

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

The Board of Supervisors of the County of San Bernardino, State of California,
ordains as follows:

(a) On July 25, 2024, Governor Gavin issued Executive Order N-1-24. The Executive Order states “[l]ocal governments are encouraged to adopt policies consistent with this Order and to use all available resources and infrastructure, including resources provided by the State’s historic investments in housing and intervention programs where appropriate and available, to take action with the urgency the crisis demands to humanely remove encampments from public spaces, prioritizing those encampments that most threaten the life, health, and safety of those in and around them.”

(b) The number of individuals experiencing homelessness and residing in encampments on public property within the County has increased significantly.

(c) These encampments pose significant risks to public health and safety, including increased fire hazards, accumulation of waste, obstruction of public access and public health risks.

(d) Unregulated camping on public property can also negatively impact the environment, including sensitive habitats and waterways.

(e) Residents of homeless encampments face considerable health and safety risks including exposure to the elements, worsening of chronic health conditions, increased vulnerability to crime and theft and more prolonged periods of homelessness.

(f) The County is committed to addressing homelessness through a comprehensive approach that includes providing adequate shelter and supportive services.

SECTION 2. Chapter 9 is added to Division 8, of Title 2 of the San Bernardino County Code to read:

CHAPTER 9: UNLAWFUL CAMPING AND OBSTRUCTION OF PUBLIC RIGHTS OF WAY

Section 28.0901 Definitions.

Section 28.0902 Unpermitted Camping on Public Property Prohibited

Section 28.0903 Obstruction of Public Access to Sidewalks, Trails, Public Facilities, and Other Public Rights of Way, and Other Public Offenses

Section 28.0904 Abatement of Encampments and Camp Facilities and Materials

Section 28.0905 Enforcement

Section 28.0901 Definitions

For purposes of this chapter, the following words or phrases shall have the following meanings:

CAMP. To place, pitch, establish or occupy any temporary structure or materials including but not limited to the laying down of bedding or erecting a tent for the purpose of temporarily, irregularly, or permanently sleeping, staying, living, or residing. An activity shall constitute camping or lodging when it reasonably appears, in light of all circumstances, that the individual(s), in conducting these activities, are in fact using the area as living accommodations regardless of the intent of the individual(s) or the nature of any other activity in which they may be engaging.

CAMP FACILITIES OR MATERIALS. Includes but is not limited to, tents, huts, tarpaulins, cardboard boxes, blankets, bedrolls, mattresses, cots, sleeping bags, hammocks, lawn and folding chairs, cooking equipment, fire starters, materials used for fire fuel, ice chest, and similar items, or vehicles, including Recreational Vehicles (RV),

operable or otherwise.

ENCAMPMENT. Places where a group of individuals reside that is not intended for long-term, continuous occupancy.

ENFORCEMENT OFFICER. Shall have the same meaning as defined in Section 11.0202 of the County Code.

PERSONAL PROPERTY. Tangible personal belongings or possessions, which shall include any movable or tangible thing that is subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including, but not limited to, furniture, appliances, items used for camping such as tents or bedding, money, books, and shopping carts.

PUBLIC PROPERTY. Includes but is not limited to, public buildings, streets, sidewalks, trails, alleys, medians, greenways, easements, parks, waterways, canal banks, county highways (as defined in sections 25, 960.5 and 1480 of the California Streets and Highway Code, or as amended), and other rights of way dedicated for public use and lawfully accepted by the County, and other public amenities.

STORE and STORING. To put aside or accumulate for later use, to put for safekeeping, to place or leave in a location.

Section 28.0902 Unpermitted Camping on Public Property Prohibited

(a) It is unlawful and a violation of this code for any person(s) to camp, occupy camp facilities, or use camping materials on public property not specially designated for day and/or overnight campgrounds.

(b) This section shall not apply to public property specifically designated for camping or where camping has been authorized by a responsible local, state, or federal agency. Persons desiring to camp on County owned, controlled, or maintained public property designated for camping must comply with Chapter 3 of Division 8 of Title 2 of this Code and the permitting requirements of Section 28.0305 of this Code. Persons desiring to camp on public property owned, controlled, or maintained by a department of

1 the United States, the California Department of Parks and Recreation, or other local public
2 agencies must comply with the applicable laws, regulations and permitting requirements
3 of the responsible department of the United States, the California Department of Parks
4 and Recreation, or other local public agencies.

5 (c) Nothing in this ordinance shall prohibit the possession or transportation of
6 camping facilities or materials on public property, unless otherwise in violation of this
7 ordinance.

8 (d) Persons desiring to use county-owned grounds or buildings for public
9 meetings and other approved uses must apply for a public use permit if required by this
10 Code or County policy.

11 (e) In the situation where an unpermitted camp is erected and no exigent
12 circumstances exist to public safety, notification to vacate shall be provided at least 72
13 hours prior to enforcement action.

14 (f) Notwithstanding subsection (e), if a camp or an encampment poses an
15 imminent threat to life, health, safety or infrastructure, advanced notice to vacate shall be
16 provided only as reasonably necessary under the circumstances.

17 (g) Nothing in this Chapter shall be read to permit camping on private property
18 in violation of the San Bernardino County Code including Section 84.25.070.

19
20 **Section 28.0903 Obstruction of Public Access to Sidewalks, Trails, Public**
21 **Facilities, and Other Public Rights of Way, and Other Public Offenses**

22 (a) No individual shall obstruct a street, sidewalk, alleyway, trail, county
23 highway (as defined in sections 25, 960.5 and 1480 of the California Streets and Highway
24 Code, or as amended), entrance to public facilities, driveway, or other public right of way
25 by sitting, lying or sleeping, or using or storing personal property in, or upon any street,
26 sidewalk, alleyway, trail, or county highway.

27 (b) Immediate Removal: Personal Property in violation of this Section shall be
28 subject to immediate removal by Enforcement Officers.

Section 28.0904 Abatement of Encampments and Camp Facilities and Materials

(a) Notwithstanding Section 28.0903(b), the County may abate or remove camp facilities and materials, personal property (subject to Section 28.0904(d)), or an encampment established in violation of this chapter after providing written notice of such abatement. Any camp facilities and materials, or encampments established in violation of this chapter may be subject to abatement without advanced written notice by the County, if the encampment poses an imminent and substantial threat to public health or safety, as determined by the Enforcement Officer.

(b) Except in circumstances governed by Section 28.0903 or where there is an immediate threat to public health or safety, prior to abatement the County will, to the extent possible, provide homeless outreach services to affected individuals in an effort to connect unhoused residents to services. This subsection is directory, not mandatory, and the failure to provide homeless outreach services specified in this subsection does not affect the validity of an abatement action

(c) Abatement pursuant to this section may include, but is not limited to, removal of camp facilities and materials, personal property, trash, debris, junk, hazardous waste, infectious waste, and vehicles.

(d) Personal Property taken that does not constitute a health or safety hazard, shall be collected, inventoried, and stored for at least 90 days. Personal Property that constitutes a health or safety hazard may be immediately discarded. Examples of Personal Property that constitutes a health or safety hazard and may be immediately discarded includes, but is not limited to, the following:

(i) Sharp objects, such as needles, scissors, knives, that can pierce skin and potentially contribute to the spread of disease.

(ii) Chemicals: bleach, paint, oils, etc.

(iii) Items (including bedding and clothing) soiled by infectious materials, including human waste and bodily fluids.

- 1 (iv) Moldy, mildewed items.
- 2 (v) Items that may be infested by rodents and insects, including rats,
3 mice, fleas, lice, and bed bugs.
- 4 (vi) Items that pose a risk of fire or explosion, combustibles and propane
5 tanks; any item containing fuel or corrosives or other unidentified liquids.
- 6 (vii) Perishable items such as food.
- 7 (viii) Controlled substances and contraband.
- 8 (ix) Backpacks and closed containers that have been determined by an
9 individual who is licensed to identify and handle hazardous materials to contain one or
10 more of the items listed above. Such backpacks and closed containers may be discarded
11 where no individual who is licensed in hazardous materials is present to make a
12 determination.
- 13 (x) If personal belongings are co-mingled or littered with needles, human
14 waste, or other health risks, the entire pile of belongings may be disposed of. The
15 presence of clothing in a backpack or container shall not be the sole reason to discard
16 the backpack or container.

17

18 **Section 28.0905 Enforcement**

- 19 (a) A violation of this chapter is declared to be a public nuisance and subject to
20 the penalties stated herein.
- 21 (b) Notwithstanding any other provision of the San Bernardino County Code,
22 each person violating, causing, or allowing a violation of any provision of this Chapter,
23 shall be guilty of an infraction, unless the violation is specifically declared to be a
24 misdemeanor.
- 25 (c) Except as otherwise provided herein, upon conviction or upon a plea of nolo
26 contendere (commonly called "no contest"), by a base fine not exceeding \$100.00 for a
27 first violation; a base fine not exceeding \$200.00 for a second violation of this Chapter
28 within one year; and a base fine not exceeding \$500.00 for each additional violation of

1 this Chapter within one year of the first violation. The maximum fines imposed in this
2 Section are based upon the provisions of Government Code Section 25132 and will be
3 increased automatically and without amendment to this Section upon any amendment to
4 Government Code Section 25132 increasing the amount of fines permitted. Any court
5 costs that the court may otherwise be required to impose pursuant to applicable State law
6 or local ordinance shall be imposed in addition to the base fine.

7 (d) As an alternative to a fine, the County would encourage the Court to grant
8 diversion or probation with a condition the offender complete a rehabilitation program or
9 treatment plan.

10 (d) Nothing in this Section shall be interpreted as limiting an Enforcement
11 Officer from impounding a vehicle used in violation of this Chapter if permitted by Vehicle
12 Code Section 22651.

13
14 SECTION 3. The Board of Supervisors declares that it would have adopted this
15 ordinance and each section, sentence, clause, phrase, or portion of it irrespective of the
16 fact that any one or more sections, sentences, clauses, phrases, or portions of it are
17 declared invalid or unconstitutional. If for any reason any portion of this ordinance is
18 declared invalid or unconstitutional, then all other provisions of it shall remain valid and
19 enforceable.

20
21 SECTION 4. This ordinance is exempt from the requirements of the California
22 Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, as it is not a
23 "project" and has no potential to result in a direct or reasonably foreseeable indirect
24 physical change to the environment. Further, this ordinance is exempt from CEQA as
25 there is no possibility that this ordinance or its implementation would have a significant
26 negative effect on the environment. The Community Development and Housing
27 Department shall cause a Notice of Exemption to be filed as authorized by CEQA and
28 the State CEQA Guidelines.

SECTION 5. This ordinance shall take effect thirty (30) days from the date of adoption.

DAWN ROWE, Chair
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 20____, at which meeting
7 were present Supervisors: _____
8 _____

9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
10 wit:

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this ____ day of _____, 20____.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 TOM BUNTON
24 County Counsel

25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____