

DIVISION XII. PRESERVATION OF PUBLIC PROPERTY

Chapter 9.90

CAMPSITES AND OTHER OBSTRUCTIONS ON PUBLIC PROPERTY

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9.90.010 Title and purpose.

A. Title. This chapter shall be known as the Encampment Restriction Ordinance.

B. Purpose. It is the purpose and intent of the City Council of the City to protect life, health, safety, and to preserve and maintain access to public property in the City through the adoption of this chapter, and to provide additional abatement and enforcement tools to restrict encroachment onto public property at specific, sensitive locations within the City.

9.90.020 Definitions.

When used in this chapter, the following words and phrases shall have the meanings ascribed to them below. Words and phrases not specifically defined below shall have the meanings ascribed to them elsewhere in this Code, or shall otherwise be defined by common usage. For definitions of nouns, the singular shall also include the plural; for definitions of verbs, all verb conjugations shall be included. Any reference to state or federal laws, including references to any California or federal statutes or regulations, is deemed to include any successor or amended version of the referenced statute or regulations promulgated thereunder consistent with the terms of this chapter.

“Campsite” means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a temporary or permanent place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure.

“City Manager” means the City Manager of the City of Chula Vista or their designee.

“City Park” has the same meaning as defined in Chula Vista Municipal Code section 2.66.015(B).

“Major Transit Stop” has the same meaning as defined in section 21064.3 of the Public Resources Code.

“MSCP” means the Chula Vista multiple species conservation program.

9.90.030 Sitting, Lying, Sleeping, or Storage at Specified Locations on Public Property Prohibited.

A. ADA Access. A person shall not sit, lie, sleep, or store, maintain, or place personal property upon a street, sidewalk, or other public property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (1990).

B. City Permit Activity. A person shall not sit, lie, sleep, or store, maintain, or place personal property upon a street, sidewalk, or other public property in a manner that obstructs or interferes with the use of the right of way for any activity for which the City has issued a permit.

C. Motor Vehicles or Bike Paths. A person shall not sit, lie, sleep, or store, maintain, or place personal property upon a street, bike lane, bike path, or other public property open to use by motor vehicles or bicycles.

9.90.040 Campsites at Specified Locations on Public Property Prohibited.

A. No person may maintain or occupy a Campsite in or upon public property within the following locations:

1. ~~Five hundred~~One thousand feet of a public or private school providing instruction in grades 1 to 12, inclusive.

2. A City Park and the area within ~~five hundred~~one thousand feet of a City Park.

3. Any MSCP land, including but not limited to:

- a. Otay Valley Regional Park
- b. Sweetwater Valley Regional Park

4. A Major Transit Stop and the area within ~~five hundred~~one thousand feet of a Major Transit Stop, including but not limited to:

- a. Palomar Street Trolley stop
- b. H Street Trolley stop
- c. E Street Trolley stop
- d. Rapid Bus Service, Line 225, stops, including:
 - i. East Palomar Station
 - ii. Heritage Station
 - iii. Lomas Verde Station
 - iv. Santa Venetia Station
 - v. Otay Ranch Station
 - vi. Millenia Station

5. Within ~~five hundred~~one thousand feet of an area designated by the City as a shelter, safe camping, or safe parking site.

B. Nothing in subsection (A) is intended to prohibit the activities of a lawful user if such activities are expressly authorized by the City Manager or by any law, regulation, permit, order, or other directive from a governmental authority.

9.90.050 Enforcement.

A. Subject to subsections (B) and (C) below, this chapter may be enforced as follows:

1. The City Manager or the Police Department may remove personal property, and all other property, contraband, litter, and waste found at Campsite in violation of this chapter.

2. A violation of this chapter is a public nuisance that may be enjoined, abated, and prevented. The City Attorney, in the name of the people, may maintain an action to abate and prevent the nuisance.

3. A violation of this section may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor.

B. A person shall not be found to be in violation of Section 9.90.030 unless an agent or employee of the City, as applicable, has provided that person written notice, at least 3 hours before commencement of any enforcement action described in subsection (A) above, that the person is prohibited from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property in a prohibited location. A person shall not be found to be in violation of Section 9.90.040 unless an agent or employee of the City, as applicable, has provided that person written notice, at least 24 hours before commencement of any enforcement action described in subsection (A) above, that the person is prohibited from occupying a campsite in a prohibited location pursuant to this chapter. When possible, information regarding services and resources shall additionally be provided to the person.

C. If the City Manager or Police Department reasonably determines that a violation of this chapter creates a dangerous condition or an imminent threat to public health or safety, or if the City receives direction from County of San Diego or another governmental authority that abatement of a campsite is necessary to preserve public health or safety, the violation may be summarily abated by any reasonable means without notice. Summary abatement must be limited to those actions which are reasonably necessary to immediately remove the threat.