

ORDINANCE NO. ____ (N.S.)

**AN ORDINANCE AMENDING TITLE 7, DIVISION 3 AND AMENDING TITLE 4,
DIVISION 2, CHAPTER 1 OF THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES, RELATING TO UNAUTHORIZED CAMPING AND PROTECTION OF
OPEN SPACE AND PUBLIC WORKS INFRASTRUCTURE**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the County is committed to protecting the life, health, and safety of all people in the County and finds that unlawful camping in areas owned, leased or managed by the County poses significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the County finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Board intends to mitigate the threat of fire, flooding, water pollution, habitat destruction and other potential causes of destruction and damage to and interference with public lands, in order to protect the life, health, and safety of the public, by placing reasonable restrictions on activities associated with camping, fire ignition, flood risk creation, habitat destruction and water pollution. The Board is committed to protecting the rights of individuals and treating those individuals with respect and consideration. It is the purpose of this ordinance to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to mitigate the threat of fire.

Section 2. Sections 73.108 of the San Diego County Code of Regulatory Ordinances is hereby amended as follows:

SEC 73.108. PUBLIC PARKS UNAUTHORIZED CAMPING ON PUBLIC PROPERTY

(a) Unless expressly authorized by the Chief Administrative Officer or his or her designee, or by other provision of law, regulation, permit, order or other directive from a regulatory authority, No person shall camp or maintain an encampment in any public County park, or any public street or highway, or on any improved or unimproved property owned, or leased, or managed by the County, provided that nothing herein shall be construed to prohibit camping in public campgrounds under permit authorized by other provisions of law or ordinance.

(1) "Camping" is defined as the use of any public County Ppark, any public street or highway or improved or unimproved property owned, or leased, or managed by the County, for temporary living accommodations such as, but not limited to, sleeping, sleeping activities, or making preparations to sleep, including the laying down of bedding for the purposes of sleeping, or storing personal belongings, or making any fire, or using any tents, or other temporary structures.

(2) "Public County Ppark" is defined as any park or recreation area or recreation facility that is owned, leased, or under the control of the County has the same meaning as defined in section 41.102(b) of this Code.

(3) "Encampment" means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, used to shelter one or more persons or their belongings and that are not authorized by any permit, license or regulation.

Encampment includes any camp paraphernalia and personal property associated with or located in or around the structures.

(4) "Ignition Source" means any source capable of kindling a fire, in the form of a mechanical or electrical spark, glowing ember, open flame, chemical reaction, friction or similar action that is capable of kindling a fire.

(b) Unless expressly authorized by the Chief Administrative Officer or his or her designee, or by other provision of law, regulation, permit, order or other directive from a regulatory authority, no person shall do the following in any County Park, any public street or highway, or on any improved or unimproved property owned, leased, or managed by the County:

(1) Use an Ignition Source to cause or intend to cause a fire;

(2) Maintain an existing fire;

(3) Camp while using or possessing an Ignition Source;

(4) Discard any lighted tobacco product or any burning or combustible material or other thing that could set fire to grass, shrubs, buildings or any other combustible substance.

(5) Store personal belongings or waste, including garbage, refuse, or human or animal waste;

(6) Activities that alter the property, including but not limited to digging, removing vegetation and building structures, in a manner that damages, impairs, or interferes with the function of the property, or creates a threat to public health or safety;

(c) Violations of this section shall be enforced pursuant to section 73.114.

Section 3. Section 73.111 of the San Diego County Code of Regulatory Ordinances is hereby amended as follows:

Unless authorized by the Chief Administrative Officer or his or her designee, or by other provision of law or ordinance, No person shall lie, stand or sit on any crosswalk, sidewalk, street, or other public right of way or any other public street, highway, public park or public beach or arcade, shopping center or other property opened or dedicated to public use or to which the public is invited, so as in any manner to obstruct the free use thereof by the public or passage therein or thereon by pedestrians, or to hinder, molest or annoy any person or persons passing along the same, or to obstruct the entrance of any public or private hall, public building, public beach or public park or area.

Section 4. Section 73.114 is hereby added to the San Diego County Code of Regulatory Ordinances as follows:

SEC 73.114. ENFORCEMENT

(a) Violations of Section 73.108 are subject to criminal prosecution and other civil and administrative remedies under section 11.116 et seq. Violations are also subject to enforcement under other relevant laws and regulations, including, but not limited to, stay-away orders, public nuisance and other injunctive relief.

~~(b) Except as provided in subdivision (c), law enforcement officers may only issue a criminal citation to enforce a violation of section 73.108 to an individual when that individual refuses available shelter and there is sufficient shelter for all unhoused individuals living in the unincorporated area. For purposes of this section, available shelter means the shelter is reasonably available and accessible to the person at the time enforcement is taking place, including transportation to shelter selected by the officer in lieu of enforcement, and taking into consideration any disability or other specific circumstances applicable to that person and known to the officer. Sufficient shelter for all unhoused individuals shall be calculated using the most recent point in time count of the unhoused population in the unincorporated area. The requirement of this section does not apply to individuals who are ineligible for shelter due to criminal convictions or past behavior.~~

~~(b)(c)~~ Law enforcement officers may only issue a criminal citation to enforce a violation of section 73.108 regardless of the availability of shelter where the violation poses an imminent risk of harm to public health or public safety death, serious injury, or spread of wildfire or communicable disease.

Section 5. The following section is hereby added to Title 4, Division 2, Chapter 1 of the County Code of Regulatory Ordinances:

SEC 42.105. RESTRICTED AREA DURING EMERGENCY, CONSTRUCTION OR MAINTENANCE

During an emergency, construction, or maintenance, it shall be unlawful for any person to remain within the portion of County maintained public works facilities or property identified by the Director, Department of Public Works, as closed to the public by signage, barriers, or other features.

Section 6. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against the same in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA
BY: Mark Day, Senior Deputy County Counsel