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, 2022 the City Council directed staff to explore safe camping and safe parking sites on City-owned parking lots; and

WHEREAS, recent case law, has made clear 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

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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.

NOW THEREFORE, the City Council of the City of Culver City, California,

DOES HEREBY ORDAIN as follows:

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

CAMPING IN PUBLIC SPACES

§ 9.10.700 CAMPING IN PROHIBITED PUBLIC PLACES.

- A. No person shall camp in a prohibited public place.
- B. <u>No person shall leave or store personal property or camp facilities in a prohibited public place.</u>
 - C. For the purpose of this Section:
 - 1. "Camp" means to erect, maintain or occupy a camp facility for the purpose of living accommodations.
 - 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 combination of the following: tents, huts, other temporary physical shelters, cots, beds, or hammocks. "Camp facility" does not include sleeping bags, blankets, pillows and/or similar bedding used while sleeping.
 - <u>"Prohibited public place" means any of the following:</u>
 - a. a public park as defined in Section 9.10.005;
 - <u>b.</u> <u>public streets, public alleyways, public parking lots, public passageways, public rights-of-way, public sidewalks, publicly-owned landscaped areas, parkways, medians, or greenbelts;</u>
 - <u>c.</u> <u>public educational institutions, including properties owned</u> by the Culver City Unified School District;
 - <u>d.</u> <u>properties owned, leased or operated by other</u> governmental entities located within the City:
 - <u>e.</u> <u>other City-owned, leased or operated properties or facilities; and</u>
 - <u>f.</u> <u>any privately-owned space required to be maintained as public open space pursuant to a City-issued entitlement or permit.</u>

- <u>4.</u> <u>"Store" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.</u>
- <u>D.</u> <u>The City Council may, by resolution, establish one or more specified camping areas. Such camping areas, if any, may be located in prohibited public places, except that such camping areas shall not be located within public parks.</u>

SECTION 2: Culver City Municipal Code section 9.10.005 is hereby amended to read as follows (<u>underline</u> denotes addition, <u>strikethrough</u> denotes deletion) as follows:

§ 9.10.005 DEFINITION; MAINTENANCE OF MAP.

- A. As used in this Code, a *PUBLIC PARK* is any of the following:
- 1. Any area within the City of Culver City owned, leased or operated by the City as a park, playground, recreation <u>area</u> field, civic center, pool or bike path, including the parking lot or parking area immediately adjacent thereto;
- 2. The Veteran's Memorial Complex and Auditorium, Teen Center, and Plunge locker and dressing room facility, and any other buildings or structures within City parks, playgrounds, and recreation areas, including the parking lot or parking area immediately adjacent thereto Any area where public buildings or structures are located, including the parking lot or parking area immediately adjacent thereto; and
- 3. Any area owned or operated by another public agency as a park, playground, recreation field area, pool, civic center or bike path, including the parking lot or parking area immediately adjacent thereto.
- B. As used in Subsection A., an official action of the City Council to formally dedicate or to officially accept an area for public park purpose is not required.
- C. The City Engineer shall maintain a map designating *PUBLIC PARKS* in the official records of the City Engineer.

SECTION 3: Culver City Municipal Code section 9.10.055.E is hereby amended to read as follows (<u>underline</u> denotes addition, <u>strikethrough</u> denotes deletion) as follows:

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- Open for occupancy 73 new units of interim and permanent supportive housing, known as Project Homekey, located at 3868 and 3900 Sepulveda Boulevard;
- 2. Open for occupancy a safe-camping site with supportive services for up to 40 people on a City-owned parking lot at 10555 Virginia Avenue; and
- 3. Enter into long-term agreements with local motels for additional rooms for temporary housing.

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

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