

## **ORDINANCE NO. 2598**

**AN ORDINANCE OF THE CITY OF REDDING AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.20 (FIRE CODE), BY AMENDING SECTION 9.20.100 (OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES) AND AMENDING TITLE 10 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 10.40 (UNLAWFUL CAMPING AND FIRE ACTIVITY) BY AMENDING SECTIONS 10.40.010 (CAMPING AND FIRE ACTIVITY ON PUBLIC PROPERTY), 10.40.020 (CAMPING AND FIRE ACTIVITY ON PRIVATE PROPERTY) AND 10.40.030 (DEFINITIONS), ALL RELATING TO CLARIFYING THE PROHIBITION AGAINST OUTDOOR BURNING ON PUBLIC AND PRIVATE LANDS AND UNLAWFUL CAMPING ACTIVITY**

**Section 1.** Title 9 (Health and Safety), Chapter 9.20 (Fire Code), Section 9.20.100 is amended to read as follows:

### **9.20.100 - Open burning, recreational fires, and outdoor fireplaces.**

Section 307.1.1 of the 2015 International Fire Code is amended to read as follows:

1. It is unlawful to burn uncut vegetation or weeds or to permit or cause any open burning of uncut vegetation or weeds.

It is unlawful to start a bonfire or to permit or cause any open burning unless a special permit is first obtained from the fire code official.

Exception: Burning in portable or permanent outdoor fireplaces and recreational fires conducted for the purpose of warmth or cooking are permitted without permit if each is conducted on private property by permission of the owner and in a manner reasonably likely to prevent escape or spread of the fire.

3. Open burning on private property by permission of the owner meeting the standard for outdoor/yard burning shall be allowed for the months of November and April, or as otherwise specified by the fire code official.

Exception: Fire hazard mitigation work or land clearing may be allowed through a special hazard mitigation permit issued by the fire code official, and residents of the Buckeye Fire Protection district shall be allowed to conduct door yard burning from November through April by standard annual permit.

4. The determination of authorized burn days and times shall be the responsibility of the Shasta County Air Quality Control District.

Exception: those fires meeting the standards set for recreational, portable, or permanent outdoor fireplaces.

5. In this connection, the fire code official, air quality control official, or their designee may prohibit all open burning or revoke an active permit when conditions are so hazardous as to justify such prohibition in their judgment.
6. Open burning of any type is expressly prohibited on paved streets or paved alleys or in the gutters thereof at any and all times.

**Section 2.** Chapter 10.40 is hereby re-titled as Chapter 10.40 (Unlawful Camping).

**Section 3.** Title 10 (Public Peace, Morals, and Welfare), Chapter 10.40 (Unlawful Camping), Section 10.40.010 is amended to read as follows:

**10.40.010 - Camping on public property.**

- A. Except as may be permitted within municipal parks by the community services director, or his or her designee, it is unlawful to camp upon any public property owned by the City, including, without limitation, streets, parking structures, easements, open space, parks, dump sites, creekbeds, electric utility substations, parking lots, or corporation yards when there is available overnight shelter.
- B. Except as otherwise permitted under Title 18 of the Redding Municipal Code, it is unlawful for any person to sleep between ten p.m. and five a.m. in any vehicle parked on any public street, alley way, or parking area, or any privately owned parking area used for the parking of customers of any business enterprise without the consent of the owner of such business enterprise when there is available overnight shelter.

**Section 4.** Title 10 (Public Peace, Morals, and Welfare), Chapter 10.40 (Unlawful Camping), Section 10.40.020 is amended to read as follows:

**10.40.020 - Camping on private property.**

- A. Except as otherwise provided in this section, it is unlawful to camp upon private property within the City.
- B. Except as otherwise provided in this subdivision, this section shall not apply to persons camping upon their own land or to persons camping with the written consent of the owner of the land, provided that such written consent is in their possession at the time and is shown upon demand of any peace officer and is not otherwise prohibited by Title 18 of the Redding Municipal Code. No person shall camp, or permit to camp, on private property for a period of time exceeding seven consecutive days without an interruption of at least seven consecutive noncamping days. For purposes of this section, camping for any portion of a day shall count as a full camping day.

- C. This section shall not apply to persons lawfully camping within campgrounds or trailer parks approved pursuant to Title 18 of the Redding Municipal Code nor shall it be construed to waive or preempt any requirement or authorization provided under Title 18 of the Redding Municipal Code.

**Section 5.** Title 10 (Public Peace, Morals, and Welfare), Chapter 10.40 (Unlawful Camping), Section 10.40.030 is amended to read as follows:

**10.40.030 - Definitions.**

Unless it is apparent from the context that another meaning is intended, the following words, when used in this Chapter, shall have the meanings respectively ascribed to them by this section:

- A. The term “available shelter” is a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness at no charge. A shelter shall not be considered available when the individual cannot occupy said space due to overcapacity, exhaustion of stay limitations, or when religious observance is required as a condition of gaining shelter. If the individual cannot utilize the overnight shelter space due to voluntary actions including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.
- B. "Camp" and "camping" are defined as the placement on public or private property for the purpose of making a living accommodation, no matter how temporary, of tents, tarpaulins, temporary shelters, house trailers, motor vehicles or parts thereof, trailers, cooking facilities, cots, ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.
- C. "Vehicle" for purpose of this section, shall be defined by Section 670 of the Vehicle Code of the state of California as it now exists or may hereafter be amended.

**Section 6.** Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Redding hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**Section 7.** This ordinance shall take effect thirty (30) days after the date of its adoption, and the City Clerk shall certify to the adoption thereof and cause publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Redding at a regular meeting on the 18th day of December, 2018, and was duly read and adopted at a regular meeting on the 15th day of January, 2019, by the following vote:

**AYES:**           **COUNCIL MEMBERS: Dacquisto, McElvain, Resner, Schreder, & Winter**  
**NOES:**           **COUNCIL MEMBERS: None**  
**ABSENT:**       **COUNCIL MEMBERS: None**  
**ABSTAIN:**      **COUNCIL MEMBERS: None**

/s/ Julie Winter  
**JULIE WINTER, Mayor**

**ATTEST:**

**FORM APPROVED:**

/s/ Pamela Mize  
**PAMELA MIZE, City Clerk**

/s/ Barry E. DeWalt  
**BARRY E. DeWALT, City Attorney**