

CITY OF WESTMINSTER
ORDINANCE NO. 2619

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF WESTMINSTER, CALIFORNIA, AMENDING
CHAPTER 12.28 (CAMPING AND STORAGE OF
PERSONAL PROPERTY) OF THE WESTMINSTER
MUNICIPAL CODE TO ESTABLISH REGULATIONS ON
UNLAWFUL CAMPING AND PROHIBITING THE USE OF
PUBLIC RIGHTS-OF-WAY AND FACILITIES FOR
STORAGE OF PERSONAL ITEMS OR AS A PLACE TO SIT,
SLEEP OR LIE DOWN

WHEREAS, the City of Westminster desires to keep public areas in the City in an accessible condition, to adequately protect the health, safety, environment and general welfare of the community, and to ensure that public areas, facilities and rights-of-way are used for their intended purposes and remain open and available to all members of the public, including the disabled, the elderly, families, children, and visitors; and

WHEREAS, access to public sidewalks, streets, rights-of-way and facilities should not be impeded or prevented by the storage of personal items on and in public rights-of-way and by people using the public rights-of-way to sit, sleep or lie down; and

WHEREAS, the storage of unattended personal property on public property creates a health, safety, and security risk to the public because, among other things, it can obstruct access to needed services and facilities, can pose a tripping risk, and can divert limited public resources to evaluate suspicious or unknown packages or personal property; and

WHEREAS, unauthorized occupation of public areas and rights-of-way can create health and safety risks related to the accumulation of trash, food waste, human waste and contaminated medical waste; and

WHEREAS, maintaining clean and safe public areas is essential for the economic vitality of the City, as it encourages tourism, business development, community events and the increased use of those areas by the public; and

WHEREAS, the City Council desires to continue to protect the public health, safety and welfare by regulating the use of public rights-of-way and facilities; and

WHEREAS, the City has taken proactive measures to address the underlying issues leading to unlawful camping and the storage of personal items on public property,

including the implementation of outreach and engagement teams to address needed resources for unsheltered people in the City; and

WHEREAS, the City of Westminster recently partnered with the cities of Garden Grove and Fountain Valley to open a Navigation Center on the border of Westminster, which operates to provide resources to men, women, couples and families, a commercial kitchen, and an outdoor area for participants and their pets, to provide shelter to unsheltered persons in the City of Westminster; and

WHEREAS, the United States Supreme court issued new law addressing the enforcement of laws regarding sleeping, camping and storing of personal property in public places in *City of Grants Pass, Oregon v. Johnson, et al.*, 144 S. Ct. 2202 (2024) (“Grants Pass”); and

WHEREAS, although the City of Westminster has adopted municipal code regulations to address interference and access to public areas and continues to provide a multi-faceted and holistic approach to ensuring the health, safety and general welfare of all of its residents, the public continues to express concern that access to public and private property is being impeded by people camping on public property, by the storage of personal items on public property, and by people using the public rights-of-way to sit, sleep and lie down; and

WHEREAS, because of the large numbers of persons entering and existing schools compared to their physical footprint is so high, and because of the additional needs of children and those supervising such children is substantially higher than other uses, it is particularly important that the entrances and exits from schools be free of obstructions;

WHEREAS, for all of the foregoing reasons, the City Council desires to amend the Westminster Municipal Code to provide additional protection for the public health, safety and general welfare and additional enforcement mechanisms for those purposes.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. Chapter 12.28 (CAMPING AND STORAGE OF PERSONAL PROPERTY) of Title 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) of the Westminster Municipal Code is hereby retitled, the entire chapter is deleted, and the following is substituted in its place:

CHAPTER 12.28
UNLAWFUL CAMPING AND OBSTRUCTION OF PUBLIC
RIGHTS-OF-WAY AND PUBLIC FACILITIES

12.28.010 – Definitions

- (a) "Camp" means the use of an area for living accommodation purposes such as sleeping activities, preparations to sleep (including laying down bedding for the purpose of sleeping), storing personal belongings, making any fire, using any tents or other structure for sleeping, doing any digging or earth-breaking or carrying on cooking activities. Such activities constitute camping when it reasonably appears that the participant, in conducting these activities, is using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which he or she may engage.
- (b) "Camp facilities" include, but are not limited to, tents, huts or temporary shelter.
- (c) "Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, or cooking facilities and similar equipment.
- (d) "Landscaped Area" means all improved landscaped areas, except for open grass area.
- (e) "Median" means a traffic fixture consisting of a strip of ground dividing or separating a street, roadway or highway into lanes according to the direction of travel.
- (f) "Personal Property" means tangible personal belongings or possessions, which shall include any movable or tangible things that are subject to ownership; property or chattels that can be seen, weighed, measured, felt, or touched, including furniture, appliances, camp paraphernalia, tents, and "shopping carts."
- (g) "Parkway" means the strips of land along Streets between the curb and the sidewalk.
- (h) "Public Area" means publicly-owned or controlled property, including Public Parks, Public Rights-of-Way and Public Facilities.
- (i) "Public Park" means all dedicated parks, triangles and traffic circles maintained by the City of Westminster. "Public Park" does not include Parkways.
- (j) "Public Facility" or "Public Facilities" means all city owned buildings and real property including public parking lots, public parking structures, and public bathrooms, but excluding Public Rights-of-Way and Public Parks.
- (k) "Public Rights-of-Way" or "Public Right-of-Way" means any place of any nature which is dedicated for use by the general public for pedestrian and vehicular travel, and includes a Street, alley, sidewalk, curb, crossing, intersection, Parkway, tunnel, bridge, thoroughfare or any other area designated as public right of way by the City.
- (l) "Store", "Stored", "Storing" or "Storage" means to put aside Personal Property in a Public Area or accumulate it for use when needed; to place Personal Property in a Public Area for safekeeping; and/or to leave Personal Property unattended in a Public Area.

- (m) "Street" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term "Street" includes highways.
- (n) "Unattended" means no person who asserts or claims ownership over Personal Property is present with or accompanying the Personal Property.

12.28.020 Camping unlawful

It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia in the following Public Areas, except as otherwise provided:

1. Any Public Park;
2. Any Public Right-Of-Way;
3. Any Public Facility.

12.28.030 – Obstructing access to roads or buildings

No person shall stand, lie, sleep, sit, or in any manner obstruct, by means of person or personal property, public or private access by ingress or egress from or to a Public Right-of-Way, or in or at the entrance or exit of any Public Facility or private building, so as in any manner to obstruct such ingress or egress access.

12.28.040 – Obstruction of Public Parks, Public Rights-of-Way or Public Facility

- (a) Storing Property. No person shall fix in place, Store, maintain or leave Personal Property that is Unattended in or on a Public Park, Public Right-of-Way, or Public Facility.
- (b) Right-of-Way. No person shall sleep, lie down, or sit on the ground in a Public Right-of-Way. No person shall sit on any movable chair, bucket, crate, cooler, or similar Personal Property in a Public Right-of-Way.
- (c) Public Facility. No person shall sleep or lie down in or on a Public Facility.
- (d) Medians, Parkways and Landscaped Areas. No person shall sit, lie, or sleep, or Store, maintain or place, Personal Property on a Median, public parkway, or Landscaped Area, with the exception of sitting or lying in a Landscaped Area specifically designed for the purpose of sitting or lying.
- (e) Bus Shelters and Benches. No person shall sleep or lie down on or under a public transit shelter or a public transit bench.
- (f) Park Structures. No person shall sleep or lie down on a bench, table, playground equipment, or other fixed structure in a Public Park.
- (g) Private Access. No person shall obstruct public or private access by sitting, lying, or sleeping in a Public Right-of-Way or Public Facility, or by Storing, using, maintaining, or placing Personal Property in a Public Right-of-Way or Public Facility:
 1. In a manner that obstructs or impedes passage in violation of the Americans with Disabilities Act;

2. On or within ten (10) feet of an operational or utilizable driveway, ramp, or loading dock;
3. Within ten (10) feet of an operational or utilizable entrance or exit to any building, establishment, retail store, restaurant, office building, or other place into which the public is invited;
4. Within ten (10) feet of a fire hydrant, fire plug, or other connection used by the Fire Department;
5. Within ten (10) feet of an automatic teller machine or any door that provides access to an automatic teller machine;
6. Within ten (10) feet of an electric vehicle charging station, parking pay station, or parking meter;
7. Within ten (10) feet of the entrance to or exit from a Public Facility;
8. Within ten (10) feet of a sidewalk ramp or a crosswalk;
9. Within ten (10) feet of a corner where a street, roadway, highway, or alley intersect;
10. Within one hundred (100) feet from the entrance or exit from any school (K-12) or day care center and one hundred (100) feet from the driveway to or from any school or day care center.
11. In a manner that unreasonably interferes with maintenance of public equipment or facilities; or
12. In a manner that unreasonably interferes with the use of the Public Right-of-Way by motor vehicles, pedestrians or bicycles.

12.28.050 – Exceptions

The following, by themselves, shall not constitute a violation of this Chapter.

- (a) Legally parked vehicles;
- (b) Trash and refuse placed for collection by the city refuse collection service;
- (c) Objects placed for a period not exceeding one (1) hour for purposes of loading or unloading, provided such activity is not part of a regular course of conduct;
- (d) Temporary drainage of water, provided that public passage and access to abutting property remains open and no hazard to health or safety is created;
- (e) Activity, equipment, or materials authorized by law or by lawful government permit, or actions taken via governmental authority or action, including but not limited to:
 1. Activities authorized or contemplated by a permit issued pursuant to Chapter 9.61 (Special Event Permits), such as sitting on a lawn chair while watching a legally conducted parade, ceremony, sports event, or other lawful or permitted event.
 2. Activities authorized by an encroachment permit.
 3. Activities authorized via Chapter 12.04 (Excavation).
 4. Activities conducted by or under the auspices of the City or another governmental entity.

12.28.060 – Violations, penalties and enforcement

In addition to any other remedy allowed by law, any person who violates a provision of this Chapter is subject to criminal sanction, civil action, and administrative citation pursuant to Chapters 1.12 and 1.14.

- (a) Violations of this chapter are hereby declared to be a public nuisance.
- (b) The City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate any condition(s) found to be in violation of the provisions of this Chapter, as provided by law.
- (c) All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.

SECTION 3. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant effect on the environment. (14 C.C.R. § 15061(b)(3).)

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. The City Clerk certifies that the Mayor and City Council introduced and conducted first reading on the 26th day of March 2025. The City Clerk further certifies that the Mayor and City Council at its Regular Meeting on the 9th day of April 2025, conducted second reading, passed, and adopted Ordinance No. 2619 and shall affix their signature and City Seal and that same shall be entered into the Book of Ordinances.

SECTION 6. Attestation. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

PASSED, APPROVED AND ADOPTED this 9th day of April 2025.

CITY OF WESTMINSTER

CHI CHARLIE NGUYEN
MAYOR

ATTEST:

ASHTON R. AROCHO, MMC
CITY CLERK

APPROVED AS TO FORM:

SCOTT E. PORTER
CITY ATTORNEY

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**CITY OF WESTMINSTER
CITY CLERK'S OFFICE**

**CERTIFICATION
OF
ORDINANCE**

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF WESTMINSTER)

I, ASHTON R. AROCHO, MMC, City Clerk of the City of Westminster, do hereby certify that the foregoing Ordinance No. 2619 was introduced for first reading on the 26th day of March 2025, and duly passed, approved, and adopted by the City Council of the City of Westminster at a Regular Meeting held on the 9th day of April, 2025 with the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Ashton R. Arocho, MMC
City Clerk

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