



# Board Agenda Item 22

DATE: August 20, 2024

TO: Board of Supervisors

SUBMITTED BY: Steve Brandau, Supervisor, District Two

SUBJECT: Adoption of Amendment to the Ordinance Code of Fresno County, Adding Chapter 10.70, "Unlawful Camping and Obstruction of the Public Right of Way" to Title 10, "Public Peace, Morals and Welfare"

RECOMMENDED ACTION(S):

**Conduct second hearing and adopt an Ordinance to amend the Fresno County Ordinance Code, Title 10, to add Chapter 10.70, "Unlawful Camping and Obstruction of the Public Right of Way"; and waive reading of the Ordinance in its entirety.**

The recommended action will add Chapter 10.70, "Unlawful Camping Ordinance" to Title 10, "Public Peace, Morals and Welfare" of the Ordinance Code of Fresno County to prohibit unlawful camping on public and private property, and obstructions to public rights of way. The purpose and intent of this amendment is to protect the public health, safety, and welfare of all County of Fresno residents, including those residing within unlawful camping sites, by establishing a clear process for abating unlawful camping on public and private property. Article 11, section 7 of the California Constitution authorizes the legislative body of a county to adopt ordinances for the preservation of the health, safety, and welfare of the community. The proposed amendments to the ordinance would make a violation for unlawful camping punishable as a misdemeanor and impose criminal penalties for a violation with an option of behavioral health treatment or housing services in lieu of charges or penalties. California Government Code section 25132, subdivision (a), provides the authority for the legislative body of a county for unincorporated areas to enact ordinances to impose criminal fines and penalties for violations of a county's local ordinances. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended action; however, the current enforcement mechanisms for addressing unlawful camping are inadequate to expeditiously resolve encampments that negatively affect public health and safety. Unlawful camping within the unincorporated areas would remain prohibited under existing public nuisance and zoning ordinance codes. As an additional alternative action, your Board may continue the actions with direction to County Counsel and other responsible County department staff to further revise the proposed ordinance.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The current costs associated with the County's ongoing efforts to abate encampments would not significantly increase with enforcement of the proposed amendment to the ordinance. Payments of fines are not anticipated to substantially offset costs. Staff will monitor impacted County departmental budgets accordingly.

DISCUSSION:

On August 6, 2024, your Board conducted the first hearing to amend Ordinance Code, Title 10, to add Chapter 10.70, "Unlawful Camping and Obstructing Public Rights of Way", to establish a clear process for abating unlawful camping on public and private property in order to protect the public health, safety, and welfare of all County of Fresno residents.

Unlawful camping interferes within the rights of the public to use and access public areas in a safe, healthy, and peaceable manner. Unlawful camping on private property adversely affects private property owner rights as well as public health, safety, and welfare of the community, including the individuals residing within unlawful camping sites. The current remedies and penalties for unlawful camping are inadequate.

The County has expended substantial human and financial resources to address unlawful camping. Longstanding unlawful encampments, particularly in unincorporated urban and rural areas, are a frequent target for illegal dumping, contributing to blight, fostering disease; and attracting criminal behavior which negatively impacts to health and safety of the community, including the individuals residing within the unlawful encampment. Regulation of encampments within the unincorporated areas of Fresno County is necessary to mitigate public nuisance.

The proposed ordinance establishes criminal penalties specific to unlawful camping and streamlines the administrative remedies for addressing unlawful camping. As a misdemeanor, unlawful camping would be subject to a criminal penalty of \$500 and/or up to six (6) months in jail. The proposed ordinance language also includes an option for the individuals residing within the unlawful camping site to receive voluntary behavioral health and/or housing services.

In addition to the proposed ordinance amendment, the County Administrative Office is currently finalizing updates to County policies and procedures outlining the steps to be taken by County staff in their response to addressing unlawful camping sites in the unincorporated areas of the County of Fresno. The updated policies and procedures will be consistent with the proposed ordinance amendment and will also be consistent with the current process utilized by the County of Fresno to address and resolve unlawful camping on public property. The process includes, but is not limited to, noticing of the intent to resolve the unlawful camping site, outreach services to the individuals residing within the unlawful camping site, storing any personal property of value left behind by the individuals residing within the unlawful camping site, that is not unsanitary, a threat to public health, or unlawful to possess, and cleaning the trash left behind after the unlawful camping site is vacated.

Finally, the proposed ordinance amendment communicates the County's preferred outcome in addressing unlawful camping sites on public property which is the linkage to behavioral health treatment or housing services for those individuals who reside within an unlawful camping site and who are ultimately most impacted by the proposed ordinance amendment.

With your Board's approval, the proposed ordinance will take effect 30 days thereafter.

REFERENCE MATERIAL:

BAI #5, August 6, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance

CAO ANALYST:

Dylan McCully