



ORDINANCE NO. 873

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
YREKA, CALIFORNIA ADDING YREKA MUNICIPAL CODE  
CHAPTER 9.45 "USE OF THE PUBLIC RIGHTS OF WAY  
AND PROTECTION OF SCHOOL CHILDREN, BUS STOPS,  
CRITICAL INFRASTRUCTURE, AND WILDFIRE RISK  
AREAS" AND FINDING THE ORDINANCE EXEMPT FROM  
CEQA**

**WHEREAS**, it is the obligation of the City to keep its public rights of way clean and available for public use, and to protect the public health, safety and welfare and access by City constituents and personnel; and

**WHEREAS**, a principal threat to the public health, safety, and welfare is the potential destruction of, damage to, or interference with the public right-of-way that is critical to the provision of public services such as law enforcement, fire prevention, educational services, transportation and utilities; and

**WHEREAS**, increased obstruction of public property obscures adverse and illegal activity from public view, contributes substantially to the accumulation of litter, clutter and visual blight, can interfere with pedestrian circulation, can obstruct or interfere with the lawful use of public spaces by the general public for their intended recreational uses, and inhibit the effective regulation and enforcement against illegal activities; and

**WHEREAS**, the City desires to establish its ability to prevent individuals from camping or blocking the public right-of-way at particular times and locations in order to reduce the risk of interference with the provision of services and to comply with the Americans with Disabilities Act of 1990; and

36           **WHEREAS**, youth are particularly endangered by persons camping  
37 or blocking the public right-of-way, which can interfere with youth's  
38 ability to use the public right-of-way and increases the risk of vehicular  
39 accident by forcing youths onto the street/highway; and  
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41           **WHEREAS**, the City desires to protect minor children from these  
42 potentially deleterious effects and allow for the safe passage of youths to  
43 and from school; and  
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45           **WHEREAS**, the City has invested significant public resources in the  
46 development and maintenance of bus stops, including benches, and the City  
47 desires to deter the misuse of bus stops, which discourages and impedes  
48 others from using public transit; and  
49

50           **WHEREAS**, the U.S Department of Homeland Security has issued  
51 guidance finding that local officials, in working to protect their  
52 community's public health and safety, economic and national security  
53 should identify and protect its critical infrastructure from destruction,  
54 damage, and interference, thereby serving to ensure the continuity of  
55 functions of its critical infrastructure. Damage to critical infrastructure is  
56 often caused by persons whose activities are not permitted or authorized in,  
57 on, or near critical infrastructure; and  
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59           **WHEREAS**, wildfires are often caused by persons whose activities  
60 are not permitted or authorized in, on, or near wildfire risk areas; and  
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62           **WHEREAS**, the City must appropriately consider competing  
63 interests and formulate policy to best protect public health, safety, welfare,  
64 property, and the environment, with limited resources; and  
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66           **WHEREAS**, it is the purpose and intent of the City Council to provide  
67 standards for outdoor living which are intended to be as compatible as  
68 possible with the protection and preservation of health, safety, and welfare  
69 of the inhabitants of the City; and  
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71           **WHEREAS**, the City desires to continue to work toward the  
72 offering of specialized services, and outreach programs to those who  
73 appear in need, or to those request service assistance; and

74  
75       **WHEREAS**, the City desires to adopt an ordinance to establish its  
76 ability to prevent individuals from camping, sleeping or blocking the  
77 public right-of-way at particular times and locations at or near youth-  
78 serving facilities, bus stops, critical infrastructure, and wildfire risk areas;  
79 and

80  
81       **WHEREAS**, the elimination of human waste from the body is an  
82 unavoidable consequence of being human. However, its deposit within the  
83 city's watershed and watercourses can impair certain of the city's water  
84 sources and is not consistent with the public's human right to have clean  
85 and drinkable water supplies and uncontaminated raw water storage; and

86  
87 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF**  
88 **YREKA DOES ORDAIN AS FOLLOWS:**

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90       **SECTION 1.**   The City Council finds that all the facts, findings,  
91 and conclusions set forth above in this Ordinance are true and correct.

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93       **SECTION 2.**   The City Council hereby adds Chapter 9.45 to Title 9  
94 of the Yreka Municipal Code as follows:

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96       "9.45 – Protection of Schoolchildren, Bus Stops, Critical Infrastructure  
97 and Wildfire Risk Areas

98  
99       9.45.010 – Definition of Specialized Terms and Phrases.

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101       "Bus stop" means any place where the City, County, other  
102 governmental entity or transit operator, has directed the placement of  
103 a sign designating a location where shuttle, trolley, bus service, or  
104 other form of public transit stop to service and transport passengers.

105  
106       "Bus stop area" means the area at a bus stop occupying the entire  
107 width of the sidewalks that extends 20 feet before a bus stop sign or  
108 bus stop route sign, or, for bus stops furnished with shelter or  
109 shelters, the footprint of the shelters, and the entire width of the  
110 sidewalk that extends 10 feet before and 10 feet after the footprint of  
111 the shelter. The footprint of a shelter is defined by vertical plans,

perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof.

“Camping” means to pitch or occupy camp facilities, to live temporarily or occupy a portion of property for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time with one’s personal possessions (including, but not limited to, clothing, sleeping bags, bed rolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar materials) sleeping or making preparations to sleep, storing personal belongings as above defined, or regularly igniting fires for food or beverage preparation or for warming.

“Critical Infrastructure” means any real property or facility, whether privately or publicly owned, as designated by the City Council from time to time by resolution, that the City Council determines, in its discretion, is so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, government buildings, such as schools, fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks, drainage systems, or levees; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunication centers, or water sources.

“School Route” shall mean any public road that is significantly used for transportation to and from any public or private school. The City shall adopt a resolution and make publicly available a map of all designated school routes.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Wildfire risk area” has the same meaning as in California Code of Regulations, title 24, part 9, section 202.

“Youth-serving facility” means child day care facilities, preschools,

public or private primary or secondary schools, Public Libraries, and City playgrounds and parks.

#### 9.45.020 – Prohibition on Camping in Public Right-of-way.

A. No person shall camp, sit, lie, sleep or store their belongings in or upon any public street/highway, green belt, median island, alley, sidewalk, crosswalk or other public place or way open for pedestrian or vehicular travel or appurtenant thereto:

(1) in such a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L, No. 101-336, 104 Stat. 328 (1990), as amended from time to time; or

(2) in a manner that obstructs or unreasonably interferes with the use of the right-of-way; or

(3) in a manner that obstructs any portion of any street or other public right-of-way open to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles or pedestrians, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way; or

(4) in a manner that blocks or impedes access to City-owned or leased equipment or buildings, or impedes City staff from performance of inspection, maintenance, or repairs of City-owned property; or those portions of a right-of-way that are required by local, state, or federal law to be free of obstruction for first responders, including but not limited to members of law enforcement, fire agencies, or emergency-medical-services agencies.

B. The provisions of this section do not prohibit a person from sitting upon a public street/highway, green belt, median island, alley, sidewalk, crosswalk, or other public place if:

1. Temporarily necessitated by any disability of such person;
2. Such person is viewing a legally conducted parade or

186 similar permitted temporary event; or

187 3. Such person is seated for less than one hour on a bench  
188 lawfully installed for such purpose; or

189 4. Such person is engaged in expressive activity.

190  
191 C. Nothing in this chapter shall be construed as to prohibit camping  
192 in public campgrounds under a permit authorized by other provisions  
193 of law or ordinance.

194  
195 9.45.030 – Location-Specific Regulations. The following provisions  
196 apply separately from the requirements of Section 9.45.020 of this  
197 Code.

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199 A. No person shall camp, lie, sleep, or store their belongings  
200 within ten feet near or in or upon any bus stop or bus stop  
201 area during the posted hours of bus service for more than a  
202 total of one hour during any given twelve-hour period.

203  
204 B. Subsection 9.45.030(A) does not apply to any person:

205 1. Unable to comply with the direction of a law  
206 enforcement officer due to a medical condition or  
207 emergency;

208 2. Engaged in expressive activity;

209 3. Engaged in maintenance, repair, or construction  
210 activity on behalf of a governmental entity or a public  
211 utility; or

212 4. Under the age of six years old who is lying down in a  
213 baby carriage, stroller, or carrier, or is lying down while  
214 being held or carried by a person who is not lying down.

215  
216 C. To limit traffic congestion and protect the safety of children  
217 traveling to and from and in and around youth-serving  
218 facilities from potential adverse safety impacts due, in part,  
219 to sidewalk congestion, no person shall camp, sit, lie, sleep,  
220 or store their belongings in or upon any public

street/highway, bike path, pedestrian path, green belt, median island, alley, sidewalk, crosswalk, or other public place or way open for pedestrian or vehicular travel that is in or within two- hundred-fifty (250) feet of a school route during the period extending one hour before the start of classes and ending one hour after the end of classes.

D. To protect the health and safety of schoolchildren, no person shall camp, sit, lie, sleep, or store their belongings in or upon any public street/highway, bike path, pedestrian path, green belt, median island, alley, sidewalk, crosswalk or other public place or way open for pedestrian or vehicular travel in or within two-hundred-fifty (250) feet of a youth-serving facility at any time.

E. To prevent wildfires, no person shall camp, sit, lie, sleep, or store their belongings in or upon a wildfire risk area.

F. No person shall camp, sit, lie, sleep, or store their belongings in or upon fifty (50) feet of critical infrastructure as defined from time to time by resolution of the City Council.

G. To protect the health and safety of users of public transits, no person shall camp, lie, sleep, or store their belongings in or upon any method of public transportation that runs in the City. Violations of this ordinance may be remedied under Section 9.45.040 and may result in removal from public transportation.

H. Nothing in this chapter is intended to prohibit or make unlawful the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and nothing is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such activities are expressly authorized by the Code or other

laws, ordinances, and regulations.

I. No person shall camp, sit, lie, sleep, or store their belongings in or upon any public street/highway, bike path, pedestrian path, green belt, median island, alley, sidewalk, crosswalk, or other public place or way open for pedestrian or vehicular travel in any location in the City, if at the time of enforcement, there is available alternative public space in which to perform those activities.

J. No person shall camp, sit, lie, sleep, or store their belongings within ten feet of any operation or utilizable driveway or loading dock.

K. No person shall camp, sit, lie, sleep, or store their belongings within ten feet of any fire hydrant, fire hydrant, or other fire department connection.

L. No person shall camp, sit, lie, sleep, or store their belongings within fifty (50) feet outside a designated facility that provides shelter, safe sleeping, or safe parking to homeless persons or that serves as a homeless services navigation center.

M. No person shall camp, sit, lie, sleep, or store their belongings in or upon any public street/highway, bike path, pedestrian path, green belt, median island, alley, sidewalk, crosswalk, or other public place or way open for pedestrian or vehicular travel that has signage prohibiting such activities. The City Council may designate a section of the public right-of-way as prohibiting such activities under this section if a section of the right-of-way poses a particular and ongoing threat to public health or safety. Such circumstances may include, but are not limited to: (i) the death or serious bodily injury of any person at the location due to a hazardous condition; (ii) repeated serious or violent crimes at the location; or (iii) the occurrence of fires that resulted in a fire department response to the location. For



each such location, a prohibition pursuant to this subdivision shall be effective for a period of time specified in the resolution, but not to exceed one year.

#### 9.45.040 – Summary Abatement

- A. In addition to any other lawful authority, any violation of section 9.45.020 or section 9.45.030 may be abated by the City or any law enforcement officer upon 24 hours of prior notice. Any violation of section 9.45.030 may be abated immediately by the City or any law enforcement officer without prior notice if the violation poses an imminent threat to public health or safety.
- B. Abatement pursuant to subsection 9.45.040(A) of this section may include, but is not limited to, removal of camp facilities, camp paraphernalia, personal property, garbage, hazardous waste, infectious waste, junk or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further occurrences of the nuisance activity. Any lawful medication and valuable personal property shall be inventoried and maintained at an appropriate alternative location in the judgment of the enforcement officer, for at least seventy-two hours before other disposition, with notification provided to the apparent owner(s) as to retrieval procedures.
- C. Regardless of the City's authority to conduct abatement pursuant to this section, every owner, occupant, or lessee of real property, and every holder of any interest in real property, is required to maintain the property in compliance with local, state, and federal law; and is liable for violations thereof.
- D. The abatement authority provided in this chapter shall be cumulative and in addition to any other procedures provided by the laws of the City or the State for the abatement of any of the conditions described in this chapter,

and abatement pursuant to the provisions of this chapter shall not prejudice or affect any other action, civil or criminal, for the abatement of any such condition.

9.38.50 – Violation — Penalty.

- A. Every person violating any provision of this chapter is subject to the imposition of an administrative fine not exceeding five hundred dollars (\$500.00).
- B. Nothing in this chapter shall be construed to prevent a person from being prosecuted, convicted, or sentenced for a violation of any lesser or related city, state, or federal statutes which might impose different penalties.

9.38.60 – Ability-to-Pay Determination.

- A. Any fine issued under Section 9.45.050 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.
- B. If the requestor is receiving public benefits under Government Code section 68632, subdivision (a), or has a monthly income which is 125 percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the requestor's administrative fine shall be waived and the violator shall instead be subject to:

- 1. Completing community service in lieu of paying the total administrative fine; or
- 2. Offered an alternative disposition.

Fine waiver and alternative disposition shall not be applicable to violators who have access to adequate temporary shelter but choose not to use it.

**SECTION 3.** CEQA Exemption:

The City Council hereby finds and determines that the action taken in this Ordinance does not commit the City to any action that may have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act. The City Council directs City staff to file a Notice of Exemption within five (5) days following adoption of this Ordinance with the Siskiyou County Clerk.

**SECTION 4.** Effective Date. This Ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Yreka ordinance.

**SECTION 5.** Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**SECTION 6.** Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

**SECTION 7.** Severability. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

**SECTION 8.** Implementation. The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

**SECTION 9.** Publication. The City Clerk is directed to prepare, post and publish a summary of this ordinance as provided in Government Code Section 36933(c)(1).

**SECTION 10.** Codification. The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Section 2.

**SECTION 11.** Execution. The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval.

Introduced, passed, approved and adopted as an urgency ordinance at a regular meeting of the City Council of the City of Yreka held on July 19, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Duane Kegg, Mayor

Approved as to Form:

Attest:

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Dohn Henion, City Attorney

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Rhetta Hogan, City Clerk