

CHAPTER 12.28

CAMPING, SLEEPING IN MOTOR VEHICLES, AND STORAGE OF PERSONAL PROPERTY

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The streets, public areas, and private areas within the City of Ripon, and along the Stanislaus River, need to be readily accessible and available to residents and the public at large. The use of these areas for camping, sleeping or living in vehicles, and for the storage of personal property, interferes with the rights of others to use these areas for which they were intended. Such activities can also constitute a public health and safety hazard, which adversely impacts other members of the public, neighborhoods and commercial areas. The purpose of this Chapter is to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the City, in a clean, sanitary and accessible condition. Further, the purpose of this Chapter is to protect the health, safety and welfare of the community, while recognizing that subject to reasonable conditions, camping associated with special

events can be beneficial to the cultural and educational wellbeing of City residents. Nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City.

The unauthorized or inappropriate use of outdoor cooking equipment, open flame, fires or stoves of any sort typically associated with camping creates a major fire threat to life, safety and property, including public and private property, open lands, and hillsides. Illegal campsites are typically located in areas where high levels of combustible vegetation are located (e.g., wooded areas), which creates an even higher level of a fire threat.

Further, camping adjacent to, within, or below the top of banks of any river, canal or stream poses a health and safety risk from potential flooding, proximity to unstable banks with slippage potential, health risks from human waste entering into rivers, streams or other waterways and the risk of damage to environmentally sensitive habitat and species known to exist in some portions of the City, such as rivers, streams, waterways, and wetlands. (Ord. 857 §1, 2017; Ord. 871 §1, 2018)

12.28.020 Definitions.

The following words shall have the following meanings when used in this Chapter, unless the context clearly indicates otherwise:

A. “Along the Stanislaus River” means that area that extends from the San Joaquin County line which lies along the bed of the Stanislaus River to a distance of three hundred (300) feet away from the bank of the river.

B. “Camp” or “Camping” means use of public property or private property for living accommodation purposes such as: sleeping activities between the hours of sunset to sunrise, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) between the hours of sunset to sunrise; storing personal belongings; making any fire; using tents, shelter, or other structures or vehicles for sleeping; digging or earth breaking; or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in light of all the circumstances that the participants are using the area as a living accommodation, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

C. “Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

D. “Camp paraphernalia” includes, but is not limited to: bedrolls; blankets; tarpaulins; cots; beds; sleeping bags; tents; hammocks; non-City designated cooking facilities; open flames; fire stoves; or any other equipment used to “camp.”

E. “City” means the City of Ripon, including any officers, officials, agents, employees, volunteers, or representatives of the City of Ripon.

F. “City Administrator” means the City Administrator or designee.

J. “Overnight” means any time between the hours of sunset and sunrise.

K. “Park” means and includes any park, parkway, plaza, greenbelt, garden, lake, river, and any other property owned by the City, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term “park” also includes all off street parking areas which are used or intended to be used in connection therewith. The term “owned” includes any property interest

under which the City operates, maintains, or controls said property. The term also includes any property owned or kept by the City as open space, including undeveloped sites for future parks.

L. “Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

M. “Public property” means all public property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land and parks.

N. “Store” means to put aside or accumulate for use when needed, to put for safekeeping and to place or leave in a location.

O. “Street” or “public streets” means avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs that have been dedicated and accepted according to law, or which have been in common and undisputed use by the public for a period of not less than five years from the effective date of the ordinance enacting this Chapter. “Streets” and “public streets” does not include privately owned streets unless the context clearly provides otherwise. (Ord. 857 §2, 2017; Ord. 871 §1, 2018)

12.28.030 Unlawful Camping.

It is unlawful and a public nuisance for any person to Camp, occupy Camp facilities, or use Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Any Private Property.

This prohibition does not apply to:

1. Overnight Camping on private residential property with the consent of the property owner or a person in lawful possession of the property, provided the camping does not pose a threat to the public’s health, safety, and welfare or otherwise create a public nuisance or private nuisance

and so long as the overnight camping is limited to not more than three (3) consecutive nights;

2. Camping on Public or Private Property in connection with a special event, when authorized pursuant to 5.40 or 12.28.040 of the Ripon Municipal Code; and
3. Day use for lawful activities on Public Property where authorized. (Ord. 857 §3, 2017; Ord. 871 §1, 2018)

12.28.040 Special Events Permit.

The City may issue a permit pursuant to this Section authorizing Overnight Camping on Public or Private Property for a special event, provided the community and City administrator, or his/her designee, finds that the event will not cause a public or private nuisance when conducted in accordance with reasonable conditions intended to avoid nuisance impacts. "Special event," as used herein, means an event sponsored by the City or a nonprofit or community-based organization of not more than 72 hours' duration which is conducted for the purpose of promoting sports, education, or other charitable activities.

A. The sponsoring organization must agree in writing to abide by the reasonable conditions imposed in connection with the issuance of a permit which shall include, at a minimum:

1. Special event insurance with coverage and policy limits determined to be adequate by the City in consultation with its liability insurer;
2. An agreement to indemnify and defend the City against any claims arising out of the event;
3. Provision for adequate sanitation and trash collection facilities; and
4. Measures to control noise and other conditions which could disturb the

peace and quiet enjoyment of neighboring properties.

B. Any failure to comply with a condition imposed on a sponsoring organization shall be considered a violation of this Chapter and shall entitle the City administrator or his or her designee to deny a future application by such organization, and shall be subject to any other remedies authorized by this code or other provisions of law. (Ord. 857 §4, 2017; Ord. 871 §1, 2018)

12.28.050 Sleeping In Motor Vehicles.

Unless otherwise permitted by law, it is unlawful for a person to occupy for the purpose of sleeping or as a living accommodation any parked trailer, camper shell, motor home, or any motor vehicle as defined by the Vehicle Code located in any of the following areas overnight:

A. Any Public Property, improved or unimproved, including but not limited to public streets and sidewalks, open space, and other property, including spaces in off-street parking facilities owned or operated by the City; or

B. Any Private Property.

C. For the purpose of this Section "occupy for the purpose of sleeping or as a living accommodation" shall include but not be limited to acts of sleeping, living in, occupying as a dwelling or any other sojourn or stay within the vehicle not directly related to driving the vehicle.

This prohibition does not apply to:

1. Occupying a vehicle for the purpose of sleeping or as a living accommodation on private property with the consent of the owner or person in lawful possession of the property, provided that such use of the vehicle does not pose a threat to the public's health, safety, or welfare or otherwise create a public nuisance or private nuisance and so long as such use of the vehicle is limited to

not more than three (3) consecutive nights.

2. Mobile home parks and special occupancy parks. (Ord. 857 §5, 2017; Ord. 871 §1, 2018)

12.28.060 Storage of Personal Property.

It is unlawful and a public nuisance for any person to Store Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Outside a structure on any Private Property without the prior written consent of the owner. Any storage on Private Property shall be subject to all local and state regulatory controls. (Ord. 857 §6, 2017; Ord. 871 §1, 2018)

12.28.070. Confiscation of Unattended Property.

The City shall have the right to confiscate any personal property stored in violation of this Chapter.

- A. The City shall make a good faith effort to locate the owner(s) of the personal property and to provide him or her with an opportunity to collect the personal property before seizing the items, by providing written notice of the intent to seize the personal property seventy-two (72) hours before seizing the items.
- B. Prior to removing any personal property, the City shall create a written inventory and take photos of the items.
- C. Upon removing any personal property, the City shall leave a written notice at the location of the confiscation confirming that a seizure has occurred pursuant to this Chapter and providing instructions for how to claim the items.
- D. The City shall store all items confiscated pursuant to this Chapter

for ninety (90) days in accordance with California Civil Code § 2080, *et seq.* (as amended) and shall, to the extent reasonably practical and without any duty to investigate the recommended storage parameters, properly store perishable items such as medication.

- E. The City shall comply with the provisions of California Civil Code § 2080, *et seq.* (as amended) in selling any items confiscated pursuant to this Chapter and in collecting the costs thereof. (Ord. 857 §7, 2017; Ord. 871 §1, 2018)

12.28.080 Penalty for Violation.

Any violation of this Chapter shall be deemed an infraction punishable by a fine not to exceed \$100.00 for a first offense, and as a misdemeanor punishable by a fine not to exceed \$300.00 or imprisonment in the county jail for a period not to exceed 30 days, or by both fine and imprisonment for any subsequent violations within a single calendar year. A violation of this Chapter may also be enforced as a public nuisance using any of the remedies set forth in Penal Code Section 370, and as provided in Chapter 1.08 of the Ripon Municipal Code. (Ord. 857 §8, 2017; Ord. 871 §1, 2018)