

Chapter 12.28

CAMPING ALONG THE STANISLAUS RIVER

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12.28.010 Purpose.

The public areas within the city along the Stanislaus River should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts neighborhoods and commercial areas. Camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the city. The purpose of this chapter is to maintain public and private areas within the city along the Stanislaus River in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property. (Ord. 651 §1, 2001)

12.28.020 Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

"Along the Stanislaus River" means that area that extends from the San Joaquin County line which lies along the bed of the Stanislaus River to a distance of three hundred (300) feet away from the bank of the river.

"Camp" means to place, pitch or occupy camp facilities, to live temporarily in a camp facility or outdoors, or to use camp paraphernalia for the purpose of remaining overnight.

"Camp facilities" include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, camper trailers, motor homes, or other temporary shelter.

"Camp paraphernalia" includes, but is not limited to, bedrolls, tarpaulins, cots, beds, sleeping bags, blankets, hammocks or cooking facilities and similar equipment.

"City Administrator" means the city Administrator or designee.

"Establish" means setting up or moving equipment, supplies or materials on to public or private property to "camp" or operate camp facilities.

"Maintain" means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

"Operate" means participating or assisting in establishing or maintaining a camp or camp facility.

"Overnight" means any consecutive period of

four hours or longer between the hours of 8:00 p.m. and 6:00 a.m.

"Park" means and includes any park, parkway, plaza, greenbelt, garden, lake, river, and any other property owned by the city, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term "park" also includes all off street parking areas which are used or intended to be used in connection therewith. The term "owned" includes any property interest under which the city operates, maintains, or controls said property. The term also includes any property owned or kept by the city as open space, including undeveloped sites for future parks.

"Private property" means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

"Public property" means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

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

"Street" means the same as defined in Section 12.04.010 of this title. (Ord. 651 §1, 2001)

12.28.030 Unlawful camping.

It is unlawful and a public nuisance for any person to camp in the following areas:

- A. Public property along the Stanislaus River; or
- B. Private property along the Stanislaus River.
 1. This section is not intended to prohibit

overnight camping on private residential property by friends or family of the property owner, so long as the owner consents and the overnight camping is limited to not more than one consecutive night.

2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with an incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful, activities of a property owner or other lawful user if such activities are expressly authorized by the city's comprehensive zoning ordinance or other laws, ordinances and regulations.

A violation of this section is a misdemeanor. In addition to the remedies set forth in the Penal Code, the city attorney may institute civil actions to abate a public nuisance under this chapter. (Ord. 651 §1, 2001)

12.28.040 Storage of personal property on public and private property.

It is unlawful and a public nuisance for any person to store personal property, including camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

- A. Any public property along the Stanislaus River; or
- B. Any private property along the Stanislaus River without the written consent of the owner.

A violation of this section is a misdemeanor. In addition to the remedies set forth in the Penal Code, the city attorney may institute civil

actions to abate a public nuisance under this chapter. (Ord. 651 §1, 2001)

12.28.050 Current ordinance provisions.

Neither the adoption of the ordinance codified in this chapter nor the repeal hereby of any ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as affecting any of

the provisions of such ordinance relating to the collection of any such license or penalty or the penal provision applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 651 §1, 2001)