

SCC NO. _____

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
AMENDING SECTIONS 9.36.058 RELATING TO FIRES, AND 9.36.067
RELATING TO REMAINING IN THE PARKWAYS BETWEEN SUNSET TO SUNRISE,
AND ADDING SECTION 9.36.083 TO PROHIBIT CAMPING OR CONSTRUCTING,
MAINTAINING OR INHABITING ANY STRUCTURE OR CAMP FACILITY IN THE
AMERICAN RIVER PARKWAY AND DRY CREEK PARKWAY**

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

SECTION 1. Section 9.36.058 of Chapter 9.36, Title 9, of the Sacramento
County Code is amended to read as follows:

9.36.058 Fires.

A. No person shall ignite, maintain, or use any fire, or ignite or maintain a fire using a gas or electric barbeque cooker, in any place within any park facility except in a barbecue cooker or other cooking device authorized by the Director for that purpose or when allowed by a permit issued by the Director.

B. No person shall ignite or maintain a fire of material deposited in any can, box, trench, pit or other receptacle for the purpose of garbage disposal or incineration.

C. No person shall ignite or maintain a fire using solid fuel such as charcoal, or other material except in areas designated as a picnic area or when issued a permit by the Director.

D. No person shall use or maintain a container with flammable or combustible liquid or a generator except when issued a permit by the Director.

E. Any person violating this subdivision is guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 9.36.035.

F. The presence of any barbeque or other incendiary device in any place within any park facility, except in designated picnic areas or when allowed by a permit issued by the Director, shall be unlawful and constitutes a public nuisance subject to summary abatement as an imminent threat to public health and safety. Any such barbeque or other incendiary device shall be seized and immediately removed from the park facility by the Department and, thereafter, stored in a secure facility subject to retrieval by the owner of such property under such administrative procedures as may be adopted by the Department.

SECTION 2. Section 9.36.067 of Chapter 9.36, Title 9, of the Sacramento
County Code is amended to read as follows:

9.36.067 Hours of Use.

A. The Director is authorized to promulgate reasonable opening and closing hours for park facilities. No person shall enter, remain in, or camp in or on any park facility during the hours or any part of the hours said facility is closed without a permit from the Director.

B. Prohibition on Being in the American River Parkway and Dry Creek Parkway After Closing. It is unlawful for any person to enter or remain in the American River Parkway or Dry Creek Parkway between the first hour after sunset and sunrise or such other time as is posted by the Director. A violation of this subsection shall constitute a misdemeanor. This section shall not apply to the following:

- i. Any on-duty Peace officer, emergency/first responder or County employee;
- ii. Any County-sponsored functions or programs; or
- iii. Any person who has received a permit or other written authorization from the Director for use of the Parkway after closing hours; or
- iv. Persons using the trails for purposes of commuting via foot, bicycle, etc. to and from their place of origin and destination outside of either Parkway.

SECTION 3. Sections 9.36.083 and 9.36.084 of Chapter 9.36, Title 9, of the Sacramento County Code are added to read as follows:

9.36.083 Prohibition On Camping Or Constructing, Maintaining Or Inhabiting Any Structure Or Camp Facility In The American River Parkway And Dry Creek Parkway.

A. Findings.

1. The homelessness crisis continues to grow across the County of Sacramento with more people living unsheltered which has contributed to an increase in homeless encampments throughout the County, including in County-owned parks, and in particular, the American River Parkway and Dry Creek Parkways (collectively "Parkways").

2. The American River Parkway is an open space greenbelt extending approximately 29 miles that covers approximately 7,000 acres and includes several distinct areas such as the Lower American River. The Lower American River Parkway spans 23 miles from the Hazel Avenue Bridge to the American River's confluence with the Sacramento River.

3. The Dry Creek Parkway is an approximately six-mile open space area and riparian corridor that starts at the Sacramento/Placer County line and extends southwesterly along the two forks of Dry Creek to the Sacramento City limits at Ascot Lane, and is part of the Lower American River watershed.

4. The Parkways, including the Lower American River, are afforded special protection and recognition under various federal and state laws, including the National Wild and Scenic Rivers Act (Chapter 28 of Title 16 of the United States Code), the California Wild and Scenic Rivers Act (Chapter 1.4 of Division of 5 of the California Public Resources Code), the Urban American River Parkway Preservation Act (Chapter 10 (commencing with Section 5840) of Division 5 of the Public Resources Code), the

Bushy Lake Preservation Act (Chapter 9 (commencing with Section 5830) of Division 5 of the Public Resources Code), and the Lower American River Conservancy Program Act (Chapter 10.5 (commencing with line 7 Section 5845) of Division 5 of the Public Resources Code), among other laws.

5. This protection and recognition is afforded to the Parkways because of their important and vital contributions to the quality of life of the greater Sacramento community, the state and nation as a whole. These contributions include functioning as floodway channels, serving as habitats for various fish and wildlife species some of which are protected under the federal and state endangered species and species of special concern laws, providing a myriad of recreational opportunities, and being natural open-space areas for the public to visit.

6. The Sacramento County Department of Regional Parks (Regional Parks) administers and manages approximately 5,000 acres within the Parkways, including having Park Rangers provide law enforcement/public safety services in the Parkways.

7. The Parkways are natural resource areas meant for recreational usage that lack basic amenities needed for extended or continual camping such as adequate restrooms, lighting, access points, roadways, and clean water. Despite that, encampments of unsheltered persons are prevalent in the riparian forest and woodlands areas of the Parkways with approximately 800 to 900 unhoused individuals residing in the Parkways on any given night based on data in and calculations derived from the 2022 Point-in-Time Count.

8. The absence of basic amenities in the Parkways leads to unsanitary living conditions, such as unclean water, accumulation of garbage and debris, increased risk of fire, and exposure to human and animal waste, and poses significant risks to the health and welfare of unsheltered individuals camping in the Parkways.

9. In 2021, the County abated trash, debris, and abandoned property related to abandoned encampments and removed approximately 1,303.5 tons of garbage and debris from the Parkways.

10. The continued existence of encampments of unsheltered individuals in the Parkways results in the degradation of these vital environmental resources that includes, but is not limited to, contamination of water, damage to or destruction of natural landscape, and fires and damages related to.

11. The risk of wildfire in the Parkways continues to increase as the drought persists and more individuals camp unlawfully in the area. In 2021, approximately 300 acres were burned in the Parkways due to fires.

12. It is the obligation of the County to keep the Parkways and similar natural open spaces clean and available for public use, and to protect the public health, safety, and welfare of individuals in the Parkways.

13. In 2021, County Park Rangers and other law enforcement personnel responded to, investigated, and/or made arrests related to criminal activity including homicide, assaults, including sexual assault, rape, battery, robberies and thefts in the County's Regional Parks including the Parkways.

14. Responding to emergencies, including calls for service from unsheltered individuals living in the Parkways, are challenging and often hindered due to geographical issues, terrain, narrow roadways, dirt and gravel fire roads, and trails. These limitations become even more significant after sunset. This further puts

individuals camping in the Parkways at risk should there be a need to respond to a fire, medical emergency, inclement weather, or other disaster.

15. The County is seeking to fulfill its aforementioned obligations in a manner that protects the public health and safety of all residents, including unsheltered individuals, and the County's natural resources. Prohibiting constructing, maintaining or inhabiting any structure, tent or camping facility in the Parkways, as well as prohibiting the use or maintenance of containers with flammable or combustible liquids or a generator and limiting access to the Parkways between sunset and sunrise advances the County's interest in protecting the public health, safety, and welfare of the public and preventing the continued degradation and damage to the Parkways.

B. Camping or Constructing, Maintaining, or Inhabiting Any Structure or Camping Facility in the American River Parkway and Dry Creek Parkway Prohibited.

(a) No person shall camp or construct, maintain or inhabit any structure, tent or camp facility in the American River Parkway or Dry Creek Parkway, except with written permission from the Director.

(b) No person shall modify the parklands (e.g. dirt, landscaping) or accumulate furniture, household goods, or other items in order to create a structure.

(c) The following definitions apply to this section:

i. "American River Parkway" means the area described in the American River Parkway Plan as defined by California Public Resources Code section 5841(a) as may be amended from time to time.

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

iii. "Camp facility" includes, but is not limited to, tents, huts, or structures, including temporary structures (e.g. not permanently affixed to the ground).

iv. "Camping paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

v. "Dry Creek Parkway" means an approximately six-mile open space and riparian corridor area starting at the Sacramento/Placer County line and extending southwesterly along the two forks of Dry Creek to the Sacramento City limits at Ascot Lane.

vi. "Structure" means a thing that is built or constructed using accumulated furniture, household goods, construction debris (e.g. pallets), tarpaulin, dirt, landscaping, or other items to provide shelter for one or more persons.

(d) Penalty. A violation of this section shall constitute a misdemeanor.

(e) Enforcement and Abatement; Storage of Property.

i. Authority to arrest and cite for violations of this section shall be consistent with Section 9.36.080.

ii. The County may abate or remove structures, tents, or camping facilities established in violation of subsection (a) after providing 48-hours written notice of said abatement. Structures, tents or camp facilities established in violation of subsection (a) may be abated with less than 48-hours written notice by the County, if the structure, tent or camping facility 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 fires or floods, obstructions or interference with the flow of pedestrian or vehicular traffic, and blockage of driveways or access points providing access to emergency vehicles.

iii. Abatement pursuant to subsection (ii) 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 area 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.

(f) The Director is hereby authorized to promulgate rules, protocols and procedures for the implementation and enforcement of this section, consistent with the provisions herein.

(g) 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.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The County of Sacramento Board of Supervisors hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. 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.))

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

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