

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
AMENDING MERCED MUNICIPAL CODE
SECTION 9.51 PROHIBITING CAMPING
AND STORAGE OF PERSONAL PROPERTY**

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

WHEREAS, the City council has concerns regarding public safety, health and safety, efficient movement of public and vehicle traffic, and peaceable enjoyment of public spaces within the City of Merced; and

WHEREAS, the unregulated camping and storage of personal property can lead to public disturbances or other public health and safety problems;

WHEREAS, the City is no longer required to allow camping in public spaces within the City pursuant to the United States Supreme Court's decision in *City of Grants Pass, Oregon v. Johnson*, 144 S. Ct. 2202 (2024);

THEREFORE, the City of Merced proposes to create restrictions on camping and storage of personal property within the City of Merced.

The Merced Municipal Code shall be amended as such:

Section 9.51.010- Purpose.

To ensure public safety, health and safety, efficient movement of public and vehicle traffic, and peaceable enjoyment of public by prohibiting the acts of public sleeping and camping as well as the storage of personal property.

Section 9.51.020- Definitions.

Unless the provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

"Camp" means to occupy *by inhabiting any public space*.

"Camp facilities" means and includes, but are not limited to, tents, huts, or any *makeshift* shelters.

"Camp paraphernalia" means and includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or any other item that *is or could be* used for sleeping purposes, or non-city designated cooking facilities and similar equipment.

"Inhabiting" means and includes, but is not limited to, the fact or condition of holding, possessing, or residing in or on something.

"Occupy" means and includes, but is not limited to, to fill or take up space.

"Park" means the same as defined in Section 9.70.020 of this code.

"Sidewalk" means the same as defined in Section 1.04.010 of this code.

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

"Street" means the same as defined in Section 1.04.010 of this code.

"School" means the same as defined in Section 20.60.020 of this code.

Section 9.51.030- Unlawful Camping.

It is unlawful, and a misdemeanor for any person to, camp, , occupy camp facilities, or use camp paraphernalia, in the following areas, except as otherwise provided in this code:

- A. Any park;
- B. Any street;
- C. Any sidewalk;
- D. Any public parking lot or public area; improved or unimproved;
- E. *Any school or within 1000 feet thereof.*

Section 9.51.040- Storage of personal property in public spaces.

It is unlawful, and a misdemeanor for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided in this code:

- A. Any park;
- B. Any street;
- C. Any sidewalk;
- D. Any public parking lot or public area, improved or unimproved;
- E. Any school or within 1000 feet thereof.

9.51.050- Exceptions.

This chapter shall not apply to city-sponsored camp events.

9.51.060- Removal of Encampments and Personal Property

Encampments and personal property shall be removed immediately if it is determined by code enforcement that the encampment poses an immediate threat to life, health, safety, or infrastructure. In all other instances, advanced notice shall be posted at least 48 hours prior to removal of individuals who are engaging in the act of public sleeping or camping; personal items shall be stored for 30 days, unclaimed items will be disposed of after 30 days. The city shall ensure that personal property is inventoried and labeled in a manner to facilitate identification.

9.51.070- Penalties

A. Offenders will be fined for violations of Sections 9.51.030 and 9.51.040 as follows:

1. Fifty dollars (\$50) for a first violation;
2. One hundred fifty dollars (\$150.00) for a second violation within the consecutive 12-month period after the date of the first violation; and
3. Three hundred dollars (\$300.00) for each additional violation within the consecutive 12-month period after the date of the first violation.

B. The City may also impose a ban from certain areas for a period not to exceed 30 days for reoffenders. If the issues persist, code enforcement may recommend the violators be criminally trespassed to the District Attorney for filing, punishable by a maximum of 30 days in jail and a fine.

Section II:

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

Section III:

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once in the Merced County Times, a newspaper of general circulation published in the County of Merced, State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2024, and was passed and adopted at a regular

meeting of said City Council held on the ____ day of _____, 2024, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

**APPROVED:
MATTHEW SERRATTO, MAYOR**

Mayor

**ATTEST:
D. SCOTT MCBRIDE, CITY CLERK**

Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



CRAIG J. CORNWELL, City Attorney