

**ORDINANCE NO. \_\_\_\_ (N.C.S.)**

**AN ORDINANCE AMENDING ARTICLE XIV OF CHAPTER 16 OF THE SALINAS MUNICIPAL CODE RELATED TO THE PROHIBITION AGAINST CAMPING**

***City Attorney Impartial Analysis***

*This ordinance amends Article XIV of Chapter 16 of the Salinas Municipal Code by prohibiting camping on public property at any time. This ordinance also makes clear that camping in or along waterways, in or on stormwater facilities, or in surface channels and outfalls is prohibited.*

**WHEREAS**, Salinas is a Charter city organized and operating pursuant to Article 7 of the California Constitution; and

**WHEREAS**, through previous legislative enactments (Ordinance No. 2564, Ordinance No. 2567, Ordinance No. 2599 and Resolution Nos. 20884 and 20908), the City Council declared its intent to prevent the misappropriation of City property for personal use and the proliferation of encampments on public property that have a significant adverse effect on public health, safety, and welfare and impede or entirely obstruct access by emergency responders when responding to emergencies; and

**WHEREAS**, through its previous legislative enactments, the City Council made clear its intent to prevent the misappropriation of City property for personal use and to promote the public health, safety, and welfare by ensuring that City property remains accessible and usable by all members of the public for the purposes for which such public property is intended and by ensuring that City property remains in a clean, sanitary, and accessible condition; and

**WHEREAS**, the public areas within the city, including streets, sidewalks, parks, public buildings, and public land, should be readily accessible, free from obstruction, and available to the public at large for use in a safe and healthy manner; and

**WHEREAS**, the use of these areas for overnight camping purposes interferes with the ability of residents and the public at large to use the areas in the healthy and safe manner for the uses intended; and

**WHEREAS**, such camping activity can constitute a public health and safety hazard, which adversely impacts other members of the public, neighborhoods, industrial, agricultural, and commercial areas; and

**WHEREAS**, in addition to the proliferation of camping and encampments on public property in the city of Salinas which has obstructed access by pedestrians and users of City facilities, individuals camping on public property and/or residing in encampments on public property frequently urinate and defecate on City property (and nearby private property) and have been observed using and distributing narcotics and alcohol causing unsafe and unsanitary conditions to persist around and within the areas of the camps and/or the encampments creating an environment for the spread of disease and bacteria and an environment which prevents Salinas's residents from using and accessing City facilities, including the City libraries and recreation centers; and

**WHEREAS**, City employees and members of the public at large have reported that overnight camping on City property has specifically interfered with their use of public buildings, public sidewalks, public streets, parking lots, parking garages, and other open spaces, including the public space surrounding the library and the public space in front of City Hall; and

**WHEREAS**, City employees leaving City Hall have been confronted by overnight campers screaming, yelling, and displaying other aggressive and erratic behavior that has made those employees fear for their safety upon egress of the building; and

**WHEREAS**, City employees have been confronted by overnight campers subjecting them to unwanted sexual comments; and

**WHEREAS**, City employees have observed individuals around the City Permit Center and the adjacent parking structure engage in sexual activity, as well as illegal drug use; and

**WHEREAS**, members of the public as well as City employees have complained about the smell of public places, including the area in front of City Hall and the areas around the City libraries (particularly the John Steinbeck Library) and City Permit Center and adjacent parking structure, as a result of individuals loitering in and around those areas and as a result of overnight camping activity, including urination and defecation by overnight campers; and

**WHEREAS**, drug paraphernalia has been found at the site of the overnight camp in front of City Hall; and

**WHEREAS**, it has been reported that public spaces can no longer be used by residents and the public at large for the manner and uses in which they were intended, including specific complaints that outdoor public spaces, including, but not limited to, the space in front of City Hall, the space around the City Permit Center and adjacent parking structure, and the space around the John Steinbeck Library, including the grass areas in front of the John Steinbeck Library, that were once used by residents and the public at large to recreate, eat lunch, and take breaks can no longer be used for those purposes as a result of the litter, urine and feces left by individuals loitering in and around those areas and as a result of the overnight campers in those areas; and

**WHEREAS**, the lawn areas and other spaces on or around City property, including most-notably the lawn areas in front of City Hall and in front of the John Steinbeck Library are frequently used by persons in such a manner that they have been damaged and or destroyed and in some cases present a danger to the health and safety of the community and of the patrons of those facilities; and

**WHEREAS**, City employees must regularly clean up and remove human waste from areas used for overnight camping including, but not limited to, the space in front of City Hall, the space surrounding the John Steinbeck Library, recreation centers, public parking lots, and public parking garages; and

**WHEREAS**, residents and the public at large are prevented from the use of the public areas within and around the city, including streets, sidewalks, parks, public building and public land when those areas are obstructed by a gathering preventing the free passage by use of any street, sidewalk, alley, public way, ingress to any public building, or place used by members of the public to go from place to place; and

**WHEREAS**, the abuse or mutilation of trees, plants, and lawn prevents residents and the public at large from the reasonable use and enjoyment of those items while costing the City substantial money and resources for the restoration of those items; and

**WHEREAS**, urination and defecation outside of urinals, toilets, or commodes located in bathrooms, restrooms, or other structures specifically designated for the purpose of urination and defecation poses a significant health and safety problem to residents and the public at large as well as costing the city substantial money and resources to clean; and

**WHEREAS**, from 2020-2023, an encampment within the Carr Lake area grew to over one hundred separate encampments causing the degradation of waterways through trash accumulation. The adjacent neighborhoods saw an increase in criminal activity during this same time period including, but not limited to, acts of indecent exposure and gang-related crimes (homicides, drug dealing, human trafficking, and gambling). In November 2023, the City removed approximately two hundred tons of debris from this area. A wooden walkway (commonly known as the “boardwalk”) that runs along East Laurel Drive on Carr Lake’s south end suffered structural damage by unsheltered individuals removing the wooden planks and digging underneath the boardwalk to establish encampments, thereby undermining the structural integrity of this pedestrian walkway; and

**WHEREAS**, encampments along the Alisal Creek have caused degradation of water quality due to human feces and trash entering the waterway; and

**WHEREAS**, between 2020-2023, the waterway near Casentini Street and Main Street 2020-2023, became polluted as a result of trash and human waste being deposited into the waterway. The City cleaned out approximately ten tons of debris from this waterway. During this same time period, multiple fires occurred that were caused by individuals living in encampments along this waterway endangering nearby residential structures. Accumulated flammable debris have heightened fire risks within this area; and

**WHEREAS**, during the period 2020-2025, the number of unsheltered individuals living in encampments in the Circle Drive and Cesar Chavez Park areas has significantly increased and impacted adjacent residential neighborhoods. Criminal activity including drug trafficking and residential theft has increased as a result, in addition to incidents of indecent exposure and evidence of drug use; and

**WHEREAS**, numerous shopping carts and camping paraphernalia routinely block the dead end of East San Luis Street as a result of the growing unsheltered population establishing encampments in this area; and

**WHEREAS**, the number of encampments in the CreekBridge area, from Veterans Parkway at East Laurel Drive to the rear of the Safeway grocery store on Constitution Boulevard has grown substantially. Public defecation and disposal of trash by the unsheltered living in these encampments into the waterway have caused degradation of water quality. Drug sales, drug use, and human trafficking are common within this encampment area. Residential theft and robberies have risen as a result of the growing encampment area; and

**WHEREAS,** the roadway underpass at Market Street is a focal point for unsheltered encampments leading to significant public health, safety, and quality of life concerns for nearby residents and commuters. The underpass' location along a major roadway creates an intensified risk for residents of the encampment and for drivers as individuals from the encampment frequently walk into the roadway into traffic, endangering themselves and drivers. Fires started within the encampment cause damage to the roadway underpass threatening the structural integrity of the roadway. The proximity of this encampment to residential neighborhoods has lead to increased theft and vandalism, coupled with an increased insecurity among residents of the neighborhood. The visual blight of encampments adjacent to and within the residential neighborhood diminishes the quality of life for residents of the neighborhood; and

**WHEREAS,** during the period 2020-2023, the number of encampments within the Chinatown area has increased significantly resulting in an equally significant deterioration of the neighborhood due to increased crime; increased threats to public health from the presence of human waste, trash, rodents and vermin, drugs, and toxic waste. Police operations within this area during this time period and to the present have uncovered extensive drug use and possession (including methamphetamine and fentanyl), possession of dangerous weapons (including knives, guns, and a hand grenade), and signs of gang control (where gangs exploit the unsheltered population by imposing "taxes" and coercing unsheltered into drug trafficking and other criminal activities). Local business are impacted by the presence of encampments by the blockage of sidewalks and entryways, which deter customers and visitors; and

**WHEREAS,** the waterway on the Rico Street and West Lake Street area has been plagued by encampments leading to significant environmental issues. The waterway, vital for local agricultural and natural systems, has suffered contamination due to widespread drug use and the presence of human waste; and

**WHEREAS,** activities within Sherwood Park have been negatively affected by the presence of encampments, rendering it unsafe for use by the community. Widespread defecation and urination have created unhealthy conditions within the area set up with tables and benches for park users. Drug paraphernalia is present throughout the park posing a threat to the health, safety, and welfare of park users; and

**WHEREAS,** the City Council finds and determines that it is necessary to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the city, in a clean, sanitary and accessible condition and to protect the health, safety and welfare of the community, while recognizing that, subject to reasonable conditions, camping and camping facilities associated with special events can be beneficial to the cultural and educational well-being of the city; and

**WHEREAS,** private property owners have complained to the City about the scope, size, and number of encampments on their property and the negative health and safety consequences

associated with those encampments and have regularly requested the City's assistance in cleaning up those encampments; and

**WHEREAS**, it is necessary and urgent for the immediate preservation of the public peace, health, and safety of the residents of the city and the public at large to enact an emergency measure to address the negative health and safety consequences associated with overnight encampments, including, but not limited to the health and safety consequences created by the accumulation of human waste, the accumulation of garbage, including used needles used for the administration of drugs intravenously, and the safety of city employees from aggressive behavior and unwanted sexual comments; and

**WHEREAS**, updates to the Salinas Municipal Code are necessary in order to address issues associated with individuals loitering in and around public spaces and also associated with overnight camping within the city and the establishment of encampments on public property and private property; and

**WHEREAS**, the potential destruction of, damage to, or interference with, infrastructure that is critical to the provision of public services such as law enforcement, fire prevention, transportation, and utilities, including water and waste disposal is a principal threat to the public health, safety, and welfare. Destruction of, damage to, or interference with, critical infrastructure is caused by fire, contamination, restricting access, or other causes. Destruction of, damage to, or interference with, critical infrastructure is often caused by persons whose activities are not permitted or authorized in, on, or near critical infrastructure;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Article XIV of Chapter 16 of the Salinas Municipal Code is hereby amended as follows:

#### **Article XIV. Prohibition Against Camping**

##### **Sec. 16-140.010. Purpose.**

The public areas within the city, including streets, sidewalks, parks, public building and public land, should be readily accessible and available to residents and the public at large for use in a clean, safe, and healthy manner. The use of these areas by campers interferes with the ability of residents and the public at large to use the areas in the clean, healthy, and safe manner for the uses intended. Such camping and the attendant negative effects can constitute a public health and safety hazard, which adversely impacts other members of the public and neighborhoods, as well as industrial, agricultural, and commercial areas. Nonetheless, sleeping and resting are universal and unavoidable consequences of being human. For individuals with no access to private spaces, sleeping and resting can only be done in public. A purpose of this article is to strike a balance between the need of residents and the public at large to clean, reasonable, safe access to public spaces and the needs of individuals without access to private spaces to sleep and rest. It is necessary to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the city, in a clean, sanitary and accessible condition. It is necessary to protect the health,

safety and welfare of the community. It is necessary for all humans to sleep and rest, and for those individuals without access to private spaces, to do so in public spaces. Nothing in this article is intended to interfere with otherwise lawful and ordinary uses of public or private property.

#### **Sec. 16-140.020. Definitions.**

For the purposes of this article, the following terms shall have the following definitions:

- (a) "Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- (b) "Camp facilities" include, but are not limited to, tents, sleeping bags, blankets, huts, yurts, vehicles, vehicle camping outfits, temporary shelters, or other materials (whether hand-built or otherwise) for the purpose of sleeping, lying, or sheltering one or more persons .
- (c) "Camp paraphernalia" includes, but is not limited to, bedrolls, air mattresses, tarpaulins, cots, beds, sleeping bags, hammocks and similar equipment.
- (d) "City facilities" are city hall, public libraries, the public service yard, police stations, public safety facilities, fire stations, airports, sports complexes, recreation center, the armory building, permit center, pump station, golf course, stormwater facility, sewage treatment plant, and parking garages owned or operated by the city of Salinas.
- (e) "Community development director" is the community development director or designee.
- (f) "Critical Infrastructure" means real property or a facility, whether privately or publicly owned, as approved by resolution of the City Council, that the City Manager designates as being so vital and integral to the operation or functioning of the city that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety, or welfare. Critical infrastructure may include, but is not limited to, government buildings, such as fire stations, police stations, libraries; structures such as antennas, bridges, roads, sidewalks, train tracks, drainage systems, surface channels, outfalls, or stormwater facilities; or systems, such as computer networks, public utilities, electrical wires, natural gas pipes, telecommunications facilities, or water sources.
- (g) "Education facilities" are public or private schools, libraries, sports complexes, and recreation centers at which children regularly gather.
- (h) "Establish" means to set up or move equipment, supplies or materials on to public or private property to camp or operate camp facilities.
- (i) "Maintain" means to keep or permit equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.
- (j) "Operate" means to participate or assist in establishing or maintaining a camp or camp facility.
- (k) "Private property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.
- (l) "Public property" means any real or personal property owned or controlled by the city and includes, but is not limited to, any publicly-owned park, building, street, sidewalk, way, path, alley, park, parking lot or other public property owned or controlled by the city and located within the city of Salinas. Public property includes City facilities as defined in this section.
- (m) "Stormwater facility" means any constructed component of a stormwater system, whether public or private, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts,

street gutters, detention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins.

- (n) “Street” means streets, avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs.

#### **Sec. 16-140.030. Unlawful camping.**

Except as may otherwise be specifically permitted in the Salinas Municipal Code, it is unlawful and a public nuisance for any person to camp, establish, maintain, operate or occupy camping facilities, or use camp paraphernalia:

- (a) On any public property;
- (b) On any critical infrastructure; within 25-feet of critical infrastructure; within 25-feet of a vehicular or pedestrian entrance or exit of critical infrastructure; on those portions of a right-of-way that are required by state, local, or federal law to be free of obstruction to first responders, including but not limited to members of law-enforcement, fire-prevention, or emergency medical services agencies; or within a wildfire risk area (as defined in California Code of Regulations, title 24, part 9, section 202).
- (c) Any private property, improved or unimproved.
- (d) The prohibition set forth in this section does not apply to:
  - (1) Overnight camping on private residential property, by no more than six people, with the consent of the property owner or a person in lawful possession of the property, provided the property owner or a person in lawful possession provides onsite access to flush toilets and onsite refuse disposal, and the camping does not pose a threat to the public’s health, safety, welfare, or otherwise create a public or private nuisance;
  - (2) Mobile home parks and special occupancy parks;
  - (3) Camping on public or private property pursuant to a permit issued under Salinas Municipal Code Section 16-140.040; and
  - (4) Day use for lawful activities on public property where authorized.
- (e) Within 200 feet of any posted notice to vacate or to remove personal property posted pursuant to Salinas Municipal Code Section 16-130.040 or other official signage designating a location for enforcement action or otherwise prohibiting sleeping, sitting, lying, camping, or placing personal property in that location.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370, the city may institute civil actions to abate a public nuisance pursuant to Section 1-8.1.

#### **Sec. 16-140.040. Overnight event permit.**

The city manager may promulgate regulations to establish a program pursuant to which a permit may be issued to establish, maintain and operate a camp or a camp facility in connection with a special overnight event. A special overnight event is intended to include, but is not limited to, programs operated by departments of the city, events organized by nonprofit or community-based organizations, organized youth or school events, and sporting events. The regulations shall be published on the city’s website. Regulations promulgated by the city manager shall have the same force and effect of law and become effective upon date of publication.

Any person who establishes, maintains or operates a camp or camp facility without a permit may be subject to a misdemeanor. Such activity constitutes a public nuisance. In addition to the remedies set forth in Penal Code section 370, the city may institute civil actions to abate a public nuisance pursuant to Salinas Municipal Code Section 1-8.1.

**Sec. 16-140.050. Posting of overnight event permit.**

It is unlawful for any person to establish, maintain, conduct or carry on any camp or camp facility unless there shall be at all times posted in a conspicuous place upon the area or tract of land upon which the camp or camp facility is located a permit obtained from the city in accordance with the provisions of Section 16-140.040 of this chapter.

A violation of this section is a misdemeanor. In addition to the remedies set forth in Penal Code section 370, the city may institute civil actions to abate a public nuisance pursuant to Section 1-8.1.

**Sec. 16-140.060. Conduct on public property, monuments, and lawns.**

No person, after having been notified by a police officer or other city employee or official that he or she is in violation of the prohibition in this section shall:

- (a) Walk, stand, sit, or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street-tree planter, berm, utility cabinet, railing, fence, planter, stairwell, parking lot, or parking structure;
- (b) Walk, stand, sit, or lie upon any public lawn or planted area that is posted with signs that forbid such conduct;

A violation of this section is a misdemeanor.

**Sec. 16-140.070. Conduct on private property.**

The city council finds and determines that encampments located on private property have at least the same health, safety, and welfare concerns as encampments on public property and find the same to constitute a nuisance. The city manager is authorized to promulgate all regulations necessary to provide for city clean-up and removal of encampments located on private property and for the recovery of all costs and expenses associated therewith. The regulations shall be published on the city's website. Regulations promulgated by the city manager shall have the same force and effect of law and become effective upon date of publication.

**Sec. 16-140.080. Noticed cleanup of public property.**

It is necessary to periodically close public property for cleaning and removal of accumulated garbage, refuse, hypodermic needles, and debris. The city council shall approve, by resolution, a



form and procedure the promulgation of public notice for the closing of public property for such cleanings. On no one day shall the city close for cleaning more than one fourth of the sidewalks in the city for cleaning.

**SECTION 2.** All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith are hereby repealed as of the effective date of this ordinance.

**SECTION 3.** Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

**SECTION 4.** CEQA Compliance. The City Council's adoption of this ordinance is not a project subject to environmental review under the California Environmental Quality Act (CEQA Guidelines Section 15061(b)(3) because it would not have a significant effect on the environment. Additionally, the City Council's adoption of this ordinance is exempt because it does not meet the definition of a "project" under CEQA, pursuant to CEQA Guidelines sections 15060(c)(1) and 15378(a), because it has no potential to result in a direct or reasonably foreseeable physical change in the environment.

**SECTION 5.** Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. This ordinance will take effect thirty (30) days from and after its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Dennis Donohue, Mayor

APPROVED AS TO FORM:

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Christopher A. Callihan, City Attorney

ATTEST:

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Patricia M. Soratos, City Clerk