



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Doug Schulze, City Manager
Doug Schulze, City Manager

MEETING DATE: April 23, 2024

SUBJECT: Second Reading and Adoption of Ordinance 1603, Adding a New Chapter 9.09 to Title 9 (Public Peace, Morals and Welfare) of the Banning Municipal Code to provide for regulations governing camping and related activities within the City of Banning, and making a determination of exemption from the California Environmental Quality Act

RECOMMENDATION:

Conduct the second reading and adopt Ordinance 1603.

BACKGROUND:

Ordinance 1603, provides necessary authority to the Banning Police Department and City of Banning code enforcement personnel to enforce unsafe camping in Banning. The ordinance, if shelter options are available, makes camping in public places unlawful, which includes streets, parks, public buildings and grounds, and other public areas in the City. Camping includes, among other things, the use of camp paraphernalia such as tents in combination with sleeping or making preparations to sleep. Sleeping, lying or sitting in public places in and of itself does not constitute camping. This keeps these properties readily accessible and available to residents and the public at large. The unsafe camping ordinance also makes it unlawful to store personal property in a public place, including camp facilities and camp paraphernalia.

The ordinance establishes notification requirements, storage requirements and protocols for removal of personal property unlawfully stored or found on public places, which is consistent with case law. Personal property includes items such as, medication, medical devices, eyeglasses, sanitary sleeping bag or bed roll, tents in reasonably good condition, sanitary/unsoiled clothing, etc.

Sitting, lying and sleeping in public places that does not meet the definition of camping is also regulated by the unsafe camping ordinance. First, in order to do so between the hours of 10:00 p.m. to 6:00 a.m., there has to be no sleeping spaces available in any shelter. Between the hours of 6:00 a.m. to 10:00 p.m. sleeping is not permitted in public places. No person shall obstruct pedestrian or vehicular traffic by sitting or lying in a public place or in doorways or entrances or exists to buildings.

Camping on private property without written consent of the property owner in the possession of the person camping is prohibited and, is further regulated under Title 17 of Banning Municipal Code.

On April 9, 2024, the City Council introduced and conducted the first reading of Ordinance 1603 by title only.

JUSTIFICATION:

City Council established goals include reducing homelessness and cleaning up the Ramsey Street corridor. Chapter 12.44 of Banning Municipal Code regulates camping in Banning, but is not consistent with recent case law and does not provide direction necessary to address camping as it relates to unhoused encampments. Ordinance 1603 provides the necessary language to enforce unsafe camping as it relates to unhoused individuals.

FISCAL IMPACT:

Enforcement costs are budgeted.

ALTERNATIVES:

1. Conduct first reading and introduce Ordinance 1603, as read by title only;
2. Conduct first reading and introduce Ordinance 1603, with minor clerical revisions only, and as read by title only;
3. Provide alternative direction to staff.

ATTACHMENTS:

1. [Ordinance 1603, Unsafe Camping.docx](#)
2. [Proof of Publication.pdf](#)