

ORDINANCE NO. 2024-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTIONS 11.75.010, 11.75.020, 11.75.070 AND 11.80.120 OF THE JURUPA VALLEY MUNICIPAL CODE AND ADDING SECTIONS 11.75.025 AND 11.80.130 TO THE JURUPA VALLEY MUNICIPAL CODE PROHIBITING ANY PERSON TO CAMP, ESTABLISH, MAINTAIN, OPERATE OR OCCUPY A CAMP OR CAMPING FACILITIES, OR USE CAMP PARAPHERNALIA WITH CERTAIN LIMITED EXCEPTIONS AND ENFORCEMENT OF VIOLATIONS OF CHAPTER 11.75 AND CHAPTER 11.80; FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15060 OF THE CEQA GUIDELINES

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Purpose and Findings. Section 11.70.025 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 11.75.010. Purposes and Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

A. The public areas within the city, including streets, sidewalks, parks, public buildings and public land, should be readily accessible and available to residents and the public at large for use in a safe and healthy manner. The use of these areas for overnight camping purposes and the use of those areas for the purposes of certain well-defined types of loitering interferes with the ability of residents and the public at large to use the areas in the healthy and safe manner for the uses intended.

B. Such camping and defined loitering activity and their attendant negative effects constitute a significant public health and safety hazard, which adversely impacts other members of the public and neighborhoods, as well as industrial, agricultural, and commercial areas. The city's streets, sidewalks, parking lots, parks and other public areas are intended for daytime use by the general public, not for storage of personal, stolen, or abandoned property, or for overnight occupancy. Detrimental impacts from illegal storage, dumping, or camping, or overnight occupancy in public and private areas which are not designed for such storage or human habitation include lack of proper water and sanitary facilities, safety hazards for visitors and the inhabitants of substandard temporary structures, presence of trash and debris, criminal activities including illegal drug use, and other conditions which are inconsistent with the intended use and enjoyment of these areas by the general public.

C. A purpose of this chapter is to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the city, in a clean,

sanitary and accessible condition. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

D. The courts and the state legislature have expressly recognized the power of a city to regulate conduct on streets, sidewalks, or other public places, and has specifically authorized local ordinances governing the use public property. On June 28, 2024, the United States Supreme Court in *City of Grants Pass v. Johnson* ruled that ordinances prohibiting camping on public property do not violate the US Constitution's Eighth Amendment's prohibition on cruel and unusual punishments, even when applied to homeless individuals who lack access to alternative shelter within the city. The Court held that states, cities and local governments are free to deal with the complex issues of homeless issues in a variety of ways. This case overruled the 2019 Ninth Circuit appellate case of *Martin v. City of Boise*, which held that states, cities, and local governments could not prohibit camping on public property unless there was access to alternative shelter for homeless persons or the encampment was unsafe or unhealthy.

Section 2. Definitions. Section 11.75.020 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 11.75.020. Definitions.

The following definitions apply to this chapter.

Business establishments mean retail stores, food markets, theaters, restaurants, drive-in restaurants, gasoline service stations, bars, hotels, motels, or any other establishment, which is open to and provides the public with any goods or services.

Camp means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

Camp facilities mean all temporary shelters, including, but not limited to, tents, huts, yurts, vehicles, vehicle camping outfits or temporary shelters.

Camp paraphernalia means items including, but not limited to, bedrolls, air mattresses, tarpaulins, cots, beds, sleeping bags, hammocks and similar equipment.

Establish means to set up or move equipment, supplies or materials on to public or private property to camp or operate camp facilities.

Maintain means to keep or permit equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

Operate means to participate or assist in establishing or maintaining a camp or camp facility.

Occupy means to be present at a camp or camp facility.

Public property means any real or personal property owned or controlled by the City, improved or unimproved, and includes, but is not limited to, any publicly-owned park, building, street, sidewalk, way, path, alley, right of way, parking lot or other public property owned or controlled by the City and located within the City of Jurupa Valley and such other publicly owned property, improved or unimproved, for which the city is authorized by contract or permit to maintain.

Street means all streets, avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs and city rights-of-way adjacent thereto.

Section 3. Camping Prohibited. Section 11.70.025 is hereby added to the Jurupa Valley Municipal Code to read as follows:

§ 11.75.025 Unlawful camping.

A. It is unlawful and a public nuisance for any person to camp, establish, maintain, operate or occupy a camp, camping facilities, or use camp paraphernalia on any public property or any private property, improved or unimproved.

B. The prohibition set forth in this section does not apply to:

1. Mobile home parks and special occupancy parks operating in accordance with this Code;
2. Camping on public or private property pursuant to a temporary use permit issued under Chapter 2.250 of this Code;
3. Federal, State or local agency events conducted at, in, or upon public facilities, indoors or outdoors; and
4. Emergency public health and safety activities.

Section 4. Enforcement. Section 11.70.025 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 11.75.070. Penalty--Enforcement.

- A. Misdemeanor. Any person who violates any provision of this chapter shall be guilty of a misdemeanor or infraction as provided in Chapter 1.15 of Title 1 of the Code. The violation may be charged as an infraction with the consent of the city attorney.
- B. Administrative Citations. Any person who violates any provision of this chapter shall be guilty of violating the Jurupa Valley Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.20 of Title 1 of the Code.
- C. Other Remedies. Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this chapter, including, but not limited to, the enforcement provisions of Title 1 of the Code.

Section 5. Administrative Procedures for Removal of Personal Property. Section 11.80.120 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 11.80.120. Establishment of administrative procedure by City Manager. The City Manager is hereby authorized and directed to establish the administrative procedure for the removal of personal property ("administrative procedure"). The administrative procedure shall provide the procedures necessary to implement the requirements of this chapter. The City Manager shall post the administrative procedure on the city's website. The City Manager is authorized to delegate to other city officials the duty and authority to implement the administrative procedure.

Section 6. Enforcement. Section 11.80.130 is hereby added to the Jurupa Valley Municipal Code to read as follows:

Sec. 11.80.130. Penalty--Enforcement.

- A. Misdemeanor. Any person who violates any provision of this chapter shall be guilty of a misdemeanor or infraction as provided in Chapter 1.15 of Title 1 of the Code. The violation may be charged as an infraction with the consent of the city attorney.
- B. Administrative Citations. Any person who violates any provision of this chapter shall be guilty of violating the Jurupa Valley Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter 1.20 of Title 1 of the Code.
- C. Other Remedies. Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this chapter, including, but not limited to, the enforcement provisions of Title 1 of the Code.

Section 7. CEQA. The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment. It can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment because the ordinance regulates human activity so as to provide clean, sanitary and accessible condition of property in accordance with the goal of maintaining the health and safety of the community and will not result in a permanent alteration of property nor the construction of any new or expanded structures.

Section 8. Severability. If any section or provision or clause of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions and/or clauses

of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision or clause thereof, regardless of the fact that any one or more section(s) or provision(s) or clause(s) may be declared invalid or unconstitutional or contravened via legislation.

Section 9. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 10. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 5th day of September, 2024.



Guillermo Silva
Mayor

ATTEST:



Victoria Wasko, CMC
City Clerk

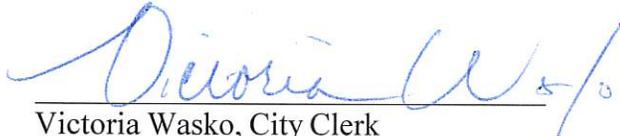
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2024-19 was regularly introduced at a regular meeting of the City Council held on the 15th day of August, 2024 and thereafter at a regular meeting held on the 5th day of September, 2024, it was duly passed and adopted by the following vote of the City Council:

- AYES:** **ALTAMIRANO, BARAJAS, BERKSON, CARMONA, SILVA**
- NOES:** **NONE**
- ABSENT:** **NONE**
- ABSTAIN:** **NONE**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 5th day of September, 2024


Victoria Wasko, City Clerk
City of Jurupa Valley