

Proof of Publication ORDINANCE

STATE OF CALIFORNIA County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

4/27

All in the year 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, on this 27th day of APRIL, 2018

Allison Bains

Signature

ORDINANCE NO. 5034

AN ORDINANCE AMENDING the ordinance addressing camping and storage of personal property on private and public property in El Dorado County. THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ORDAINS AS FOLLOWS that Chapter 55 of Title 9 of the El Dorado County Ordinance Code, entitled "Camping and Storage of Personal Property on Private and Public Property," is hereby amended to read as follows:

CHAPTER 9.55 CAMPING AND STORAGE OF PERSONAL PROPERTY ON PRIVATE AND PUBLIC PROPERTY

Section 9.55.010. - Purpose and Findings.

The purpose of this chapter is to maintain streets, parks, and other public and private property within El Dorado County in a clean, sanitary, and accessible condition and to protect the health, safety, and welfare of the community. The Board of Supervisors finds that the use of certain areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can also constitute a public health and safety hazard that adversely impacts neighborhoods and commercial areas. The Board further finds that camping and storing personal property near the high water mark of waterways poses a serious risk to the quality of the waterways and the health and safety of persons using the waterways and results in abandoned, unattended, or unsecured property polluting the waterways during high water flows. The Board of Supervisors further finds that camping and storing personal property on private property without the consent of the owner adversely affects private property rights as well as the health, safety, and welfare of the owner and public.

Section 9.55.020. - Application.

This chapter shall apply generally to all property throughout the unincorporated territory of the County wherein any of the conditions herein specified are found to exist. Any condition or conduct that would constitute a violation of this chapter, but which is permitted or authorized under any County ordinance or State or Federal law, shall not constitute a violation of this chapter.

Section 9.56.030. - Enforcement.

Any law enforcement officer shall have the authority to enforce this chapter.

Section 9.55.040. - Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning: Camp or Camping means using property for living accommodation purposes, as evidenced by: (a) remaining for prolonged or repetitious periods of time, not associated with ordinary recreational use of the property, with one's personal possessions or belongings (including but not limited to clothing, tents, sleeping bags, bedrolls, blankets, sheets, pillows, luggage, backpacks, kitchen utensils, cookware, and cooking equipment); and (b) engaging in one or more of the following: sleeping, storing personal possessions or belongings, making a fire outside of a designated fire pit, or cooking meals. The combined activities of (a) and (b) constitute camping when it reasonably appears in light of all the circumstances that a person is using the property as a living accommodation. Ordinary High Water Mark means the average level of the water attained in annual seasonal flow. Park or Parks means any park, playground, recreation center, or any other lands or facilities owned, operated, maintained, administered, or managed by the County or a community services district within the County and devoted to active or passive recreation. The term "park" includes all facilities or improvements within a park and all water or waterways within or adjacent to a park. Personal Property means any tangible property, including but not limited to goods, materials, merchandise, tents, cooking equipment, tarpaulins, bedding, sleeping bags, hammocks, personal or household items, luggage, backpacks, clothing, and documents. Private Property means all private property, including but not limited to streets, sidewalks, alleys, and improved or unimproved land. Public Property means all public property, including but not limited to streets, sidewalks, alleys, improved or unimproved land, parks, or trail facilities. Pine Hill Endemics means plants found in serpentine or gabbroic soils that are listed as rare, threatened, or endangered on a state or federal list prepared under the Federal or California Endangered Species Acts or identified as species of special concern. This term includes the following species:

- El Dorado bedstraw
Galium californicum ssp. sierrae
Laynes butterweed
Senecio layneae
Pine Hill ceanothus
Ceanothus roderickii
Pine Hill flannel bush
Fremontodendron californicum ssp. decumbens

- Stebbins morning glory
Calysetegia stebbinsii
Bisbee Peak rush rose
Helianthum suffruticosum
El Dorado mule ears
Wyethia reticulata
Red Hills soaproot
Chlorogalum grandiflorum

Oak Woodlands means an oak stand with a greater than ten percent canopy cover or that may have historically supported greater than ten percent canopy cover (California Fish and Game Code § 1361).

Store means to put, aside or accumulate personal property for use when needed, to put for safekeeping, or to place or leave in a location.

Tent means a collapsible shelter made of fabric such as nylon or canvas 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.

Trail Facility or Trail Facilities means any class 1 trail, bicycle or multi-use trail, natural trail, or horseback riding trail that is owned, maintained, or operated by the County or a community services district within the County, including any area or access point adjoining the trail over which the County or community services district within the County owns or maintains an easement. For purposes of this chapter, "trail facility" includes the portion of the Sacramento Placerville Transportation Corridor that is located within the County.

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 9.55.050. - Unlawful Camping.

A. With the exception of authorized camping at a private or public campground or recreational vehicle park or camping authorized under any other ordinance, law, or regulation, no person shall camp in the following areas:

- 1. Any private property unless (a) the person camping (i) is the owner or tenant of the private property; (ii) is a family member or relative of an owner or tenant of the private property; (iii) is accompanied by an owner or tenant of the private property; or (iv) has written permission in his or her possession from an owner or tenant of the private property and the written permission includes the owner's or tenant's name, address, and phone number; and (b) the camping is not prohibited under El Dorado County Title 130 or any other ordinance, law, or regulation.
2. Any County park or trail facility, except in locations designated for such purposes or pursuant to a lawfully issued permit.
3. Any County airport.
4. Any County cemetery.
5. Any public property that is within or below 100 feet above the ordinary high water mark of any lake, waterway, river, stream, pond, or reservoir.
6. Any public property or conservation easement that is owned, maintained, or managed by the County directly or through a joint effort with other agencies or organizations in order to preserve the existing natural conditions or habitats, including but not limited to habitat for Pine Hill Endemics or Oak Woodlands, or as a means to mitigate impacts to such habitats or the environment from public works or development projects.
B. Permitting of camping in County parks shall be governed by Chapter 9.46.
C. Permitting of camping for an Outdoor Music Festival shall be governed by Chapter 5.32.

Section 9.55.060. - Storage of Personal Property.

A. No person shall store personal property in the following areas:

- 1. Any private property unless the person (i) is the owner or tenant of the private property; (ii) is a family member or relative of an owner or tenant of the private property; (iii) is accompanied by an owner or tenant of the private property; or (iv) has verbal or written consent of the owner and the property is stored inside a building or structure other than a tent; or (v) has written permission in his or her possession from an owner or tenant of the private property and the written permission includes the owner's or tenant's name, address, and phone number.
2. Any County park or trail facility.
3. Any County airport unless inside a hanger and consistent with the terms of a lease.
4. Any public property if the personal property obstructs County operations, including street or sidewalk maintenance or cleaning, or impedes passage on public streets, sidewalks, or alleys, including passage for persons with disabilities.
5. Any public property that has a clearly posted closure time and the property is stored after the posted closure time.
6. Any public property that is within or below 100 feet above the ordinary high water mark of any lake, waterway, river, stream, pond, or reservoir.

Section 9.55.070. - Unlawful Daytime Camping.

For any County public property where camping is not authorized under authority independent of this chapter or prohibited under section 9.55.050, no person shall erect, configure, or construct a tent from 8:00 a.m. to 8:00 p.m. (except during rainfall or when

the temperature is below 50 degrees Fahrenheit). A person must take down, fold, deconstruct, or put away any tent erected, configured, or constructed in any such public property between the hours of 8:00 a.m. to 8:00 p.m. (except during rainfall or when the temperature is below 50 degrees Fahrenheit). Removal of property for a violation of this section pursuant to Section 9.55.080 is limited to the tent erected in violation of this section.

Section 9.55.080. - Notice.

A. Warrant Requirement. Absent circumstances authorizing a warrantless search or seizure under state and federal law, the County shall obtain a warrant before impounding, removing, or searching any property stored or tent erected in violation of this Chapter. The requirement for a warrant under this Chapter shall not be interpreted to require a warrant when one would not be required under the Fourth Amendment to the Federal Constitution.

B. Pre-Removal Notice. Before impounding or removing any personal property stored or tent erected in violation of this chapter, the County shall provide pre-removal notice. Pre-removal notice under this chapter shall be deemed provided if written notice is provided to the person who is storing or claims ownership of the personal property or tent or written notice is posted conspicuously on or near the personal property or tent. Actual removal by the County must commence within 72 hours after expiration of the 24-hour period provided for in the pre-removal notice. 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 camping is in violation of section 9.55.050 or section 9.55.070 or the personal property is stored in violation of section 9.55.060;
5. A statement that the personal property may be impounded if not removed from the private or public property within 24 hours;
6. A statement that moving personal property to another location in the same private or public property will not be considered removal of the personal property;
7. The address where the removed private property will be located, including a telephone number through which a person may receive information as to impounded personal property; and
8. A statement that impounded personal property may be disposed of if not claimed within 95 days after impoundment; and
9. A statement that the owner of the personal property may dispute the removal of the personal property or cited violation of this Chapter and a telephone number for the owner of the personal property to request an informal hearing before the property is removed. Any law enforcement officer may conduct the informal hearing by providing the owner of the personal property the opportunity to show why the property has not been stored in violation of this Chapter or to show that additional time is necessary for the owner to remove the property. The informal hearing may be held at any location, including the location of the personal property at issue.
C. Post-Removal Notice. Upon removal of seized personal property pursuant to this chapter, written notice shall be provided to the person who stored or claims ownership of the personal property or tent, reasonable transportation assistance if the person is unable travel to the place of storage and providing transportation or assistance is feasible. 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 camping was in violation of section 9.55.050 or section 9.55.070 or the personal property was stored in violation of section 9.55.060;
4. The address where the removed personal property will be located, including a telephone number through which a person may receive information as to impounded personal property; and
5. A statement that impounded personal property may be discarded if not claimed within 95 days after impoundment.

Section 9.55.090. - Storage and Disposal.

Any property seized under this chapter shall be inventoried and stored pursuant to the written policy of the Sheriff's Office and, if not claimed within 95 days, disposed of pursuant to Chapter 8.86.

Section 9.55.100. - Nonexclusivity.

Nothing in this chapter shall limit or preclude the enforcement of other applicable laws to conduct within the scope of this chapter and the remedies provided herein are cumulative to all other remedies now or hereafter available to abate or otherwise regulate the conduct described herein.

Section 9.55.110. - Penalty for Violation. Any person violating any provision of this chapter is guilty of a misdemeanor, punishable in accordance with Chapter 1.24.

Section 9.55.120. - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 24th day of April, 2018, by the following vote of said Board:

Ayes: Frentzen, Veerkamp, Hidahl, Ranalli, Novasaj Noes: None Absent: None

ATTEST

JAMES S. MITRISIN Clerk of the Board of Supervisors

/s/ Kim Dawson

Deputy Clerk

/s/ Michael Ranalli

Chair, Board of Supervisors

Michael Ranalli

APPROVED AS TO FORM

MICHAEL J. CIGCOZZI

COUNTY COUNSEL

/s/ Breann M. Moeblus

Breann M. Moeblus

Deputy County Counsel

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