

BLUE FOLDER ITEM

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CITY COUNCIL MEETING APRIL 1, 2025

N.3 DISCUSSION AND POSSIBLE ACTION REGARDING THE AMENDMENT OF THE REDONDO BEACH MUNICIPAL CODE CAMPING ORDINANCE

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3293-25, AMENDING MUNICIPAL CODE CHAPTER 34 TO TITLE 4 REGARDING UNLAWFUL CAMPING, FOR INTRODUCTION AND FIRST READING

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY; JOY A. FORD, CITY ATTORNEY-ELECT

- **ORDINANCE UNLAWFUL CAMPING REDLINE 2025**
- **ORDINANCE UNLAWFUL CAMPING REDLINE 2025 WITH BUS ORDINANCE**

ORDINANCE NO. XXXX-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 34 TO TITLE 5 REGARDING UNLAWFUL CAMPING.

WHEREAS, the ruling in *Martin v. City of Boise* (9th Cir. 2018) 902 F.3d 1031 and *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584 prohibits enforcement against camping in public if there are no available shelter beds; and

WHEREAS, on June 28, 2024, the United States Supreme Court overruled *Martin v. City of Boise* in the case of *City of Grants Pass v. Johnson* (2024) 603 U.S. 520, acknowledging local government's authority to regulate conduct; and

WHEREAS, the City has the authority to regulate to ensure the public's health, safety and general welfare; and

WHEREAS, the City has received multiple complaints about the inability to use a bus bench or shelter because there are others remaining at the bus stop site for purposes other than boarding, disembarking or waiting for a bus; and

WHEREAS, the City desires to regulate unsanitary, unhealthy, disorderly, and dangerous conduct occurring within the City; and

WHEREAS, the City finds the following prohibitions will best serve the public's health, safety and general welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA DOES HEREBY FIND AS FOLLOWS:

1. The City Council finds and determines that this Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment in that this Ordinance simply clarifies existing local regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 34 of Title 4 of the Redondo Beach Municipal Code is hereby amended to read in its entirety as follows:

4-31.01 Definitions

For the purposes of this chapter:

“Camp” means to pitch or occupy camp facilities, to live temporarily in a camp facility or outdoors, to use camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, tarpaulins, huts, temporary shelters, recreational vehicles (when used for sleeping), and automobiles (when used for sleeping).

“Camp paraphernalia” include, but are not limited to, sleeping bags, cots, beds, hammocks, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, or non-city designated cooking facilities and similar equipment.

“Park” means any publicly owned or controlled area intended for recreation or open space use, including any facilities thereon.

“Right-of-way” means any public property, easement or dedication used or intended to be used for public passage including, but not limited to, streets, sidewalks, alleys and parkways.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

4-34.02 Unlawful camping.

It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following areas in the City:

- (a) Any park;
- (b) Any right-of-way;
- (c) Any public parking lot or public area, improved or unimproved, or any public school property;
- (d) Any beach;
- ~~(e) In or upon any street, sidewalk, beach, public right-of-way or public property within the radius of 500 yards of an emergency transitional housing facility that provides shelter, supportive services, safe parking, or storage to people experiencing homelessness, where signage is posted.~~

4-34-03 Storage of personal property in public places.

It is unlawful for any person to store camp paraphernalia or camp facilities in the following areas in the City:

- (a) Any park;
- (b) Any right-of-way;
- (c) Any public parking lot or public area, improved or unimproved, or any public school property;
- (d) Any beach;

~~(e) In or upon any street, sidewalk, beach, public right of way or public property within the radius of 500 yards of an emergency transitional housing facility that provides shelter, supportive services, safe parking, or storage to people experiencing homelessness, where signage is posted.~~

4-34-.04 Exceptions

- (a) The Community Services Director or the Chief of Police may issue a permit to camp, occupy camp facilities or use camp paraphernalia for a period not to exceed twenty-four (24) hours in the above-referenced prohibited areas if the person (s) requesting the permit has an unusual, emergency need and the granting of such permit will not unduly impact the public health and safety.
- (b) The City Council may, by resolution, authorize persons to camp, occupy camp facilities or use camp paraphernalia in areas with adequate facilities to support such activities in the City.

4-34-05 Enforcement

~~(a) Absent exigent circumstances relating to immediate threats to the public health, safety, or welfare, the provisions of section 4-34.02, subsections (a), (b), (c), and (d) will not be enforced against indigent homeless persons when no alternative shelter or publicly provided campsite is available in accordance with the holding in *Martin v. City of Boise* (9th Cir. 2018) 902 F.3d 1031 and *Martin v. City of Bose* (9th Cir. 2019) 920 F.3d 584.~~

~~(b) In circumstances in which the provisions of section 4-34.02, subsection (a), (b), (c), and (d) will not be enforced pursuant to subsection (a) of this section, camp facilities may be erected only between the hours of 5:00 p.m. and 10:00 a.m., daily.~~

SECTION 2. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. SEVERANCE. If any section, subsection, sentence, clause, or phrase 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. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in the official newspaper of said city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this day of , 20 .

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Joy A. Ford, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. O- was introduced at a regular meeting of the City Council held on the day of , 20 , and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the day of , 20 , and there after signed and approved by the Mayor and attested by the City Clerk, and that said Ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk

ORDINANCE NO. XXXX-XXX

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- (b) The City Council may, by resolution, authorize persons to camp, occupy camp facilities or use camp paraphernalia in areas with adequate facilities to support such activities in the City.

4-34-05 Enforcement

~~(a) Absent exigent circumstances relating to immediate threats to the public health, safety, or welfare, the provisions of section 4-34.02, subsections (a), (b), (c), and (d) will not be enforced against indigent homeless persons when no alternative shelter or publicly provided campsite is available in accordance with the holding in *Martin v. City of Boise* (9th Cir. 2018) 902 F.3d 1031 and *Martin v. City of Bose* (9th Cir. 2019) 920 F.3d 584.~~

~~(b) In circumstances in which the provisions of section 4-34.02, subsection (a), (b), (c), and (d) will not be enforced pursuant to subsection (a) of this section, camp facilities may be erected only between the hours of 5:00 p.m. and 10:00 a.m., daily.~~

4-34-05 Bus Stop Sites

- (a) No person shall remain or be present standing, sitting, or lying down in or upon any bus stop site, including but not limited to, bus shelter depots, shelters, seating, or designated space, except for the purpose of boarding, disembarking, or waiting for a bus.
- (b) If the people prove beyond a reasonable doubt that a person is at a bus stop site twice within a twenty-four hour period and each instance was more than four hours a part, the trier of fact may, but is not required to, permissibly infer that the person seen at the bus stop remained there or was present there not for the purpose of boarding, disembarking or waiting for a bus.

SECTION 2. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. SEVERANCE. If any section, subsection, sentence, clause, or phrase 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. The City Council hereby declares that it would have passed this ordinance and each

section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in the official newspaper of said city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this day of , 20 .

James A. Light, Mayor

APPROVED AS TO FORM:

ATTEST:

Joy A. Ford, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that Ordinance No. O- was introduced at a regular meeting of the City Council held on the day of , 20 , and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the day of , 20 , and there after signed and approved by the Mayor and attested by the City Clerk, and that said Ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk