

ORDINANCE NO. 17-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
AMENDING CHAPTER 102 OF THE AUBURN MUNICIPAL CODE
REGARDING CAMPING

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS
FOLLOWS:

Section One: Code Amendment. Chapter 102 of the Auburn
Municipal Code is hereby amended to read as follows:

§ 102.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply
unless the context clearly indicates or requires a different meaning.

CAMP. To establish, place, pitch, occupy, or operate camp facilities;
live temporarily in a camp facility or outdoors; to use camp
paraphernalia.

CAMPER. A structure designed to be mounted upon a motor vehicle
and to provide facilities for human habitation or camping purposes.

CAMP FACILITIES. This term includes, but is not limited to, tents,
huts, mobile homes, recreational vehicles, or temporary shelter.

CAMP PARAPHERNALIA. This term includes, but is not limited to,
bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, or cooking
facilities and similar equipment.

ESTABLISH. Setting up or moving equipment, supplies, or materials on to public or private property to camp or operate camp facilities or camp paraphernalia.

HUMAN HABITATION. The intentional establishment of a temporary or permanent place of human occupancy for purposes of overnight lodging or camping.

MAINTAIN. Keeping or permitting equipment, supplies, or materials to remain on public or private property in order to camp or operate camp facilities.

MOBILE HOME. A structure as defined in Section 18008 of the Health and Safety Code of the State.

OPERATE. Participating or assisting in establishing or maintaining a camp or camp facility.

PARK. A piece of ground in or near a city or town kept for ornament and recreation; an area maintained in its natural state as a public property.

PERSONS. Persons, organizations, associations, partnerships, firms and corporations.

PRIVATE PROPERTY. All private property including, but not limited to, streets, sidewalks, alleys, parking lots, and improved or unimproved land.

PUBLIC PROPERTY. Any public property, either improved or unimproved, including, but not limited to, any park, street, sidewalk,

avenue, alley, or other public way or right-of-way, and public parking lots

RECREATIONAL VEHICLE. A motor home, trailer, camper or similar structure as defined in Section 18010 of the Health and Safety Code of the state.

STORE. To put aside or accumulate for use when needed; to put for safekeeping; to place or leave in a location.

STREET. Any public highway, road, street, avenue, way, alley, easement or right-of-way.

TRAILER. A structure designed to be drawn by a motor vehicle for human habitation or human occupancy and for carrying persons or property on its own structure.

§ 102.03 UNLAWFUL CAMPING.

(A) It is unlawful and public nuisances for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

- (1) Any public property; or
- (2) Any private property.

(B) It is not intended by this section to prohibit overnight camping on private residential property by friends or family of the property owner, so long as the owner consents, the overnight camping is limited to not more than three (3) consecutive nights, and the overnight camping does not conflict with chapter 156 of this code.

(C) Nothing in this chapter is intended to prohibit or make unlawful activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes, and provided further nothing is intended to prohibit or make unlawful activities of a property owner or other lawful user of the activities that are expressly authorized by the city's comprehensive zoning ordinance or other laws, ordinances, and regulations.

§ 102.04 STORAGE OF PERSONAL PROPERTY ON PUBLIC AND PRIVATE PROPERTY.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the City Council:

- (A) On any public property; and
- (B) On any private property, without the consent of the owner.

§ 102.05 EXCEPTIONS.

The provisions of this chapter shall not apply to any regularly scheduled activities sponsored by the city, any political subdivision of the state, or special district, or any activities being held on land owned or controlled by the city, political subdivision of the state, or special district.

- (A) The Police Chief may issue a temporary permit to allow camping or the use or occupancy of a camper, house car, mobile home, recreational vehicle or trailer coach on or in public or private

property in connection with a special event or when he or she finds that such use is necessary for the operation and protection of City property.

(B) The permission granted by the Police Chief may be revoked at any time.

Section Three: California Environmental Quality Act.

The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

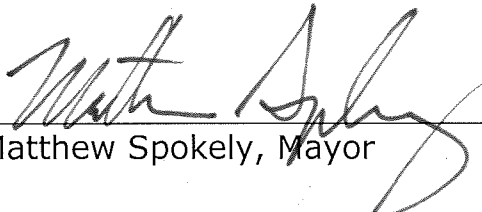
Section Four: Severability; Continuation of Provisions. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Auburn hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Auburn Municipal Code as amended by this Ordinance

are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

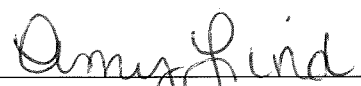
Section Five: Inconsistent Provisions. Any provision of the Auburn Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

Section Six: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

DATED: October 23, 2017


Matthew Spokely, Mayor

ATTEST:


Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 23rd day of October 2017 by the following vote on roll call:

Ayes: Kirby, Berlant, Maki, Powers, Spokely
Noes:
Absent:


Amy Lind, City Clerk