

ORDINANCE NO. 870

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA ADDING CHAPTERS 17 AND 18 TO TITLE 5 OF THE COALINGA MUNICIPAL CODE RELATING TO UNSAFE CAMPING AND PUBLIC HAZARDS

The City Council of the City of Coalinga does hereby ordain as follows:

Section 1. Chapter 17 is hereby added to Title 5 of the Coalinga Municipal Code to read:

Chapter 17 Unsafe Camping

Section 5-17.01. Sitting, lying, or sleeping or storing, using or maintaining or placing personal property in the public right-of-way.

- (a) **Sitting, Lying, or Sleeping:** These activities are prohibited in the public right-of-way when the intent is to occupy the space beyond what is considered normal and reasonable use. This means that temporary, short-term use such as resting briefly on a bench or sitting for a moment is permitted. However, using the area for extended periods in a manner that obstructs or impedes the normal flow of pedestrians or traffic is not allowed.
- (b) **Storing, Using, Maintaining, or Placing Personal Property:** The storage, use, maintenance, or placement of personal property in the public right-of-way is prohibited when it extends beyond normal and reasonable use. This means that personal property should not be left unattended, stored, or arranged in a way that obstructs public access or creates a hazard. Unattended property may be considered abandoned. Normal, brief use of personal items that does not impede public access or safety is permitted.
- (c) No person shall obstruct a street, sidewalk, alleyway or other public right-of-way:
 - (1) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, as amended;
 - (2) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable driveway or loading zone;
 - (3) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable building entrance or exit;
 - (4) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of any fire hydrant, fire plug, or other fire department connection;
 - (5) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of a utility meter, utility connection or street light;
 - (6) By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal

property within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

- (d) No person shall obstruct any portion of any street or other public right-of-way 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, by sitting, lying or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, alley, bike lane, bike path, or other public right-of-way as specified.
- (e) Except as limited by subsection (d), no person shall:
 - (1) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a property designated as sensitive use. For a property to be designated as “sensitive use,” the property must be a school (public or private), childcare facility, public park, public library, warming center, cooling center, or City-permitted shelter for the unhoused;
 - (2) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a bridge or pedestrian bridge where the City Council determines, by Resolution, that the public health, safety or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within stated proximity to the designated area is unhealthy, unsafe or incompatible with safe passage;
 - (3) Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution, and based on specific documentation, that the circumstances of continued sitting, sleeping, lying or storing or personal property, or otherwise obstructing the public right-of-way at the location poses a particular and ongoing threat to public health or safety.
- (f) No person shall be found to be in violation of any prohibition set forth in Subsection (c) unless and until (i) the City Council has taken action by resolution to designate specified areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, other otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way will be allowed; and (iii) at least fourteen (14) calendar days have passed from the date on which the signage is posted at the designated area or areas.

(g) The City shall adhere to State law as it pertains to mobile and sidewalk vendors.

Section 5-17.02. Utilizing public water sources.

(a) No person shall use a fountain or other public water feature for bathing.

Section 5-17.03. Defecation and Urination.

(a) It is unlawful for any person to defecate or urinate on public property or in any public place.

(b) A person who is found defecating or urinating in a public place in violation of Section 5-17.03 shall be guilty of a misdemeanor.

Section 5-17.04. Camping.

(a) No person shall camp, lodge, sleep or tarry overnight on any public property or in any public place.

(b) No person shall camp, lodge, sleep, or tarry overnight in a private structure or place without permission of the owner.

(c) Unless otherwise permitted in Section 4-4.722.1. of the Code, the use of vehicles and other recreational vehicles for human habitation is prohibited.

(d) Unless otherwise permitted in Section 4-4.722.2. of the Code, long-term parking of recreational vehicles, boats and boat trailers on city streets or public ways is prohibited.

(e) Unless otherwise permitted in Section 10-1.12. of the Code, overnight camping is prohibited.

Section 5-17.05. Violations

(a) Notwithstanding any other provision within the Municipal Code, violations of this Section may be prosecuted as criminal misdemeanors by the District Attorney or the City Attorney per [Govt C §36900\(a\)](#).

SECTION 2. Chapter 18 is hereby added to Title 5 of the Coalinga Municipal Code to read:

Chapter 18 Public Hazards

Section 5-18.01. Storage of Personal Property.

5-18.02. Definitions.

5-18.03. Regulations and Impoundment of Stored Personal Property. Discard of Certain Stored Personal Property.

5-18.04. Notice.

5-18.05. Storage and Disposal. 5-18.06. Repossession.

5-18.07. Power of the City Manager to Make Rules and Regulations. SECTION 5-18.01. STORAGE OF PERSONAL PROPERTY.

The City enacts this section to balance the needs of the residents and public at large to access clean and sanitary public areas consistent with the intended uses for the public areas with the

needs of the individuals, who have no other alternatives for the storage of personal property, to retain access to a limited amount of personal property in public areas. This section attempts to balance the needs of all of the City's residents.

Section 5-18.02. DEFINITIONS.

The definitions contained in this subsection shall govern the construction, meaning, and application of words and phrases used in this article.

- (a) "Abandoned property" means property that the owner voluntarily surrenders, relinquishes, or disclaims, either expressly or impliedly. Property may be implied to be abandoned when property is left unattended without an indication of ownership or the whereabouts of the owner for a reasonable amount of time under the circumstances.
- (b) "Alley" means any roadway not exceeding 25 feet in width which is primarily for access to the rear or side entrances of abutting property.
- (c) "Bikeway" means all facilities that provide primarily for, and promote, bicycle travel.
- (d) "City Employee" means any full or part-time employee of the City of Coalinga, or a contractor retained by the City for the purpose of implementing this Section.
- (e) "Essential Personal Property" means any and all Personal Property that cumulatively is less than two cubic feet in volume, which, by way of example, is the amount of property capable of being carried within a backpack.
- (f) "Excess Personal Property" means any and all Personal Property that cumulatively exceeds the amount of property that could fit in a 60-gallon container with lid closed.
- (g) "Highway" means a way of place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.
- (h) "Parkway" means the area of the Street between the back of the curb and the Sidewalk that typically is planted and landscaped.
- (i) "Person" means any individual.
- (j) "Personal Property" means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items, such as household items, luggage, backpacks, clothing, documents, and medication.
- (k) "Public Area" or "Public Areas" means all property that is owned, managed by the City, and shall include, but not be limited to, any Street, medial strip, space, ground, building or structure.
- (l) "Roadway" means that portion of a road or street improved, designed or ordinarily used for vehicular travel.
- (m) "Sidewalk" means a paved walkway at the side of the street or road, other than the Roadway, set apart by curbs, barriers, markings or delineation, for pedestrian travel.
- (n) "Storage Facility" means any facility, whether operated by a public, non-profit or private provider, which allows and has capacity for voluntary storage, free of charge, for a

homeless person to store Personal Property up to the equivalent of the amount of property that would fit into a single 60-gallon container with the lid closed.

(o) "Store", "Stored", "Storing" or "Storage" means to put Personal Property aside or accumulate for use when needed, to put for safekeeping, and/or to place or leave in a Public Area. Moving Personal Property to another location in a Public Area or returning Personal Property to the same block on a daily or regular basis shall be considered Storing and shall not be considered to be removing the Personal Property from a Public Area. 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 the permission of the City or state on real property that is owned or controlled by the City.

(p) "Street" includes every Highway, avenue, lane, Alley, court, place, square, Sidewalk, Parkway, curbs, Bikeway or other public way in this City which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(q) "Tent" means a collapsible shelter made of fabric, such as nylon or canvass or a tarp stretched and sustained by supports, which is not open on all sides, and which hinders an unobstructed view behind or into the area surrounded by the fabric. In order to qualify as a Tent for purposes of this subsection, a Tent, when deconstructed, must be able to fit within a 60-gallon container with the lid closed.

(r) "Unattended" means no Person is present with the Personal Property who asserts or 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.

Section 5-18.03. REGULATION AND IMPOUNDMENT OF STORED PERSONAL PROPERTY; DISCARD OF CERTAIN STORED PERSONAL PROPERTY.

(a) No person shall Store any Unattended Personal Property in a Public Area, and in such case, the property shall be recognized as abandoned property. Abandoned property may be seized immediately without notice and destroyed as authorized by law.

(b) No Person shall Store any Attended Excess Personal Property in a Public Area. With pre-removal notice as specified in Section 5-18.04(a), the City may impound any Attended Excess Personal Property Stored in a Public Area. Post-removal notice shall be provided as set forth in Subsection 5-18.04(b).

(c) No person shall Store any Personal Property in a Public Area in such a manner as to obstruct City operations, including a Street or Sidewalk maintenance or cleaning. Without prior notice, the City may temporarily move Personal Property which is obstructing City operations in a Public Area, including a Street or Sidewalk maintenance or cleaning, during the time necessary to conduct the City operations. The City may also impound Personal Property that is obstructing City operations in a Public Area, pursuant to Sections 5-18.03(a) or 5-18.03(b).

(d) No Person shall Store any Personal Property in a Public Area in such a manner that it does not allow for passage as provided by the Americans with Disabilities Act of 1990, as

amended. Without prior notice, the City may move and may immediately impound any Personal Property Stored in a Public Area in such manner that it does not allow for the passage as required by the Americans with Disabilities Act of 1990. Post-removal notice shall be provided as set forth in Section 5- 18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

(e) No person shall Store any Personal Property within:

- (1) Twenty five (25) feet of any operational or utilizable driveway or loading dock;
- (2) Twenty five (25) feet of any operational or utilizable building entrance or exit;
- (3) Ten (10) feet of any fire hydrant, fire plug, or other fire department connection;
- (4) Ten (10) feet of any utility meter, utility connection or street light;
- (5) One thousand (1,000) feet of a property designated as sensitive use pursuant to Section 5-17.01.c.1;
- (6) Five hundred (500) feet of a bridge or pedestrian bridge; or
- (7) A area with posted signage pursuant to a Resolution adopted by Coalinga City Council.

Without prior notice, the City may move or may immediately impound any Personal Property Store in a Public Area in violation of this section. Post-removal notice shall be provided as set forth in Section 5-17.01(f) of this Code.

(f) No person shall Store any Personal Property in a Public Area that has a clearly posted closure time any Personal Property after that posted closure time any Personal Property after that posted closure time. Without prior notice, the City may remove and impound Personal Property Stored in a Public Are that has a clearly posted closure time, provided the Personal Property is removed and impounded after the posted closure time.

(g) No person shall Store any Personal Property in a Public Area if the Personal Property constitutes an immediate threat to the health or safety of the public. Without prior notice, the City may remove and may discard any Personal Property Stored in a Public Area if the Personal Property poses an immediate threat to the health or safety of the public.

(h) No person shall Store any Personal Property in a Public Area if the Personal Property constitutes evidence of a crime or contraband. Without prior notice, the City may remove and discard any Personal Property that constitutes evidence of a crime or contraband, as permissible by law.

(i) No Person shall Store any Personal Property in such a manner that obstructs or interferes with any activity in a Public Area for which the City has issued a permit. Without prior notice, the City may move any Personal Property Stored in a Public Area in violation of this section. With pre-removal notice as specified in Section 5-18.04(a), the City may impound any Personal Property Stored in violation of this section. Post-removal notice

shall be provided as set forth in Section 5- 18.04(b). A violation of this section is governed by Section 5-17.01(f) of this code.

(j) No Person shall Store any Personal Property in such a manner as to obstruct any portion of a street or other public right-of-way open to use by motor vehicles, a designated bike lane or bike path, or other public right-of-way open exclusively to use bicycles. Without prior notice, the City may move and may immediately impound any Personal Property in violation of this section. Post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

(k) No Person shall Store any Personal Property in violation of Section 5-17.01(c) of this Code. The City may move and may immediately impound any Personal Property in violation of this section. Pre-removal notice and post-removal will be provided by erecting signage providing notice that Storage of Personal is a violation of 5-17.01, which may result in removal or impoundment of Personal Property. This signage must also provide information on retrieval of Personal Property and provide notice that the Personal Property may be discarded, if not claimed within 90 days. A violation of this section is governed by Section 5-17.01(f) of this code.

(l) No Person shall Store any Personal Property in violation of Section 5-17.01(e) of this Code. With pre-removal notice as specified in Section 5-18.04(a) or posted signage, the City may impound any Personal Property in violation of this section. If the City has not posed signage, a post-removal notice shall be provided as set forth in Section 5-18.04(b). A violation of this section is governed by Section 5-17.01(f) of this Code.

Section 5-18.04. NOTICE.

(a) Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written is provided to the Person who is Storing or claims ownership of the Personal Property or is posted conspicuously on or near the Personal Property or is posted conspicuously on or near the Personal Property and the actual removal commences no more than 48 hours after the pre-removal notice is posted. The written notice shall contain the following:

- (1) A general description of the Personal Property to be removed.
- (2) The location from which the Personal Property will be removed.
- (3) The date and time the notice was posted.
- (4) A statement that the Personal Property has been stored in violation of Section 5-18.03.
- (5) A statement that the Personal Property may be impounded if not removed from Public Areas within 24 hours.
- (6) A statement that moving Personal Property to another location in a Public Area shall not be considered removal of Personal Property from a Public Area.
- (7) The address where the removed Public 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 as well as information as to voluntary storage location(s).

(8) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

(b) Post-Removal Notice. Upon removal of Stored Personal Property, written notice shall be conspicuously posted in the area from which the Personal Property was removed.

The written notice shall contain the following:

(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 5-18.03.

(4) The address where the removed Personal Property will be located including a telephone number and internet website of the City through which a Person may receive information as to impound Personal Property.

(5) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

Section 5-18.05. STORAGE AND DISPOSAL

(a) Except as specified herein, the City shall move Personal Property to a place of storage.

(b) Except as specified herein, the City shall store impounded Personal Property for 60 days, after which time, if not claimed, may be discarded or destroyed. The City shall not be required to undertake any search for, or return, any impounded Personal Property store for longer than 60 days.

(c) The City shall maintain a record of the sate any impounded Personal Property was discarded.

Section 5-18.06. REPOSSESSION.

The owner of impounded Personal Property may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership. A person may establish proof of ownership by, among methods, describing the location from and date when the Personal Property was impounded from a Public Area, and providing a reasonably specific and detailed description of the Personal Property. Valid, governmental-issued identification is not required to claim impounded Personal Property.

Section 5-18.07. POWER OF THE CITY MANAGER TO MAKE RULES AND REGULATIONS.

The City Manager is hereby charged with serving as the Designated Administrative Agency for the purpose of this ordinance. The Designated Administrative Agency shall promulgate rules, protocols, and procedures for the implementation and enforcement of this ordinance, consistent with the provisions herein.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

The foregoing Ordinance was introduced by the City Council of the City of Coalinga, California, at a regularly scheduled meeting held on September 5, 2024, and was passed and

adopted by the City Council at a regular meeting held on September 19, 2024, by the following vote:

AYES: Schindler, Vosburg, Hedgecock, Horn

NOES: None

ABSTAIN: None

ABSENT: Ramirez

APPROVED:

Handwritten signature of James Horn and initials JH.

James Horn, Mayor

ATTEST:

Handwritten signature of Shannon Jensen.

Shannon Jensen, City Clerk