

Temporary Shelters

Purpose

The County of Fresno shall respond to complaints and concerns arising in and around the areas in which individuals have erected temporary shelters. This will be done in a manner that protects the public health, safety and welfare, and which complies with applicable state and federal law. All public streets and public areas, including, but not limited to open space, sidewalks, parks, buildings, and easements within the county should be easily accessible and available to residents and the public.

The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. The use of these areas for camping purposes or storage of personal property may also be a public nuisance issue. The purpose of this guide is to assist in conserving and maintaining public streets and public areas within the county in a clean and accessible condition.

Definitions

Temporary Shelters - a place with temporary accommodations consisting of huts, tents, or camp paraphernalia including but not limited to tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

Public Nuisance - A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Streets - Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this county which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. This definition shall not include any streets, alleys or roads which are within the boundaries of any incorporated city or town of this county unless specifically included therein.

Sidewalks - Means hard surfaced construction such as concrete, asphalt or brick existing in that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Public Areas - Means and includes, but is not limited to, any County owned or County maintained street, alley, park, right-of-way, public parking area, vacant parcels, or other County owned or County maintained place to which the public has access.

County Property - Means any improved or unimproved property owned or controlled by the County of Fresno, including but not limited to all County owned or County leased buildings and grounds in use for providing public services, any county park, square, street or green space.

Encampments – Any collection of individuals and or temporary structures in the public or private space that constitutes a public nuisance.

Patrol Procedures

When the Fresno County Sheriff's Office receives a concern or a complaint regarding individuals who have erected temporary shelters in areas of the County of Fresno the following procedures will be followed:

1. A call for service will be entered through dispatch. The call type will be listed as "H Camp". The deputy will respond and determine if a temporary shelter has been erected. The deputy will determine if the individual that has erected the temporary shelter has any legal right or permission to occupy the property.
2. If it is determined that an individual who has erected the temporary shelter has no legal right or permission to occupy the property the deputy shall do the following:
 - A) Access STAR 2.0 – Administration – Civil – Homeless Encampments to check if the encampment or area of the temporary shelter has been entered. If the encampment or temporary shelter has not been entered, the deputy will advise the individuals that they cannot legally remain on the property (refer to state code sections). The deputy will then enter the encampment or temporary shelter information on STAR 2.0 (refer to attached instructions). The deputy will then notify the Fresno County Sheriff's Civil Unit via email at Civil.Sheriff@fresnosheriff.org that a call for service was received and the encampment or temporary shelter was entered into STAR 2.0.
 - B) If the encampment has been entered notify the Fresno County Sheriff's Civil Unit via email at Civil.Sheriff@fresnosheriff.org that a call for service was received for the encampment or temporary shelter.

Civil Unit Procedures for Public Property Enforcement

When the Fresno County Sheriff's Office Civil Unit receives information regarding a temporary shelter or encampment, the Civil Unit will do the following:

1. Members of the Civil Unit will respond to the area of the temporary shelter or encampment.
2. A Civil Deputy will then initiate an incident report in NetRms. All documentation for the temporary shelter or encampment will be listed in NetRms under assignment "Homeless Encampment". One case number will be used for all residents in the area of the shelters or encampments.
3. The temporary shelters or encampment will be photographed and uploaded into NetRms.
4. The Civil Unit will then post and serve the residents of the temporary shelters or encampments a "Notice of Trespass" form and ask them to vacate. This notice will be given a minimum of 7 days prior to the removal of any property or trash. After the 4th day of the original posting, the Civil Unit will then post the "Notice of Trespass and Clean-Up" form. During the seven days the Civil Unit will check on the visibility of all postings. All postings of notices will be photographed and documented in NetRms.
5. All notices will be served by hand delivery, or their delivery of choice, to the organizations that assist residents of temporary shelters within the geographic area the encampment is located.
6. The Civil Unit will work with local advocates and request their assistance prior to the removal of any property. It will be the goal of the Sheriff's Office to work with the advocates in providing assistance to the residence of the temporary shelter or encampment.

7. After the seventh day of the original posting, the Civil Unit will then respond for the clean-up of the temporary shelters or encampments.
8. The Civil Unit will update STAR 2.0 on the progress of the encampment or temporary shelter.

Clean-Up of Temporary Shelters or Encampments

After the seven day written notice has expired, the Civil Unit will do the following:

1. A member of the Civil Unit will contact Public Works and arrange a clean-up day. Public Works will bring the appropriate equipment to the site. Public Works may elect to contact Fresno County Public Health and have them respond as well. This is important in situations where disposal of human waste or other hazardous material will be a concern.
2. Deputies and members of the Civil Unit will be present at all times while Public Works is assisting on the clean-up.
3. Members of the Civil Unit will identify residents and their property.
4. Cleanup personnel can immediately dispose of property that is clearly trash, unsanitary or a danger to public health. Also, County personnel can ask homeless individuals what items they want to keep and what items can be thrown away. If the property owner has agreed to throw items away, those items will be photographed. The owner will then initial the box on the receipt stating that they agreed to have those items thrown away.
5. All residents will be photographed along with their property and the photographs will be uploaded to NetRms. The residents will then be given a written receipt listing a general description of their property. The receipt will indicate the phone number to call to retrieve their property. The Civil Unit will retain a copy of the receipt.
6. If a resident is not present on the day of the clean-up, their property will be collected and photographed. A receipt and a notice of property storage will be posted in the same location where the property was collected.
7. After a receipt is given, the property will then be wrapped and a copy of the receipt will be attached to the wrapping.
8. Public works will then transport the property to the closest county yard or other county property. With the assistance of the Civil Unit, the property will be secured in a locked Sea Train.
9. The Civil Unit will have primary responsibility for releasing property. Other members of the Fresno County Sheriff's Office may assist the Civil Unit in the releasing of property.
10. The property will be released by appointment only.
11. The property will be held and made available for a period of 90 days at no charge.
12. All property being released will be verified through the initial receipt and photographs taken during initial clean-up.
13. If the resident does not have their receipt, the resident and their property will be identified through photos in NetRms.
14. After the 90 days, all unclaimed property will be disposed of.
15. If the resident is in custody during the 90 days, the "in-custody" box will be marked on the initial receipt. Arrangements can be made for a person of their choice to pick up their property.

Removal of homeless individuals and/or encampment cleanup activities shall not be conducted during the hours of 2100 and 0600.

Private Property Enforcement

The County will not respond to requests by private property owners, or owners of public property not owned by the County, to remove junk, trash and/or other debris accumulated on private property unless a clean-up effort has been approved, in advance, by the Fresno County Sheriff or person so designated by the Sheriff, Director of Public Works or person so designated by the Director. If approval is granted, the request for service will involve the removal of trash or debris that occurs within 200 feet of the temporary shelter or encampment. The County will follow procedures set forth above.

Private Property Additional Procedures:

1. A Fresno County Code Enforcement Officer will accompany a member of the Civil Unit when responding to Private Property complaints. The code enforcement officer will handle any code enforcement regarding private property.
2. Before cleanup is initiated, a written consent form will be signed by the property owner or the property owner's authorized agent.

In the event a complaint about a homeless encampment located on private property is received, but the private owner has provided consent for homeless individuals to remain on the property, no enforcement action should be taken by the FSO. This matter should be pursued solely as a code enforcement action based on the property owner's continued maintenance of public nuisance and violation of other State codes and County ordinances.

Trespass - The Sheriff's Office can respond to a call regarding homeless individuals on private property as a criminal trespass pursuant to Penal Code 602. A person who enters into possession or who remains in possession without the consent of the owner of the property, the owner's agent, other person in lawful possession, in any noncommercial dwelling house, apartment, or other such place without the consent of the owner, the owner's agent, or the person in lawful possession, is guilty of a misdemeanor.

If a person is removed from private property under trespassing laws, their property must be dealt with in the same manner listed above. If the person has a small amount of property that can easily be booked, then an exception can be made.

Forms

All forms posted and given during the seven day process and the clean-up will be scanned and categorized in NetRms.

Applicable Code Sections

P.C. 370 - Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a public nuisance.

P.C. 647(e) -Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it.

647c - Every person who willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.

County Ordinances

Chapter 10.30 - UNAUTHORIZED USE OF SHOPPING CARTS

10.30.010 - Definition.

"Shopping cart," as used in this chapter, means a device with wheels carrying a basket or other device maintained by a dealer of merchandise upon his premises for the use of patrons or employees thereof to collect merchandise from various locations within the premises and to transport the same to the cashier or the patrons' means of removing the merchandise from the premises.

10.30.020 - Removal.

No person shall remove any shopping cart, shopping basket or other similar device from the premises or parking area of any business establishment if such shopping cart, basket or device has securely affixed to it a sign identifying it as belonging to such business establishment.

10.30.030 - Abandonment.

No person shall abandon or leave any such shopping cart, shopping basket or other similar device which has been removed from the owner's premises upon any public street, alley, sidewalk, parkway or other public place, or upon any private property except that of the owner of such cart, basket or device.

10.30.040 - Possession.

No person shall have in his possession any shopping cart, shopping basket or other similar device which has been removed from the owner's premises and which, at the time of such removal, had securely affixed to it a sign identifying it as belonging to a business establishment.

The provisions of this section shall not apply to possession by the owner, his agent or an employee of the business, or to possession by a customer of the business possessing the written consent of the owner, manager or authorized agent.

10.30.050 - Use.

No person shall use any shopping cart, shopping basket or other similar device for any purpose other than that originally intended by such business without the owner's written consent.

10.30.060 - Alteration.

No person shall alter, convert or tamper with any shopping cart, shopping basket or other similar device or remove any part thereof without the owner's written consent.

10.30.080 - Violation.

Violation of any of the provisions or the failure to comply with any of the mandatory requirements of this chapter shall constitute an infraction.