

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, AMENDING CULVER CITY MUNICIPAL CODE CHAPTER 9.10 (PARKS, PUBLIC BUILDINGS AND PROPERTY), BY ADDING SUBCHAPTER 9.10.700 (CAMPING IN PUBLIC SPACES) AND AMENDING SECTIONS 9.10.005, 9.10.055.E, AND 9.10.200.

WHEREAS, for many years, the City of Culver City has experienced numerous individuals maintaining camp facilities for the purposes of living accommodations in public places, including City parks; and

WHEREAS, an increase in individuals maintaining unregulated camp facilities for the purposes of living accommodations in the City's parks and public places can lead to serious health, safety, and accessibility concerns, and an overall deterioration in the physical condition of the community's parks and public places; and

WHEREAS, the City Council wishes to continue protecting public health and safety in, and access to, the City's parks and other public places by prohibiting camping and camping facilities except in designated areas as determined by the City Council; and

WHEREAS, on December 21, 2023 the City Council directed staff to explore safe camping and safe parking sites on City-owned parking lots; and

WHEREAS, recent case law has held that cities cannot prohibit, by criminal penalty or administrative citation that may lead to criminal penalty, a homeless individual from sleeping or merely using blankets, pillows, sleeping bags, or similar bedding, unless there is shelter space available for that individual to use; and

WHEREAS, Culver City Municipal Code Section 9.10.700, as set forth in this Ordinance, does not prohibit the use of sleeping bags, blankets, pillows, or similar bedding while sleeping on public property.

1 **NOW THEREFORE**, the City Council of the City of Culver City, California, **DOES**
2 **HEREBY ORDAIN** as follows:

3 **SECTION 1.** The Culver City Municipal Code is hereby amended to add
4 Subchapter 9.10.700, Camping in Public Spaces, to Chapter 9.10, as follows
5 (underline denotes addition):

6 **CAMPING IN PUBLIC SPACES**

7 **§ 9.10.700 CAMPING IN PROHIBITED PUBLIC PLACES.**

8 A. No person shall camp in a prohibited public place.

9 B. No person shall leave or store personal property or camp facilities in a
10 prohibited public place.

11 C. For the purpose of this Section:

12 1. "Camp" means to erect, maintain or occupy a camp facility for the
purpose of living accommodations.

13 2. "Camp facility" means the use of, settling, fixing in place, setting
up, storing, locating, or leaving behind in a prohibited public place any or a
14 combination of the following: tents, huts, other temporary physical shelters, cots,
beds, or hammocks. "Camp facility" does not include sleeping bags, blankets,
15 pillows and/or similar bedding used while sleeping.

16 3. "Prohibited public place" means any of the following:

17 a. a public park as defined in Section 9.10.005;

18 b. public streets, public alleyways, public parking lots, public
passageways, public rights-of-way, public sidewalks, publicly owned
19 landscaped areas, parkways, medians, or greenbelts;

20 c. public educational institutions, including properties owned
by the Culver City Unified School District;

21 d. properties owned, leased or operated by other
governmental entities located within the City;

22 e. other City-owned, leased or operated properties or
facilities; and

23 f. any privately-owned space required to be maintained as
public open space pursuant to a City-issued entitlement or permit.

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

25 D. The City Council may, by resolution, establish one or more specified
camping areas. Such camping areas, if any, may be located in prohibited public
26 places, except that such camping areas shall not be located within public parks.

1 **SECTION 2:** Culver City Municipal Code section 9.10.005 is hereby amended
2 to read as follows (underline denotes addition, ~~strikethrough~~ denotes deletion) as
3 follows:

4 **§ 9.10.005 DEFINITION; MAINTENANCE OF MAP.**

5 A. As used in this Code, a **PUBLIC PARK** is any of the following:

6 1. Any area within the City of Culver City owned, leased or operated
7 by the City as a park, playground, recreation ~~area~~ field, ~~civic center~~, pool or bike
8 path, including the parking lot or parking area immediately adjacent thereto;

9 2. The Veteran's Memorial Complex and Auditorium, Teen Center,
10 and Plunge locker and dressing room facility, and any other buildings or
11 structures within City parks, playgrounds, and recreation areas, including the
12 parking lot or parking area immediately adjacent thereto ~~Any area where public~~
13 ~~buildings or structures are located, including the parking lot or parking area~~
14 ~~immediately adjacent thereto; and~~

15 3. Any area owned or operated by another public agency as a park,
16 playground, recreation ~~field~~ area, pool, ~~civic center~~ or bike path, including the
17 parking lot or parking area immediately adjacent thereto.

18 B. As used in Subsection A., an official action of the City Council to formally
19 dedicate or to officially accept an area for public park purpose is not required.

20 C. The City Engineer shall maintain a map designating **PUBLIC PARKS** in the
21 official records of the City Engineer.

22 **SECTION 3:** Culver City Municipal Code section 9.10.055.E is hereby amended
23 to read as follows (underline denotes addition, ~~strikethrough~~ denotes deletion) as
24 follows:

25 **§ 9.10.055 PROHIBITIONS.**

26 Within the limits of any **PUBLIC PARK** it shall be unlawful for any person:

27 . . .

28 ~~E. To camp, occupy camp facilities, or use camp paraphernalia; provided,~~
29 ~~however, that the Parks, Recreation and Community Services Director may issue a~~
30 ~~temporary permit to allow camping in connection with a special event. No person shall~~
31 ~~store personal property, including camp facilities and camp paraphernalia, within any~~

1 public park or upon any public property. For purposes of this Subsection, the following
2 definitions shall apply:

3 ~~— **CAMP.** To pitch or occupy camp facilities or to use camp paraphernalia;~~

4 ~~— **CAMP FACILITIES.** Include, but are not limited to, tents, huts or temporary
5 shelters;~~

6 ~~— **CAMP PARAPHERNALIA.** Includes, but is not limited to, tarpaulins, cots,
7 beds, sleeping bags, hammocks, cooking facilities and similar equipment. **CAMP
8 PARAPHERNALIA** shall not include City-designated cooking facilities or equipment;~~

9 ~~— **STORE.** To put aside or accumulate for use when needed, to put for
10 safekeeping, or to place or leave in a location.~~

11 E. To engage in the activities or perform any of the actions prohibited by Section
12 9.10.700 of this Code.

13 **SECTION 4:** Culver City Municipal Code Section 9.10.200 “Prohibitions” of
14 Subchapter 9.10.200 “Public Buildings and Property” is hereby amended to read as
15 follows (underline denotes addition, ~~strikethrough~~ denotes deletion) as follows:

16 **§ 9.10.200 PROHIBITIONS.**

17 It shall be unlawful for any person to:

18 A. Cut, break, deface, mark or write upon, or in any manner injure or
19 damage any public building, or any fixtures, furniture or appurtenances attached
20 thereto, or damage any street tunnel, lighting standard, bench or other publicly owned
21 or operated structure, apparatus or property.

22 B. Climb, cut, break, deface or disturb any tree, shrub, plant or flower, or
23 pluck, pull up, take or remove any shrub, bush, plant or flower within any parkway or
24 other public area.

25 C. Take, remove or carry away any machinery, equipment, motor vehicle,
26 apparatus, wood, turf, grass, soil, rock, furniture or fixture of any kind from any public
27 building, playground, park, yard or other area without permission from the custodian
28 in charge of said buildings or premises.

D. Deposit any paper, food, rubbish, debris or any waste material of any
kind in any public restroom, except in City-designated receptacles. No person over
the age of ten (10) years shall use the restrooms and washrooms designated for the
opposite sex.

E. Paste, glue, tack or otherwise post or distribute any sign, placard,
advertisement, or inscription whatever, nor shall any person erect or cause to be
erected any sign whatever on any public lands or highways or roads adjacent to a
park.

1 F. Engage in the activities or perform any of the actions prohibited by
2 Section 9.10.055 of this Code.

3
4 **SECTION 5:** Pursuant to Section 619 of the City Charter, this Ordinance shall
5 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the
6 City Charter, prior to the expiration of fifteen (15) days after the adoption, the City
7 Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver
8 City News and shall post this Ordinance or a summary thereof in at least three (3)
9 places within the City.

10 **SECTION 6:** City Council hereby declares that, if any provision, section,
11 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or
12 declared invalid or unconstitutional by any final action in a court of competent
13 jurisdiction or by reason or any preemptive legislation, then the City Council would
14 have independently adopted the remaining provisions, sections, subsections,
15 paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall
16 remain in full force and effect.

17 APPROVED and ADOPTED this _____ day of _____ 2023.

18
19 _____
20 Albert Vera, Mayor
21 City of Culver City, California

22 ATTEST:

23 APPROVED AS TO FORM:

24 _____
25 Jeremy Bocchino
26 City Clerk

27 _____
28 Heather S. Baker
City Attorney