

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2025-001

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AMENDING MUNICIPAL CODE SECTION 1.04.010 (DEFINITIONS) AND ADDING SECTIONS
TO CHAPTER 12.36 (CAMPING ON PUBLIC LANDS)**

WHEREAS, in the case of City of Grants Pass, Oregon v. Johnson, the United States Supreme Court upheld the constitutionality of the City's anti-camping ordinance which prohibited: (1) sleeping on public sidewalks, streets, or alleys; (2) camping in public places; and (3) camping or overnight parking in city parks; and

WHEREAS, this Ordinance is proposed to provide a more detailed definition of "camping" and "act of human habitation" and adopting a procedure for the confiscation and return of personal property resulting from violations of the City's anti-camping regulations; and

WHEREAS, this Ordinance will promote the public health, safety and welfare of the City and the public.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DOES ORDAIN AS FOLLOWS:**

SECTION 1. The City Council of the City of Carmel-by-the-Sea does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

SECTION 2. Determinations. Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

Municipal Code Section 1.04.010 is hereby amended to add definitions of "Acts connected with human habitation" and "Camp" and "Camping" as set forth in Exhibit A attached hereto and hereby incorporated by this reference; and

Municipal Code Sections 12.36.020 (Definitions) and Section 12.36.030 (Property Removal) and Section 12.36.040 (Personal Effects) and Section 12.36.050 (Disposition of Personal Effects) are hereby added to the City Municipal Code as set forth in Exhibit B attached hereto and hereby incorporated by this reference.

SECTION 3. Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

SECTION 5. Codification. The City Clerk is hereby authorized and directed to codify the provisions of Exhibit A and B of this Ordinance into the Carmel-by-the-Sea Municipal Code.

INTRODUCED at a Regular City Council Meeting on March 4, 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 31st day of March, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne
Mayor

Nova Romero, MMC
City Clerk

Exhibit A

Section 1.04.010

The following words and phrases, whenever used in the ordinances of the City of Carmel-by-the-Sea, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Acts connected with human habitation" shall include activities such as sleeping, setting up housekeeping or cooking, and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using a vehicle or public space as a living accommodation.
- B. "Camp" or "Camping" means the act of living in or using an outdoor area for lodging or living accommodations, or using cots, bedding material, personal cooking facilities, tarpaulin, sleeping bags, bedrolls, or similar equipment.
- C. "City" means the City of Carmel-by-the-Sea, California, or the area within the territorial limits of the City of Carmel-by-the-Sea, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provisions.
- D. "Council" means the City Council of the City of Carmel-by-the-Sea. "All its members" or "all Council members" means the total number of persons holding office.
- E. "County" means the County of Monterey.
- F. "Law" denotes applicable Federal law, the Constitution and statutes of the State of California, the ordinances of the City of Carmel-by-the-Sea, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- G. "May" is permissive.
- H. "Month" means a calendar month.
- I. "Must" and "shall" are each mandatory.
- J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

P. "Real property" includes lands, tenements and hereditaments.

Q. "Sidewalk" means a pedestrian way with a surface paved with permanent materials such as concrete, blacktop, etc.

R. "Sidewalk area" consists of that area lying between the property line and the curb line, in the public right-of-way.

S. "State" means the State of California.

T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

U. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

V. "Written" includes printed, typewritten, mimeographed, multigraphed, photocopied, or otherwise reproduced in permanent visible form.

W. "Year" means a calendar year.

Exhibit B

Chapter 12.36

12.36.010 Camping on Public Lands.

It is unlawful for any person to camp, or to place, erect, or maintain any tents, house trailers, mobile homes, campers, or any other camping facilities of any kind whatsoever on any public property of this City. It is unlawful for any person to sleep out of doors on any public property, including City parks and beachlands, between the hours of sunset and sunrise.

12.36.020 - Definitions

As used in this Section, the following words and phrases have the meaning set forth in this section:

(A) "Camp" shall have the same meaning as in 1.04.010(B).

(B) "Camp paraphernalia" includes, but is not limited to, tents, huts, pillows, tarps, cots, beds, sleeping bags, hammocks, personal cooking facilities or other similar equipment or materials that are used to create temporary shelters and accommodations.

(C) "Enforcement Officer" shall include any individual designated as such pursuant to Section 18.04.050 of this Code or any sworn law enforcement officer.

(D) "Personal effects" means personal property consisting of the following items:

(1) Medication, eye glasses, or other medical devices;

(2) Sleeping bag or bed roll which is sanitary and non-verminous;

(3) Tents in usable and reasonably good condition;

(4) Clothes stored in a manner protecting them from the elements, which are not unsanitary, soiled, or verminous; and

(5) Personal property with an individual fair market value of fifty dollars.

(E) "Public place" means any public property, improved or unimproved, including but not limited to parks, outdoor recreation areas, public parking lots and private parking lots open to the general public, publicly owned drainage culverts and basins, and publicly maintained landscaped areas. "Public place"

also includes any public right-of-way, and includes any public streets, sidewalks, alleyways, or passageways that are open to vehicular, bicycle or pedestrian traffic.

(F) "Store" or "storage" means to put aside or accumulate for later use or safekeeping, to place or leave in a location.

12.36.030 – Property Removal

(A) An Enforcement Officer may remove personal property unlawfully stored or found in a Public Place in violation of Chapter 12.32, 12.36, or Title 17 of this Code as follows:

(1) The location of any personal property including Camping Paraphernalia, will be tagged and dated with a notice including the following:

"It is illegal to store personal property in public places. If this personal property is not removed by [specify date at least 48 hours from posting], this personal property will be deemed intentionally abandoned and subject to removal and possible destruction."

(2) The Enforcement Officer may remove any personal property still unlawfully stored or remaining in the Public Place after the posting period has expired.

(B) If the unlawful camping or storage of personal property in a Public Place presents an immediate threat to the public health or safety, an enforcement officer may immediately remove the personal property without prior notice.

(C) Enforcement Officers shall comply with Carmel-by-the-Sea Police Department Policies regarding the personal property of the unhoused.

12.36.040– Personal Effects

(A) At the time of removal of any unlawfully stored or remaining personal effects, the Enforcement Officer must conspicuously post and date a notice either at the exact location from which the personal effects were removed or at another nearby location giving the following information:

(1) A list of personal effects removed;

(2) A telephone number for information on retrieving personal effects;

(3) The address and hours of operation where personal effects may be collected; and

(4) The period of time during which the personal effects may be claimed.

(B) Following removal of unlawfully stored or remaining personal effects, an Enforcement Officer must:

(1) Maintain an inventory identifying the personal effects; where the personal effects were approximately located; and the reasonable value of each item;

(2) Place the removed personal effects in containers labeled in a manner facilitating identification by the officer and owner and which reasonably protect such property from damage or theft; and

(3) Store the removed personal effects in a location designated by the city for a period of ninety days.

(C) If personal effects are claimed within ninety days from removal, unless the property is connected to a crime or is illegal to possess, the city will release the stored property to the owner upon the following:

(1) The person claiming ownership identifies the property and approximate location where the property was left by the owner.

12.36.050 – Disposition of Personal Effects

(A) Unlawfully stored or found personal effects removed from a Public Place and remaining unclaimed at the end of ninety days from removal may be disposed of by the city.

(B) All other unlawfully stored or found personal property removed from a Public Place pursuant to this chapter is deemed intentionally abandoned and may be summarily abated and destroyed.