

REPORT TO THE CITY COUNCIL



DATE: February 7, 2017

TITLE: Ordinance Restricting Camping on Private Property

Prepared by: Charles L. Maynard, City Manager
Jennifer A. Mizrahi, City Attorney

RECOMMENDATION :

Introduce for first reading and read by title only “An Ordinance of the City Council of the City of Desert Hot Springs amending Chapter 12.04 “Camping Restrictions” of Title 17 “Streets, Sidewalks and Public Places” of the Desert Hot Springs Municipal Code to restrict camping on private property.”

BACKGROUND:

Currently it is unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia on any street or any public parking lot, publicly accessible area visible from any off-site location, or public property, improved or unimproved, in the City, pursuant to Chapter 12.04 of the Desert Hot Springs Municipal Code. However, the City has received complaint as to extended camping on private property.

DISCUSSION:

After the Study Session on this matter at the December 6, 2016 City Council meeting, the City Council provided direction to staff on the proposed Ordinance (Exhibit 1) regulating camping on private property. The proposed Ordinance amends Chapter 12.04 of the City's Municipal Code to enact reasonable regulations pertaining to camping on private property. The Ordinance recognizes that the use of private property for camping or storage of personal property can constitute a public health, sanitation and safety hazard which adversely affects private property rights as well as public health, sanitation, safety and welfare of the city.

The Ordinance, as drafted, prohibits overnight camping on private property by persons other than the property owner(s) or persons in lawful possession, except when the overnight camping meets all of the following:

- A. Is limited to no more than one night,
- B. Overnight camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge, or other lawful obstruction, and
- C. The property owner or person in lawful possession consents to such overnight camping.

It further provides that such camping shall be conducted in a manner as to not constitute a public nuisance.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

EXHIBIT(S)

- 1) Ordinance Restricting Camping on Private Property