

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING SECTION 7.105.020 (CAMPING UNLAWFUL) AND CHAPTER 7.36 (OBSTRUCTING PUBLIC PLACES AND PUBLIC FACILITIES) OF THE FULLERTON MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE USE OF PUBLIC RIGHTS-OF-WAY AND FACILITIES FOR STORAGE OF PERSONAL ITEMS OR AS A PLACE TO SIT, SLEEP OR LIE DOWN

WHEREAS, the City desires to keep public areas in the City in an accessible condition to adequately protect the health, safety, environment and general welfare of the community and ensure the public uses public areas, facilities and rights-of-way for their intended purposes and remain open and available to all members of the public, including the disabled, the elderly, families, children and visitors to Fullerton.

WHEREAS, City residents have expressed concern that storage of personal items on and in public rights-of-way and by people using the public rights-of-way to sit, sleep or lie down impedes or prevents access to public sidewalks, streets, rights-of-way and facilities.

WHEREAS, storage of unattended personal property on public property creates a health, safety and security risk to the public because, among other things, it can obstruct access to needed services and facilities, can pose a tripping risk and can divert limited public resources to evaluate suspicious or unknown packages or personal property.

WHEREAS, unauthorized occupation of public areas and rights-of-way can create health and safety risks related to the accumulation of trash, food waste, human waste and contaminated medical waste.

WHEREAS, maintaining clean and safe public areas is essential for the economic vitality of Fullerton, as it encourages tourism, business development and community events.

WHEREAS, City Council desires to continue protecting the public health, safety and welfare by regulating use of public rights-of-way and facilities.

WHEREAS, the City of Fullerton has taken proactive measures to address the underlying issues leading to unlawful camping and storage of personal items on public property, including outreach and engagement teams to address needed resources for unsheltered people in the City.

WHEREAS, the City of Fullerton opened the Fullerton Navigation Center and partnered with the cities of Placentia and Buena Park to open a Navigation Center in the City of Placentia which provides resources to men, women, couples and families, a commercial kitchen and an outdoor area for participants and their pets to provide shelter to unsheltered persons in the City of Fullerton.

WHEREAS, the United States Supreme court recently issued new law addressing enforcement of laws regarding sleeping, camping and storing of personal property in public places in *City of Grants Pass, Oregon v. Johnson, et al.*, 144 S. Ct. 2202 (2024) ("Grants Pass").

WHEREAS, although the City of Fullerton adopted municipal code regulations to address interference and access to public areas and continues to provide a multi-faceted and holistic approach to ensure the health, safety and general welfare of all residents, the public continues to express concern that people camping on public property, storing personal items on public property and people using the public rights-of-way to sit, sleep and lie down impedes access to public and private property.

WHEREAS, City Council desires to amend the Fullerton Municipal Code to provide additional protection for the public health, safety and general welfare and additional enforcement mechanisms for those purposes for all the foregoing reasons.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON ORDAINS AS FOLLOWS:

SECTION 1. City Council declares the preceding recitals true and correct and incorporated herein.

SECTION 2. City Council amends Fullerton Municipal Code Title 7 (PUBLIC SAFETY AND MORALS) Chapter 7.105 (TRESPASSING) Section 7.105.020 (CAMPING UNLAWFUL) to read as follows:

7.105.020 Camping unlawful.

A. It is unlawful for any person to camp in the following areas except as otherwise provided:

1. Any public park;
2. Any public right-of-way as defined in Section 7.36.010;
3. Critical Infrastructure as defined in Chapter 7.108.
4. Public Facilities as defined in Section 7.36.010

B. "Camp" means the use of an area for living accommodation purposes such as sleeping activities, preparations to sleep (including laying down bedding for the purpose of sleeping), storing personal belongings, making any fire, using any tents or other structure for sleeping, doing any digging or earth-breaking or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in all the circumstances, that the participant, in conducting these activities, is using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which he or she may engage.

SECTION 3. Chapter 7.36 (OBSTRUCTING PUBLIC PLACES) OF TITLE 7 (PUBLIC SAFETY AND MORALS) of the Fullerton Municipal Code is hereby retitled and amended to read as follows:

CHAPTER 7.36
OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY AND
PUBLIC FACILITIES

7.36.010 – Definitions

- (a) “Landscaped Area” means all improved landscaped areas, except for open grass area.
- (b) “Median” means a traffic fixture consisting of a strip of ground dividing or separating a street, roadway or highway into lanes according to the direction of travel.
- (c) “Personal Property” means tangible personal belongings or possessions, which shall include any movable or tangible things that is subject to ownership; property or chattels that can be seen, weighed, measured, felt or touched, including furniture, appliances, camp paraphernalia (as defined in Section 7.108.120) and “shopping carts.”
- (d) “Public Park” means all dedicated parks, triangles and traffic circles maintained by the City of Fullerton. “Public Park” does not include the parkway strips between the curb and sidewalk along the streets and highways of the City.
- (e) “Public Facility” or “Public Facilities” means all city owned buildings and real property including public parking lots, public parking structures and public bathrooms.
- (f) “Public Rights-of-Way” or “Public Right-of-Way” means any place of any nature which is dedicated for use by the public for pedestrian and vehicular travel and includes a street, alley, sidewalk, curb, crossing, intersection, parkway, highway, boulevard, road, roadway, tunnel, bridge, thoroughfare or any other area designated as public right of way by the city council.
- (g) “Store” means to put aside Personal Property in a Public Area or accumulate it for use when needed; to place Personal Property in a Public Area for safekeeping; and/or to leave Personal Property unattended in a Public Area. For purposes of this definition, “Public Area” means publicly-owned or controlled property, including Public Rights of Way and Public Facilities.
- (h) “Street” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term “Street” includes highways.
- (i) “Unattended” means no person who asserts or claims ownership over Personal Property is present with or accompanying the Personal Property.

7.36.020 – Obstructing public or private access.

No person shall stand, lie, sleep, sit or in any manner obstruct by means of person or personal property public or private access, by ingress or egress from or to a Public Right-of-Way, in or at the entrance of any Public Facility or private building so as in any manner to obstruct such ingress or egress access.

7.36.030 – Obstruction of Public Rights-of-Way or Public Facility.

- (a) No person shall fix in place, store, maintain or leave Personal Property unattended in or on a Public Right-of-Way or Public Facility.
- (b) No person shall sleep, lie down, or sit on any movable chair, bucket, crate, cooler, or similar Personal Property, in or on a Public Right-of-Way.
- (c) No person shall sleep or lie down in or on a Public Facility.
- (d) No person shall sit, lie or sleep, or store, maintain, or place Personal Property on a median, public parkway, or landscaped area, except sitting in a landscaped area specifically designed for sitting or lying.
- (e) No person shall sleep or lie down on or under a public transit / bus bench, or a bench, table, playground equipment or other fixed structure in a Public Park.
- (f) No person shall obstruct public or private access by sitting, lying or sleeping in a Public Right-of-Way, or by storing, using, maintaining or placing personal property in a Public Right-of-Way;
 - 1. In a manner that obstructs or impedes passage in violation of the Americans with Disabilities Act
 - 2. On or within ten feet of an operational or utilizable driveway, ramp or loading dock
 - 3. Within ten feet of an operational or utilizable entrance or exit to any building, establishment, retail store, restaurant, office building or other place into which the public is invited
 - 4. Within ten feet of a fire hydrant, fire plug or other connection used by the Fire Department
 - 5. Within ten feet of an automatic teller machine or any door that provides access to an automatic teller machine
 - 6. Within ten feet of an electric vehicle charging station, parking pay station, or parking meter
 - 7. Within ten feet of the entrance to a Public Facility
 - 8. Within ten feet of a sidewalk ramp, or a corner where a street, roadway, highway or alley intersect

9. In a manner that unreasonably interferes with required maintenance of public equipment or facilities or the use of the Public Right-of-Way by motor vehicles, pedestrians or bicycles, or
10. Within five hundred feet of any school or day care center.

It shall not be a violation of this Section for a person to sit for purposes of viewing a legally conducted parade, ceremony, sports event or public event or similar lawful or permitted event.

7.36.040 – Exceptions

The following shall not constitute an obstruction for purposes of this Chapter.

- (a) Legally parked vehicles
- (b) Trash and refuse placed for collection by the city refuse collection service
- (c) Objects placed for a period not exceeding one hour for purposes of loading or unloading, provided such activity is not part of a regular course of conduct
- (d) Temporary drainage of water, provided that public passage and access to abutting property remains open and no hazard to health or safety is created
- (e) Any legally located bus passenger bench or shelter or material located in accordance with any city permit or authorization.

7.36.050 – Violations, penalties and enforcement.

In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions and administrative penalties pursuant to Fullerton Municipal Code Chapter 1.10.

- (a) Violations of this chapter are hereby declared to be a public nuisance.
- (b) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate any condition(s) found to be in violation of the provisions of this Chapter, as provided by law.
- (c) Any person who violates a provision of this chapter is liable for civil penalties not less than \$250 or more than \$25,000 for each day the violation continues. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

SECTION 4. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant effect on the environment. (14 California Code of Regulations Section 15061(b)(3).)

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and publish as required by law. The Ordinance shall take effect as provided by law.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2025.

Fred Jung
Mayor

ATTEST:

Lucinda Williams, MMC
City Clerk

Date