

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING
CHAPTER 37 TO TITLE 4 OF THE OAKLEY MUNICIPAL CODE REGARDING
CAMPING**

The City Council of the City of Oakley does ordain as follows:

Section 1. Chapter 37 of Title 4 of the Oakley Municipal Code is hereby added to read as follows:

**CHAPTER 37
CAMPING**

4.37.102 Purpose.

The declared purpose of this chapter is to provide rules and regulations regarding the use of public property, for the protection of the public health, safety and welfare of residents of the city and users of public property, to ensure public property is maintained in a manner consistent with the broadest use by residents of the city.

4.37.104 Definitions.

As used in this Chapter,

“Camping” is the occupation of camp facilities, living temporarily in a camp facility or outdoors with or without camp paraphernalia, in, on or under any structure not intended for human occupancy, whether with or without bedding, tent, hammock or other similar protection or equipment.

“Public property” includes any park, open space, street, right of way, sidewalk, bus stop, public landscaping, parking lot, building set-back, vacant land or any other area open or accessible to the public, improved or unimproved.

4.37.106 Camping.

No person shall set up tents, huts or other temporary shelter on public or private property for the purpose of camping unless authorized under Section 4.37.110 of this Chapter.

In no case shall this ordinance prohibit camping that has been legally established pursuant to Chapter 9.1 (Zoning Ordinance) of this Code.

A violation of this section shall be a misdemeanor punishable in accordance with Oakley Municipal Code Section 1.5.002 or as otherwise provided for in this Code.

4.37.108 Personal Property Related to Camping.

No person shall place, leave or store personal property including, but not limited to collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks, barbeques, portable stoves or other cooking equipment, clothing or personal hygiene items on public property.

4.37.110 Authorized Camping.

- a. Camping is allowed on public property specifically set aside and clearly marked for public camping purposes when authorized by the city. A temporary use permit must be obtained and approved by the city pursuant to Section 9.1.1606 of this Code prior to any person camping.
- b. Camping is allowed on private property with the consent of the property owner where the camping is not in view from the street; except that:
 - i. camping is not permitted if conducted in such a manner as to constitute a nuisance because of noise, sanitation or other matters offensive to persons of ordinary sensibility;
 - ii. camping is not permitted where it exceeds three days duration;
 - iii. camping is not permitted if any fee, charge or other monetary consideration is collected for camping or for any services or the use of any facilities related thereto.
- c. A violation of this section shall be subject to administrative fines as set forth in Article 2 of Chapter 5 of the Oakley Municipal Code.

4.37.112 Use of City Utilities on Public Property.

No person shall access city utilities such as electricity or other power on public property without express permission from the City Manager or his or her designee.

Section 2. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. California Environmental Quality Act ("CEQA") finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2018 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date