

ORDINANCE NO. 6419

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SECTION 19-15 OF THE SONOMA COUNTY CODE TO LIMIT THE PROHIBITION OF CAMPING ON PUBLIC PROPERTY TO SPECIFIED TIMES AND LOCATIONS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Findings.

WHEREAS, the County of Sonoma encourages the use of certain County-owned properties, outdoor spaces, buildings, and facilities within the unincorporated area of the County by all members of the community; and

WHEREAS, prolonged camping in areas of the County not designated and permitted for such purposes can create unsanitary, unhealthy, disorderly, detrimental, and dangerous conditions that may affect both the health and safety of the campers and the general public; and

WHEREAS, camping in areas of the County not designated and permitted for such purposes often results in the accumulation of large amounts of debris the longer individuals remain in one location and tends to degrade or even destroy the property upon which the camping is occurring, particularly in situations where an encampment is large and ongoing; and

WHEREAS, certain types of properties are generally incompatible and particularly sensitive to the conditions and impacts caused by public camping, particularly in situations where an encampment is large and ongoing; and

WHEREAS, the County has the authority to regulate to ensure the public's health, safety, and general welfare and desires to regulate camping within the unincorporated areas of the County as designated and identified in this ordinance; and

WHEREAS, the Board of Supervisors must balance the need to recognize an individual's fundamental need to sleep (camping by necessity) with the health, safety and welfare of the general public using the property, facilities, and open space areas to ensure an environment that serves, protects and maintains public property and County facilities for the purpose they were established and to best serve the public's health, safety, and general welfare.

Section II. Section 19-15 of the Sonoma County Code, "Camping prohibited on public property, etc." is hereby amended as follows (text to be added is shown in *bold italics*, text to be deleted is shown in ~~strikethrough~~):

Sec. 19-15. - Camping prohibited on public property, etc.

(a) Definitions: ~~of~~

(1) "Camping". For the purposes of this section, the term "camping" means residing in the outdoors for living accommodation purposes, including sleeping or making preparations to sleep (such as laying down bedding for the purpose of sleeping), storing personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, luggage, backpacks, kitchen utensils, cookware, and similar items), cooking or consuming meals, pitching a tent or other temporary

shelter; includes the verb, to "camp".

(2) "Public property". For the purposes of this section, the term "public property" means any property normally open to the general public that is owned by any public entity, including the County of Sonoma. "Public property" does not include (a) property owned by a "public agency" as defined by Government Code section 53050 (b) property for which a permit must be acquired for members of the public to use it, (c) property with restricted access, including property which is locked, fenced, or posted as "No Trespassing"; or (d) property which is subject to a leasehold or other possessory interest of a person or entity other than the public entity. Property excluded from the definition of "public property" under this subsection shall be treated as private property and subject to the prohibitions set forth in subsection (d) below.

(3) "Regulatory Floodway" as defined and depicted on the current FEMA National Flood Hazard Maps for Sonoma County.

(4) "Very High Fire Severity Zone" as established in accordance with California Government Code §§ 51178 and 51179.

(b) Camping on Public Property Prohibited at All Times. It shall be unlawful at all times of the day for any person or persons to camp in any public park, on any public street or on any other public property, except in a designated public campground or by authority of a written permit issued by the county. on any public property (1) inside any public building, inside any fully-fenced area attached to a public building, or within 25 feet of any entrance or exit to a public building, (2) within 50 feet of any house or other permanent structure used as a residence (3) within 100 feet of the property line of any property used as a school, preschool, playground, daycare, or other licensed childcare facility, (4) within 150 feet of the high water mark of the waters of the state as defined by subdivision (e) of California Water Code § 13050, or within a Regulatory Floodway, whichever is greater, (5) within a Very High Fire Severity Zone, (6) within any public park, except as authorized under Chapter 20 of this Code, or (7) within any public highway, road, or street (8) within any public sidewalk, easement, or right of way, where the presence of the person or their property thereon hinders or obstructs the free passage, access, or movement of any persons, bicycles, or vehicles travelling or attempting to pass along the same right of way, and (9) within 25 feet of a facility that provides shelter, safe sleeping, or safe parking to homeless persons, or that serves as a homeless services navigation center. In order for a violation of subsection (b)(4) or (b)(5) to occur, an individual first must be requested by a peace officer to move along from the area unless the individual has been provided a prior warning or written notice of the prohibition on camping at that location or if there is signage posted in the area warning of the prohibition on public camping.

(c) Camping on Public Property Prohibited at Certain Times. As to any public property not specifically identified in subdivision (b) above, it shall be unlawful for any person or persons to camp in or on any public property daily between the hours of 7:00 a.m. and 9:00 p.m.

~~(c)~~**(d) Camping on Private Property Prohibited Absent Owner Permission. It shall be unlawful for any person or persons to camp on any private property without first obtaining the written permission of the owner or other person(s) in lawful possession of the property.**

~~(d)~~**(e) Exceptions. Notwithstanding the prohibition against camping on public or private property, it is not the intent of this section to prohibit persons, when necessary for their safety or the safety of others, to pull off the public road and sleep, whether inside or outside their vehicles. In addition, this Section shall not prohibit camping by authority of a written permit issued by the County, or as specifically authorized by any other ordinance, law, or regulation.**

~~(e)~~(f) Penalty for Violation. Any person who violates this section is guilty of a misdemeanor. Except where other penalties are specified, each offense may be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by the imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

Section III. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. The Board of Supervisors finds and determines that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment. The foregoing amendments also qualify for the Class 8 Exemption concerning agency actions taken to assure the maintenance, restoration, enhancement, or protection of the environment. (14 Cal. Code Regs. § 15308.)

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 4th day of April, 2023, and finally passed and adopted this 18th day of April, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Gore: Aye Hopkins: Aye Coursey: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors