

LEGISLATIVE DRAFT

HBMC 13.10

13.10.020 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.

“**Camp**” means to place, pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

“**Camp facilities**” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.

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

“**City Manager**” means the City Manager 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.

“**Park**” means the same as defined in Section 12.72.010 of this title.

“**Stored Personal Property**” means any and all tangible property a person may deposit in a location with an intent to recover it at a later time. Tangible property includes, but is not limited to goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication, and household items. Stored Personal Property excludes refuse, trash, and/or tangible property.

“**Private property**” means all private property including, but not limited to, streets, sidewalks, 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 aside for safekeeping, to place or leave in a location.

“**Street**” means the same as defined in Section 12.16.180 of this title.

13.10.040 Unlawful Storage of Personal Property on Public and Private Property.

- A. It shall be is unlawful and a public nuisance for any person to leave store 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, including camp

paraphernalia, in the following areas, except as otherwise provided by resolution of the City Council:

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

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 and including Sections 13.10.042 through 13.10.044. 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 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;
- C. Stored Personal Property may be impounded without notice if there is a cause to reasonably believe that the Stored Personal Property is:
 - 1. Evidence of a crime; or
 - 2. Evidence in a criminal investigation; or
 - 3. Unlawful to possess.
- D. Except as provided above, Stored Personal Property located on Public or Private Property may be impounded after providing 24 hours actual or posted notice as provided in this Section.
- E. Actual Notice shall be provided by placing on or near the Stored Personal Property a writing containing the following information:
 - 1. A general description of the Stored Personal Property;
 - 2. The location of the Stored Personal Property;
 - 3. The date and time the notice was placed; and,
 - 4. A statement that the Stored Personal Property has been deposited in violation of this Chapter 13.10, and will be impounded by the City if the Stored Personal Property is not removed within twenty-four (24) hours of issuance of the Actual Notice.
- F. Posted Notice shall be deemed provided by erecting at least one sign in a conspicuous place providing notice that any Stored Personal Property found in a described area may

be removed, and impounded if not claimed and removed within twenty-four hours after being discovered. The sign shall provide a phone number and address where a person may receive information to recover his or her Personal Property.

G. After the notice period has expired, the Stored Personal Property shall be deemed abandoned and be impounded. Prior to impounding the Stored Personal Property, the City will provide notice in a conspicuous place at or near where the Stored Personal Property was located with the following information:

1. A general description of the Stored Personal Property;
2. The location of the Stored Personal Property;
3. The date and time the notice was placed; and,
4. A statement that the Stored Personal Property has been impounded by the City, and the process to re-claim.

13.10.042 Impounding Personal Property after Closure

Notwithstanding Section 13.10.041, any Stored Personal Property located in any area that is posted with conspicuous signs indicating the area is closed to the public may be immediately impounded without notice. The posted signs must contain language indicating that all Stored Personal Property found during the hours the area is closed will be impounded. The sign shall describe where the Stored Personal Property will be stored, including a telephone number and the address where a person may receive information regarding how to recover the Personal Property.

13.10.043 Storage and Disposal of Impounded Personal Property

- A. Stored Personal Property that is impounded pursuant to this Chapter shall be stored by the City for a period of ninety (90) days. If the owner of the Stored Personal Property is reasonably ascertainable, the Police Chief, or his or her designee, shall promptly notify the owner of the procedure to claim his or her Personal Property.
- B. The Police Chief, or his or her designee shall return the Stored Personal Property to its owner upon presentation of satisfactory evidence of ownership.
- C. In the event the Stored Personal Property is not claimed within ninety (90) days, it shall be subject to disposition as provided under Huntington Beach Municipal Code (HBMC) Chapter 2.96.

13.10.044 Dangerous or Perishable Personal Property

Subject to the provisions of Section 13.10.041 and 13.10.042, Stored Personal Property may be disposed of immediately and without notice, in a manner that the Chief of Police determines to be in the public interest, when such Stored Personal Property is perishable, contaminated with feces, urine or bodily fluid, infested with insects, contaminated with mold or mildew, constitutes an

immediate threat to the public health or safety, or is infectious waste as defined at in HBMC Section 8.21.040.

13.10.090 Violations Penalty

~~Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable as provided in the Huntington Beach Municipal Code. In addition to the remedies set forth in [Penal Code](#) Section 370, the City Attorney may institute civil actions to abate a public nuisance under this chapter.~~

13.10.090 Violations, Penalties and Enforcement

Notwithstanding any other provision in this Code, each violation of the provisions of this Chapter may be enforced alternatively as a misdemeanor or an infraction at the discretion of the City Attorney, or the City Attorney may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter.