

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE AMENDING ARTICLE XIII OF CHAPTER 16 OF THE SALINAS
MUNICIPAL CODE AND ARTICLE XIV OF CHAPTER 16 OF THE SALINAS MUNICIPAL
CODE RELATED TO HEALTH AND SAFETY

City Attorney Summary

This Ordinance strikes a balance between the interests of residents and the public at large to access public property in a clean, safe, and healthy manner, for the purposes for which it was intended, and the needs of individuals without access to private spaces to sleep, lie, and have access to a limited amount of personal property. This Ordinance prohibits the misappropriation of City property for personal use under specific enumerated circumstances and promotes the public health and safety by restricting camping and other activities which negatively impact City property and facilities. By restricting camping and other activities, this Ordinance ensures that City property remains in a clean and sanitary condition and accessible for their intended uses by all members of the public. This Ordinance also authorizes the City Manager to promulgate regulations to allow for temporary, permitted camping activities and to allow for City resources to be utilized to clean-up encampments on private property and for the recovery of the City's costs and expenses incurred in association therewith.

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. 2578, 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, 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; and

WHEREAS, it is necessary to strike a balance between the need of residents and the public at large to reasonable, clean, safe access to public spaces and the needs of individuals without access to private spaces to sleep and rest: and

WHEREAS, the use of these areas for the storage of personal property interferes with the ability of residents and the public at large to use the areas in a clean, healthy, and safe manner for the uses intended. Such storage 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; and

WHEREAS, individuals who have no access to private spaces may nonetheless need to retain access to a limited amount of personal property in public areas especially to those necessities, including driver's licenses, identification cards, Social Security cards, court documents, medications, medical documents, toiletries, cell phones, sleeping bags, prescription eye glasses, and blankets;; and

WHEREAS, it is necessary to strike a balance between the need of residents and the public at large to clean, reasonable, and safe access to public spaces and the needs of individuals without access to private spaces to retain access to a limited amount of necessary personal property that they cannot otherwise store; and

WHEREAS, the use of public spaces for overnight camping purposes interferes with the ability of residents and the public at large to use the areas in the clean, healthy, and safe manner for which the uses are 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 City Hall, the City libraries, City recreation facilities, and other City facilities; 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 John Steinbeck 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 threatening comments and 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 frequently at the site of the overnight camps, including discarded, used intravenous needles that pose a specific health and safety risk as related to the transmission of communicable diseases; 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; 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 buildings 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 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, 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 City has a duty to protect its employees working at City facilities, including, but not limited to, 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, sewage treatment plant, and parking garages owned or operated by the City of Salinas; and

WHEREAS, children are a particularly vulnerable to dangers that persist in overnight encampments including dangers posed by discarded intravenous needles and improperly disposed of waste and refuse; and

WHEREAS, children frequent public schools, private schools, libraries, sports complexes, and recreation centers at which children regularly such that those locations deserve special regulatory protection against dangerous to which children are particularly vulnerable; and

WHEREAS, bars, nightclubs, other onsite purveyors of alcohol, commercial cannabis retailers, and medical cannabis retailers, tend to operate later than 7 p.m.; and

WHEREAS, bars, nightclubs, other onsite purveyors of alcohol, commercial cannabis retailers, and medical cannabis retailers, tend to undertake business that includes the use of intoxicants, which can cause the customers of those businesses to be confrontational, cause those customers to tend toward violence, and otherwise cause customers to be irrational or act without reason; and

WHEREAS, it is necessary to periodically close public property for cleaning, removal of accumulated garbage, refuse, hypodermic needles, and debris; and

WHEREAS, requiring that public property remain free of campers for 24 hours after a cleanup will allow for the use of that public property in a manner that will facilitate the patronage of local businesses and the use of public property for recreational purposes; and

NOW, THEREFORE, be it ordained by the Council of Salinas as follows:

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

Article XIV. Prohibition Against Camping

- Sec. 16-140.010. Purpose.
- Sec. 16-140.020. Definitions.
- Sec. 16-140.030. Unlawful Camping.
- Sec. 16-140.040. Overnight Event Permit.
- Sec. 16-140.050. Posting of Overnight Event Permit.
- Sec. 16-140.060. Conduct on Public Property, Monuments, and Lawns.
- Sec. 16-140.070. Conduct on Private Property.
- Sec. 16-140.080. Noticed Cleanup of Public Property.

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) "Available Overnight Shelter" means a public or private shelter, with an available overnight space, open to an individual or family unit experiencing homelessness, at no charge. If an individual cannot utilize overnight shelter space due to voluntary actions, such as intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall still be considered available.

(b) "Camp" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

(c) "Camp Facilities" include, but are not limited to, tents, huts, yurts, vehicles, vehicle camping outfits or temporary shelters.

(d) "Camp Paraphernalia" includes, but is not limited to, bedrolls, air mattresses, tarpaulins, cots, beds, sleeping bags, hammocks and similar equipment.

(e) "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, sewage treatment plant, and parking garages owned or operated by the City of Salinas.

(f) "Community Development Director" is the community development director or designee.

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

(l) "Private Property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

(m) "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.

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 between the hours of 5 a.m. and 7 p.m.;
- (b) On any public property at any time that there is Available Overnight Shelter;
- (c) In any wastewater outfall;
- (d) During a noticed cleanup as set forth in section 16-140.080;
- (e) 24-hours prior to or following a noticed cleanup as set forth in section 16-140.080;
- (f) On any public property within 300 feet of a City Facility;
- (g) On any public property within 300 feet of an Education Facility;
- (h) On any public property within 100 feet of a bar, nightclub, or other purveyor of onsite liquor;
- (i) On any public property within 100 feet of a licensed purveyor of medical or commercial cannabis;
- (j) Any private property, improved or unimproved.
- (k) The prohibition set forth in this section does not apply to:
 - (1) Overnight camping on private residential property, by no more than 6 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.

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. Article XIII, Chapter 16 of the Salinas Municipal Code is hereby amended and shall read as follows:

Article XIII. Storage of Personal Property on City Property

- Sec. 16-130.010. Purpose
- Sec. 16-130.020. Definitions.
- Sec. 16-130.030. Regulation, Impoundment, and Discarding of Stored Personal Property.
- Sec. 16-130.040. Notices.
- Sec. 16-130.050. Storage, Disposal, and Repossession of Impounded Property.
- Sec. 16-130.060. Ban on Attachments to Public and Private Property.
- Sec. 16-130.070. Illegal Dumping.
- Sec. 16-130.080. Unlawful Conduct.

Sec. 16-130.010. 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 safe and healthy manner. The use of these areas for the storage of personal property 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. Such storage 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, individuals who have no access to private spaces, nonetheless need to retain access to a limited amount of personal property in public areas. A purpose of this article is to strike a balance between the need of residents and the public at large to reasonable, safe access to public spaces and the needs of individuals without access to private spaces to retain access to a limited amount of personal property. 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. 16-130.020. Definitions.

The definitions contained in this subsection shall govern the construction, meaning, and application of words and phrases used in this article.

(a) "Administrative procedure" means the city's administrative procedure for the removal of personal property.

(b) "Bulky item" means any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch or wheelchair, that is too large to fit into a 90-gallon container with the lid closed, including, but not limited to, a shed, structure, mattress, couch, chair, other furniture or appliance. A container with a volume of no more than 60 gallons used by an individual to hold his or her Personal Property shall not in itself be considered a Bulky Item.

(c) "City 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.

(d) "Excess Personal Property" means any and all Personal Property that cumulatively exceeds the amount of property that could fit in a 90-gallon container with the lid closed.

(e) "Person" means any individual, group, business, company, corporation, joint venture, partnership or other entity or association composed of two or more individuals.

(f) "Personal property" means any and all tangible property, and 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.

(g) "Store", "Stored", "Storing" or "Storage" means to put Personal Property aside or accumulate for use when needed, to put for safekeeping, and/or to place or leave in a Public Area. Moving Personal Property to another location in a Public Area or returning Personal Property to the same block on a daily or regular basis shall be considered Storing and shall not be considered to be removing the Personal Property from a Public Area. This definition shall not include any Personal Property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or state, is Stored with the permission of the City or state on real property that is owned or controlled by the City.

(h) "Tent" means any tent, as that term is generally understood, and also includes any tarpaulin, cover, structure or shelter, made of any material which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarpaulins, cover, structure or shelter.

(i) "Unattended" means no Person is present with the Personal Property who asserts or claims ownership over the Personal Property. Conversely, property is considered "Attended" if a Person is present with the Personal Property and the Person claims ownership over the Personal Property.

Sec. 16-130.030. Regulation, Impoundment, and Discarding of Stored Personal Property.

(a) No Person shall Store any Unattended Personal Property on City Property. With pre-removal notice as specified in Sec. 16-130.040(a), the City may impound any Unattended Personal Property Stored on City Property regardless of volume. Post-removal notice shall be provided as set forth in 16-130.040(b).

(b) No Person shall Store any Attended Excess Personal Property in a Public Area.. With pre-removal notice as specified in Sec. 16-130.040(a), the City may impound any Unattended Personal Property Stored on City Property regardless of volume. Post-removal notice shall be provided as set forth in Sec. 16-130.040(b).

(c) No Person shall Store any Personal Property on City Property in such a manner that it does not allow for passage as required by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time (ADA). Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area in such a manner that it does not allow for passage as required by the ADA. Post-removal notice shall be provided as set forth in Sec. 16-130.040(b).

(d) No Person shall Store any Personal Property on City Property within ten feet of any operational and utilizable entrance, exit, driveway or loading dock. Without prior notice, the City may move and may immediately impound any Personal Property, whether Attended or Unattended, Stored in a Public Area within ten feet of any operational and utilizable entrance, exit, driveway or loading dock. Post-removal notice shall be provided as set forth in Sec. 16-130.040(b).

(e) No Person shall Store Personal Property on City Property that has a clearly posted closure time at any after the posted closure time. Without prior notice, the City may remove and impound Personal Property, whether Attended or Unattended, Stored on City Property that has a clearly posted closure time, provided the Personal Property is removed and impounded after the posted closure time. Post-removal notice shall be provided as set forth in Sec. 16-130.040(b).

(f) No Person shall Store Personal Property on City Property that has been noticed for a cleanup pursuant to Salinas City Code sec. Sec. 16-140.080. Without additional notice to that notice required by sec. 16-140.080, the City may remove and impound Personal Property, whether Attended or Unattended, Stored on City Property that has been noticed for a cleanup, provided the Personal Property is removed and impounded during the time of the noticed cleanup or within 24 hours following any noticed cleanup. Post-removal notice shall be provided as set forth in Sec. 16-130.040(b).

(g) No Person shall Store any Personal Property on Public Property if the Personal Property, whether Attended or Unattended, constitutes an immediate threat to the health or safety of the public. Without prior notice, the City may remove and may discard any Personal Property Stored in a Public Area if the Personal Property poses an immediate threat to the health or safety of the public.

(h) No Person shall Store any Personal Property in a Public Area if the Personal Property, whether Attended or Unattended, constitutes an evidence of a crime or contraband. Without prior notice, the City may remove and may discard any Personal Property that constitutes evidence of a crime or contraband, as permissible by law.

(i) No Person shall Store any Bulky Item on City Property. Without prior notice, the City may remove and may discard any Bulky Item, whether Attended or Unattended, Stored in on City Property unless the Bulky Item is designed to be used as a shelter. For any Bulky Item that is designed to be used as a shelter, but does not constitute a Tent as defined in Subsection 16-130.020, with pre-removal notice as specified in Sec. 16-130.040(a), the City may remove and discard the Bulky Item, whether Attended or Unattended. If the Bulky Item violates another

subsection herein, even if it is designed to be used as a shelter, the City may remove, impound, or discard the Bulky Item pursuant to that subsection.

Sec. 16-130.040. Notices.

(a) Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written notice is provided to the Person who is Storing or claims ownership of the Personal Property, or is posted conspicuously on or near the Personal Property and the actual removal commences no more than 72 hours after the pre-removal notice is posted. The written notice shall contain the following:

- (1) A general description of the Personal Property to be removed.
- (2) The location from which the Personal Property will be removed.
- (3) The date and time the notice was posted.
- (4) A statement that the Personal Property has been stored in violation of Salinas City Code sec. 16-130.030.
- (5) A statement that the Personal Property may be impounded if not removed from Public Areas within 24 hours.
- (6) A statement that moving Personal Property to another location in a Public Area shall not be considered removal of Personal Property from a Public Area.
- (7) The address where the removed Public Property will be located, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s).
- (8) A statement that impounded Personal Property may be discarded if not claimed within 90 days after impoundment.

(b) Post-Removal Notice. Upon removal of Stored Personal Property, written notice shall be conspicuously posted in the area from which the Personal Property was removed. The written notice shall contain the following:

- (1) A general description of the Personal Property removed.
- (2) The date and approximate time the Personal Property was removed.
- (3) A statement that the Personal Property has been stored in violation of Salinas City Code sec. 16-130.030.
- (4) The address where the removed Personal Property will be located, including a telephone number and internet website of the City through which a Person may receive information as to impounded Personal Property.
- (5) A statement that impounded Personal Property may be discarded if not claimed within 90 days after impoundment.

Sec. 16-130.050. Storage, Disposal, and Repossession of Impounded Property.

- (a) Except as specified herein, the City shall move impounded Personal Property to a place of storage.

- (b) Except as specified herein, the City shall store impounded Personal Property for 90 days, after which time, if not claimed, it may be discarded. The City shall not be required to undertake any search for, or return, any impounded Personal Property stored for longer than 90 days.
- (c) The City shall maintain a record of the date any impounded Personal Property was discarded.
- (d) The owner of impounded Personal Property may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership. A Person may establish satisfactory proof of ownership by, among other methods, describing the location from and date when the Personal Property was impounded from a Public Area, and providing a reasonably specific and detailed description of the Personal Property. Valid, government-issued identification is not required to claim impounded Personal Property.

Sec. 16-130.060. Ban on Attachments to Public and Private Property.

- (a) Public Property. No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any public property, including but not limited to, a building or portion or protrusion thereof, fence, bus shelter, trash can, mail box, pole, bench, news rack, sign, tree, bush, shrub or plant, without the City's prior written consent.
- (b) Private Property. No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any private property in such a manner as to create an obstruction on or across any Street or area where the public may travel.
- (c) Removal. Without prior notice, the City may remove any barrier, string, wires, ropes, chains or other attachment of Personal Property, whether Attended or Unattended, to any public property, or to any private property which creates an obstruction to any Street or area where the public may travel.

Sec. 16-130.070. Illegal Dumping.

Nothing herein precludes the enforcement of any law prohibiting illegal dumping.

Sec. 16-130.080. Unlawful Conduct.

Salinas City Code section 1-01.08 shall not apply to violations of this section except as follows:

- (a) No Person shall willfully resist, delay or obstruct a City employee from moving, removing, impounding or discarding Personal Property Stored on City Property in violation of Salinas City Code sec. 16-130.030.
- (b) No Person shall refuse to take down, fold, deconstruct or otherwise put away any Tent erected or configured between the hours of 5:00 a.m. and 7:00 p.m., in violation of

Salinas City Code sec. 16-140.030, or willfully resist, delay or obstruct a City employee from taking down, folding, deconstructing, putting away, moving, removing, impounding or discarding the tent, including by refusing to vacate or retreat from the tent.

(c) No Person shall refuse to remove any barrier, string, wire, rope, chain or other attachment that violates Salinas City Code sec. sec. 16-130.060, or willfully resist, delay or obstruct a City employee from deconstructing, taking down, moving, removing, impounding or discarding the barrier, string, wire, rope, chain or other attachment, including by refusing to vacate or retreat from an obscured area created by the attachment.

(d) No Person shall willfully resist, delay or obstruct a City employee from removing or discarding a Bulky Item Stored in violation of Salinas City Code sec. 16-130.030, including by refusing to vacate or retreat from within the Bulky Item or from an obscured area created by the Bulky Item.

(f) A violation of Salinas City Code sec. 16-130.070 prohibiting illegal dumping.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed the ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more of sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective on the thirty-first day after its approval.

This Ordinance was introduced on the _____ day of _____, 2017, and was passed and adopted on this _____ day of _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney