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ORDINANCE NO. 5221

AN ORDINANCE AMENDING CHAPTER 9.55 OF TITLE 9 TO REGULATE CAMPING, SLEEPING, SITTING, LYING, AND STORAGE OF PERSONAL PROPERTY ON PRIVATE AND PUBLIC PROPERTY

WHEREAS, pursuant to the County’s police power, as granted broadly under Article XI, Section 7 of the California Constitution and Section 210 of the Charter of the County of El Dorado, the Board of Supervisors of the County of El Dorado has the authority to enact and enforce ordinances and regulations for the public peace, health, and welfare of the County’s residents; and

WHEREAS, El Dorado County has seen a troubling rise in unauthorized camping, sitting, sleeping, and lying across public lands, private properties, forests, parks, and areas previously unregulated. These activities pose significant risks to public safety, the environment, and the community’s well-being; and

WHEREAS, El Dorado County’s geography—characterized by dense forests, rugged terrain, and wilderness areas—presents a high wildfire risk. Unauthorized camping, including open fires and unsafe cooking practices, significantly increases the chance of wildfires, endangering residents, emergency responders, and natural resources; and

WHEREAS, unauthorized campers often leave behind trash, human waste, and hazardous materials, contaminating water sources and damaging ecosystems. Expanding regulations will prevent the pollution of critical waterways, such as the South Fork American River and the Lake Tahoe Basin, preserving water quality and public health; and

WHEREAS, the County’s existing ordinance does not fully address the growing issues related to unauthorized camping, sitting, sleeping, and lying across the County. Action is required to establish county-wide regulations that better safeguard public health, safety, and the environment; and

WHEREAS, this ordinance strikes a balance by addressing both public safety and environmental concerns while considering the needs of unhoused individuals. The County will collaborate with social services and community partners to ensure that solutions are comprehensive, effective, and humane; and

WHEREAS, all findings, reports, and evidence presented are hereby included in the County’s record and are incorporated into this ordinance, providing a detailed justification for the regulation of illegal camping in order to safeguard public health, safety, welfare, and natural resources within El Dorado County.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.55 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 in its entirety to read as follows:

"Chapter 9.55. Camping, Sleeping, Sitting, Lying, and Storage of Personal Property on Private and Public Property

Sec. 9.55.010. - Purpose and findings.

The purpose of this chapter is to maintain streets, parks, and other public and private property within the 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 public property for camping, sleeping, sitting, and lying 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 citizens 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, and including property that is County-owned, leased, operated, managed or maintained, 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 9.55.030. - 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 when it reasonably appears in light of all the circumstances that a person is using the property as a living accommodation and both of the following are met:

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. This includes, but not limited to, clothing, tents, sleeping bags, bedrolls, blankets, sheets, pillows, luggage, backpacks, kitchen utensils, cookware, and cooking equipment.

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.

Camp or camping includes the occupation of camp facilities to effectuate the use of property for living accommodation purposes in accordance with the above requirements.

Camp facilities include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, trailers, or other structures. *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 (Fish and Game Code § 1361).

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.

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:

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

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| Stebbins morning glory | Calystegia stebbinsii |
| Bisbee Peak rose | Helianthemum suffrutescens |
| El Dorado mule ears | Wyethia reticulata |
| Red Hills soaproot | Chlorogalum grandiflorum |

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.

This includes all of the following:

A. Property within or below 100 feet above the ordinary high-water mark of any lake, waterway, river, stream, pond, reservoir, bridge, viaduct, 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. Property that is County-owned, leased, operated, managed, or maintained.

C. Any other public property not specifically listed.

Store or storage 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. – Sitting, Lying, or Sleeping on Public and Private Property.

- A. No person shall sleep on Public Property. This provision does not apply to any of the following:
 - 1. Children aged five (5) years or younger.
 - 2. A person camping as otherwise authorized under this Code, including Sections 9.46.220 and 9.55.060.
 - 3. An employee that is responsible for the management, operation, or control of the subject Public Property during work hours may sleep on Public Property or in their vehicle on Public Property during recognized employee meal and rest breaks if otherwise permitted to do so by their employer.
- B. No person may sit, lie, or sleep on public sidewalks, streets, alleyways so as to obstruct vehicular or pedestrian use thereof, or in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk, as a matter of individual and public safety.

Section 9.55.060. - Unlawful camping.

- A. *Public Property.* No person may camp in or upon Public Property unless any of the following are met:
 - 1. Camping is specifically authorized by this Code or any other ordinance, law, or regulation.
 - 2. Camping is authorized by a formal declaration of the County Chief Administrative Officer in emergency circumstances.
 - 3. Camping is authorized upon passage of a resolution by the Board of Supervisors.
- B. *Private Property:* No person may camp on private property unless:
 - 1. 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
 - 2. The camping is not prohibited under County [Title 130](#) or any other ordinance, law, or regulation.
- C. Permitting of camping in County parks shall be governed by [Chapter 9.46](#).
- D. Permitting of camping for an outdoor music festival shall be governed by [Chapter 5.32](#).

Section 9.55.070. - Storage of personal property.

- A. *Public Property.* No person shall Store Personal Property on Public Property.

Exceptions. This section shall not apply if the Storage of Personal Property is:

1. An item or collection of items that reasonably appear to be for use consistent with the intended use or purpose of the public property, such as items brought to a park for a picnic, day-time party, or use of public trail facilities; or
 2. Specifically authorized by this Code or other ordinance, law, or regulation; or
 3. Authorized by a formal declaration of the County Chief Administrative Officer in emergency circumstances; or
 4. Authorized upon passage of a resolution by the Board of Supervisors.
- B. Private Property. No person shall store or leave unattended or attended personal property on 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; (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.

Section 9.55.080. – Notice

A. *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 9.55.060](#) or the personal property is stored in violation of [Section 9.55.070](#);
5. A statement that the personal property may be impounded if not removed from the private or public property within 24 hours;
6. An advisement that any perishable items, hazardous items, weapons, contraband, or property that presents an immediate threat to the health or safety of the general public will be disposed of immediately if not removed from the private or public property within 24 hours;

7. An advisement that items deemed unsafe or impractical to remove, due to the location where the item is stored and/or nature of the item, may be left where found. Items left in place where found will be similarly subject to these notice requirements as other items.
8. 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;
9. 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;
10. A statement that impounded personal property and property left in place accordance with subsection A. 7. may be disposed of if not claimed within 95 days after impoundment; and
11. 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.

B. *Post-removal notice.* Upon removal of stored 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 or conspicuously posted in the area from which the personal property was removed. If requested by the person who stored or claims ownership of the personal property or tent, reasonable efforts shall be made to provide or assist in obtaining 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 9.55.060](#) or the personal property was stored in violation of [Section 9.55.070](#);
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, or property left in place pursuant to Section 9.55.080, excepting perishable items, hazardous items, weapons, contraband, or property that presents an immediate threat to the health or safety of the general public that is disposed of immediately, 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 2. Adoption of this Ordinance is Not a Project under the California Environmental Quality Act (CEQA).

This Ordinance is not a "project" within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(c)(2) and 15378 because the regulations of camping, sleeping, sitting or lying, or public storage of personal property, on public or private property do not have the potential of resulting in a direct or reasonably foreseeable indirect physical change in the environment. Even if the adoption of this ordinance were a project, it would be categorically exempt from CEQA under the "common sense" exemption in CEA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that adoption of this ordinance would have a significant effect on the environment.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Effective Date.

Pursuant to California Government Code Section 25123, this ordinance shall become effective 30 days from the date of final passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 28th day of January, 2025, by the following vote of said Board:

ATTEST

Ayes: Turnboo, Ferrero, Veerkamp, Parlin, Laine

Kim Dawson

Clerk of the Board of Supervisors

Noes: None

Absent: None

By Kim Dawson
Deputy Clerk

George Turnboo
Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: Nicole C. Wright

Title: Deputy County Counsel