

ORDINANCE NO. 1968

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, ADDING ARTICLE VII ENTITLED "CAMPING" TO CHAPTER 16 OF THE FONTANA MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR THE HANDLING OF CAMPING AND ASSOCIATED MATTERS.

WHEREAS, the City of Fontana, California ("City") is a general law city, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City desires to add Article VII ("Camping") to Chapter 16 of the Fontana Municipal Code ("FMC") to establish procedures for the handling of camping and associated matters to promote and protect the health and safety of the public.

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

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 3. Municipal Code Amendments. Article VII of Chapter 16 is hereby added, as shown in Exhibit A, which is attached hereto and incorporated herein by this reference.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of

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these records is the City Clerk.

Section 6. Effective Date. This Ordinance shall be effective thirty (30) days following its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Fontana.

APPROVED AND ADOPTED this 13th day of May, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting on the 22nd day of April, 2025 and was finally passed and adopted not less than five days thereafter on the 13th day of May, 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

Chapter 16 – MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE VII.– CAMPING.

Sec. 16-152. - Purpose.

The purpose of this Chapter is to maintain streets, parks, and other public and private areas within the City in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and welfare of the public. Nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property, or to criminalize or regulate the status of being homeless.

Sec. 16-153. - Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Abandoned personal property" means personal property that the owner surrenders, relinquishes, or disclaims. Personal property left unattended on public property for more than one hour shall be deemed abandoned. Personal property may also be deemed abandoned based on the indicia of abandonment and totality of the circumstances. Abandonment does not require express surrender, relinquishment, nor disclaimer by the owner. Indicia of abandoned personal property include, but are not limited to, personal property found where nobody in the immediate vicinity claims ownership; and personal property left on private real property for any period of time without the permission of the real property owner or current tenant.

"Camp" means to place, pitch, or occupy camp facilities; to live temporarily in a camp facility or outdoors; or to use camp paraphernalia for the purpose of temporary or permanent human habitation.

"Camp facilities" include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, temporary shelter, bivouacs, sleeping bags, tarpaulins, ground cover, and similar facilities. "Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, cooking facilities, and similar equipment.

"Establish" means setting up or moving equipment, supplies, materials, or camp paraphernalia onto public or private property to camp or operate camp facilities.

"Maintain" means keeping or permitting equipment, supplies, or materials to remain on public or private property.

"Operate" means participating or assisting in establishing or maintaining a camp or camp facility. "Personal property" means any and all tangible items including, but not limited to, goods, materials, merchandize, camp paraphernalia, luggage, backpacks, books, clothing, documents, household goods, medication, and animals.

"Private property" means all privately owned property.

"Public property" means all property owned, possessed, controlled, or operated by a public agency, including, but not limited to, public rights-of-way, streets, sidewalks, alleys, trails, bike paths, waterways, easements, parks, unimproved land, government buildings, schools, libraries, etcetera.

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

Sec. 16-154. - Unlawful camping.

- A. It is unlawful and a public nuisance for any person to camp; establish, maintain, allow, operate, or occupy camp facilities; or use camp paraphernalia, in the following areas:
1. On any public property unless expressly permitted by the City;
 2. Any public or private street or right-of-way, including sidewalks, bus stops, and public landscaping;
 3. Any parking lot, yard, building setback, vacant land, open space, park, or any other area open to, accessible to, or controlled by the public, improved or unimproved;
 4. In, on, under, or adjacent to any structure not intended for human occupancy;
 5. In, on, under, or adjacent to a parked vehicle on any public or private property including, but not limited to, an automobile, bus, truck, camper, trailer, or recreational vehicle. For purposes of this section, "recreational vehicle" shall have the same meaning as provided in Section 30-12 of this Code;
 6. On private property without consent of the property owner;
 7. On private property within view of a public right-of-way;
 8. On private property where such use violates any provision of this Code or State law; or
 9. On private property in a manner that causes a public nuisance.
- B. The prohibition on camping in this section shall not apply to the following:
1. Camping on residential private property with consent of the property owner, and where such use does not violate any provision of this Code or State law, does not create or permit a public nuisance, and where such use is not within view of the public right-of-way;
 2. Camping where specifically permitted within City-approved campgrounds or facilities; or
 3. Camping in connection with a special event as authorized by the City through issuance of a permit pursuant to Section 17-5 of this Code.
- C. The exceptions contained in Subdivision B do not apply where camping:
1. Is conducted in such a manner as to create inadequate sanitation or any other public nuisance;
 2. Violates any law;
 3. Is of such frequency, intensity, or duration as to constitute a use of land prohibited by zoning regulations;
 4. Is prohibited under any other provision of this Code concerning the use of mobile homes; or
 5. Requires any fee, charge, or other monetary consideration for the privilege of camping, for any services, or for the use of any facilities related thereto, other than at City-approved campgrounds or facilities.

- D. Nothing in this chapter is intended to prohibit or make unlawful activities of a property owner or lawful tenant of private property that are incidental to the lawful and authorized use of private property for residential or other approved and legal purposes. Nothing herein is intended to prohibit or make unlawful activities of a property owner or other lawful tenant if such activities are expressly authorized by the City's zoning ordinance, other ordinances, or regulations.

Sec. 16-155. - Storage of personal property.

- A. It is unlawful and a public nuisance for any person to store personal property in any of the following areas, except as otherwise approved by the city manager or designee or as permitted by this Code or State law:
1. Any public property;
 2. Any public or private right-of-way, including streets, sidewalks, alleys, trails, bike paths, bus stops, and public landscaping; or
 3. Any parking lot, yard, building setback, vacant land, open space, park, or any other area open to, accessible to, or controlled by the public, improved or unimproved.
- B. Personal property stored in violation of this section shall be deemed abandoned and shall be subject to impoundment and/or disposal pursuant to procedures established in Sections 16-157 through 16-161.
- C. No person may obstruct any public or private right-of-way either with their person or with their personal property, or otherwise interfere with the use and enjoyment of public parks, facilities, public rights of way, or other public property. Upon notice by any enforcement officer of the City, any such person shall immediately remove the obstruction. Failure to remove the obstruction shall be unlawful and shall constitute a public nuisance. Any personal property that is creating an obstruction as described in this Subsection that is not removed following notice may be impounded as provided in this Chapter.
- D. Animals seized by the City pursuant to this Chapter, including service animals, shall be taken to the local animal shelter and held for sixty days. In the event that the animal is not claimed within those sixty days, the owner is deemed to have abandoned the animal. Abandoned animals shall be disposed of pursuant to the animal shelter's policy for abandoned animals.

Sec. 16-156. - Receiving personal property.

The chief of police or designee shall make provisions for safekeeping personal property received by the City. In the event the personal property is delivered to the city by a person, a receipt shall be issued to that person, unless the property was found in the course of employment by an employee or agent of the City.

Sec. 16-157. - Notice.

- A. *No Notice for Abandoned, Dangerous, or Perishable Property, Contraband, or Waste.* Unlawfully stored personal property that is believed in good faith to be abandoned, which presents an immediate threat to public health or safety, that is perishable, that is contraband, which clearly constitutes waste or trash as defined

by this Code, or that is left unattended for more than one hour on public property, may be disposed of without any notice.

- B. *No Notice for Evidence in Criminal Case.* Unlawfully stored personal property that constitutes evidence in a criminal investigation may be impounded without notice.
- C. *Attended Property Notice.* The custodian of attended personal property being unlawfully stored on public property shall be given one hour notice to remove the violating personal property. Any personal property left on public property after that one-hour notice has expired shall be deemed abandoned.
- D. *Notice Upon Impoundment.* The City may impound any personal property unlawfully stored on public property. Except as exempted in Subdivisions A, B, and C, the city shall provide a written notice in a conspicuous place at or near where the personal property was located, advising where the personal property is being kept and when and where it may be claimed by the owner.
- E. *Signs.* The City may erect signs in commonly affected areas to provide the notices required by this Section.

Sec. 16-158. - Failure to remove attended personal property.

It is unlawful and a public nuisance to fail to remove attended personal property within one hour of receiving notice requiring removal. Moving personal property to another location where storage is prohibited by this Chapter shall not constitute compliance with removal.

Sec. 16-159. - Holding of personal property; repossession by owner.

- A. Personal property coming into possession of the City pursuant to this Chapter shall be deposited in a safe place for a period of at least sixty days. In the event such personal property is not claimed within those sixty days, it shall be deemed abandoned personal property and shall be subject to disposition as provided in this Chapter or as otherwise permitted by law.
- B. The owner of the personal property may repossess the personal property upon submitting satisfactory proof of ownership during the sixty-day holding period. A person may establish ownership by, among other methods, describing the location where the personal property was found and providing a specific and detailed description of the personal property. If ownership cannot be determined to the satisfaction of the Chief of Police or designee, he or she may refuse to return the personal property until ordered to do so by a court of competent jurisdiction; however, the City shall continue to hold the personal property until such a determination is made if the City is given notice of the court action within the sixty-day holding period.
- C. If ownership is determined, the owner shall be required to pay the reasonable costs incurred by the city in impoundment and storage prior to the return of the personal property, unless a financial hardship waiver is submitted to the city by the owner on forms authorized by the city and such waiver is approved by the chief of police or designee.

Sec. 16-160. - Evidence in a criminal case.

Notwithstanding Section 16-159, where personal property is impounded for use as evidence in a criminal case, such property shall be held until the final disposition of any pending charges, including appeals, or the lapse of time for filing an appeal, unless a court orders otherwise, in accordance with California Penal Code section 1417 et seq.

Sec. 16-161. - Disposition after holding period.

Upon the expiration of any holding period for received personal property pursuant to Sections 16-159 or 16-160, any remaining personal property not claimed by or returned to the owner may be appropriated to the City upon order of the city manager or designee that the personal property is needed for a public use. Any personal property not appropriated to the City may be sold at a public auction or disposed of in such a manner as deemed appropriate by the city manager or designee. If personal property constitutes money, such money shall be deposited into the City's general fund.

Sec. 16-162. - Use of vehicle for human habitation.

It is unlawful for any person to use any motor vehicle or recreational vehicle, as defined by Section 30-12 of this Code, for human habitation on or in any public or private street, alley, parking lot, or any public or privately owned property which is held open for public use. For purposes of this Section, evidence of "human habitation" shall include but not be limited to, observations that the vehicle is being used for living, sleeping, cooking, or bathing purposes. Sleeping in or occupying a parked vehicle for longer than thirty minutes, consecutively or in the aggregate, between the hours of 11:00 p.m. and 5:00 a.m. shall constitute prima facie evidence the vehicle is being used for human habitation.

Sec. 16-163. - Urination or defecation in public view.

It shall be unlawful for any person to urinate or defecate or dump any fecal matter on public or private property in an area exposed to the public view or on any public right-of-way, street, sidewalk, alley, park, or any other space except in a restroom or other facility designed for such purpose.

Sec. 16-164. - Enforcement.

- A. Any violation of this Chapter is hereby declared to be unlawful, a public nuisance, and a misdemeanor punishable by a fine of up to \$1,000 and imprisonment up to six months.
- B. Each person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of or failure to comply with any of the provisions of this Chapter is committed, maintained, continued, or permitted by such person, and each instance shall be deemed punishable.
- C. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law.
- D. The City may enforce any violation of this Chapter by any and all means available by law, including, but not limited to, a restraining order, preliminary

or permanent injunction, and criminal or administrative enforcement.

- E. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.
- F. Violations of this Chapter involving a person who willfully resists, delays, or obstructs an authorized City agent from enforcing any provision of this Chapter shall be in violation of this Chapter and subject to arrest and the penalties set forth in this Section.
- G. If a person in control of a vehicle is arrested pursuant to this Chapter resulting in that vehicle being left unattended, then that vehicle may be removed by the City in accordance with applicable State lawS such as Vehicle Code sections 22650 through 22711.