

ORDINANCE NO. 2567

AN ORDINANCE OF THE CITY OF CHICO AMENDING TITLES 9, 12,  
AND 12R OF THE CITY OF CHICO MUNICIPAL CODE TO  
REGULATE THE ACT OF CAMPING AND STORING PERSONAL  
PROPERTY ON PUBLIC PROPERTY

WHEREAS, unauthorized camping, sleeping and/or storage of personal property on public property by individuals has caused, and continues to cause a disturbance of the peace, health, safety and general welfare of the community and pose hazardous threats to camp occupants; and

WHEREAS, finding constructive alternatives and solutions for the homeless population remains a top priority for the State of California as the lack of affordable housing compounded with the cost of living have contributed to a homeless crisis in cities across California; and

WHEREAS, despite the City's extensive efforts to combat the problem of homelessness, the City's most recent Point-in-Time count identifies 571 unsheltered individuals within the City of Chico; and

WHEREAS, on April 1, 2019, the United States Ninth Circuit Court of Appeals held that the Cruel and Unusual Punishments Clause of the Eighth Amendment precluded the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter (*Martin v. City of Boise*, 902 F.3d 1031 hereinafter referred to as the "*Martin* decision"); and

WHEREAS, based on the ruling in the *Martin* decision, enforcement of the City's current Code can only be effectuated under circumstances in which shelter space is available and voluntarily refused; and

WHEREAS, the provisions of the current Code lack the specificity required by the *Martin* decision, thus amendments to Titles 9, 12, and 12R of the City of Chico Municipal Code are necessary to ensure that enforcement related to camping, sleeping and/or storage of personal property on public property is consistent with current case law; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico does hereby adopt the following ordinance amending Title 9, 12, and 12R of the City of Chico Municipal Code:

SECTION 1. City Code Amendment.

The City Council of the City of Chico hereby amends Title 9, Chapters 9.20 ("Camping") and 9.50 ("Waterway Regulation"), Title 12, Chapter 12.18 ("Park Rules and Regulations"), and Title 12R, Chapter 12R.04 ("Rules Generally") as follows:

**Chapter 9.20**  
**CAMPING**

**Section:**

**9.20.010 Purpose.**

**9.20.020 Definitions.**

1 **9.20.030 Unlawful camping.**

2 **9.20.040 Exception.**

3 **9.20.050 Storage of personal property in public places.**

4 **9.20.055 Property removal.**

5 **9.20.060 Violation – Penalty.**

6 **9.20.070 Enforcement.**

7 **9.20.010 Purpose.**

8 The streets and public areas within the City should be readily accessible and available to  
9 residents and the public at large. The use of these areas for camping purposes or storage of  
10 personal property interferes with the rights of others to use the areas for which they were  
11 intended. Such activity can constitute a public health and safety hazard which adversely impacts  
12 the community. Camping on private property without the consent of the owner, proper sanitary  
13 measures and for other than a minimal duration adversely affects private property rights as well  
14 as public health, safety, and welfare of the city. The purpose of this chapter is to maintain streets,  
15 parks and other public and private areas within the city in a clean, sanitary and accessible  
16 condition and to adequately protect the health, safety and public welfare of the community.  
17 Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public  
18 or private property.

19 **9.20.020 Definitions.**

20 As used in this chapter, the following words and phrases have the meanings set forth in this  
21 section, unless the context in which any such word or phrase is used clearly requires another  
22 meaning:

23 A. “Camp” means to place, pitch or occupy camp facilities for, in light of all the  
24 circumstances, the apparent purpose of overnight occupancy, in a public park or other public  
25 property. Apparent overnight occupancy includes sleeping activities or making preparations to  
26 sleep (including the laying down of bedding for the purpose of sleeping). The act of sleeping  
27 on its own does not constitute camping.

28 B. “Camp facilities” include, but are not limited to, tents, huts, vehicles, recreational  
vehicles, or temporary shelters.

C. “Camp paraphernalia” means, but is not limited to, tarpaulins, cots, beds, bed rolls,  
sleeping bags, hammocks.

D. “Personal Property” means any tangible property and includes, but is not limited to,  
goods, materials, merchandise, tents, tarpaulins, bedding, blankets, sleeping bags, personal  
items such as household items, luggage, and backpacks.

E. “Public property” means any publicly owned property in the city, including but not  
limited to, a public park, public street, alley, lane, public right-of-way, or any public parking  
lot or public area whether improved or unimproved, located within the city.

F. “Recreational vehicle” means any of the following:

1 1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be  
2 used as a temporary dwelling for camping, travel, recreational, and vacation uses  
3 permanently identified as a travel trailer by the manufacturer;

4 2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle  
5 and with sufficient facilities to render as suitable for use as a temporary dwelling for  
6 camping, travel, recreational and vacation purposes;

7 3. "Motorized home" means a portable, self-contained dwelling designed and  
8 constructed as an integral part of a self-propelled vehicle; and

9 4. "Full tent trailer" means a canvas folding structure mounted on wheels and designed  
10 for camping, travel, recreational, and vacation use.

11 G. "Shelter space" means any temporary and available housing shelter that offers free  
12 overnight sleeping accommodations to an unsheltered individual.

13 Shelter space shall be considered available if:

- 14 1. A shelter space is open and accessible;
- 15 2. The shelter space is within the City boundaries;
- 16 3. In the case of a family unit, the shelter space is open and accessible, and the shelter  
17 space requires adult men and women to sleep separately.

18 Shelter space shall not be considered available if:

- 19 1. In the case of a family unit, the family would have to be separated into two or more  
20 different shelter spaces;
- 21 2. The individual would be disqualified from accessing the shelter space due to any  
22 restrictions, rules or covenants beyond their use or control; or
- 23 3. The shelter space requires mandatory participation in a program or act as a  
24 prerequisite to access or use the shelter space.

25 H. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to  
26 place or leave in a location any personal property on public property.

27 I. "Unattended" means no person is present with the personal property who asserts or  
28 claims ownership over the personal property. Conversely, property is considered "attended" if a  
person is present with the personal property and the person claims ownership over the personal  
property.

J. "Unsheltered individual" means an individual that lacks a fixed, regular and nighttime  
residence and lives in a recreational vehicle, tent, van or on the street or in any other makeshift  
shelter.

1 **9.20.030 Unlawful camping.**

2  
3 A. Except as otherwise provided in this Chapter, it is unlawful and a public nuisance for any  
4 person to camp on any public property or any private property which is not operated and  
5 maintained as a campground in conformance with the regulations set forth in Title 19 of this  
code. It is a violation of this section to set up provisions for the purpose of camping whether or  
not a full night is actually spent at the location.

6 B. The prohibition of this section shall not apply:

- 7  
8 1. In the event of an emergency, including a city declared emergency or natural disaster,  
such as a flood or earthquake.  
9 2. To events that are approved or sponsored by the city.

10 **9.20.040 Exception.**

11 Nothing in this chapter shall prohibit overnight camping in a recreational vehicle which is parked  
12 on a public street when the occupants of the recreational vehicle are guests of the owners or  
occupants of an adjacent residential property, and:

13 A. The recreational vehicle is legally parked directly adjacent to the residential property  
14 where the occupants are guests;

15 B. The overnight camping in the recreational vehicle at that location does not extend for a  
16 period of more than seven (7) consecutive days; and

17 C. The recreational vehicle is self-contained and does not require hook-ups to the adjacent  
18 residential property.

19 **9.20.050 Storage of personal property in public places.**

20 A. It shall be unlawful for any person to store personal property, including camp facilities and  
21 camp paraphernalia, in the following areas, except as otherwise provided by resolution of the  
city council or by valid license or permit:

- 22 1. Any park;  
23 2. Any street;  
24 3. Any public parking lot or public property, improved or unimproved; and  
25 4. On or adjacent to any waterway as defined in Section 9.50.020 of this code.

26 B. Moving personal property to another location upon public property or returning personal  
27 property to the same block of public property on a daily basis shall be considered storing and  
28 shall not be considered to be removing the personal property from public property. This  
definition shall not include any personal property that, pursuant to statute, ordinance, permit,  
regulation or other authorization by the city or state, is stored with permission of the city or  
state on real property that is owned or controlled by the city.



1 C. No person shall store any personal property upon public property in such a manner as to  
2 obstruct city operations, including street or sidewalk maintenance or cleaning, or park or  
3 landscaping maintenance, repair or irrigation. Without prior notice, the city may temporarily  
4 move personal property, whether attended or unattended, which is obstructing city operations  
upon public property during the time necessary to conduct the city operations.

5 D. No person shall store any personal property upon public property in such a manner that it  
6 does not allow for passage as required by the Americans with Disabilities Act of 1990 as  
7 amended from time to time (ADA). Without prior notice, the city may move and may  
8 immediately impound any personal property, whether attended or unattended, stored upon  
public property in such a manner that it does not allow for passage as required by ADA.

9 E. No person shall store any personal property within ten feet of any operational and useable  
10 entrance, exit, driveway or loading dock. Without prior notice, the city may move and may  
11 immediately impound any personal property, whether attended or unattended, stored upon  
public property within ten feet of any such area.

12 F. No person shall store any personal property upon public property that has clearly posted  
13 closure time, after the posted closure time. Without prior notice, the city may move and may  
14 immediately impound any personal property, whether attended or unattended, stored upon  
public property within ten feet of any such area.

15 **9.20.055 Property removal.**

16 City employees as designated by the City Manager may remove personal property unlawfully  
17 stored or found on public property as outlined in Section 9.20.050 as follows:

18 A. Written notice shall be posted at the location whereupon any personal property, including  
19 camp facilities and camp paraphernalia, is unlawfully stored. Such written notice shall advise  
20 of the violation of Section 9.20.050 and provide warning that property not removed within  
twenty-four (24) hours shall be deemed abandoned and subject to removal and possible  
destruction.

21 B. City Personnel may remove any personal property unlawfully stored or remaining on  
22 public property after the posting period has expired. City personnel shall offer the person  
23 claiming ownership of the personal property, if any, a shelter space, as defined by Section  
9.20.020.

24 C. Personal property which poses an imminent threat to public health or safety, is  
25 contraband or which is evidence of a crime shall not be subject to the above notice  
26 requirements and shall be removed immediately by City personnel or police and stored or  
destroyed according to the provisions below.

27 D. At the time of removal of unlawfully stored or remaining personal property, City  
28 personnel shall conspicuously post and date a notice either at the exact location from which the  
personal property was removed or at another nearby location giving the following information:

1. A general description of the personal property removed;
2. The date and approximate time the personal property was removed;
3. A statement that the personal property has been stored in violation of Section 9.20.050;
4. The address where removed personal property will be located, including a telephone number and the internet website of the city through which a person may receive information as to impounded personal property;
5. A statement that impounded personal property may be discarded if not claimed within ninety days after impoundment.

E. Following removal of unlawfully stored or remaining personal property, City personnel shall do the following:

1. Maintain an inventory identifying the personal property, where the personal property is approximately located, and a reasonable estimate of value for such personal property;
2. Place the removed personal property in containers labeled in a manner facilitating identification by City personnel and owner and which reasonably protect such property from damage and theft;
3. Store removed personal property in an area designated by City for a period of 90 days.

F. Personal property stored by the City which is claimed within ninety (90) calendar days from removal shall be released to the person claiming ownership provided that person identifies the property and the approximate location where the property was left.

G. Personal property which remains unclaimed after ninety (90) calendar days is deemed intentionally abandoned and may be summarily abated and destroyed.

**9.20.060 Violation - Penalty.**

Violation of this chapter shall be a misdemeanor or an infraction and may be enforced by the filing of a criminal action by the city attorney or the issuance of an administrative citation in accordance with Chapter 1.15 of this code.

This Section is not applicable to unsheltered individuals when there is no available shelter space, as defined in Section 9.20.020, for the unsheltered individual otherwise in violation of Chapter 9.20.

**9.20.070 Enforcement.**

Before issuing a citation or making an arrest to enforce this Chapter, and officer charged with its enforcement who observes a violation must:

1. Orally notify the person engaged in the prohibited conduct that he or she is in violation and order them to cease the prohibited conduct;
2. Inform the person that resources and shelter space are available; and

1 3. Offer the person engaged in conduct prohibited by this Chapter an available shelter  
2 space, provide information regarding any other health and human services that said officer  
3 reasonably believes are relevant to the individual and their circumstances, and offer to  
provide transportation for the individual to the available shelter space.

4 It is an affirmative defense to a prosecution under this section that any person so notified as  
5 described in this section promptly ceased, within a time reasonable under the circumstances, to  
6 engage in the prohibited conduct following such notification.

7 **Chapter 9.50**  
8 **WATERWAY REGULATION**

9 **9.50.030 Prohibited activities and conditions.**

10 It shall be unlawful and a violation of this chapter for any person to engage in or maintain, or for  
11 any property owner to allow or maintain, any of the following activities or conditions in  
12 regulated areas:

- 13 A. Deface, destroy, damage or impair any natural or cultural resources, except for pruning,  
14 removal of materials or any other activities authorized under appropriate permits from state  
15 and/or federal agencies or in conjunction with permitted city-sponsored activities.
- 16 B. Staying or camping overnight pursuant to Section 9.20.030 of this code.
- 17 C. Store personal property pursuant to Section 9.20.050 of this code.
- 18 D. Entering into or remaining within regulated areas that are open to the public between one  
19 hour after sunset and one hour before sunrise of the following day without approval from the  
20 city manager or designee.
- 21 E. Entering into or remaining within property to which public access is prohibited or  
22 restricted.
- 23 F. Driving or otherwise operating a vehicle, except as authorized in conjunction with  
24 otherwise permitted activity.
- 25 G. Using bicycles in regulated areas not explicitly labeled as areas and/or trails designated  
26 for bicycle use.
- 27 H. Possessing or consuming alcoholic beverages.
- 28 I. Disposing of, depositing, throwing, keeping or accumulating trash, litter, rubbish, rubble,  
garbage, debris or other solid waste, dirt, green waste or animal waste.
- J. Posting any sign on a tree, tree-stake or guard, or fastening any wire, cable or rope to any  
tree, tree-stake or guard unless otherwise authorized by the city.

1 K. Urinating or defecating.

2 L. Making any excavation or unauthorized encroachment.

3 M. Possessing or discharging of weapons, firearms, paintballs, fireworks, or open fire. Open  
4 fire shall include but is not limited to the burning of fuels for campfire, recreational and  
5 cooking purposes. Furthermore, under no circumstances may plywood, particleboard, scrap  
6 lumber, pallets, waste or natural vegetation be burned.

6 N. Any act in a regulated area constituting a violation of any provision of the California  
7 Endangered Species Act (CESA), the Endangered Species Act (ESA), the California Public  
8 Resources Code, or any regulation of the California Department of Fish and Game, or of any  
9 permit or approval issued by any federal, state or local agency having jurisdiction over the  
10 regulated area shall also be a violation of this chapter.

10 Subsections (b)-(e) are not applicable to unsheltered individuals when there is no available  
11 shelter space, as defined in Section 9.20.020, for the unsheltered individual otherwise in  
12 violation of the subsections.

12 **Chapter 12.18**  
13 **PARK RULES AND REGULATIONS**

14 **12.18.430 Camping – Prohibited – Exception – Permit required.**

15 No person or group of persons shall camp, remain, stay, or store personal property, pursuant  
16 to Chapter 9.20 of this code, between one hour after sunset and one hour before sunrise of the  
17 following day, within any city park or playground unless such overnight camping or stay is  
18 undertaken for the purpose of making preparations for a public event or for the purpose of  
19 providing overnight security for equipment and structures utilized in such public event, and the  
20 overnight camping or stay is authorized by a permit issued for the public event pursuant to  
21 Chapter 12R.08 of title 12R.

19 This Section is not applicable to unsheltered individuals when there is no available shelter space,  
20 as defined in Section 9.20.020, for the unsheltered individual otherwise in violation of this  
21 Section.

22 **Chapter 12R.04**  
23 **RULES AND REGULATIONS OF BIDWELL PARK AND OTHER**  
24 **PARKS AND PLAYGROUNDS**

25 **12R.04.340 Camping - Prohibited - Exception - Permit required.**

25 No person or group of persons shall camp, remain, stay, or store personal property, pursuant  
26 to Chapter 9.20 of this code, between one hour after sunset and one hour before sunrise of the  
27 following day, unless such overnight camping or stay, or storage is undertaken for the purpose of  
28 making preparations for a public event or for the purpose of providing overnight security for  
equipment and structures utilized in such public event, and the overnight camping or stay, or

1 storage is authorized by a permit issued for the public event pursuant to Chapter 12R.08 of this  
2 title.

3 This Section is not applicable to unsheltered individuals when there is no available shelter space,  
4 as defined in Section 9.20.020, for the unsheltered individual otherwise in violation of this  
5 Section.

6 SECTION 2. Authority. This Ordinance is enacted pursuant to the City of Chico's general police  
7 powers, Article II of the Charter of the City of Chico, Article VI of the Charter of the City of Chico,  
8 and Article XI of the California Constitution.

9 SECTION 3. This Ordinance is consistent with the City's General Plan, Municipal Code, and  
10 applicable federal and state law.

11 SECTION 4. This Ordinance will not be detrimental to the public interest, health, safety,  
12 convenience or welfare.

13 SECTION 5. CEQA. The City Council, on the basis of the whole record and exercising  
14 independent judgment, finds that this Ordinance is not subject to environmental review pursuant to  
15 Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California  
16 Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that  
17 will not result in a direct or reasonably foreseeable indirect change to the environment and that are  
18 not defined as a project under Section 15378.

19 SECTION 6. Severability. If any section, subsection, line, sentence, clause, phrase, or word of this  
20 Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a  
21 decision of any court of competent jurisdiction, such decision shall not affect the validity of the  
22 remaining portions of this Ordinance. The City Council of the City of Chico hereby declares that it  
23 would have passed this Ordinance, and each and every individual section, subsection, line, sentence,  
24 clause, phrase, or word without regard to any such decision.

25 SECTION 7. Effective Date. The Ordinance shall be effective 30 days after adoption by the City  
26 Council.

27 SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this  
28 Ordinance and shall cause the same to be published or posted in the manner required by law.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its duly  
noticed meeting held on September 7, 2021, by the following vote:

AYES: Bennett, Morgan, O'Brien, Coolidge

NOES: Brown, Reynolds, Tandon

ABSENT: None

ABSTAINED: None

DISQUALIFIED: None

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**ATTEST:**

  
Deborah R. Presson, City Clerk

**APPROVED AS TO FORM:**

  
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Vincent C. Ewing, City Attorney\*

\*Approved pursuant to The Charter of  
the City of Chico § 906(E)