notices issued, along the riverbed in 2023 and collected over 267.29 tons of trash; and

15 WHEREAS, the City is obligated to protect public health and safety and its natural resources  
16 by maintaining clean, safe, and accessible City properties for all residents to enjoy, including parks,  
17 open space, and the public right of way; and

18 WHEREAS, to mitigate risks to the health and safety of its citizens and potential damage to  
19 environmentally sensitive lands, the City Council desires to adopt regulations establishing locations  
20 where camping and the maintenance of an encampment is prohibited, regardless of the availability of  
21 shelter, due to the significant health and safety risk to those engaged in that activity, the general  
22 public, and the environment; and

23 WHEREAS, it is the intent of this Urgency Ordinance to prohibit camping, sleeping, and  
24 maintenance of encampments within the City while encouraging people experiencing homelessness  
25 to use available low barrier shelters and access a variety of services available from the City and its  
26 partners; and

27 WHEREAS, when abating any encampment, the City will provide written notice in advance  
28 of the cleared that explains when the encampment will be cleaned up and how an individual can

1 reclaim items stored during the process; and

2 WHEREAS, the City will store any personal property that may belong to a person, has  
3 apparently utility in its current condition and can be safely retrieved from the site, but will not store  
4 property that is hazardous, practically un-storable, contraband, or listed on the City's current list of  
5 common items regularly abandoned during the abatement process; and

6 WHEREAS, by amending Riverside Municipal Code Section 6.15.020, deleting in their  
7 entirety Sections 9.04.600, 9.04.610, 9.04.620, and 9.04.630, and adding Chapter 9.11 on an urgency  
8 basis, the City of Riverside will protect the public health, safety, and welfare of City residents  
9 including the unsheltered population, businesses, visitors, and City personnel including first  
10 responders; and

11 WHEREAS, the California Constitution grants charter cities the power to make and enforce  
12 all ordinances and regulations with respect to municipal affairs. Article XI, Section 7 of the  
13 California Constitution provides a city may make and enforce within its limits all police, sanitary  
14 and other ordinances and regulations not in conflict with general laws; and

15 WHEREAS, the Riverside City Charter Section 413 states any ordinance declared by City  
16 Council to be necessary as an emergency measure for preserving the public peace, health and safety,  
17 and containing a statement of the reasons for its urgency, may be introduced and adopted at one and  
18 the same meeting if passed by at least five affirmative votes; and

19 WHEREAS, the City of Riverside, as a charter city, by and through its City Council has and  
20 may exercise all powers necessary to ensure the general welfare of its inhabitants.

21 The City Council of the City of Riverside, California, does ordain as follows:

22 Section 1: It is hereby declared that an urgency ordinance amending Riverside Municipal  
23 Code Section 6.15.020, deleting in their entirety Sections 9.04.600, 9.04.610, 9.04.620, and  
24 9.04.630, and adding Chapter 9.11 on an urgency basis, the City of Riverside will protect the public  
25 health, safety, and welfare of City residents including the unsheltered population, businesses,  
26 visitors, and City personnel including first responders.

27 //

28 //

1        Section 2: Section 6.15.020 of the Riverside Municipal Code is hereby amended as follows:

2        **“Section 6.15.020 Declaration of nuisances.**

3            It is unlawful and is hereby declared a nuisance for any person owning, leasing, occupying or  
4        having charge or possession of any property and any vehicles thereon, in the City to maintain the  
5        property in such a manner that any of the following conditions are present:

6            A. The existence of any garbage, rubbish, refuse or waste matter upon the premises contrary  
7        to the provisions of Chapter 6.04 of the Riverside Municipal Code.

8            ...

9            I. Any dangerous or substandard building, whether or not occupied, abandoned,  
10        boarded-up or partially destroyed contrary to the provisions of the Uniform Fire Code, Uniform  
11        Building Code, Uniform Housing Code, and/or Uniform Code for Abatement of Dangerous  
12        Buildings.

13           J. Peeling or blistering paint on any building or structure such that the condition is  
14        plainly visible from a public right-of-way.

15           K. The existence of loud or unusual noises, or foul or noxious odors which offend the  
16        peace and quiet of persons of ordinary sensibilities and which interferes with the comfortable  
17        enjoyment of life or property and affect the entire neighborhood or any considerable number of  
18        persons.

19           L. The existence of hazardous substances and waste unlawfully released, discharged, or  
20        deposited upon any premises onto any City property.

21           M. The existence of any stagnant water or water contained in hazardous and/or  
22        unmaintained swimming or other pools which obscure required visibility and proper filtering.

23           N. Any attractive nuisance.

24           O. Any other condition which is contrary to the public peace, health and safety.

25           P. Any other violation of this Code pursuant to Section 1.01.110.E.”

26        Section 3: Sections 9.04.600, 9.04.610, 9.04.620, and 9.04.630 of the Riverside Municipal  
27        Code are deleted in their entirety.

28

1        Section 4: Chapter 9.11 entitled "Camping and Encampments" is added to the Riverside  
2 Municipal Code as shown in Exhibit "A" attached hereto and incorporated herein.


3        Section 5. This ordinance is not a project within the meaning of Section 15378 of the  
4 CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting  
5 in physical change in the environment, directly or indirectly. In the event that this Ordinance is  
6 found to be project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline  
7 section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect  
8 on the environment.

9        Section 6. This ordinance is adopted as an urgency measure pursuant to Section 413 of  
10 the Riverside City Charter. This ordinance is necessary as an emergency measure for preserving the  
11 public peace, health, and safety of the City and its residents.


12        Section 7. Pursuant to Section 416 of the Riverside City Charter, this urgency ordinance  
13 shall become effective immediately upon adoption.

14        Section 8. The City Clerk shall certify to the adoption of this ordinance and cause  
15 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter  
16 of the City of Riverside.

17        ADOPTED by the City Council this 22nd day of October, 2024.

18  
19          
20        PATRICIA LOCK DAWSON  
21        Mayor of the City of Riverside

21        Attest:

22          
23        \_\_\_\_\_  
24        DONESIA GAUSE  
25        City Clerk of the City of Riverside

26        //

27        //

28        //

1 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly adopted at a meeting of the City Council on the  
3 22nd day of October, 2024, by the following vote, to wit:

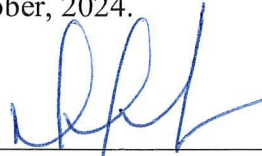
4 Ayes: Falcone, Robillard, Conder, Mill, Perry, and Hemenway

5 Noes: Cervantes

6 Absent:

7 Abstain:

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the  
9 City of Riverside, California, this 24th day of October, 2024.



10  
11 \_\_\_\_\_  
12 DONESIA GAUSE  
13 City Clerk of the City of Riverside  
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FILE NO. 0011699525

**PROOF OF PUBLICATION**

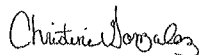
I am a citizen of the United States. I am over the age of eighteen years and not party to or interested in the above-entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**10/26/2024**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Date: October 26, 2024.

At: Riverside, California



Signature

**ORDINANCE NO. 7689**

AN URGENCY ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 6 AND TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY AMENDING SECTION 6.15.020 REGARDING ABATEMENT OF PUBLIC NUISANCES, DELETING IN THEIR ENTIRETY SECTIONS 9.04.600, 9.04.610, 9.04.620, AND 9.04.630 REGARDING CAMPING ON PUBLIC SIDEWALKS, STREETS, AND/OR OTHER PUBLIC PROPERTY, AND ADDING CHAPTER 9.11 REGARDING CAMPING AND ENCAMPMENTS NECESSARY AS AN EMERGENCY MEASURE TO PRESERVE THE PUBLIC PEACE, HEALTH, AND SAFETY.

Ayes: Falcone, Robillard, Conder, Mill, Perry and Hemenway  
Noes: Cervantes

Full copy of the ordinance adopted by the City Council on October 22, 2024, is available at [www.riversideca.gov](http://www.riversideca.gov) and in the Office of the City Clerk, City Hall, 3900 Main Street, Riverside, California.

DONESIA GAUSE  
City Clerk

The Press-Enterprise  
Published: 10/26/24

## EXHIBIT "A"

### Chapter 9.11 – CAMPING AND ENCAMPMENTS

#### Section 9.11.010 - Purpose.

The Council finds that the City is committed to protecting the life, health, and safety of all people in the City of Riverside and finds that certain public lands within the geographical boundaries of the City pose significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this Chapter to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in *encampments* on public property.

#### Section 9.11.020 - Definitions.

For purposes of this Chapter, defined terms appear in italics. The following definitions apply in this Chapter:

*Abatement* means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of *waste* at an *encampment* according to the process in Section 9.11.040.

*Bulky item* means any item that is too large or a group of items that cumulatively are too large to fit in one 60-gallon trash container with the lid closed, including, but not limited to, a mattress, couch, chair or other furniture or appliance. The following items shall not constitute a bulky item: a portable, collapsible picnic chair or table, bicycle or any item approved for a City-authorized special event.

*Camp* means to pitch, erect, or occupy an *encampment*, or to use *camp paraphernalia* or both, for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight.

*Camp paraphernalia* means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.

*City Manager* means the Chief Administrative Officer of the City, or his designee.

*Encampment* means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. *Encampment* includes any *camp paraphernalia* and personal property associated with or located in or around the structures or tents.

*Open space* means any undeveloped public property either primarily in its natural state, including canyons, and unimproved waterways, or that is held out by the City or used by the public for passive recreational

purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.

*Park means any public property, whether developed or undeveloped, held out by the City or used by the public for active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks. The definition of park includes open space within the City.*

*Personal property means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items.*

*Shelter means any City-funded shelter or shelter provided as part of the City's Department of Housing and Human Service coordinated response for shelter placements where individuals or families experiencing homelessness can access beds and other services or an area designated by the City Manager for use by individuals or families experiencing homelessness. A list of current shelters is provided on the City's website and is available through 3-1-1 Riverside.*

*Waste means material of any nature that constitutes Rubbish, Solid Waste, Liquid Waste or Medical Waste. Waste also includes abandoned or unidentified personal property that is left unattended on public sidewalks and rights-of-way or other Public Property. Waste includes Hazardous waste as defined in California Public Resources Code section 40141.7 and Infectious waste as defined in California Code of Regulations, title 14, section 17225.36. Waste does not include compost piles, composting or Recyclable Material properly contained and disposed of in a timely fashion.*

*Wildland Urban Interface means a public geographical area identified by the State of California as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4202 and Government Code Sections 51175 through 51189.*

#### **Section 9.11.030 - Unauthorized Encampments on Public Property.**

- A. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, to maintain an *encampment*, or place any *bulky item* in or upon any public property, including in any street, sidewalk, *park*, and *open space*, unless specifically authorized by the *City Manager*.
- B. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, or to maintain an *encampment*, or place any *bulky item* where such activity poses (Expedited Abatement applicable, see Section 9.11.040(H)):
  - 1. An immediate threat or an unreasonable risk of harm to any natural person,
  - 2. An immediate threat or an unreasonable risk of harm to public health or safety, or
  - 3. Disruption to vital government services.
- C. At all times, regardless of the availability of *shelter* space or beds, it is unlawful and a public nuisance for any person to *camp*, to maintain an *encampment*, or place any *bulky item* in the following locations:

1. Within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of section 9.11.030(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;
2. Within two blocks of any *shelter* provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
3. In any *park* where the *City Manager* determines there is a substantial public health and safety risk and provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
4. In the *Wildland Urban Interface*.

#### **Section 9.11.040 - Abatement of Encampments.**

The *City Manager* may remove personal property, *camping paraphernalia*, and all other property, contraband, litter, and *waste* found at an *encampment* or at a location where a person is engaged in unlawful camping in compliance with the following procedures:

##### A. Written Notice Required Prior to Abatement

1. A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the encampment providing notice of the date of clean-up and giving a minimum of 24 hours for persons to remove their personal property.
2. After 24 hours, the *City Manager* shall conduct *abatement* of the site on the date posted on the Notice of Clean-Up. If *abatement* is delayed or rescheduled, the *City Manager* may conduct *abatement* within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If *abatement* is delayed longer, the *City Manager* shall repost a Notice of Clean-Up with a new date.

##### B. The *City Manager* shall follow these additional procedures when persons are present at an *encampment* during *abatement*:

1. When *shelter* is available, the *City Manager* shall offer any person at an *encampment* with *shelter* and service information and direct them to remove their belongings from the site.
2. Any person who returns to an *encampment* during *abatement* shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.
3. Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken by City for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the *City Manager* shall follow the *abatement* process in this

Section.

C. The City Manager shall document the *abatement* process as follows:

1. Photograph or video record the site before, during, and after the abatement process.
2. Open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage.
3. Set out items contained in bags or suitcases and photograph the items.

D. Unclaimed items found in *abatement* shall be eligible for storage if:

1. Circumstances indicate that the item belongs to a person,
2. The item has apparent utility in its current condition and circumstances, and
3. The item can be safely retrieved from the site.

Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.

E. An eligible item found during an *abatement* shall be put into storage, unless it meets one the following disqualifying conditions:

1. Hazardous, including items contaminated with human waste, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
2. Likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
3. Bulky items that are practically un-storable, due to large size, weight, or other similar characteristic;
4. Contraband or stolen; or
5. Is on the City Manager's current list, published on the City's website, of common types of items that, in the experience of City staff, individuals regularly abandon during *abatement*, and there is no contrary indication as to the specific item.

F. The City Manager shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 60 calendar days and then may be disposed.

G. After *abatement* has concluded and when eligible items are collected and will be placed in storage by City, the City Manager shall post notices at the location of the *abatement* that includes information how a person can claim stored items. Information about retrieval of

stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.

#### H. Expedited Abatement

1. In an expedited *abatement*, the *City Manager* shall follow the same *abatement* and storage procedures in Section 9.11.040 but shall post a Notice of Clean-Up giving a minimum of 3 hours for all persons to remove their personal property.
2. The *City Manager* shall prioritize and expedite the removal of an *encampment* if:
  - a. The City receives direction from County of Riverside or other governmental authority that *abatement* of the *encampment* is necessary to preserve public health or safety, including to address known or suspected outbreaks of diseases; or
  - b. The *City Manager* observes or reasonably suspects the *encampment* creates a condition that presents a significant risk of property damage, bodily injury or death.

#### Section 9.11.050 - Interference with abatement.

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of an abatement pursuant to this section.

#### Section 9.11.060 - Enforcement.

- A. Unless otherwise specified herein, all administrative citations issued for violations of this chapter shall be subject to the provisions set forth in Chapter 1.17 of this Code, including but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fines.
- B. Violations of this Chapter may be prosecuted as misdemeanors or infractions subject to Section 1.01.110.
- C. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

