

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER _____

5 AN ORDINANCE ADDING CHAPTER 10.70 TO THE ORDINANCE CODE OF THE
6 COUNTY OF FRESNO PERTAINING TO UNLAWFUL CAMPING ON PUBLIC AND PRIVATE
7 PROPERTY AND OBSTRUCTION OF PUBLIC RIGHTS OF WAY

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 **Section 1.** That the Ordinance Code of the County of Fresno is hereby amended by adding
10 Chapter 10.70 of Title 10 to read as follows:

11 Chapter 10.70 – UNLAWFUL CAMPING AND OBSTRUCTION OF PUBLIC RIGHTS OF
12 WAY

13 Section 10.70.010 – Title, Purpose, and Intent

14 Section 10.70.020 – Definitions

15 Section 10.70.030 – Unpermitted Camping on Public Property Prohibited

16 Section 10.70.040 – Unpermitted Camping on Private Property Prohibited

17 Section 10.70.050 – Obstruction of Public Access to Sidewalks, Trails, Public Facilities,
and Other Public Rights of Way, and Other Public Offenses

18 Section 10.70.060 – Abatement of Encampments and Camp Facilities and Materials

19 Section 10.70.070 – Enforcement and Remedies for Violation

20 Section 10.70.080 – Non-Exclusive Remedy

21 Section 10.70.090 – Severability

22 Section 10.70.010 – Title, Purpose, and Intent

23 This chapter shall be known as the “Unlawful Camping and Obstruction of Public Rights
24 Of Way” ordinance. Publicly accessible areas under the jurisdiction of the County of Fresno
25 should be readily available and usable for the safe, healthy, and peaceable enjoyment of the
public at large. The use of public areas for camping purposes or storage of personal property
interferes with the rights of others to use and access these areas in a safe, healthy, and
peaceable manner within the purposes for which they are intended. Camping on private

property without the consent of the owner, and where camping is not authorized and without proper sanitary measures adversely affects private property rights as well as the public health, safety, and welfare of the residents of Fresno County. The purpose and intent of this chapter, pursuant to Penal Code section 372, is to establish standards and prohibitions for behaviors related to public camping, bathing or other offenses that are detrimental to the preservation of public property and the health, safety and welfare of the public accessing public property or traversing public rights of way; and to ensure and maintain publicly accessible areas in a safe and sanitary manner, and for peaceable use and enjoyment for the public at large; and to maintain private property in a safe and sanitary condition to protect the health, safety and welfare of the community.

Section 10.470.020 – Definitions

For the purposes of this chapter:

- A. “Camp” means to place, pitch, establish or occupy camp facilities or materials including but not limited to the laying down of bedding or the use of other camping materials for the purpose of temporarily, irregularly, or permanently sleeping, staying, living, or residing. An activity shall constitute camping or lodging when it reasonably appears, in light of all circumstances, that the individual(s), in conducting these activities, are in fact using the area as living accommodations regardless of the intent of the individual(s) or the nature of any other activity in which they may be engaging.
- B. “Camp facilities or materials” includes but is not limited to, tents, huts, tarpaulins, cardboard boxes, blankets, bedrolls, mattresses, cots, sleeping bags, hammocks, lawn and folding chairs, cooking equipment, warming fires, ice chest, and similar items, or vehicles operable or otherwise.
- C. “County Administrative Officer” shall refer to the County Administrative Officer or his or

her designee.

D. "Enforcement Officer" means any county employee designated by the director of the County of Fresno department, with authority to enforce any provision of this code or related state law, and shall mean regularly salaried, full-time employees of the Sheriff-Coroner-Public Administrator.

E. "Personal Property" means personal effects or property consisting of the following items: identification or social security cards; medications; medical devices; eyeglasses; photographs/phot albums; tax or medical records; and reasonably usable, non-soiled, non-verminous items that are reasonably believed to have value, including tents, blankets, sleeping bags, clothes, and operational bicycles (i.e. complete bicycles, not standalone bicycle parts). The definition of personal property does not include contraband.

F. "Public Property" means all public property including but not limited to, public buildings, streets, sidewalks, trails, alleys, medians, greenways, easements, parks, waterways, canal banks, county highways (as defined in sections 25, 960.5 and 1480 of the California Streets and Highway Code, or as amended), and other rights of way dedicated for public use and lawfully accepted by the County, and other public amenities.

G. "Private Property" means all private property, including but not limited to, real property, yards, private alleyways, sidewalks, trails, private roads, agricultural land, and undeveloped lots.

H. "Sheriff-Coroner-Public Administrator" shall refer to the Sheriff-Coroner-Public Administrator or his or her designee.

I. "Store(ing)" means to put aside or accumulate to use when needed, to put for safekeeping, to place or leave in a location.

1 Section 10.70.030 – Unpermitted Camping on Public Property Prohibited

2 A. It is unlawful and a violation of this code for any person(s) to camp, occupy camp
3 facilities, or use camping materials on public property not specially designated for day
4 and/or overnight campgrounds.

5 B. This section shall not apply to public property specifically designated for camping or
6 where camping is an authorized use by a responsible local, state, or federal agency.
7 Persons desiring to camp on County owned, controlled, or maintained public property
8 designated for camping must comply with Title 13, Chapter 13.16 of this code and the
9 permitting requirements of Section 13.16.040 of this code. Persons desiring to camp on
10 public property owned, controlled, or maintained by a department of the United States,
11 the California Department of Parks and Recreation, or other local public agencies must
12 comply with the applicable laws, regulations and permitting requirements of the
13 responsible department of the United States, the California Department of Parks and
14 Recreation, or other local public agencies.

15 C. This section shall not apply to the area described as “Courthouse Park” in Section
16 13.20.010 of this code. Title 13, Chapter 13.20 of this code regulates the area described
17 as Courthouse Park.

18 D. Nothing in this ordinance shall prohibit the possession or transportation of camping
19 facilities or materials on public property, unless otherwise in violation of this ordinance.

20 E. This section is an addition to the regulations and penalties in Title 13, Chapter 13.24 of
21 this code. Persons desiring to use county-owned grounds or buildings for public
22 meetings and other approved uses must apply for a public use permit as required by
23 section 13.24.020 of this code.

24 F. In the situation an unpermitted camp is erected, notification shall be provided prior to
25 enforcement action.

Section 10.70.040– Unpermitted Camping on Private Property Prohibited

- A. Except as provided in this section, it is unlawful and a violation of this code for any person(s) to camp, occupy camp facilities, or use camping materials on private property not appropriately zoned under the Fresno County Zoning Ordinance, Division 6 of the Fresno Ordinance Code, hereinafter referred to as the “Zoning Ordinance” or authorized by the necessary land use entitlements for camping and camping related recreational activities.
- B. Nothing in this ordinance shall prohibit camping on private property by the owner(s), and lessee(s), or other persons with the written permission of the owner; provided that such consent is verified upon demand by County staff and peace officers; and provided that all provisions of the Zoning Ordinance and all State and County health and sanitation requirements are complied with.
- C. This section shall not apply to private property for camping and camping related activities provided, sponsored, and/or facilitated by youth organizations, religious organizations, or private associations on lands specifically designated for camping and camping related activities and such uses are approved pursuant to the Zoning Ordinance and all State and County health, and sanitation requirements are complied with.
- D. This section does not apply to approved employee housing and farmworker housing as defined and authorized in the Zoning Ordinance.
- E. Nothing in this section shall prohibit camping on private property where camping and camping related activities are an approved use under the Zoning Ordinance and all State and County health, and sanitation requirements are complied with.
- F. In the situation an unpermitted camp is erected, notification shall be provided prior to

1 enforcement action.

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3 Section 10.70.050 – Obstruction of Public Access to Sidewalks, Trails, Public Facilities, and
4 Other Public Rights of Way, and Other Public Offenses:

5 A. No individual shall obstruct a street, sidewalk, alleyway, trail, county highway (as defined
6 in sections 25, 960.5 and 1480 of the California Streets and Highway Code, or as
7 amended), entrance to public facilities, or other public right of way (as defined by the
8 Americans with Disabilities Act of 1990, or as amended) by sitting, lying or sleeping, or
9 using or storing personal property in, or upon any public road or other public right of way.

10 B. No individual shall obstruct any street, sidewalk, alleyway, trail, county highway, or other
11 public right of way by sitting, lying or sleeping, or using or storing personal property in, or
12 upon any public street, alleyway, sidewalk, public property, or other public right of way
13 within the following locations:

- 14 1. Five hundred (500) feet of public or private schools, public parks, playgrounds,
15 public or private childcare facilities, and public libraries;
16 2. Five hundred (500) feet of railroad tracks, railroad property, and railyards;
17 3. One hundred (100) feet of any roadway overpass or underpass, freeway off
18 ramp or on ramp, tunnels, or bridges;
19 4. Fifty (50) feet of a fire hydrant, fire plug, or other fire department or fire protection
20 district connection, and any designated fire lanes; and
21 5. Ten (10) feet of any operational or utilizable driveway or loading dock.

22 C. Immediate Removal: Any violation of this Section shall be subject to immediate removal
23 by enforcement officers and peace officers.

24 D. It is unlawful and a violation of this code to bathe in public fountains or other public water
25 features or conveyances.

- 1 E. It is unlawful and a violation of this code to urinate or defecate upon public property not
2 designated as a restroom facility.
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4 Section 10.70.060 – Abatement of Encampments and Camp Facilities and Materials

5 A. Notwithstanding Section 10.70.050.C, the County may abate or remove camp facilities
6 and materials, or an encampment established in violation of this chapter after providing
7 written notice of such abatement. Any camp facilities and materials, or encampments
8 established in violation of this chapter may be subject to abatement without advanced
9 written notice by the County, if the encampment poses an imminent and substantial
10 threat to public health or safety, as determined by the Sheriff-Coroner-Public
11 Administrator and upon consultation with County Administrative Officer.

12 B. Abatement pursuant to this section may include, but is not limited to, removal of camp
13 facilities and materials, trash, debris, junk, hazardous waste, infectious waste, and
14 vehicles. Any personal property identified and left behind shall be stored and subject to
15 retrieval pursuant to policies and procedures developed by the County Administrative
16 Officer and the Sheriff-Coroner-Public Administrator.
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18 Section 10.70.070 – Enforcement and Remedies for Violation

19 A. A violation of this chapter is declared to be a public nuisance and subject to the penalties
20 stated herein.

21 B. A violation of this chapter is a misdemeanor, punishable by confinement of up to six
22 months in jail and/or fines up to \$500 per violation.

23 C. As an alternative to a fine or jail sentence, the County would encourage the Court to
24 grant diversion or probation with a condition the offender complete a rehabilitation
25 program or treatment plan.

1 Section 10.70.080– Non-Exclusive Remedy.

2 This chapter is not the exclusive regulation or penalty for acts related to unlawful
3 camping, obstruction of public rights of way, or interference with the public’s access and use of
4 public property. It supplements and is in addition to other regulatory codes, statutes, and
5 ordinances heretofore or hereafter enacted by the county, state or any legal entity or agency
6 having jurisdiction.

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8 Section 10.70.090 – Severability

9 If any portion of this chapter is held to be invalid by any court of competent jurisdiction,
10 such decision shall not affect the validity or effectiveness of the remaining portions of this
11 chapter. The Board hereby declares it would have passed each remaining portion irrespective
12 of the fact that any one or more portions are declared invalid.

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14 **Section 2:** This ordinance shall take effect thirty (30) days after final passage.

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THE FOREGOING, was passed and adopted by the following vote of the Board
of Supervisors of the County of Fresno this _____ day of _____, 2024, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

ATTEST:

Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By: _____
Deputy

FILE #_____

AGENDA #_____

ORDINANCE #_____