

## NOTICE OF SPECIAL MEETING

Pursuant to Section 54956 of the Government Code of the State of California, a Special meeting of the **TRACY HOMELESS ADVISORY COMMITTEE** is hereby called for:

**Date/Time:** **Monday, August 22, 2022, 7:00 p.m.**  
(or as soon thereafter as possible)

**Location:** **Council Chambers, Tracy City Hall**  
**333 Civic Center Plaza, Tracy, CA.**

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**THE CITY OF TRACY REMAINS UNDER A LOCAL EMERGENCY FOR COVID-19 AND IS NOW CONDUCTING TELECONFERENCE MEETINGS PURSUANT TO STATE LAW. TELECONFERENCED LOCATIONS MAY INCLUDE VARIOUS LOCATIONS INCLUDING TRACY CITY HALL. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS AND SOCIAL DISTANCING PROTOCOLS WILL BE IN PLACE FOR TRACY CITY HALL.**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:**

### **Remote Public Comment:**

*During the upcoming City Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following **Event Number: 2552 675 2201** and **Event Password: THAC**
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - Join by phone by dialing [+1-408-418-9388](tel:+14084189388), enter [25526752201#8422#](tel:+14084189388) Press \*3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*

- *Comments for the “Consent Calendar” “Items from the Agenda/Public Comment” or “Regular Agenda” portions of the agenda will be accepted until the public comment for that item is closed.*

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Tracy Homelessness Advisory Committee on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

Full copies of the agenda are available on the City’s website: [www.cityoftracy.org](http://www.cityoftracy.org)

1. CALL TO ORDER
2. ROLL CALL
3. ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Advisory Committee members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Tracy Homelessness Advisory Committee.*
4. REGULAR AGENDA
  - 4.A ADOPTION OF APRIL 21, 2022, REGULAR MEETING MINUTES
  - 4.B CONDUCT A “TOWN HALL” STYLE DISCUSSION TO ELICIT RESOURCES FOR POTENTIAL INTERIM SHELTER SOLUTIONS
  - 4.C RECEIVE AND COMMENT ON A DRAFT ORDINANCE EFFECTUATING AN OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, “REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES” AND CHAPTER 5.12, “CAMP CARS AND TRAILERS,” AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS.
  - 4.D UPDATE ON THE PARK TO SHELTER TRANSITION PLAN IN CONJUNCTION WITH THE FAMILIAR FACES PROGRAM (VERBAL REPORT)
  - 4.E UPDATE ON THE IMPLEMENTATION OF THE CITY COUNCIL STRATEGIC PLAN TO END AND PREVENT HOMELESSNESS
5. STAFF ITEMS
6. COMMITTEE ITEMS
7. ADJOURNMENT

Posting Date: August 19, 2022

The City of Tracy is in compliance with the Americans with Disabilities Act and will make all reasonable accommodations for the disabled to participate in employment, programs and facilities. Persons requiring assistance or auxiliary aids in order to participate, should contact the City Manager's Office at (209) 831-6000 at least 24 hours prior to the meeting.

TRACY HOMELESSNESS ADVISORY COMMITTEE SPECIAL MEETING MINUTES

**April 21, 2022, 7:00 p.m.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Council Member Arriola called the meeting to order at 7:03 PM
2. ROLL CALL – Roll call found Council Members Arriola and Davis present.
3. ITEMS FROM THE AUDIENCE – There were no public comments.
4. DISCUSSION ITEMS

- 4A. ADOPTION OF FEBRUARY 17, 2022 SPECIAL MEETING MINUTES – Minutes were adopted

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Arriola to adopt the February 17, 2022 Special Meeting Minutes. Motion found all in favor; passed and so ordered.

- 4B. TEMPORARY WARMING CENTER UPDATE

Vanessa Carrera, Assistant to the City Manager provided the staff report. Bubba Paris, Executive Director for Tracy Community Connections Center (TCCC) provided operational information pertaining to the warming center operations and service demographics, including budget expenditures. Both responded to questions.

Council Member Davis thanked TCCC for their outstanding contribution in the running of the warming center.

Mary Dokes from TCCC, shared success stories of some of the clients that received case management services during their stay at the warming center.

Chief Sekou Millington shared that he is proud of the partnerships that have been established and the services that were provided at the warming center for the unsheltered citizens.

There were no committee comments.

- 4C. TEMPORARY EMERGENCY HOUSING FACILITY CONSTRUCTION UPDATE

Vanessa Carrera, Assistant to the City Manager and Ilene Macintire, Senior Civil Engineer, provided the staff report and responded to questions.

Jenny Wood thanked TCCC and the City for all the hard work and asked what citizens can do to get involved and help support this project. Midori Lichtwardt, Assistant City Manager explained that there are many moving parts at this time but that the most important contribution that the community can make is to

participate in the council meetings and the Tracy Homeless Advisory Committee meetings.

Cynthia Camacho asked is all the permits are through the City and asked why things are bogged down. Ilene Macintire clarified that permits are not only from the City of Tracy but also from several agencies such as South County Fire, San Joaquin Valley Air District and San Joaquin County and once the kitchen is ready to go in there will be additional permits needed from San Joaquin County Environmental Health.

Council Member Davis expressed appreciation to the staff and community members willing to volunteer.

Council Member Arriola thanked staff for all their hard work and efforts. Shared that this is a community effort that takes partnerships with local organizations and community members to step up. The City is facilitating a plan that is going to change the environment for those that are facing homelessness.

4D. UPDATE ON THE IMPLEMENTATION OF THE CITY COUNCIL STRATEGIC PLAN TO END AND PREVENT HOMELESSNESS

Vanessa Carrera, Assistant to the City Manager, Sekou Millington, Chief of Police, Miguel Contreras, Police Lieutenant, Ana Contreras, Community Preservation Manager and, David Murphy, Public Works Superintendent provided the staff report.

Council Member Davis thanked staff, Police and Code Enforcement Departments on all their hard work. Shared that she understands the difficult work that the Police Department and Code Enforcement has at Pescadero Park. Expressed her pride in the progress that is being made by the Police Department, Code Enforcement and Public Works Departments.

Council Member Arriola asked staff questions and again thanked staff for all the behind the scene efforts that have taken place. Thank Police, Code Enforcement and Public Works for all they are doing in working cohesively. Chief Millington also mentioned that the Fire Department has also been a key part of the team collaboration that has been taking place.

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Arriola to accept the Item 4 updates. Motion passed and so ordered.

4. ITEMS FROM THE AUDIENCE – There was no public comment.
5. – STAFF ITEMS - City Manager, Michael Rogers acknowledged Mr. Bubba Paris and TCCC for the work that has been done in taking care of the unsheltered population and they services that they received through the warming center. Mr. Rogers also thanked the City staff and team that is working hard to achieve the goals of the strategic priorities and shared that homelessness will be addressed as a core function of the City and called upon the community and the council for assistance in this endeavor.

6. COMMITTEE ITEMS AND COMMENTS – Council Member Davis thanked everyone in attendance, Mr. Bubba Paris and TCCC on their work in the warming center. Shared her gratitude toward staff, Police, Public Works, and Code Enforcement for all their hard work.

Council Member Arriola echoed Council Member Davis' sentiments and thanked those in attendance for taking the time to attend the meeting. Council Member Arriola asked for more information regarding a transition plan that will clarify the park to shelter plan with the Familiar Faces Program, this item was seconded by Council Member Davis.

7. ADJOURNMENT – Time: 8:13 p.m.

**ACTION:** Motion was made by Council Member Davis and seconded by Council Member Arriola to adjourn. Motion found all in favor; passed and so ordered.

The agenda was posted at City Hall on April 15, 2022. The above are action minutes.

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Deputy City Clerk



AGENDA ITEM 4.B

DATE: August 22, 2022

TO: Tracy Homeless Advisory Committee

FROM: Virginia Carney, Homeless Services Manager  
Midori Lichtwardt, Assistant City Manager

SUBJECT: Conduct a "Town Hall" Style Discussion to Elicit Resources for Potential Interim Shelter Solutions Update on City of Tracy Homelessness Efforts Including Soliciting Input to Develop an Interim Shelter Plan

**RECOMMENDATION**

That the Homeless Advisory Committee authorize the City Manager to conduct at this meeting a "Town Hall" style discussion to elicit resources for potential interim shelter solutions.

**SUMMARY**

Homelessness is a growing regional and state-wide crisis. While the Tracy City Council identified homelessness and housing affordability as key concerns in the community and have supported local efforts and projects to address these issues, the global COVID-19 pandemic exacerbated these issues and created a more acute need for increased homelessness response and intervention. As a result, the City has taken several steps to address this growing need. With the recent rejection of bids for the above ground construction phase of the Temporary Emergency Housing Facility and a delay in occupancy date, there is now an urgent need to identify and act on an emergency interim shelter plan. At its August 16, 2022 meeting, the City Council authorized the City Manager to take all necessary emergency actions to secure resources needed that would provide appropriate housing options and services to the City's unsheltered. To that end, the City Manager would like to conduct at this meeting a "Town Hall" style discussion to elicit resources for potential interim shelter solutions. The goal is identify shelter-related resources from and facilitate connections between community

developers, homeless service providers, the faith-based community, nonprofit organizations, land and commercial building owners and other community members that have access to resources and solutions to stand up an interim shelter facility until the Temporary Emergency Housing Facility is constructed and opened for occupancy.

## **BACKGROUND**

Homelessness and its impacts on communities are a growing state-wide crisis. In 2018 the *Martin v. Boise Ninth Circuit Court of Appeals Ruling* prohibited the government from criminalizing homeless individuals for sleeping outdoors on public property when there is no option of sleeping indoors. Staff developed approaches and tools to address these impacts and Council directed the creation of the Tracy Homeless Strategic Plan which calls for, among other goals, identifying temporary emergency housing and support services.

## **TIMELINE OF TRACY CITY COUNCIL ACTIONS AND STAFF ACTIVITIES RELATED TO HOMELESSNESS**

In April 2019, the Tracy City Council voted to form a Council Ad-Hoc Subcommittee to focus on drafting a strategic plan to end homelessness in Tracy. At the direction of Council, staff received a grant for technical assistance to draft the plan. The plan was drafted in the fall and winter of 2019, and just as the plan was to come back before Council for adoption, COVID-19 struck, and staff efforts were redeployed to address the immediate impacts of COVID-19 on our City and operations. Staff returned to Council in May 2020 to adopt the Strategic Plan to End and Prevent Homelessness.

Over the summer of 2020, staff inventoried and vetted private and publicly owned facilities and properties to find a fit for an emergency housing facility. In September 2020, Council designated land for a Temporary Emergency Housing Facility (the Facility) and approved preliminary funding. In December 2020 Council authorized the City's first temporary emergency warming center which was in nightly operations through March 2021.

In February 2021, the Council formed a standing homelessness committee (Homeless Advisory Committee), and in March 2021, the Council received an update on the City's homelessness efforts, including the Arbor Road Project, and agreed to: 1) proceed with the Temporary Emergency Housing Facility design and construction, 2) direct staff to continue to pursue grant funding to offset the project capital shortfall and future



operating expenses, and 3) to fund the shortfall by using grant opportunities, American Rescue Plan Act funds if eligible, and General Funds including Measure V.

With funding for design secured, in April 2021 Council approved a contract with KPA Group to begin the design of the Facility. In July 2021, San Joaquin County awarded the project \$3.66 million for Phase 1 construction. Because federal funding was being used to construct the project, in late fall of 2021 the City initiated a National Environmental Policy Act (NEPA) process to obtain clearance to build on the site. This process was anticipated to take 120 days to complete and would delay the City's ability to begin any demolition, grading or construction at the Facility site. Running parallel to the NEPA review process, in December 2021 the City solicited bid proposals for the construction of Phase 1 and Council also authorized staff to negotiate the purchase of auxiliary buildings such as the kitchen facility, restrooms, and showers. The City also entered into an agreement with Tracy Community Connection Center to operate a temporary warming shelter through March 2022.

In January 2022, City staff and community members participated in the 2022 Tracy Point in Time Count; a biennial count of a jurisdiction's unsheltered population. While technical corrections for the NEPA review and clearance were resubmitted, staff continued to work toward securing construction permits to breaking ground at the Facility site. In March of 2022, the City Council formally accepted the County's \$3.66 million funding allocation for the project. In April 2022, the NEPA process was completed and the Department of Housing and Urban Development issued the necessary release for the City to begin construction. Council also awarded a construction contract to begin demolition and grading at the site.

In May 2022 Council authorized the contracts to purchase several auxiliary structures and accepted a Behavioral Health Justice Intervention Services Grant to begin a pilot "Familiar Faces" program. Staff issued a Request for Proposal (RFP) for an experienced operator to manage and maintain the Facility and provide services to those who would be temporarily housed at the Facility.

In June 2022, staff issued an RFP for Phase 1 Construction Package 2, which included foundations, pavement, fencing, and placement of auxiliary buildings. The bid closing was July 20, 2022. Only one bid was received, and it did not include the required bid documentation and was several million dollars over the Engineer's estimate and project budget.

In July 2022, staff issued an RFP for interim security at El Pescadero Park, award of contract is scheduled to be presented at a September 2022 City Council meeting.

Earlier this month, City Council rejected the sole Phase 1 Construction Package 2 bid and authorized staff to revise the bid documents and rebid the project in September.

With the delay for construction of the Phase 1 Construction Package 2, the above ground construction, the City and its residents will be left without a temporary housing facility in which to house the City's unsheltered for a significant period of time. Given the totality of the crisis, at its August 16, 2022 meeting, the City Council authorized the City Manager to take all necessary emergency actions to secure resources needed that would provide appropriate housing options and services to the City's unsheltered. This item is a critical next step in identifying and securing these resources.

During this evening's "Town Hall" style exercise, staff will be reaching out to the community to identify and provide resources to:

- operate and manage a safe parking program
- identify available buildings in which to operate an interim shelter site
- identify available land on which to construct an interim shelter site
- identify security options for any operations sites
- identify available non-profits, agencies that can provide transportation for the unsheltered
- identify available storage options, kennels and other supplies

AGENDA ITEM 4C

RECOMMENDATION

**STAFF RECOMMENDS THAT THE HOMELESS ADVISORY COMMITTEE RECEIVE AND COMMENT ON A DRAFT ORDINANCE EFFECTUATING AN OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, "REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES" AND CHAPTER 5.12, "CAMP CARS AND TRAILERS," AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS.**

SUMMARY

The proposed ordinance was presented to the City of Tracy's Parks and Community Services Commission on August 4, 2022, and is now before the City's Homeless Advisory Committee for review and comment. The item will be presented to the City Council at a future regular meeting.

ACTION REQUESTED

Staff requests that the Homeless Advisory Committee receive and comment on a draft ordinance effectuating an omnibus amendment of the Tracy Municipal Code to (a) update Chapter 4.16, "Regulations Pertaining to the Use of Park and Recreation Areas and Facilities" and Chapter 5.12, "Camp Cars and Trailers," and (b) add provisions prohibiting certain acts, camping, and storage of personal property in parks and public areas.

Attachments:

- (1) Draft City Council staff report
- (2) Draft ordinance

AGENDA ITEM \_\_\_\_\_

RECOMMENDATION

**STAFF RECOMMENDS THAT CITY COUNCIL INTRODUCE AN ORDINANCE EFFECTUATING AN OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, “REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES” AND CHAPTER 5.12, “CAMP CARS AND TRAILERS,” AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS.**

EXECUTIVE SUMMARY

The proposed amendments to the Tracy Municipal Code will update Chapter 4.16, “Regulations Pertaining to the Use of Park and Recreation Areas and Facilities” and Chapter 5.12, “Camp Cars and Trailers” to current language and practices. The amendments will also expand the City of Tracy’s enforcement tools for unlawful acts in parks and public areas, camping, and storage of personal property. Lastly, the amendments will increase penalties for certain violations to misdemeanors.

BACKGROUND AND LEGISLATIVE HISTORY

At the regular City Council meeting on May 17, 2022, City staff provided an informational report to City Council previewing proposed amendments to the Tracy Municipal Code to update and expand Chapter 4.16, Regulations Pertaining to the Use of Park and Recreation Areas and Facilities, and Chapter 5.12, Camps Cars and Trailers. On August 4, 2022, the proposed amendments were presented at the Parks and Community Services Commission meeting for input and discussion. During that time, the Parks and Community Services Commission provided feedback on the proposed amendments. [INSERT FEEDBACK FROM HOMELESS ADVISORY COMMITTEE]. The objectives of these amendments are to clarify prohibited acts regularly encountered by the City and establish related enforcement authority currently not provided for in the Tracy Municipal Code.

ANALYSIS

Certain acts, camping, and unlimited storage of personal property in parks and public areas create unsafe and unsanitary conditions throughout the City of Tracy. As a result, these conditions interfere with the use of parks and public areas for their intended purposes and impact the health and safety of the public. Furthermore, these conditions cause blight throughout the community and damage to public property.

Throughout the last several years, the City has experienced an increase in illegal activity, camping, and storage of personal property throughout parks and public areas. Due to these activities, the City continues to devote significant time and resources to address ongoing health and safety issues and calls for service at parks and public areas. However, the current Tracy Municipal Code provides limited enforcement opportunities. The proposed amendments will allow the City to combat specific activities within parks and public areas currently unavailable, and will increase penalties for certain activities to misdemeanors. These changes will increase enforcement opportunities, and an increase in potential penalties will provide a deterrent mechanism not currently available under the Tracy Municipal Code.

The proposed amendments will update Chapter 4.16 and Chapter 5.12 of the Tracy Municipal Code to provide the City with additional enforcement tools to address these conditions that impact the health and safety of parks and public areas.

#### Amendments to Chapter 4.16, Regulations Pertaining to Use of Park and Recreation Areas and Facilities

The proposed amendments to Chapter 4.16 expand application to all public areas, update existing regulations that currently apply to parks to also include public areas, and prohibit additional acts in parks and public areas. In addition, certain acts will be subject to a misdemeanor. A summary of the amendments to Chapter 4.16 are as follows:

- Prohibits open fires in parks and public areas;
- Prohibits storage and disposal of wastewater and sewage water in parks and public areas;
- Prohibits storage and dumping of personal items in parks and public areas; and
- Restricts unpermitted electrical connections in parks and public areas.

#### Amendments to Chapter 5.12, Camp Cars and Trailers

The proposed amendments will more clearly define and prohibit camping in parks and public areas. The amendments will also prohibit camping within certain distances of certain areas and restrict storage of personal property in parks and public areas. Violations of certain sections will be subject to a misdemeanor. The City's ability to enforce the proposed amendments prohibiting camping will be subject to the satisfaction of relevant constitutional and state laws. . A summary of the amendments to Chapter 5.12 are as follows:

- Prohibits camping in any parks or public areas, and violations are subject to a misdemeanor;
- Prohibits camping within certain distances to certain locations, including, driveways, building entrances/exits, public or private property fencing, fire hydrants or other fire department connections, schools, day care centers, recreational facilities or sports fields, shelters, and areas that obstruct or interfere with City activities, and violations are subject to a misdemeanor;
- Prohibits storage of personal property in parks or public areas, and allows the City to immediately remove personal property in certain circumstances (such as when the property is evidence of a crime or immediate threat to health and safety of the public); and
- Provides the procedure for the City's removal and storage of personal property.

These amendments will provide additional enforcement mechanisms that do not exist within the City's current ordinances and will improve the City's ability to address the health, safety, and

general welfare of the community and reduce the degradation and destruction of City parks and public areas. The entirety of the proposed amendments are attached to this report as Exhibit A.

FISCAL IMPACT

This item has no direct fiscal impact to the General Fund. However, there are undetermined costs and staff time associated with the enforcement of the proposed amendments. Each call for service related to the proposed amendments will be absorbed within existing operations and budgets.

PUBLIC OUTREACH/INTEREST

The proposed ordinance was presented to the City's Parks and Community Services Commission and Homeless Advisory Committee meetings for public input.

COORDINATION

Preparation of this item involved coordination between the Police Department, Code Enforcement Division, Parks and Recreation Department, Public Work's Department, City Manager's Office, and City Attorney's Office.

CEQA DETERMINATION

The proposed amendments are exempt under Sections 15307 and 15308 of the Guidelines for the Implementation of the California Environmental Quality Act and under Section 15061(b)(3) of the California Code of Regulations.

STRATEGIC PLAN

This item relates to the City's Councils strategic plan in the area of Public Safety.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council introduce an ordinance effectuating an omnibus amendment of the Tracy Municipal Code to (a) update Chapter 4.16, "Regulations Pertaining to the Use of Park and Recreation Areas and Facilities" and Chapter 5.12, "Camp Cars and Trailers," and (b) add provisions prohibiting certain acts, camping, and storage of personal property in parks and public areas.

Respectfully submitted,

\_\_\_\_\_  
ANA CONTRERAS  
Community Preservation Manager

**TRACY CITY COUNCIL**

**ORDINANCE NO.** \_\_\_\_\_

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**OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16 "REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES" AND CHAPTER 5.12 "CAMP CARS AND TRAILERS," AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS**

**WHEREAS**, certain unlawful acts, camping, and unlimited storage of personal property in parks and public areas create unsafe and unsanitary conditions throughout the City of Tracy; and

**WHEREAS**, these conditions interfere with the use of parks and public areas for their intended purpose and impact the health and safety of the public; and

**WHEREAS**, these conditions cause blight throughout the community and damage to public property; and

**WHEREAS**, throughout the last several years, the City has experienced an increase in illegal activity, camping, and storage of personal property throughout parks and public areas, and the Tracy Municipal Code provides limited enforcement opportunities to address these growing issues; and

**WHEREAS**, in order to protect the health and safety of the community and the conditions of parks and public areas, amendments to the Tracy Municipal Code are necessary to provide the City with additional enforcement tools; and

**WHEREAS**, the proposed amendments will allow the City to address specific activities within parks and public areas that are currently not prohibited under the Tracy Municipal Code, and will increase penalties for certain activities to misdemeanors; and

**WHEREAS**, these changes will increase enforcement opportunities and deter illegal activities in parks and public areas; and

**WHEREAS**, such additional enforcement tools are specifically amendments to Chapter 4.16, "Regulations Pertaining to the Use of Park and Recreation Areas and Facilities" and Chapter 5.12, "Camp Cars and Trailers" of the Tracy Municipal Code, as more specifically described in **Exhibit A** attached hereto and incorporated herein (**Amendments**); and

**WHEREAS**, the City's Parks and Community Services Commission considered and provided input on the Amendments to Chapter 4.16 on August 4, 2022; and

**WHEREAS**, the City's Homeless Advisory Committee considered and provided input on the entirety of the Amendments on August 4, 2022; and

**WHEREAS**, the Amendments are necessary to expand the City's enforcement tools to address unlawful acts, camping, and storage of personal property in parks and public areas in order to protect the health and safety of the community and conditions of parks and public areas in the City; and

**WHEREAS**, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq.) under CEQA Guidelines Section 15307 (Protection of Natural Resources), Section 15308 (Protection of the Environment), and/or Section 15061(b)(3) (Common Sense Exemption), and/or Section 15321 (Enforcement Actions); and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals/Findings.** The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

**SECTION 2. Full Text.** The City Council hereby approves the Amendments to Chapter 4.16 "Regulations Pertaining to the Use of Park and Recreation Areas and Facilities" and Chapter 5.12, "Camp Cars and Trailers" of the Tracy Municipal Code, which are specifically described on **Exhibit A**.

**SECTION 3. CEQA Determination.** That the City Council hereby finds and determines, after independent review and consideration, as supported by substantial evidence in the record and for the reasons set forth in this Ordinance, and, each as a separate and independent basis, that the actions authorized by this Ordinance are exempt from additional review and analysis under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (Cal. Code Regs., title 14, section 15000 et seq.) under CEQA Guidelines Section 15307 (Protection of Natural Resources), Section 15308 (Protection of the Environment), and/or Section 15061(b)(3) (Common Sense Exemption), and/or Section 15321 (Enforcement Actions). Each of the foregoing provides a separate and independent basis for CEQA compliance and, when viewed collectively, provides an overall basis for CEQA compliance.

**SECTION 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5. Effective Date.** This ordinance shall become effective upon the thirtieth (30<sup>th</sup>) day after final adoption.

**SECTION 6. Publication.** The City Clerk is directed to publish this ordinance in a manner required by law.



**SECTION 7. Codification.** This ordinance shall be codified in the Tracy Municipal Code.

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The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the \_\_\_ day of \_\_\_\_\_ 202\_, and finally adopted on the \_\_\_ day of \_\_\_\_\_, 202\_, by the following vote:

- AYES –
- NOES –
- ABSENT –
- ABSTENTION –

\_\_\_\_\_  
NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

Date of Attestation: \_\_\_\_\_

## NOTICE AND DIGEST

### **OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16 “REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES” AND CHAPTER 5.12 “CAMP CARS AND TRAILERS,” AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS**

This Ordinance (Ordinance) amends Chapter 4.16, “Regulations Pertaining to the Use of Park and Recreation Areas and Facilities” and Chapter 5.12, “Camp Cars and Trailers” and adds provisions prohibiting certain acts, camping, and storage of personal property in parks and public areas. The Ordinance will provide the City of Tracy with additional enforcement tools to protect the health and safety of the community and conditions in parks and public areas. Lastly, the Ordinance will increase the penalties for violations of certain sections to misdemeanors.

## EXHIBIT A

### OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16 "REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES" AND CHAPTER 5.12, "CAMP CARS AND TRAILERS," AND (B) ADD PROVISIONS TO PROHIBIT CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS

#### Chapter 4.16 REGULATIONS PERTAINING TO THE USE OF PARKS AND RECREATION AREAS PUBLIC AREAS AND FACILITIES

##### Sections:

##### **4.16.010 Name of chapter.**

This chapter shall be known as the "Tracy Parks and Public Areas Ordinance".

(Prior code § 4-4.01)

##### **4.16.020 Purpose.**

The purpose of this chapter is to regulate the use of City parks and other public areas, and establishes the standards for issuance of park permits so that all persons may enjoy and make use of such parks and public areas and to protect the rights of those in the surrounding areas.

(Prior code § 4-4.02)

##### **4.16.030 Definitions as used in this chapter.**

"Amplified sound" means music or speech projected or transmitted by electronic equipment, including but not limited to amplifier, loudspeakers or any similar device.

"City Manager" means and refers to the City Manager or his their designee.

"Director" means and refers to the Director of the ~~Department of~~ Parks and Recreation Department or his their designee.

"Exclusive use" means the right to use a park or public area, or area thereof, for any activity at a specified time, to the exclusion of all others.

"Facility permit" means written permission by the Director for a specified use of a park or public area or area thereof, including a community building, community ground, barbecue pit area, City pool, athletic facility or any other park public facility.

"Parade" means an organized march or procession of persons, animals or vehicles or combination thereof whose march route crosses park or public property.

"Park" means all City parks, community buildings and grounds, athletic facilities, open space areas and other grounds and facilities owned or operated by the City for park, recreation or open space purposes.

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"Parks and Recreation Department" means the Parks and Recreation Department of the City of Tracy.

"Permit application fee" means the nonrefundable fee to be paid by an applicant for a facility permit. The fee shall be set by the City Council and shall cover the full cost (or portion thereof) of processing and investigating the application, and administering the park facility permit program.

"Permittee" means the person or group which has been granted a facility permit.

"Public," "Public Property," "Public Area" or "Public Areas" means all real property that is owned or controlled by the City of Tracy and shall include, but not be limited to, any street, median strip, sidewalk, parking lot, building, or structure.

"Publicize" means to inform the public of a planned activity by means of newspaper articles, notices, radio or television notices, announcements at public places, leafletting, posting signs or written notices in places used by the public, social media, or by any other means calculated to notify the public of any activity.

(Prior code § 4-4.03)

#### **4.16.040 Certain park and public areas restricted to specific users.**

The Director may designate in writing and/or by posting at the site, certain parks, park facilities, public areas, or areas thereof, which are available for exclusive use only upon obtaining a facility permit pursuant to Section 4.16.050.

(Prior code § 4-4.04)

#### **4.16.050 Facility permit required.**

A facility permit must be obtained from the Parks and Recreation Department prior to sponsoring or conducting any of the following activities in a park or public area:

- (a) For the exclusive use of any park ~~area or~~ facility, or public area which has been designated by the Director pursuant to Section 4.16.040 as requiring a facility permit;
- (b) For any organized activity in which fifty (50) or more persons are expected to participate or attend, or which is publicized prior to the date of the activity, or which requires special City services. Such activity includes, but is not limited to the following: A picnic, rally, group meeting, festival, fair, parade, play, musical event, art show or other show or exhibition;
- (c) Any activity involving the erection or placement on park or public property of stages, booths, platforms, sculptures and other art works, or other similar structures;
- (d) For the sale or barter of any goods, wares, merchandise, food or beverages (see Section 4.16.140);
- (e) For any activity involving the use of amplified sound (see Section 4.16.150); or
- (f) A permit is required to possess or consume any alcoholic beverage in ~~designated~~ City parks or public areas and may only occur in designated parks and public areas.

(Prior code § 4-4.05)

#### **4.16.060 Facility permit applications.**

- (a) Any person applying for a facility permit shall file an application on a form provided by the Director Parks and Recreation Department, not less than twenty (20) days, nor more than one year (365 days) prior to the

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proposed use of the park or public area. The Director may waive the application deadline for good cause if sufficient time remains to process the application, and for the City to prepare for the requested use. Good cause can be demonstrated by the applicant, and shall be determined by the Director, showing that the circumstances which gave rise to the permit application did not reasonably allow the participants to file within the time prescribed and the proposed activity is for the purpose of exercising the right of free speech.

- (b) All applications for the facility permit must be signed or cosigned by a person twenty-one (21) years of age or older who shall agree to be responsible for the requested use of the park or public area.

(Prior code § 4-4.06)

#### **4.16.070 Facility permit application.**

The application for a park facility permit shall be completed on a form provided by the Parks and Recreation Department and shall provide the following information:

- (a) The name, address, and telephone numbers of the permit applicant, organization sponsoring the activity (if any) and person who shall be in charge of the activity;
- (b) Park, public area, or facility or area thereof requested;
- (c) Any additional ~~park~~ equipment or personnel requested;
- (d) The type of activity planned;
- (e) The starting and finishing time of the activity;
- (f) The number of persons expected to attend the activity;
- (g) The type of equipment or structures (if any) which shall be erected or placed on park or public property;
- (h) Whether the activity will involve amplified sound and the nature thereof;
- (i) Type and amount of insurance coverage for the event; and
- (j) Any supplemental information the Director shall find reasonably necessary to determine whether to approve the permit application pursuant to Section 4.16.160.

(Prior code § 4-4.07)

#### **4.16.080 Action or permit application.**

The Director shall approve, conditionally approve or deny a facility permit application for any of the grounds specified in section 4.16.090. Such action shall be taken no later than seven (7) days after receipt of a completed application. Notice of the Director's decision shall be mailed or emailed to the applicant's address or email address. If the application is denied the Director shall state the grounds for denial in writing and inform the applicant of ~~his/her~~ their right of appeal. If a change in the time or location of the proposed activity would allow approval of the application, the Director shall propose an alternative location or time for the activity.

(Prior code § 4-4.08)

#### **4.16.090 Grounds for permit denial.**

The Director may deny a facility permit application if they determines from a consideration of the application or other pertinent information, that any of the following conditions exist:

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- (a) Information contained in the application or supplemental information requested from the applicant, is found to be false in any material detail;
- (b) The applicant failed to complete the application form after having been notified of the additional information or documents required;
- (c) The proposed activity would conflict with a previously planned City-sponsored activity;
- (d) The applicant refuses in writing to comply with all terms and conditions of the permit;
- (e) A prior application for a permit to use the same location at a conflicting time has been received and such application has been or will be approved;
- (f) The nature or size of the activity would be reasonably likely to injure persons or damage park or public property, or property adjacent to the park or public property; provided, that the Director shall not consider the content of expression which is proposed or anticipated at the activity;
- (g) The proposed activity is prohibited by law;
- (h) The proposed activity is inconsistent with the purpose for which the facility, ~~or~~ park, or public area has been established or designated pursuant to section 4.16.040;
- (i) The sole purpose of the activity is advertising or sale of any product, goods, wares or merchandise and is designed to be held for private profit and not for First Amendment expression; or
- (j) That the proposed activity would require the assignment of so great a number of City police officers to properly police the park or public area activity, or areas contiguous thereto, as to prevent normal police protection to the rest of the City. Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event. The determination as to whether a park permit shall be denied for this ground shall be made by the Chief of Police after conferring with the Director.

(Prior code § 4-4.09)

#### **4.16.100 Park Facility permit conditions.**

The Director may impose reasonable conditions on approval of a ~~park facility~~ permit application respecting the time, place, and manner of use of the park or public area. Such conditions may be imposed to ensure the safety of persons, public and private property, the control of noise, and to ensure that other activities ~~at the park~~ will not be unduly disturbed by the proposed activity of the applicant. Such conditions, however, shall not unreasonably restrict the right of free speech. Permit conditions may include, but are not limited to the following:

- (a) Alteration of the time or location of the proposed activity;
- (b) Requirements for the use of security personnel or monitors;
- (c) Requirements that the applicant obtain any legally required permit or license;
- (d) Requirements for notifying the activity participants of park and public area rules and the terms and conditions of the permit;
- (e) Inspection and approval by City personnel of stages, booths or other structures erected or placed in the park or public area in connection with the activity; and
- (f) Restrictions on the use of alcohol.

(Prior code § 4-4.10)

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#### **4.16.110 Fees and deposits.**

Upon the granting of a permit under this chapter, any fees or deposits which are adopted by the City for the use of City personnel, buildings, equipment, parks, public areas and facilities, shall be contained in the permit and the fees and deposits shall be paid by the applicant prior to the receipt of the permit.

(Prior code § 4-4.11)

#### **4.16.120 Indemnification.**

Prior to the issuance of the facility permit, the permit applicant and authorized officer of the sponsoring organization (if any) must sign an agreement to reimburse the City for all costs incurred by it in repairing damage occurring in connection with the permitted activity and caused by the permittee/sponsoring organization, its officers, employees or agents, or any other person who was or reasonably should have been under the permittee's or sponsoring organization's control. The agreement shall also provide that the permittee/sponsoring organization shall indemnify the City against, and indemnify and hold the City harmless from, any loss, damage, liability or expense which may arise in any way in connection with the permitted activity caused by the actions of the permittee/sponsoring organizations, its officers, employees or agents, or any person who was or reasonably should have been under the permittee's or sponsoring organization's control.

(Prior code § 4-4.12)

#### **4.16.130 Insurance.**

- (a) The applicant/sponsor of any activity which requires a facility permit pursuant to section 4.16.050 must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the activity.

Such insurance shall name on the policy or by endorsement as additional insured the City, its officers, employees and agents. Insurance coverage must be maintained for the duration of the activity.

- (b) Coverage shall be a comprehensive general liability insurance policy in an amount prescribed by City resolution. The insurance coverage afforded by the policy shall provide at a minimum the equivalent of insurance coverage provided by Insurance Services Office (ISO) comprehensive general liability insurance coverage. If food or non-alcoholic beverages will be sold or distributed at the activity the comprehensive general liability coverage must include products liability coverage. If alcoholic beverages will be sold or distributed at the activity, the policy must also include coverage for liquor liability, along with the required Alcoholic Beverage Control permit as required by the permit process.
- (c) A copy of the policy or certificate of insurance along with all necessary endorsements must be filed with the Director no less than twenty (20) days prior to the event, unless the Director for good cause waives the filing deadline.

(Prior code § 4-4.13)

#### **4.16.140 Sale of goods and merchandise.**

No person, other than a concessionaire with a current and valid contract with the City for the provision of concession services, shall sell or offer for sale any goods, wares, merchandise or beverages without the prior written approval of the Director. The Director shall determine whether to approve, conditionally approve or deny an application for a vendor permit within seven (7) days after receiving a completed application on a form

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prescribed by the Director. Written permission shall not be granted by the Director excepting for sales by non-profit organizations in connection with an organized activity whose primary purpose is First Amendment expression and not private profit. The ~~Park~~ Director may impose reasonable conditions of the issuance of a permit as authorized by section 4.16.160 of this chapter. This section shall not apply to the solicitation of donations for distribution of material by individuals for the primary purpose of First Amendment expression and not private profit.

(Ord. 1096 § 1, 2006; prior code § 4-4.14)

#### **4.16.150 Amplified sound.**

The use of amplified sound in a park or public area is forbidden unless a facility permit has first been obtained pursuant to section 4.16.050. The Director, upon granting a permit for use of any amplified sound system, may impose reasonable conditions concerning the location of the sound system, and the maximum decibel level for the sound system to minimize the amount of amplified sound audible in adjacent park and public areas and neighborhoods.

(Prior code § 4-4.15)

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#### **4.16.160 Appeal procedure.**

- (a) The applicant shall have the right to appeal to the Parks and ~~Recreation~~ Community Services Commission a permit denial, permit condition, the Director's refusal to waive the filing deadline, or the Director's decision pertaining to fees or insurance coverage required under this chapter. Notice of appeal shall be made on a form prescribed by the Parks and Recreation Director and shall be filed with the Parks and Recreation Director stating the grounds for appeal. Regular meetings of the Parks and ~~Recreation~~ Community Services Commission are scheduled in accordance with section 2.04.020 of this Code (~~usually the first Thursday of each month~~). The appeal must be filed no later than noon on Thursday a week preceding the Parks and ~~Recreation~~ Community Services Commission meeting to be placed on the next regular meeting's agenda. The decision of the Parks and ~~Recreation~~ Community Services Commission may be appealed to the City Council, ~~which~~ has final authority.
- (b) If there is insufficient time for a timely appeal to be heard by the Parks and ~~Recreation~~ Community Services Commission prior to the date on which the event is scheduled, the applicant may, at ~~his or her~~ their option, request the ~~Parks and Recreation~~ Director to schedule the appeal to be heard before the City Manager under section 1.12.010. The City Manager shall attempt to hold a hearing no later than three (3) business days after the filing of the appeal, and shall render ~~his~~ their decision no later than two (2) business days after hearing the appeal. If the appeal is heard before the City Manager, the City Manager's decision is final.

(Ord. 1111 § 4 Exh. A (part), 2007: prior code § 4-4.16)

#### **4.16.170 Duties of permittee/sponsor.**

- (a) Each permittee/sponsor of an activity shall comply with all terms and conditions of the permit issued under this chapter.
- (b) Each permittee/sponsor of an activity shall ensure that the person in charge of the activity shall carry the permit issued under this chapter on his person during the duration of the activity.
- (c) Each permittee/sponsor of an activity shall ensure that the park or public area or building used for the permitted activity is cleaned and restored to the same condition as existed prior to the activity.

(Prior code § 4-4.17)

#### **4.16.180 Unlawful acts in parks and public areas.**

No person, other than authorized City personnel, shall do any of the following unless written permission has been obtained from the Director:

- (a) Play or engage in any game or contest in any park or public area except in such places suited, ~~specifically~~ specifically provided or designated for that purpose;
- (b) Play upon any tennis courts wearing shoes other than those having vulcanized soles and heels, commonly known as tennis shoes. In-line skating, skateboards, or other wheeled items and dogs are prohibited on tennis courts, basketball courts or similar multi-use courts;
- (c) Use any tennis courts for tennis tournaments, team practices or other special events of any kind without the prior written permission of the Director;
- (d) Cut, break, injure, deface or disturb any plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or make or write upon any building, monument, fence, bench or other structure;
- (e) Cut or remove any wood, turf, grass, soil, rock, sand or gravel, or any found object, whether above or below the ground;

- (f) Lead or let loose any farm animals of any kind. Dogs are permitted subject to regulations and section 5.08.130 of this Code. Owners are responsible for picking up after their animals while on/in parks, parkways, trails or other public areas;
- (g) Post, place or erect any bills, notice, paper or advertising device of any kind on park or public equipment;
- (h) Tear down, deface or destroy any sign posted pursuant to this chapter;
- (i) Willfully tamper with or damage any water or gas pipes, hydrant, stopcock, sewer, basin or other construction in any park or public area;
- (j) Carry any firearms, air gun, slingshot or archery equipment;
- (k) Make or kindle any open fire, such as camp fires, bonfires, burning of garbage, or portable outdoor fireplaces in any public area, except in picnic stoves provided for that purpose or camp, except in places designated as such by official action of the City;
- (l) Ride or drive any horse or other animal or any motorized vehicle, cycle, go cart or scooter elsewhere than on the roads or drives provided for such purpose, or drive a motor vehicle in an erratic or hazardous manner on any park roads, public areas, paths or parking areas;
- (m) Enter, remain or stay in the swimming pools in the public parks or the enclosures surrounding the pools at any time when the pools are not open to the public with a lifeguard on duty;
- (n) Play or engage in model aircraft flying or boats, driving of golf balls, archery, hardball or any similar games of a hazardous nature except at such places as are especially set apart for such purposes;
- (o) Throw or place on or in any park or public area any paper, rubbish, garbage or refuse matter of any kind, unless in ~~or adjacent to~~ a receptacle designed for the purpose; but no person shall deposit household rubbish and garbage in any City park, public area, rubbish receptacles or in garbage receptacles;
- (p) Urinate or defecate in a park, public area, or recreation facility except in proper fixtures in a restroom facility designed for the purpose;
- (q) To sell refreshments, food stuffs or novelties in any park or on any street immediately adjacent thereto without the prior written permission of the Director or the City Council;
- (r) Use or possess any glass beverage container within the boundaries of any park or public area;
- (s) Alcoholic beverages are prohibited in mini and neighborhood parks adjacent to joint use areas of elementary schools. It shall be unlawful and a misdemeanor to consume any alcoholic beverage, in any park without first obtaining the permission of the City Council or a permit from the Parks and Recreation Department. It shall be unlawful to possess any can, bottle or other receptacle containing any alcoholic beverage as defined by the Alcoholic Beverage Control Act of the State of California that has been opened, or a seal broken or the contents of which have been partially removed in any park without first obtaining the permission of the City Council or a permit from the Parks and Recreation Department. Signs will be posted and shall read "ALCOHOL CONSUMPTION OR POSSESSION PROHIBITED IN CITY PARK WITHOUT A PERMIT BY T.M.C. 4.16.180(s)";
- (t) No person shall go upon any surface in a park with any skateboard, roller skate, rollerblade, in-line skate, coaster, or any similar device, when appropriate signs giving reasonable notice thereof are posted at the park;
- (u) A person shall be permitted to use a skateboard in a park only if: (1) the City Council has adopted a resolution which identifies the park at which skateboarding is permitted; and (2) signs are posted at the park affording reasonable notice that: (i) any person riding a skateboard in the park is undertaking a "hazardous recreational activity" pursuant to California Health and Safety Code section 115800; and

- (ii) the person must wear a helmet, elbow pads, and knee pads; and (iii) that any person failing to do so will be subject to citation pursuant to this section;
- (v) Under no circumstances may persons store or dispose of waste water (i.e. from baths, sinks, washing machines, and/or other kitchen appliances) or sewage water onto parks or public areas not intended for such disposal;
- (w) Parks and public areas shall not be used for storage or a dumping location for any personal items, including without limitation, car parts, bicycle parts, bicycles, furniture, appliances, generators, propane tanks, or combustible materials; and
- (x) Under no circumstances may persons create unpermitted electrical connections.

The following subsections under this section shall be a misdemeanor: subsections (d), (e), (h), (i), (j), (k), (l), (o), (p), (v), (w).

(Ord. 1074 § 2, 2005; Ord. 990 § 1, 1999; prior code § 4-4.18; Ord. No. 1229, § 1, 1-3-2017)

#### **4.16.190 Park closing hours.**

It is unlawful and a misdemeanor for any person to enter or remain in a City park, whose closing times have been posted pursuant to section 4.16.200, between ~~dusk and dawn~~ 10:00 pm and 6:00 am, or such other time as is posted by the City Manager or ~~his or her~~ their designee. The City Manager is authorized to designate those parks which shall be closed between the hours of ~~dusk and dawn~~ 10:00 pm and 6:00 am, or such other time as determined by the City Manager, to allow for optimal park use, to prevent potential destruction of public property, to prevent potential nuisance to the residents of adjoining areas, or to prevent hazards to persons using park property. This section shall not apply to the following:

- (a) Any Peace Officer or City employee acting within the course and scope of ~~his~~ their employment;
- (b) Any City-sponsored functions or programs; or
- (c) Any person who has received a facility permit or other written authorization from the Director for use of the park after closing hours.

(Ord. 1109 § 1, 2007; prior code § 4-4.19)

(Ord. No. 1204, § 1, 12-15-2015)

#### **4.16.200 Posting of signs.**

- (a) The signs posting closing hours shall be not less than one square foot in area and upon which, in lettering not less than one-half inch in height, appear the time the park is closed with words such as "ENTERING OR REMAINING IN THIS PARK BETWEEN ~~DUSK AND DAWN~~ 10:00 PM AND 6:00 AM FORBIDDEN BY LAW TMC 4.16.190" or such other times as the City Manager may designate pursuant to section 4.16.190 of this Code. Any area to remain open shall be posted on a separate sign located within such area.
- (b) Each park shall be posted in the following manner:
  - (1) If the park does not contain any lineal dimension exceeding 350 feet, by posting signs at each corner of the area and at intervals not exceeding 150 feet, and, if such property has a definite entrance or entrances, at each such entrance;

- (2) If the park has lineal dimensions exceeding 350 feet, by posting signs at each corner of the area and at intervals not exceeding 300 feet, and if such property has a definite entrance or entrances, at each such entrance.
- (c) For alcoholic restriction, each park shall be posted as follows: "ALCOHOL CONSUMPTION OR POSSESSION PROHIBITED IN CITY PARK WITHOUT A PERMIT BY TMC 4.16.180(s)".
- (Ord. 1109 § 2, 2007: prior code § 4-4.20)

## **Chapter 5.12 CAMP CARS AND TRAILERS, TENT SPACES, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS**

### **Sections:**

#### **5.12.010 Definitions.**

For the purpose of this chapter, certain words and phrases are defined as follows and certain provisions shall be construed as herein set forth, unless it shall be apparent from their context that they have a different meaning:

- (a) "Camp car and/or trailer" is any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting it from place to place, whether by motive power or other means, and said unit, so equipped, shall be capable of being safely operated as a vehicle over the public thoroughfares of the States. Any such vehicle that is incapable of such safe operation, as aforesaid, is hereby declared to be a dwelling as defined in the State Housing Act and shall be subject to the provisions thereof relating to dwelling;
- (b) "Campground" is defined to mean any place, area or tract of land upon which is located any camp car and/or trailer;
- (c) "Personal Property" means any tangible property used by any person, and includes, without limitation, sleeping bags, tents, clothes, toiletries, furniture, storage containers, and bicycles;
- (d) "Public Area" or "Public Areas" means all property that is owned, managed, or maintained by the City and shall include, but not be limited to, any park, street, parking lot, median strip, sidewalk, building, or structure;
- (e) "Tent" means a collapsible shelter made of any material, including fabric or plastic, used for living habitation and/or storage of personal property; and
- ~~(e)(f)~~ "Tent space" is defined as any place, area or tract of land upon which is located any tent. ~~used for living or sleeping purposes.~~

(Prior code § 5-3.01)

#### **5.12.020 Building Inspector.**

It shall be the duty of the Building Inspector to enforce all the provisions of this chapter and for the purpose of securing enforcement thereof, the Building Inspector or any of his duly authorized representatives or agents, shall have the right and are hereby empowered to enter upon the premises of any campground or tent space now operating or which may hereafter be operated within the City to inspect the same and all accommodations connected therewith.

(Prior code § 5-3.02)

### **5.12.030 Permit to locate a campground or tent space required.**

No campground or tent space hereafter established shall be located within the City until the location thereof is approved by the Council.

Upon completion of any such campground or tent space, and prior to the use thereof, the owner or tenter of such campground or tent space shall make application to the Building Inspector for a permit to occupy or use such campground or tent space. The application to occupy shall be in writing upon a form provided by the Building Inspector and shall contain such information as may be required by said Building Inspector with respect to the operation of the campground or tent space. It shall be filed with the City Clerk not less than five (5) days, nor more than fifteen (15) days before the campground or tent space is made ready for use, and it shall be accompanied by an inspection fee of Five (\$5.00) Dollars.

The Building Inspector shall thereupon make an inspection of the campground or tent space referred to in said application, and if it is found to be in conformity with the requirements of this and all other laws of the City and the laws of the State, said Building Inspector shall issue to the owner or operator thereof a written permit to occupy, which permit shall at all times be posted at a conspicuous place in said campground or tent space. The permit to occupy shall expire one calendar year from date of issue, and may be renewed upon written application, accompanied by an inspection fee of Five (\$5.00) Dollars, to the City Clerk.

It shall be unlawful for any person to operate or maintain any campground or tent space within the confines of the City, as herein set forth without first applying for and receiving from the Building Inspector a permit to occupy and without complying with all of the provisions of this chapter and the laws of the State.

(Prior code § 5-3.03)

### **5.12.040 Money to city treasurer.**

All moneys received by the City Clerk under provisions of this chapter shall be paid into the City Treasury and placed in the General Fund.

(Prior code § 5-3.04)

### **5.12.050 Revocation or suspension of permit.**

Whenever it is found that any campground or tent space is not being conducted in conformity with the provisions of this chapter or the laws of the State, the permit to operate same shall be subject to revocation or suspension by the Council in the following manner, to wit:

Upon instruction of the Council a notice shall be served by the Building Inspector on the person holding said permit, specifying wherein ~~he~~ they ~~has~~ have failed to comply with this chapter, and ordering ~~him~~ them to appear before the Council, at a day and hour therein specified, not less than five (5) days after the service of said notice on such permit holder, requiring him to show cause at said time and place why said permit should not be revoked or suspended.

The notice shall be sent by registered mail, postage prepaid, return receipt requested, to the person owning or operating the campground or tent space as such person's name and address appears on the last equalized assessment roll or as known to the Building Inspector. A copy of said notice shall also be posted conspicuously on the campground or tent space alleged to be in violation of this or any other law of the City or of the State. The Building Inspector upon giving notice as aforesaid, shall file an affidavit thereof with the City Clerk certifying to the time and the manner in which such notice was given. There shall also be filed therewith any receipt cards which may have been returned in acknowledgement of the receipt of such notices by registered mail. The failure of any owner or operator to receive notice shall not affect in any manner, the validity of any proceedings taken hereunder. At the time and place mentioned in said notice, the person holding said permit shall have the right to appear in person or by counsel, and to introduce such evidence as ~~he~~ they may desire, and the Council shall

confront said permit holder with any charges that said Council may have against ~~him~~ them, and after said hearing, the Council may at its discretion, revoke or suspend the permit.

(Prior code § 5-3.05)

#### **5.12.060 Responsibility of owner or operator.**

Every person owning or operating a campground or tent space shall maintain such campground or tent space, and all permanent equipment in connection therewith, in a clean and sanitary condition and shall maintain said equipment in a state of good repair.

(Prior code § 5-3.07)

#### **5.12.070 Ground area for camp cars and/or trailers and tents.**

No camp car and/or trailer or tent used for living or sleeping purposes in any campground or tent space now existing, or that may hereafter be established, shall be located within ten (10') feet of any other camp car and/or trailer, tent, or structure, nor shall any camp car and/or trailer or tent be located within eight (8') feet of any lot line. Camp cars and/or trailers and tents, as aforesaid, shall be arranged in rows abutting or facing on a driveway or clear unoccupied space of not less than fifteen (15') feet in width, which space shall have unobstructed access to a public street or alley.

(Prior code § 5-3.08)

#### **5.12.080 Drainage of premises.**

Every campground or tent space hereafter established shall be located on a well drained area and the premises of every such ground or tent space or any existing campground or tent space shall be maintained in a sanitary condition and shall be properly graded so as to prevent the accumulation of storm or casual waters.

(Prior code § 5-3.09)

#### **5.12.090 Water supply.**

An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of said campground or tent space. Said water supply shall be obtained from faucets only conveniently located in said campground and no dipping vessels or common cups shall be permitted.

(Prior code § 5-3.10)

### **5.12.100 Removal of wheels or similar devices.**

It shall be unlawful for any person owning or operating a camp car and/or trailer located in a campground to remove or cause to have removed the wheels, or any similar transporting devices from said camp car and/or trailer or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of said camp car and/or trailer, or to alter it in any way so as to make it incapable of being safely operated over the public thoroughfares of the State without first obtaining a permit so to do from the Building Inspector. Any alteration to any camp car and/or trailer, as above set forth, shall be construed as removing it from the requirements of this chapter and converting it into a dwelling and it shall thereupon be subject to the requirements of the Building Code of the City and the State Housing Act of California.

(Prior code § 5-3.11)

### **5.12.110 Dogs not allowed at large.**

Dogs shall not, at any time, be permitted to run at large in any campground or tent space.

(Prior code § 5-3.12)

### **5.12.120 Water closets.**

There shall be provided in every existing campground or tent space and every campground or tent space which may hereafter be established, one water closet for each sex, one of such water closets shall be distinctly marked "For Men" and one of such water closets shall be distinctly marked "For Women" and there shall be provided an additional water closet for each sex for every ten (10) tents, camp cars and/or trailers or fractional part thereof in excess of ten (10) tents, camp cars and/or trailers.

(Prior code § 5-3.13)

### **5.12.130 Baths.**

There shall be provided in every existing campground or tent space and every campground or tent space which may hereafter be established, a stationery bathtub or shower bath equipped with hot and cold running water for each sex. Such bathtubs or shower baths shall be installed in a separate compartment from any water closet unit and there shall be provided additional bathtubs or shower baths for each sex, for every twenty (20) tents, camp cars and/or trailers or fractional part thereof in excess of twenty (20) tents, camp cars and/or trailers in said campground and/or tent space.

The Building Inspector may exempt any campground or tent space existing September 1, 1942, from fully complying with the provisions of sections 5.12.120 and 5.12.130 when, in his discretion, such deviation will not be detrimental to the health of persons occupying said campground or tent space or to the proper sanitation of the premises. The floors of every water closet, bathtub or shower bath compartment hereafter installed shall be constructed of cement or some other nonabsorbent material; the walls shall be a smooth waterproof material, and the interiors of all water closets, bathtub or shower compartments shall be maintained in a sanitary condition at all times.

(Prior code § 5-3.14)

### **5.12.140 Garbage receptacles.**

There shall be provided in every campground or tent space heretofore or hereafter established, such number of metal receptacles with close fitting metal covers, or other receptacles satisfactory to the Building Inspector for garbage, refuse, ashes and rubbish as may be deemed necessary by the Building Inspector and such receptacles shall at all times be maintained in a clean and sanitary condition.

(Prior code § 5-3.15)

### **5.12.150 Slop sinks.**

There shall be provided in every campground or tent space heretofore or hereafter established one or more slop sinks properly connected with the City sewer system or a cesspool or septic tank, such sinks to be conveniently located at no greater distance than one hundred (100') feet from any camp car and/or trailer, or tent.

(Prior code § 5-3.16)

### **5.12.160 Refuse and sewage disposal.**

It shall be unlawful to deposit any waste water, drainage or material from plumbing fixtures, including any such fixtures within any camp car and/or trailer on the surface of any campground or tent space. All such fixtures, when in use, must be connected to the City sewer system, or, in lieu thereof, they may be connected to a cesspool or septic tank constructed in a manner satisfactory to the Building Inspector.

(Prior code § 5-3.17)

### **5.12.170 Lighting.**

Every campground or tent space heretofore or hereafter established shall be provided with means of lighting the same at night and all public water closets and bath units shall be provided with sufficient lighting facilities which shall be kept lighted during the time from one-half hour after sunset until one-half hour before sunrise.

(Prior code § 5-3.18)

### **5.12.180 Facilities now available not to be construed with any hereafter required.**

Any water faucets, toilets, garbage receptacles, or other equipment required by the provisions of this chapter in campgrounds or tent spaces or which may hereafter be required by any rules and regulations of the Building Inspector pertaining to campgrounds or tent spaces shall not be construed to mean water faucets, toilets, garbage receptacles or other equipment now or hereafter located in or adjacent to campgrounds or tent spaces and which may already or hereafter be required under provisions of other laws or regulations.

(Prior code § 5-3.19)

### **5.12.190 Fire protection.**

Every campground shall be equipped with at least one fire extinguisher for each ten thousand (10,000) square feet of campground area and such additional extinguishers as may be required by the Chief of the Fire Department. Location and type of extinguishers shall be approved by the said Fire Chief.

(Prior code § 5-3.20)

### **5.12.200 Use of camp cars and/or trailers or tents.**

- (a) It shall be unlawful to occupy any camp car and/or trailer or erect and/or occupy a tent for living or sleeping purposes in any public area, the City for a period longer than twenty-four (24) hours unless the same is located upon a campground or tent space licensed under the provisions of this chapter. ~~provided, however, that temporary permits therefor, limited to seventy-two (72) hours including the first twenty-four (24) hour period, may be granted by the Building Inspector. No permits shall be issued for any camp car and/or trailer or tent occupancy which will constitute a nuisance or a health menace.~~
- ~~(b) It shall be unlawful to occupy a camp car and/or trailer or tent for living or sleeping purposes on in any public area public streets, alleys, or ways in the City at any time.~~
- (b) Without limiting the application of subsection (a) above, it shall be unlawful to occupy a camp car and/or trailer or erect and/or occupy a tent as follows:



- (1) Within twenty (20) feet of any driveway;
- (2) Within five (5) feet of any building entrance or exit;
- (3) Within ten (10) feet of any fence located on public or private property;
- (4) Within two (2) feet of any fire hydrant, fire plug, or other fire department connection;
- (5) Within (1,000) feet of any public building, park playground, homeless shelter facility, school, day care center, recreational facility, or sports field; and
- (6) In an area that obstructs or interferes with an activity for which the City has issued a permit.

(c) Any person who violates the provisions of this section is subject to criminal prosecution of a misdemeanor.

(Prior code § 5-3.21)

### **5.12.210 Unlawful Storage of Personal Property.**

- (a) No person shall store any personal property in a public area that constitutes an immediate threat to the health or safety of the public or is evidence of a crime or contraband. Without prior notice, the City may promptly remove any such personal property.
- (b) No person shall store any personal property that obstructs or interferes with the flow of pedestrian, bicycle, or vehicle traffic, on any portion of any street, sidewalk, or other public right of way. Without prior notice, the City may promptly remove any such personal property.
- (c) No person shall erect any barrier against or attach any personal property to any public area or public property, including but not limited to, a building, bus shelter, the ground, a bench, a fence, pole, trash can, mailbox, sign, tree, or plant, without the City's prior written consent. Without prior notice, the City may remove any barrier or other attachment to any such public area or public property.
- (d) No person shall obstruct or delay the City from moving, removing, impounding, or discarding personal property stored in a public area. A violation of this subsection is subject to a misdemeanor.

### **5.12.220 Property Storage and Disposal.**

- (a) The City shall store impounded personal property for a period of time reasonably determined by the Director of the Public Works Department. If the personal property is not claimed within such designated time frame, it may be discarded. The City shall not be required to undertake any search for, or return of, any impounded personal property stored for longer than the period of time reasonably determined by the Director of the Public Works Department.
- (b) The City shall maintain a record of the date any impounded personal property was discarded.