

ORDINANCE NO. ____

**AN URGENCY ORDINANCE OF THE CITY OF
BEAUMONT, CALIFORNIA, ADDING CHAPTER 9.43
“CAMPING” TO THE BEAUMONT MUNICIPAL
CODE AND AMENDING CERTAIN PROVISIONS OF
CHAPTER 10.08 RELATED TO “PARKING”**

WHEREAS, on June 28, 2024, the United States Supreme Court issued its ruling in *Grants Pass v. Johnson*, which among other things, held that the Eighth Amendment does not prohibit cities from enforcing laws regulating camping on public property; and

WHEREAS, following the *Grants Pass* decision, Governor Newsom issued an executive order directing state agencies and departments to adopt clear policies that urgently address encampments, and encouraging local agencies to take proactive steps to remove the same; and

WHEREAS, the City Council has determined that it is imperative to act with urgency to address dangerous encampments, which subject individuals living in them to unsanitary conditions, extreme weather, predatory and criminal activity, and widespread substance use, among other things, harming their health, safety, and well-being, and which also threaten the safety and viability of nearby businesses and neighborhoods and undermine the cleanliness and usability of parks, and other public resources; and

WHEREAS, the City Council finds that this Ordinance should be adopted on an urgency basis pursuant to the authority in Government Code section 36937(b) which provides that an ordinance passed by the City Council takes effect "immediately" if it is passed by a four-fifths vote of the City Council "for the immediate preservation of the public peace, health or safety" and contains "a declaration of facts constituting the urgency."

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

SECTION 1. URGENCY FINDINGS AND STATEMENT OF PURPOSE AND INTENT.

Pursuant to the requirements of California Government Code section 36937, subdivision (b), the City Council has determined that the provisions contained herein are necessary for the immediate preservation of the public peace, health, or safety within the City. Encampments subject unsheltered individuals living in them to unsanitary conditions, extreme weather, predatory and criminal activity, and widespread substance use, among other things, harming their health, safety, and well-being, and also threaten the safety and viability of nearby businesses and neighborhoods and undermine the cleanliness and usability of parks, and other public resources. The City of Beaumont in particular has experienced significant flooding due to the presence of encampments in flood zones and other flood sensitive areas. City facilities and the environment have already been damaged by these encampments. Further, public defecation and public urination and other unsanitary conditions occurring at these encampments and at other facilities, create unsanitary conditions for both the occupants and visitors.

In light of the Governor's Executive Order directing state agencies to begin immediately clearing dangerous encampments, the City anticipates an influx of encampments to be erected in the City as they move from neighboring cities/areas due to closures. For example, Caltrans has already begun clearing encampments on the freeway on/off ramps, which will and has already led to increased and/or enlargement of encampments within the City. The State has not only encouraged local agencies to take proactive steps to remove such dangerous encampments, but has confirmed its commitment to holding local jurisdictions accountable to reduce encampments, including by strengthening and enforcing requirements that local jurisdictions plan for their fair share of housing and by conditioning state funding on rigorous reporting and measurable performance metrics.

Immediate action is necessary to enact procedures regulating these encampments and to preserve the public peace, health, safety and welfare.

SECTION 2. Chapter 9.43 "Camping" is hereby added to Title 9 - Public Peace, Morals and Welfare of the Code of Ordinances--City of Beaumont, CA ("Beaumont Municipal Code") as set forth on Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

SECTION 3. Beaumont Municipal Code Sections 10.08.075 and 10.08.076 are hereby amended to read as follows:

10.08.075 - Camping or sleeping in motor vehicles prohibited.

Except as provided in Section 10.08.076, it shall be unlawful for any person to camp or sleep in any motor vehicle in any public place in the City.

10.08.076 - Permitted sleeping area.

Sleeping in a motor vehicle shall be permitted in the Civic Center parking lot between the hours of 10:00 p.m. and 6:00 a.m., provided the same is limited to not more than one consecutive night.

SECTION 4. This Urgency Ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. In the event that this Urgency Ordinance is found to be project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 5. This Urgency Ordinance is adopted as an urgency measure pursuant to section 36937 of the Government Code. This Ordinance is necessary as an emergency measure for preserving the public peace, health, and safety of the City and its residents.

SECTION 6. Pursuant to section 36937 of the Government Code, this Urgency Ordinance shall become effective immediately upon adoption.

SECTION 7. The City Clerk shall certify to the adoption of this Urgency Ordinance and cause publication once in a newspaper of general circulation.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the _____ day of September 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

David Fenn, Mayor

Attest: _____

Nicole Wheelwright, Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney