

## ORDINANCE NO. 1026

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, CALIFORNIA, AMENDING CHAPTER 12.36 OF THE ROSEMEAD MUNICIPAL CODE RELATING TO UNLAWFUL CAMPING AND PERSONAL PROPERTY IN PUBLIC PLACES**

WHEREAS, the City of Rosemead is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City is committed to protecting the life, health, and safety of its residents and all people within the geographical boundaries of the City; and

WHEREAS, City streets, sidewalks, and parks are intended for safe and sanitary shared use by a diverse community of users including businesses, government, and the general public for gathering, recreating, movement of people, maintenance, and cleaning, and are frequently used by people relying on a variety of mobility devices; and

WHEREAS, the City is obligated to protect public health and safety and its natural resources by maintaining clean, safe, and accessible City properties for all residents to enjoy, including parks, open space, and the public right of way; and

WHEREAS, on June 28, 2024, the U.S. Supreme Court issued its decision in *Johnson v. City of Grants Pass, Oregon*, where, among other things, the United States Supreme Court held that the Eighth Amendment does not prohibit cities from enforcing laws regulating camping on public property; and

WHEREAS, on July 25, 2024, Governor Gavin Newsom issued Executive Order N-1-24, that, among other things, explained that California is experiencing a homelessness crisis decades in the making and highlighted the potential dangers associated with encampments, including subjecting unsheltered occupants to extreme weather, fires, predatory and criminal activity, and widespread substance abuse; and

WHEREAS, the Governor's order highlighted the Supreme Court's *Johnson* decision and encouraged local governments to take action "with urgency" to remove encampments from public spaces, "prioritizing those encampments that most threaten the life, health, and safety of those in and around them;" and

WHEREAS, Chapter 12.36 of the Rosemead Municipal Code prohibits camping on public property and storage of personal property in public; and

WHEREAS, consistent with the Supreme Court's *Johnson* decision, Governor Newsom's Executive Order N-1-24, and other applicable law, the purpose of this Ordinance is to modernize and clarify the City's tools in order to help protect the public health, safety and welfare to the fullest extent as authorized by law; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

**THE CITY COUNCIL OF THE CITY OF ROSEMEAD DOES ORDAIN AS  
FOLLOWS:**

**SECTION 1. Findings and Incorporation of Recitals.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**SECTION 2. Amendment.** Chapter 12.36 [Camping and Personal Property in Public Places] of the Rosemead Municipal Code is hereby amended and restated to read in its entirety as follows:

**“Chapter 12.36 – UNLAWFUL CAMPING AND PERSONAL PROPERTY IN PUBLIC PLACES**

**12.36.010 - Purpose.**

The regulations within this chapter are necessary to maintain public health and safety. Unauthorized camping can lead to unsanitary conditions, increased risk of fires, and other hazards that endanger both those camping and the general public. The City intends to mitigate the inherent risks associated with unauthorized camping and unauthorized storage of property in public while ensuring the rights of preserving for the public the proper use of public spaces, such as parks and sidewalks. The purpose of this chapter is also to afford due process of law to any person who is directly affected by this process.

**12.36.020 - 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.

“Camp” means to pitch, erect, or occupy camp facilities, or to use camp paraphernalia, for remaining outdoors overnight.

“Camp facilities” means a temporary, makeshift, or hand-built structure, including, a tent, hut, or other temporary shelter.

“Camp paraphernalia” means personal property used to facilitate occupancy of an area, including, a tarpaulin, cot, bedding, sleeping bag, hammock, or non-city-designated cooking facilities and similar equipment.

“City Manager” means the City Manager, or his or her designee.

“Park” means any public property held out by the City or used by the public for active or passive park and recreation uses.

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

“Street” means all streets, highways, avenues, lanes, alleys, courts, sidewalks, parkways, curbs, public parking lots or other public ways in this City.

#### **12.36.020 - Unlawful camping prohibited.**

It is unlawful for any person to camp, occupy camp facilities, use camp paraphernalia, or sleep upon any public property, including any street, sidewalk, park, public parking lot, or public area, except as authorized in writing by the City Manager.

#### **12.36.030 - Sleeping in public places prohibited.**

It is unlawful for any person to sleep upon any street at any time, as a matter of individual and public safety.

#### **12.36.040 - Storage of personal property in public places prohibited.**

It is unlawful for any person to store any personal property, including camp facilities and camp paraphernalia, upon any public property, including any street, sidewalk, park, public parking lot, or public area, except as authorized in writing by the City Manager or pursuant to a City-issued permit or license.

#### **12.36.050 - Authority to enforce chapter; removal of personal property stored in public.**

A. The City Manager may adopt regulations or policies to implement and interpret this chapter. Any regulation or policy must conform with the purpose of this chapter.

B. The City Manager may remove personal property, camping paraphernalia, contraband, litter, and waste found at a camp facility or any other public place, in accordance with an administrative policy approved by the City Manager.

#### **12.36.060 - Enforcement.**

A. Violation Unlawful. It is unlawful and declared a public nuisance for any person to violate any provision of this chapter.

B. Willful Obstruction Prohibited. It is unlawful to willfully resist, delay, or obstruct a City employee from moving, removing, impounding, or discarding personal property stored in public in violation of Section 12.36.030.

C. Ongoing Violations. Each and every day a violation is maintained, caused, aided, abetted, concealed, suffered, or permitted is a separate offense.

D. Criminal Penalties. Violation of any provision of this chapter is a misdemeanor according to Section 1.16.010 of this code, except the City Attorney may prosecute a violation of this chapter as an infraction, at his or her discretion.

E. Administrative Citations and Civil Enforcement. Nothing in this chapter prevents the issuance of an administrative citation for violations of the provisions of this chapter, prevents the City Attorney from bringing a civil action, at his or her discretion, to seek the abatement of any violation of this code.

F. Remedies Cumulative. The remedies, procedures, and penalties provided by this chapter are cumulative to each other and to any other available under City, State, or federal law.”

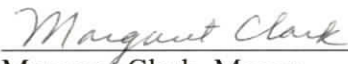


**SECTION 3. Environmental Review.** The City Council exercises its independent judgment and finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3: (1) Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); (2) Section 15060(c)(3) (the activity is not a project as defined in Section 15378), because the subject regulations have no potential for resulting in any significant physical change to the environment, directly or indirectly, and (3) Section 15321 (the ordinance addresses administrative procedures for City Manager duties).

**SECTION 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this ordinance are declared to be severable.

**SECTION 5. Publication.** The City Clerk is directed to certify to the adoption of this ordinance and publish in accordance with law.

PASSED, APPROVED, AND ADOPTED this 11<sup>th</sup> day of February, 2025.

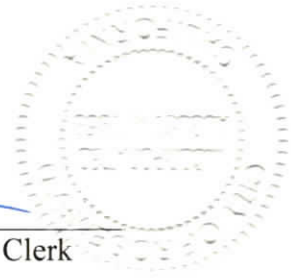
  
Margaret Clark, Mayor

APPROVED AS TO FORM:

  
Rachel H. Richman, City Attorney

ATTEST:

  
Ericka Hernandez, City Clerk



STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   )  
CITY OF ROSEMEAD         )


I, Ericka Hernandez, City Clerk of the City of Rosemead, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 1026 was first introduced at the regular meeting of January 28, 2025, by first reading. Said Ordinance was approved and adopted by the City Council of the City of Rosemead at a regular meeting held on the 11<sup>th</sup> day of February 2025, by the following vote:

AYES:       ARMENTA, CLARK, DANG, LOW

NOES:       NONE

ABSENT:    LY

ABSTAIN:   NONE

  
\_\_\_\_\_  
Ericka Hernandez, City Clerk

