



Legislation Details (With Text)

File #: 21-170 **Version:** 1

Type: Consent Calendar **Status:** Passed

File created: 2/17/2021 **In control:** City Council/Public Financing Authority

On agenda: 3/1/2021 **Final action:** 3/1/2021

Title: Adopt Ordinance No. 4228 to amend Chapter 13.10 of the Huntington Beach Municipal Code Prohibiting the Storage of Personal Property on Public or Private Property Approved as amended 6-1 (Peterson - No)

Attachments: 1. Att#1 Ord 4228, 2. Att#2 Legis Draft-Ord 4228, 3. 2/16/21 Sup Com - 6 emails

Date	Ver.	Action By	Action	Result
3/1/2021	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Chris Slama, Director of Community & Library Services

Subject:

Adopt Ordinance No. 4228 to amend Chapter 13.10 of the Huntington Beach Municipal Code Prohibiting the Storage of Personal Property on Public or Private Property Approved as amended 6-1 (Peterson - No)

Statement of Issue:

The existing Huntington Beach Municipal Code (HBMC) Chapter 13.10 requires modification to prevent the storage of personal property within public spaces and upon publicly owned and maintained property, and to facilitate its removal when warranted. Additionally, while private property owners currently have the ability within and upon their property to remove and dispose of stored or abandoned items, there is currently no specific criminal statute to bring enforcement action.

The storage of personal property within public spaces in Huntington Beach, including but not limited to parks, beaches, and sidewalks, is not consistent with the intended public use(s) of these locations, and the presence of unknown and potentially dangerous items creates an undue public safety concern for the users of these public spaces. The City of Huntington Beach responds regularly to quality of life complaints from residents related to the storage of personal property in public places including visible trash, discarded and clearly abandoned property, as well as unusable and unwanted property. In addition, hypodermic needles and syringes have been discovered among this property. Currently, City employees are limited in their ability to remove this property unless it is clearly refuse, or is soiled or otherwise contaminated to the degree that it poses a public health risk.

Lastly, the current HBMC does not provide sufficient clarity related to enforcement, and is insufficient in ensuring the removal of stored property is conducted appropriately and within the law. The proposed ordinance provides clarity related to enforcement, including specific language related to the required noticing, signage, minimum-retention period, and procedures for community members to follow for the reclaiming of property.

Financial Impact:

Not applicable.

Recommended Action:

Adopt Ordinance No. 4228, "An Ordinance of the City of Huntington Beach Amending Chapter 13.10 of the Huntington Beach Municipal Code Prohibiting the Storage of Personal Property on Public or Private Property."

Alternative Action(s):

Do not approve the recommended action and direct staff accordingly.

Analysis:

A review of similar ordinances in surrounding cities (Anaheim, Santa Ana, Westminster, and Costa Mesa), and consultation with representatives from those jurisdictions, has demonstrated a consistent approach to this issue and the need for the proposed modification. Further, civil litigation within Orange County and the region provides compelling support for the adoption of this amendment, as a prudent step in developing an effective strategy.

In summary, revision of HBMC Chapter 13.10 related to the storage of property will provide much-needed clarity and procedures to allow for the lawful collection, temporary preservation, and prompt return of property to its owners, and will provide a much-needed tool to preserve limited public spaces for their safe and enjoyable intended uses.

A summary of the changes are as follows:

- Added definition for "Stored Personal Property;"
- Added additional language to Section 13.10.040 - Storage of Personal Property on Public and Private Property;
- Added Section 13.10.041 - Impounding Stored Personal Property;
- Added Section 13.10.042 - Impounding Personal Property after Closure;
- Added Section 13.10.042 - Storage and Disposal of Impounded Personal Property;
- Added Section 13.10.044 - Dangerous or Perishable Stored Personal Property; and
- Added additional language to Section 13.10.090 - Violations-Penalty.

Environmental Status:

Not applicable.

Strategic Plan Goal:

Enhance and modernize public safety service delivery

Attachment(s):

1. Ordinance No. 4228 to amend Chapter 13.10 of the Huntington Beach Municipal Code prohibiting the storage of personal property on public or private property
2. Legislative Draft of amendments to Chapter 13.10 of the Huntington Beach Municipal Code