

SCC NO. \_\_\_\_\_

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE  
ADDING CHAPTER 9.120, RELATING TO THE PROTECTION OF CRITICAL  
INFRASTRUCTURE, LOCATIONS PROVIDING SHELTER TO THE HOMELESS,  
WILDFIRE AND FLOOD RISK AREAS DURING SEVERE WEATHER,  
AND YOUTH-SERVING FACILITIES**

The Board of Supervisors of the County of Sacramento, State of California,  
ordains as follows:

SECTION 1. A new Chapter 9.120, within Title 9 "Public Peace, Morals, and  
Safety", of the Sacramento County Code is added to read as follows:

**CHAPTER 9.120 PROTECTION OF CRITICAL INFRASTRUCTURE, LOCATIONS  
PROVIDING SHELTER TO THE HOMELESS, WILDFIRE AND  
FLOOD RISK AREAS DURING SEVERE WEATHER, AND  
YOUTH-SERVING FACILITIES.**

**9.120.005 Title.**

This Chapter shall be known as "Protection Of Critical Infrastructure, Locations  
Providing Shelter To The Homeless, Wildfire And Flood Risk Areas During Severe  
Weather, And Youth-Serving Facilities."

**9.120.010 Findings.**

The Board of Supervisors finds as follows:

- A. The lack of housing options for persons experiencing homelessness in  
Sacramento County has led to an increase in the number of encampments within the  
unincorporated area of the County.
- B. Encampments generally consist of camp facilities and camp paraphernalia  
such as tents, makeshift structures, sleeping bags, or blankets providing shelter to one  
or more individuals experiencing homelessness.
- C. The presence of encampments in specific areas and locations within the  
unincorporated County area poses a threat to the public health, safety, and welfare of  
those residing in the encampments and the community-at-large because of the damage  
to public property, risk of fire, unsanitary conditions, environmental degradation, and  
restricted access for maintenance, operations or emergency services purposes.
- D. The existence of encampments in, on, under, or within 25 feet of  
infrastructure that is critical to the provision of public services such as law enforcement,  
fire protection, flood protection, transportation, and utilities including communication,  
water, and waste disposal leads to the destruction of, damage to, or interference with  
maintenance and operation of said infrastructure.
- E. The County as well as other public agencies are committing significant  
funding to establish and operate emergency shelters for individuals experiencing

homelessness including shelters located on County-controlled or owned property that have been designated as areas in which encampments can remain.

F. The establishment and presence of encampments near or within 25 feet of emergency shelters and other locations providing shelter to homeless individuals may create a nuisance to the surrounding residents and also undermine efforts to support individuals seeking services to transition into more permanent housing.

G. The establishment and presence of encampments on, in, near or within 25 feet of wildfire and flood risk areas during severe weather creates hazardous conditions for residents and emergency responders. Such hazards include the risk of physical harm, loss and/or damage to personal property, and impairment or prevention of access to areas to provide emergency aid or rescue efforts.

H. The establishment and presence of encampments on, in, near or within 25 feet of youth-serving facilities impacts the ability of children and youth to access public facilities by creating obstructions on pedestrian pathways or sidewalks commonly used by this demographic to visit these sites and increasing safety concerns.

I. The prohibition on camping in these particular locations will enable the County to protect and preserve lives and infrastructure, ensure the provision of vital public services, advance the County's efforts to increase the supply of emergency shelters by providing an additional enforcement tool to address nuisance activity, protect the public health and safety during severe weather, and maintain safe pedestrian access to youth-serving facilities.

J. The enforcement of this Chapter shall in no way relieve the County from fulfilling its obligation to provide social, mental health, and substance abuse services to persons experiencing homelessness. The County spends \$181 million dollars annually on programs and services to serve persons experiencing homeless and to mitigate the impacts of homelessness. This Chapter furthers the County's interest in connecting persons experiencing homelessness with social, mental health, and substance abuse services by increasing outreach and engagement with County staff.

#### **9.120.020 Purpose and Intent.**

The purpose of this Chapter is to protect the health, safety, and welfare of the public by prohibiting camping in, on, or near critical infrastructure, locations serving the homeless, wildfire and flood risk areas during severe weather, and youth-serving facilities. The prohibition of camping in these areas is intended to further mitigate the threat of degradation, fire, and other potential causes of destruction and damage to and interference with, critical infrastructure, locations serving the homeless, wildfire and flood risk areas, and youth-serving facilities.

This Chapter is further intended to protect critical infrastructure, locations serving the homeless, wildfire and flood risk areas, and youth-serving facilities from damage, interference, degradation, and nuisance activity related to unauthorized activities.

#### **9.120.030 Definitions.**

When used in this Chapter, the following words and phrases have the following meanings:

A. "Camp" or "camping" means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

B. "Camp facilities" include, but are not limited to, tents, huts or temporary shelters (e.g. not permanently affixed to the ground).

C. "Camp paraphernalia" shall mean, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

D. "Critical infrastructure" means either of the following:

1. Flood protection facilities, meaning those physical structural works which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to flooding and the extent of the depths of associated flooding, such as levees, pumps, drainage ditches, access and patrol roads, and related facilities; or

2. Real property or a facility, which is owned, operated, leased, or maintained, or any combination thereof, by a government agency, as designated by the County Executive or designee and approved by resolution of the Board of Supervisors, as being so vital or integral to the operation or functioning of the County that its damage, incapacity, disruption, or destruction would have a debilitating impact on the public health, safety or welfare.

Critical infrastructure protected by this ordinance may include, but is not limited to, government buildings, such as fire stations, police stations, jails, or courthouses; hospitals; structures, such as antennas, bridges, roads, train tracks including rail stations, or telecommunication centers (e.g. radio towers); maintenance access roads and portals or boxes (e.g. manholes, pullboxes, valve, drop inlet); or systems such as computer networks, public utilities, electrical wires, natural gas pipes, drainage systems (e.g. creeks and waterways), or water sources, including water treatment, storage, transmission and distribution systems.

E. "Debris" means building and construction materials, garbage, refuse, wreckage, spoiled or ruined household goods, and similar material.

F. "Encampment" means one or more camp facilities and/or camping paraphernalia that are being used, occupied or stored on public property. Encampment specifically does not include an item or collection of items that reasonably appear to be for less than 12-hour, daytime only use such as items brought to a park for a picnic, nap, or day-time party.

G. "Facility" means a building, structure, equipment, system, or asset.

H. "Flood risk area" means local flood hazard or special flood area as defined in the County's Floodplain Management Ordinance, Ordinance No. SZC 2016-0023, as may be amended from time to time.

I. "Garbage" means household and kitchen waste; animal, vegetable, and putrescible waste associated with the preparation, consumption, handling, or storage of edible materials; and any nonputrescible material mixed in the same container with or contaminated by putrescible waste. Garbage does not include source-separated recyclables or yard waste.

J. "Location providing shelter to the homeless" means a site where temporary or emergency overnight-shelter is being provided to individuals experiencing homelessness established pursuant to official action by the County on publicly-owned or leased property including, but not limited to, a homeless shelter, warming center, respite center, year-round overnight shelter, navigation center, and an encampment designated or established by formal action of the County.

K. "Personal property" means personal effects or property consisting of the following items: identification or social security cards; medications, medical devices and eyeglasses; photos/photo albums; tax or medical records; reasonably usable, non-soiled, non-verminous items that are reasonably believed to have value to persons experiencing homelessness, including tents, blankets, sleeping bags, clothes, and operational bicycles (i.e. complete bicycles, not standalone bicycle parts). The definition of personal property does not include contraband.

L. "Private property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

M. "Public property" means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

N. "Severe weather" means any flood watch, any flood advisory, any flood weather warning, a fire weather watch, or a red flag warning issued by the National Weather Service for Sacramento County.

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

P. "Street" means a street, alley, way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Street" includes highway, as that term is defined in the California Vehicle Code.

Q. "Wildfire risk area" means land that is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the Fire Marshal or Fire Chief of the responsible fire authority or California Code of Regulations, title 14, part 9, section 202.

R. "Youth-serving facilities" means public or private primary or secondary schools and public libraries.

#### **9.120.040 Camping Prohibited.**

A. It is unlawful and a public nuisance for any person to camp in or on public property at the following locations:

1. Critical infrastructure;
2. Within 25 feet of critical infrastructure;
3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
4. Within 25 feet or within the distance stated on posted signage (up to a maximum of 1,000 feet), whichever distance is greater, of a location providing shelter to the homeless;
5. Within 25 feet or within the distance stated on posted signage (up to a maximum of 1,000 feet), whichever distance is greater, of a vehicular or pedestrian entrance or exit of a location providing shelter to the homeless;
6. Inside of, or within 30 feet of, a wildfire risk area or flood risk area during severe weather;
7. Youth-serving facilities; or
8. Within 25 feet of a youth-serving facility.

- B. It is unlawful and a public nuisance for any person to maintain an encampment, in or on public property in the following locations:
1. Critical infrastructure;
  2. Within 25 feet of critical infrastructure;
  3. Within 25 feet of a vehicular or pedestrian entrance or exit of critical infrastructure;
  4. Within 25 feet or within the distance stated on posted signage (up to a maximum of 1,000 feet), whichever distance is greater, of a location providing shelter to the homeless;
  5. Within 25 feet or within the distance stated on posted signage (up to a maximum of 1,000 feet), whichever distance is greater, of a vehicular or pedestrian entrance or exit of a location providing shelter to the homeless;
  6. Inside of, or within 30 feet of, a wildfire risk area or flood risk area during severe weather;
  7. Youth-serving facilities; or
  8. Within 25 feet of a youth-serving facility.
- C. The distances referenced above shall be measured as the direct distance between the two points (i.e. "as the crow flies"). For purposes of the provisions relating to locations providing shelter to the homeless and youth-serving facilities, the distance shall be measured from the parcel line of the parcel on which the shelter or facility is located.
- D. Nothing in this section is intended to prohibit or make unlawful the 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 nothing herein is intended to prohibit or make unlawful the activities of a property owner or other lawful user if such uses or activities are expressly authorized by the County's Zoning Code or other applicable laws, ordinances, and regulations.

**9.120.050 Abatement and Storage of Personal Property.**

A. The County may abate or remove camp facilities, camp paraphernalia, or an encampment established in violation of section 9.120.050 after providing 48-hours written notice of said abatement. Any encampment established in violation of Section 9.120.050 may be abated with less than 48-hours written notice by the County, if the encampment poses an imminent threat to public health or safety. For purposes of this section a structure, tent, or camp facility poses an imminent threat to public health or safety if there are facts and circumstances that would cause a reasonable person to believe, that there is an increased risk of fire or flood, actual fire or flooding, obstructions or interference with the flow of pedestrian or vehicular traffic, and blockage of driveways or access points providing access to emergency vehicles.

B. Abatement pursuant to subsection A may include, but is not limited to, removal of camp facilities, camp paraphernalia, garbage, hazardous waste, infectious waste, junk, or debris; and securing the perimeter of the property with fencing, gates, or barricades to prevent further violations. Any personal property identified and left behind during the abatement shall be stored for at least 90 days and notice shall be provided regarding the retrieval process.

**9.120.060 Interference with Abatement.**

It shall be a misdemeanor to willfully prevent, delay, resist, obstruct, or otherwise interfere with a County official, employee, contractor, or volunteer in their execution of an abatement pursuant to this Chapter.

**9.120.070 Violation—Public Nuisance and Penalty.**

A. A violation of any section of this Chapter is declared to be a public nuisance and subject to the penalties stated herein.

B. Any action to enforce this Chapter through the issuance of criminal penalties shall be taken after verbal or written warnings have been given notifying the person of the risk of enforcement.

C. Any person who violates this Chapter shall be guilty of a misdemeanor.

D. Nothing in this Chapter shall limit or preclude the enforcement of any other applicable laws or remedies available for violations of this Chapter.

**9.120.080 Enforcement.**

A. The County shall enforce this provision in a manner that is consistent with applicable federal, state and local laws, including but not limited to applicable case law.

B. The Sheriff is authorized to administer and enforce this Chapter and the Sacramento County Regional Park Rangers are authorized to administer and enforce this Chapter as it relates to County Regional Parks including the American River Parkway.

C. The County Executive or designee is hereby authorized to promulgate rules, protocols and procedures for the implementation of this Chapter, including but not limited to directing staff to post signage referencing this Chapter, consistent with the provisions herein.

**9.120.090 Interpretation.**

A. Nothing in this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

B. In enacting and implementing this Chapter, the County is assuming an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

**9.120.100 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on \_\_\_\_\_, and on \_\_\_\_\_, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this \_\_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,  
(PER POLITICAL REFORM ACT (§ 18702.5.))

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Chair of the Board of Supervisors  
of Sacramento County, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors

2381899