

## Chapter 9.43 "CAMPING"

### 9.43.010 - Purpose

The streets and public areas within the City should be readily accessible and available to residents and the public at large. Using these 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 constitute a public health and safety hazard that adversely impacts neighborhoods and commercial areas, as well as poses a danger to the individuals living in them. Furthermore, 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 purpose of this chapter is to maintain streets, parks, and other public and private areas within the City in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community and its residents. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property.

### 9.43.020 - Definitions

**"Camp"** means to place, pitch, erect, or occupy camp facilities, or to use camp paraphernalia for the purpose of, or in a way that facilitates outdoor sheltering for living accommodation purposes or for remaining outdoors overnight; or to live temporarily in a camp facility or outdoors.

**"Camp facilities"** include one or more temporary, makeshift, or hand-built structures or shelters not intended for long-term or continuous occupancy, and include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or other temporary shelter.

**"Camp paraphernalia"** means personal property used to facilitate occupancy of an area, and includes, but is not limited to, bedrolls, bedding, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, camp stoves, buckets and similar equipment, mattresses, couches, dressers or other furniture.

**"City Manager"** means the City Manager or designee.

**"Establish"** means setting up or moving equipment, supplies, or materials onto public or private property to "camp" or operate camp facilities.

**"Maintain"** means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

**"Operate"** means participating or assisting in establishing or maintaining a camp or camp facility.

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

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**"Stored personal property"** means any tangible property a person may deposit in a location with an intent to recover at a later time. Tangible property includes, but is not limited to goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication, and household items. Stored personal property excludes intentionally discarded refuse, trash, and/or tangible property.

### **9.43.030 - Unlawful Camping.**

- A. Except as provided in Municipal Code Section 10.08.076, it is unlawful and a public nuisance for any person to camp; to occupy, establish, maintain or operate any camp facilities, or use camp paraphernalia for the purpose of establishing or maintaining a temporary shelter in the following areas:
1. Any public property; or
  2. Any private property.
    - a. This chapter does not intend to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night. In addition, this chapter does not intend to prohibit overnight camping on public property as required by State or Federal law.
    - b. Nothing in this chapter is intended to prohibit or make unlawful activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the Beaumont Municipal Code or other laws, ordinances and regulations.
- C. Notwithstanding the above, the City Manager may, as provided in Section 9.03 et seq. of the Beaumont Municipal Code, issue a temporary permit to allow camping on public or private property in connection with a special event.
- D. This Section shall not apply to any event involving camping that is approved or sponsored by the City, or to any person camping, occupying camp facilities, or using camp paraphernalia on public property specifically designated for such purpose.

### **9.43.040 - Unlawful Storage of Personal Property on Public and Private Property**

It shall be unlawful and a public nuisance for any person to leave stored personal property on public property or private property without the consent of the property owner

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or except as otherwise approved by the City Manager, Police Chief, Public Works Director, or any of their designees.

Stored personal property left on public or private property in violation of this section may be impounded pursuant to the provisions of this chapter.

### **9.43.041 - Impounding Stored Personal Property**

- A. The Police Chief, or his or her designee, is authorized to impound stored personal property located on public property or private property without the consent of the property owner pursuant to the provisions of this chapter. The Police Chief is authorized to adopt written policies and procedures to implement the provisions of this chapter. Nothing in this chapter shall be construed to limit or otherwise interfere with State law regarding the impounding of evidence related to a crime.
- B. Stored personal property may be impounded and disposed of without notice if there is a cause to reasonably believe that the stored personal property is:
  - 1. Perishable;
  - 2. Contaminated with feces, urine or bodily fluid;
  - 3. Infested with insects;
  - 4. Contaminated with mold or mildew;
  - 5. Intentionally discarded;
  - 6. An immediate threat to public health or safety.
- C. Stored personal property may be impounded without notice if there is a cause to reasonably believe that the stored personal property is:
  - 1. Evidence of a crime; or
  - 2. Evidence in a criminal investigation; or
  - 3. Unlawful to possess.
- D. Except as provided above, stored personal property located on public property or private property without the consent of the property owner may be impounded after providing 24-hour actual or posted notice as provided in this section.
- E. Actual notice shall be deemed provided by placing on or near the stored personal property a writing containing the following information:
  - 1. A general description of the stored personal property;
  - 2. The location of the stored personal property;
  - 3. The date and time the notice was placed; and
  - 4. A statement that the stored personal property has been deposited in violation of Chapter 9.43.040 and will be impounded by the City if the stored personal property is not removed within 24 hours of issuance of actual notice.

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- F. Posted notice shall be deemed provided by erecting at least one sign in a conspicuous place stating that any stored personal property found in a described area may be removed and impounded if not claimed and removed within 24 hours after being discovered. The sign shall provide a phone number and address where a person may receive information to recover his or her personal property.
- G. After the notice period has expired, the stored personal property shall be deemed abandoned and may be impounded. Prior to impounding stored personal property, the City will provide notice in a conspicuous place at or near where the stored personal property was located with the following information:
  - 1. A general description of the stored personal property;
  - 2. The location of the stored personal property;
  - 3. The date and time the notice was placed; and
  - 4. A statement that the stored personal property has been impounded by the City and the process to re-claim.

### **9.43.042 - Impounding Personal Property after Closure**

Notwithstanding Section 9.43.041, any stored personal property located in any area that is posted with conspicuous signs indicating the area is closed to the public may be immediately impounded without notice. The posted signs must contain language indicating that all stored personal property found during the hours the area is closed will be impounded. The sign shall describe where the stored personal property will be stored, including a telephone number and the address where a person may receive information regarding how to recover the personal property.

### **9.43.043 - Storage and Disposal of Impounded Personal Property**

- A. Stored personal property that is impounded pursuant to this chapter shall be stored by the City for a period of 90 days. If the owner of the stored personal property is reasonably ascertainable, the Police Chief, or his or her designee, shall promptly notify the owner of the procedure to claim his or her personal property.
- B. The Police Chief, or their designee, shall return the stored personal property to its owner upon presentation of satisfactory evidence of ownership.
- C. In the event the stored personal property is not claimed within 90 days, it may be subject to disposition as determined by the Police Department and in accordance with applicable State and Federal statutes.

### **9.43.050 – Violation - Penalty**

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In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be subject to penalties as provided in Beaumont Municipal Code Chapter 1.16 and/or issued an administrative citation pursuant to Beaumont Municipal Code Chapter 1.17. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

### **9.43.060 - Severability.**

If any provision of this chapter is rendered illegal, invalid, or unenforceable, all other parts of this chapter shall remain in full force and effect.