

Moore, Tania

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Sent: Monday, December 19, 2022 5:36 PM
To: CITY COUNCIL
Cc: Zelinka, Al; e.parra@surfcity-hb.org; Hopkins, Travis; Gates, Michael
Subject: CC Agenda Items 29 & 32

Regarding Items #29 and #32 on the City Council Agenda, 12/20/2022 . . .

Council members:

Excerpts from some of the more interesting Municipal Code ordinances already on our books (and, Yes, we have a Navigation Center – see *Martin v. City of Boise*, 920 F.3d 584) . . .

§13.10.030 UNLAWFUL CAMPING

It is unlawful and a public nuisance for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas:

- A. Any public property; or
- B. Any private property [without owner's consent].

§13.10.040 UNLAWFUL STORAGE OF PERSONAL PROPERTY ON PUBLIC AND PRIVATE PROPERTY

It shall be unlawful and a public nuisance for any person to leave stored personal property on public property or private property without the consent of the property owner or except as otherwise approved by the Police Chief, the Community & Library Services Director, the Public Works Director, or any of their designees. Stored personal property left on public or private property in violation of this section may be impounded pursuant to the provisions of this chapter.

§13.10.041 IMPOUNDING STORED PERSONAL PROPERTY

- A. The Police Chief, or his or her designee, is authorized to impound stored personal property located on public property or private property pursuant to the provisions of this chapter. The Police Chief is authorized to adopt written policies and procedures to implement provision of this chapter. Nothing in this chapter shall be construed to limit or otherwise interfere with State law regarding the impounding of evidence related to a crime.
- B. Stored personal property may be impounded and disposed of without notice if there is a cause to reasonably believe that the stored personal property is:

- 1. Perishable;
- 2. Contaminated with feces, urine or bodily fluid;
- 3. Infested with insects;
- 4. Contaminated with mold or mildew;
- 5. Intentionally discarded;
- 6. An immediate threat to public health or safety.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/20/2022

Agenda Item No.: #32(22-1095)

§9.20.015 PUBLIC NUDITY

It shall be unlawful for any person over the age of nine years old to appear, bathe, sunbathe, walk or be on any public park, playground, beach, or in the water adjacent thereto, or on any other public land, or on any private property open to public view from any public beach, playground, park, public place, or public right-of-way in such a manner as to knowingly and intentionally expose his or her genitals, pubic hair, perineum, anal region or pubic hair region, or expose the nipples and/or areola of the female breast except as necessary while engaging in breastfeeding.

§9.20.020 HUMAN WASTE

No person shall urinate or evacuate his or her bowels on private property in an area exposed to the public view, or on any public street, sidewalk, alley, park, or other public place, except in a public restroom.

§9.44.010 DRINKING IN PUBLIC PLACES

No person shall drink any malt, spirituous or vinous liquor containing more than one-half of one percent of alcohol by volume, upon any public streets, alleys, sidewalks, parkways, playgrounds, parking lots open to the public, public parks, public school grounds, and public recreation areas within this City, unless such person is on any place for which a conditional use permit or special permit has been issued by the City of Huntington Beach permitting alcohol consumption.

Thank you.

Gino J. Bruno
Huntington Beach