Amendments to the San Diego Municipal Code Related to Unauthorized Camping or Encampments on Public Property







ORDINANCE REGULATING THE USE OF PUBLIC PARKS IN THE CITY OF SAN DIEGO, PRESCRIB-ING A PENALTY FOR THE VIOLATION HEREOF, AND REPEALING ORDINANCE NO. 5380, APPROVED DECEMBER 18, 1913.

BE IT ORDAINED, By the Council of The City of San Diego, as follows: Section 1. It shall be unlawful for any person, firm or corporation within the limits of any park or plaza within the City of San Diego to do any of the acts hereinafter specified:

(1) To distribute circulate give ever throw or denosit in on on any of said

(0-93-56)

ORDINANCE NUMBER 0- 17951 (NEW SERIES) AUG 0 9 1993

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE TO REFLECT THE RENUMBERING OF SECTION 63.02.24 WITHIN THE TEXT OF SECTION 22.0207; AND AMENDING CHAPTER VI, ARTICLE 3 RELATING TO PUBLIC PARKS, PLAYGROUNDS, BEACHES, TIDE-LANDS AND OTHER PROPERTY.

ORDINANCE NO.

WITHIN PARKS AND BEACHES.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Section 63.02 of the San Diego Municipal Code be, and the same is hereby amended to read as follows: "SEC. 63.02 USE OF PUBLIC PARKS AND BEACHES REGULATED

- (a) Purpose and Intent. It is the purpose and intent in enacting this section to regulate and prohibit certain activities in public parks and beaches within the City of San Diego in the interests of protecting the enjoyment and safety of the public in the use of the facilities.
- (b) No person shall within any public park or plaza or public beach or beach areas within the City of San Diego do any of the acts hereinafter enumerated:" Section 2. A violation of any provision or the failure to comply with any of the requirements established by this ordinance shall constitute a misdemeanor. Any person convicted of such violation or such failure shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the city jail for a period of not more than six (6) months or by both fine and imprisonment. The provisions of Section 11.12 of the San Diego Municipal Code shall apply.

Section 3. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.





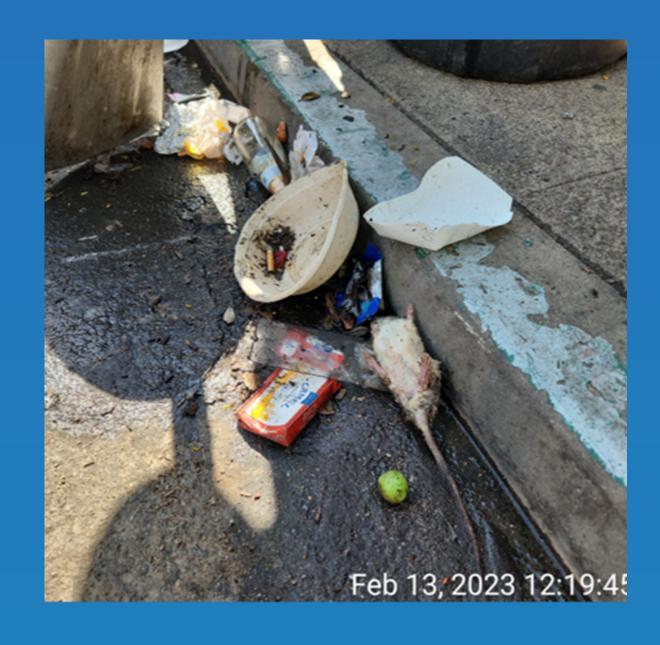








Public Health & Safety Risks









Martin vs. Boise

These amendments to the Municipal Code are consistent with the Ninth Circuit Court of Appeals decision in Martin v. City of Boise and the settlement agreements related to the City of San Diego response to homelessness. The language and abatement process in the ordinance is compliant with the 2007 Spencer Settlement and the 2011 Isaiah Settlement.





The proposed ordinance establishes that it is unlawful for any person to camp in or upon any public property if shelter beds are available, unless specifically authorized by the City Manager.





In addition, it would make it unlawful, at any time regardless of the availability of shelter beds, for any person to camp or to have unauthorized encampments in the following locations:





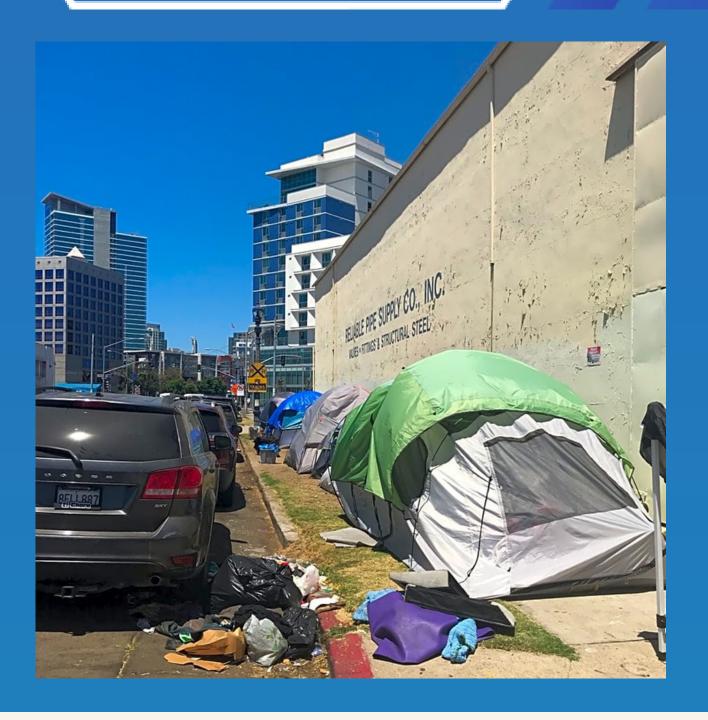
 Within two blocks of an elementary, middle, or high school citywide.







 Within two blocks of any shelter citywide, provided signs are posted prohibiting camping that are clearly visible to pedestrians.







In any open space or waterway citywide, as defined in the ordinance within the boundaries of the City, or the natural areas abutting a waterway.







Within any transit hub, on any trolley platform, or along any trolley tracks citywide, provided signs are posted prohibiting camping that are clearly visible to pedestrians.







• In any park citywide, provided signs are posted prohibiting camping that are clearly visible to pedestrians.







From August of 2022 through February of 2023 there were more than 16,000 reports of encampments made to City of San Diego.

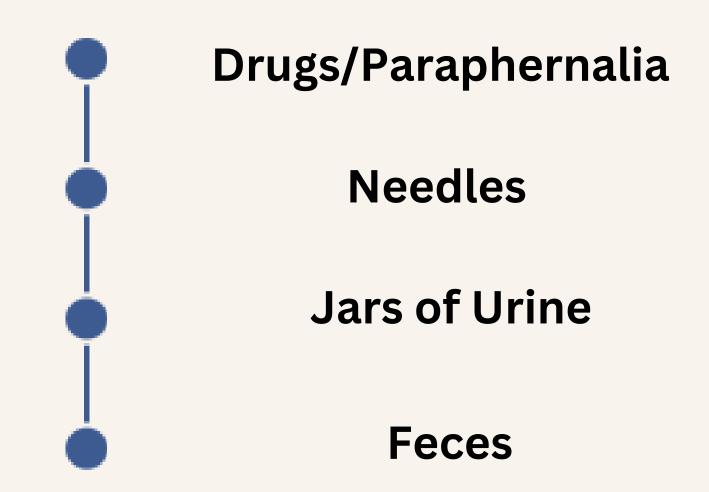






Items Commonly Found in Encampments:



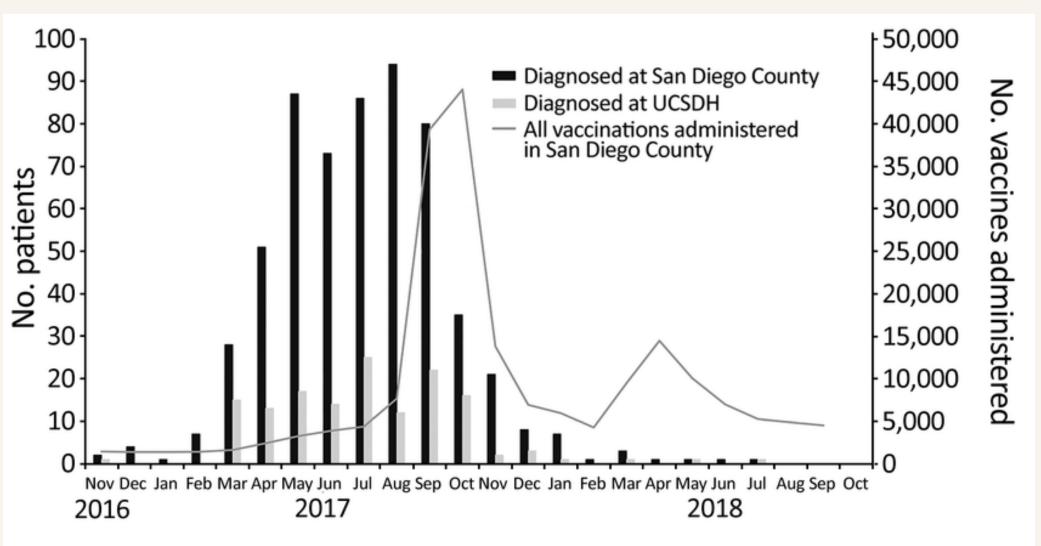






Public Health: Hepatitis A









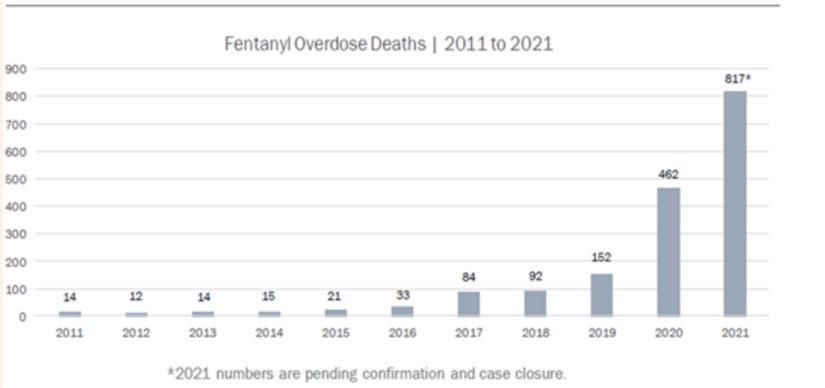
Public Health: Fentanyl Overview



San Diego Police Department

Fentanyl Overview

San Diego County | Fentanyl ODs



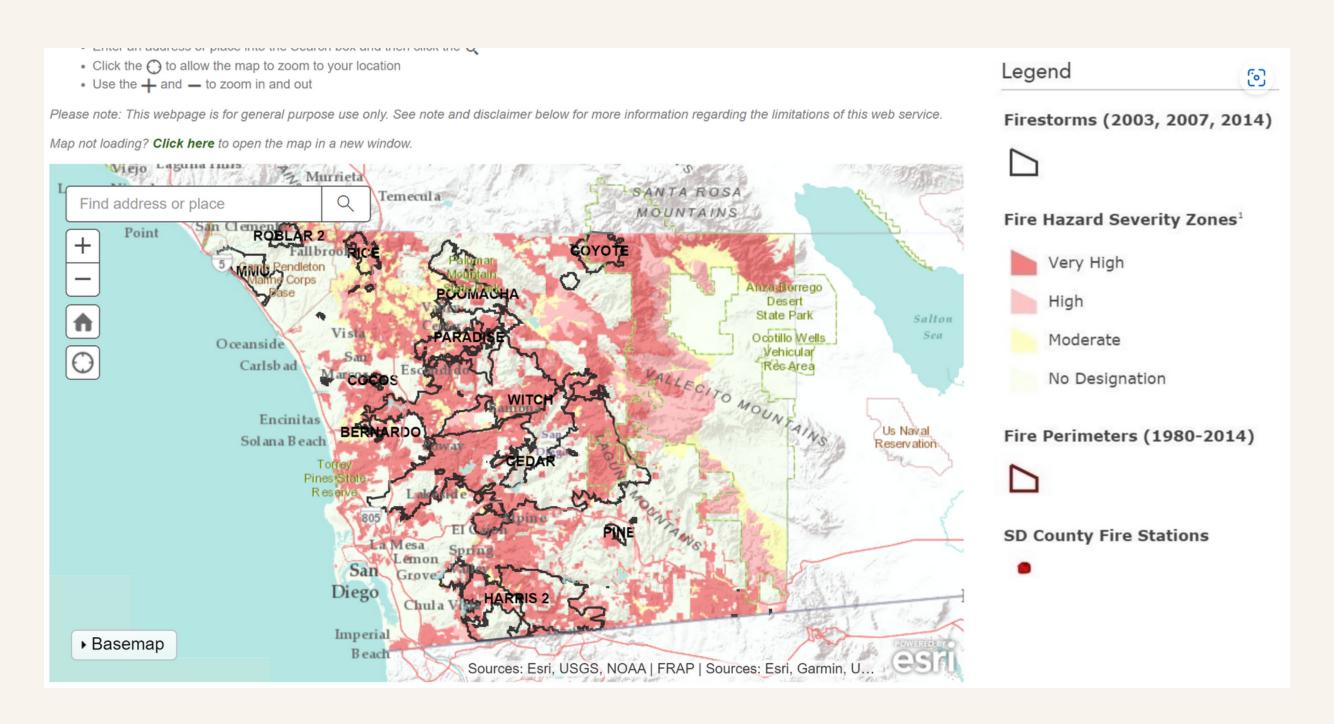


sandiego.gov





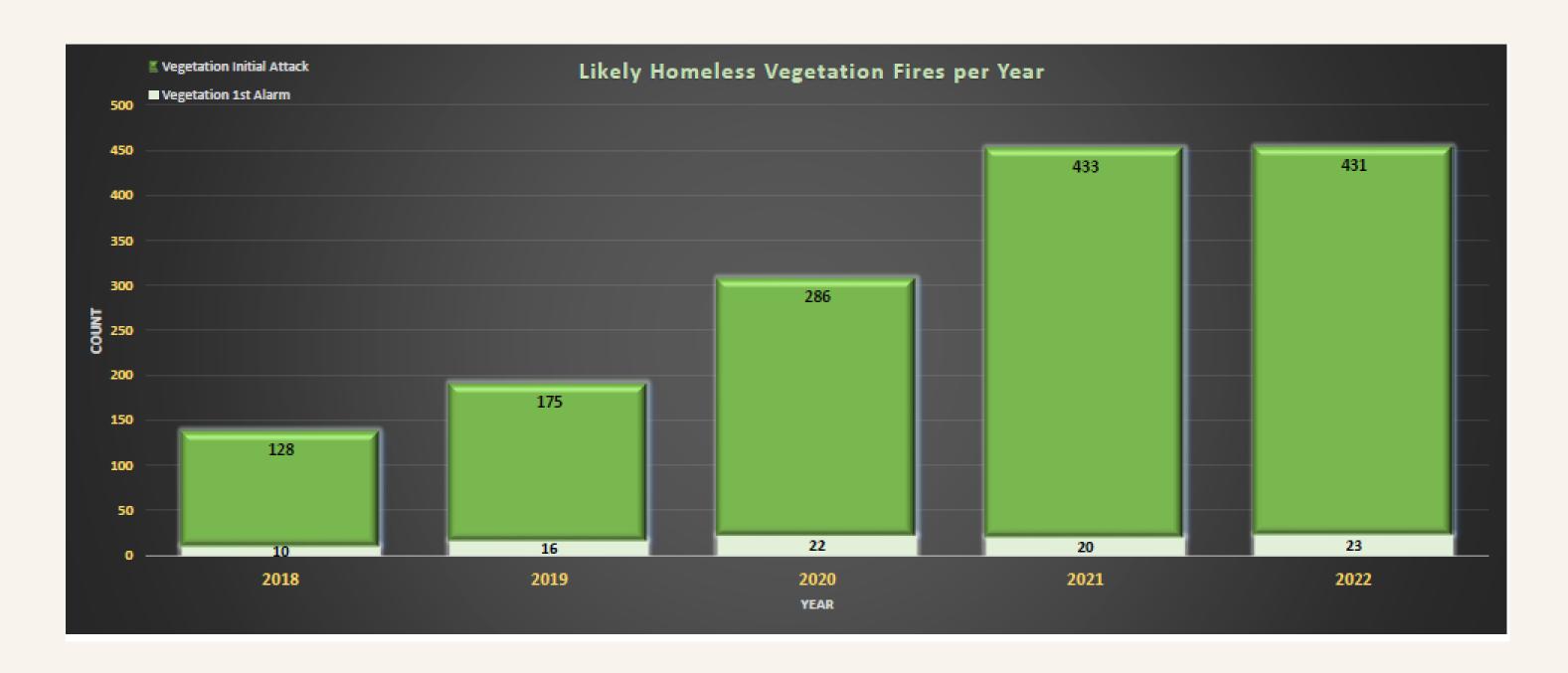
Environmental Risk Factors:







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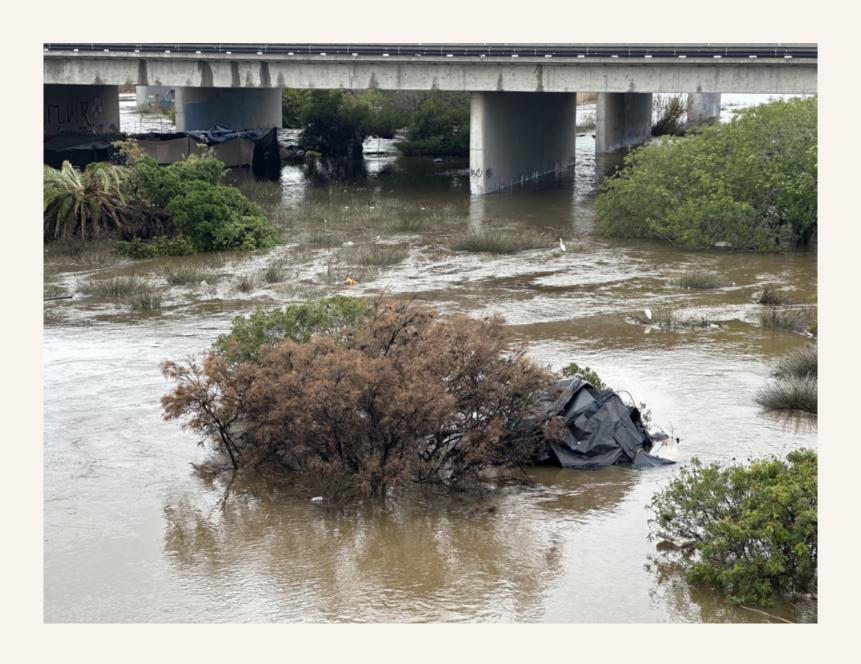






Water Pollution Risk:









Community Outreach Citywide: Over 100 Meetings

- Barrio Logan Planning Group
- Rolando Community Council
- Pacific Beach Town Council
- Skyline Town Council
- Ocean Beach Town Council
- Mira Mesa Town Council
- East Village Residents Group
- City Heights Area Planning Committee
- Rancho Penasquitos Town Council
- Community Planners Committee
- People Assisting the Homeless
- Balboa Park Committee of 100
- Little Italy Board of Directors
- Hilcrest Town Council

- La Jolla Town Council
- Old Town Planning Group
- Oak Park Community Council
- San Ysidro Planning Group
- Mid-City Homeless Coalition
- Regional Task Force on Homelessness
- Downtown San Diego Partnership
- Normal Heights Planning Group
- Kearny Mesa Planning Group
- Southeastern Planning Committee
- Cortez Hill Residents Group
- Carmel Valley Planning Board
- Gaslamp Quarter Association
- Rolando Park Community Council
- Plus 70 additional meetings





ACTION:

Adopt an Ordinance amending Chapter 5, Article 4, Division 2 of the San Diego Municipal Code by amending section 54.0212; amending Chapter 6, Article 3, Division 00 by repealing and reserving section 63.20.11; amending Chapter 6, Article 3, Division 1 by amending sections 63.0102, 63.0103, 63.0105 and 63.0108; amending Chapter 6, Article 3, by adding Division 4 sections 63.0401, 63.0402, 63.0403, 63.0404, 63.0405, and 63.0406 all relating to regulating encampments on public property.



