


TO: James L. App
City Manager

FROM: Doug Hamp 
Chief of Emergency Services

SUBJECT: Zoning Code Amendment Regarding Camping on Public Property

DATE: February 15, 2000

NEED: For the City Council to consider the proposed amendment to the Paso Robles Municipal Code Zoning Section 21, regarding limitations on the use of travel trailers, recreational vehicles, campers and camps as residences on public property.

FACTS:

1. On numerous occasions, community members, homeowners, business people and government employees have complained about the impact of persons camping on public and private property.
2. These concerns varied from the intimidation of customers by persons sleeping on and about public and private property, to health and safety issues arising from deposited human waste.
3. Occurrences with campers under the influence of alcohol or illegal drugs are not uncommon. There are recorded incidents of campers in possession of stolen property taken during local crimes of theft. In addition, residents are uneasy about possible risks from encampments within 200 feet of children's play areas, specifically in the areas of north Pine Street and River Bank.
4. Citizens have filed complaints with both the Police and Emergency Services departments and are seeking relief from the aforementioned factors.
5. Current ordinances and penal codes address the protection of private property violations. However there are no well-defined ordinances or policies addressing public property.

ANALYSIS AND
CONCLUSION:

As the community grows, so do the challenges of protecting public and private property rights. Over the last five years, there have been increasing complaints about persons camping on or about public and private, business and residential properties.

While private property violations (trespassing or property damage) are addressed using the penal code, the lack of a well-defined ordinance or policy addressing camping on public property has brought about growing community appeal for action. Incidents of serious health and safety issues, littering, intoxication, possession of stolen property, and the establishment of permanent and transient campsites have generated this proposed code amendment.

A similar ordinance, created by the cities of Santa Barbara and Santa Ana, was developed to manage the impacts created by like conditions. The California Supreme Court upheld two challenges to this basic ordinance noting, "There is no right to use public property for living accommodations or storing personal possessions."

POLICY

REFERENCE: City of Paso Robles Municipal Code, Zoning Section 21.

FISCAL
IMPACT:

Nominal or none.

OPTIONS:

- A. That the City Council, by separate actions, approve the attached ordinance and introduce for First Reading Ordinance XXX N.S. amending the City's Zoning Code with regards to additional limitations on the use of travel trailers, recreational vehicles and campers as residences and unlawful areas to sleep; and set March 7, 2000 as the date for second reading and adoption.
- B. Amend, modify or reject the above option.

ORDINANCE NO. _____ N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, CHAPTER 21.20 GENERAL REGULATIONS AND EXCEPTIONS,
ADDING LIMITATIONS ON USE OF TRAVEL TRAILERS, RECREATIONAL VEHICLES AND
CAMPERAS RESIDENCES AND UNLAWFUL AREAS TO SLEEP

The CITY COUNCIL of the City of El Paso de Robles, California does ordain as follows:

SECTION 1. Section 21.20.230 of the City of El Paso de Robles Municipal Code is hereby amended and Sections 21.20.231, 21.20.232, and 21.20.233 are added as follows:

Section 21.20.230 Definitions

Section 21.20.231 Recreational Vehicles - Unlawful areas to use.

Section 21.20.232 Unlawful areas to camp.

Section 21.20.233 Unlawful areas to sleep.

21.20.230 Definitions.

Boat trailer. b Vehicle used to convey a boat.

Camp. b Use of camping facilities such as tents, tarpaulins or temporary shelters, the use of non approved cooking facilities and similar equipment, or the use of cots, beds or hammocks, sleeping bags, bed rolls or mats.

Public street. bIncludes streets, roads, highways, alleys, sidewalks, parkways, bridges, culverts, drains, rights of way and all other facilities and areas necessary for the construction, improvement and maintenance of streets and roads.

Recreational vehicles. Includes travel trailers, recreational vehicles, campers and similar vehicles, which shall be regulated by Sections 21.20.230, 21.23C.040 and 21.16.200 of this code.

Temporary recreational vehicle. Any motor vehicle altered and equipped for sleeping or human habitation.

Open space. Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety.

Right-of-way. A strip of land occupied or intended to be occupied by transportation and public use facilities, such as roadways, railroads, and utility lines.

Section 21.20.231 Recreational Vehicles - Unlawful areas to use.

It shall be unlawful for any person to use any recreational vehicle or temporary recreational vehicle for sleeping, human habitation or camping purposes in any of the following areas except as otherwise provided:

1. Any public parking lot;
2. Any public street;
3. Any public parking lot or public area, improved or unimproved;
4. Any public right of way including open space areas, improved or unimproved.

Exceptions:

Subject to approval by Conditional or Temporary Use Permits, recreational vehicles may be used as a caretaker residence in commercial and industrial districts for temporary events such as Christmas tree sales or construction activities; Tables 21.16.200(M), 21.23 (C), and 21.16.200(H) of the Zoning code.

Section 21.20.232 Unlawful areas to camp.

It shall be unlawful for any person to camp in the following areas except as otherwise provided for:

1. Any public park;
2. Any public street;
3. Any public parking lot or public area, improved or unimproved;
4. Any public right of way including all open space areas, improved or unimproved.

Section 21.20.233 Unlawful areas to sleep.

It shall be unlawful for any person to sleep:

1. In or on any public park during the period of time from one-half hour after sunset to 6:00 a.m.
2. In or on any public street or sidewalk, or in or on City public ways intended for pedestrian or vehicular use, and owned or maintained by the City;
3. On the grounds of City owned or maintained buildings, facilities, rights of way open spaces or other improved or unimproved City properties.

SECTION 2.

Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper or general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3.

Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not effect the validity of the remaining portion of this Ordinance, and this Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 4.

Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Introduced at a regular meeting of the City Council held on February 15, 2000 and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of March 2000 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST

Sharilyn M. Ryan, Deputy City Clerk

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