

ORDINANCE NO. _____

**AN URGENCY ORDINANCE ADDING CHAPTER 14.32 TO TITLE 14 OF THE
MENDOCINO COUNTY CODE - CAMPING REGULATIONS RESTRICTIONS ON PUBLIC AND
PRIVATE PROPERTY AND AMENDING CHAPTER 14.28 OF TITLE 14 OF THE MENDOCINO
COUNTY CODE - USE OF COUNTY PARKS AND
CAMPING PROHIBITION ON PUBLIC AND PRIVATE PROPERTY**

WHEREAS, Chapter 14.28 of the Mendocino County Code, entitled "Use of County Parks and Camping Prohibition on Public and Private Property" currently contains various restrictions on camping on both public or private property; and

WHEREAS, a recent decision from the United States Court of Appeals for the Ninth Circuit in *Martin v. City of Boise* has created uncertainty as to the application of Chapter 14.28 to homeless persons with no reasonable alternative shelter; and

WHEREAS, the Board of Supervisors wishes to amend its camping restrictions to clarify their effect in the circumstances described in *Martin v. City of Boise* by specifying which camping regulations will continue to apply in those circumstances for reasons of public health, public safety, or other public policy concerns; and

WHEREAS, the Board of Supervisors wishes to amend the Mendocino County Code to create a new Chapter 14.32 governing camping, modify Chapter 14.28 pertaining to County parks, and to make such other modifications and changes as it deems appropriate; and

WHEREAS, improving weather, recent activities of nearby jurisdictions, and uncertainty as to the application of the County's current camping ordinance in light of recent case law all create a current risk of a significant increase in unregulated camping in the unincorporated area of Mendocino County; and

WHEREAS, such unregulated camping can contaminate waterways and drinking water, endanger the lives of those camping in unsafe locations, increase the risk of wildfire, obstruct public rights of way (increasing the risk of vehicle accidents or other sources of injury), and increase waste, pollution, and other threats to public health and safety; and

WHEREAS, pursuant to Government Code section 25123, the County may enact an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of the facts constituting the urgency and which shall be effective immediately.

NOW, THEREFORE, the Board of Supervisors of the County of Mendocino ordains as follows:

SECTION 1. Urgency Ordinance. The Board of Supervisors of the County of Mendocino hereby finds that improving weather, recent activities of nearby jurisdictions, and uncertainty as to the application of the County's current camping ordinance in light of recent case law all create a current risk of a significant increase in unregulated camping in the unincorporated area of Mendocino County, especially near waterways and other environmentally sensitive habitat. The Board further finds that such unregulated camping can contaminate waterways and drinking water, endanger the lives of those camping in unsafe locations, increase the risk of wildfire, obstruct public rights of way (increasing the risk of vehicle accidents or other sources of injury), and increase waste, pollution, and other threats to public health and safety. As such, the Board of Supervisors of the County of Mendocino hereby finds that this urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 2. Chapter 14.32 is added to Title 14 of the Mendocino County Code to read as follows:

"CAMPING RESTRICTIONS ON PUBLIC AND PRIVATE PROPERTY"

Sec. 14.32.010 Purpose

This Chapter is enacted for the purpose of prohibiting unauthorized camping on public and private property. The public areas within the County should be readily accessible and available to residents and the public at large. Private property within the County should be reserved for lawful use as approved by the owner or person in lawful possession thereof. The unauthorized use of public and private property within the County for camping purposes or storage of personal property interferes with the rights of others to use the areas for their intended purpose. Such activity frequently lacks adequate provisions for fire safety, sanitation, and refuse disposal and therefore constitutes a public health and safety hazard and adversely impacts the environment. The purpose of this Chapter is to maintain public areas within the County in a clean, sanitary, and accessible condition, to limit access to private property for camping purposes except as approved by the owner or person in lawful possession thereof, and to adequately protect the health, safety, and public welfare of the community. Nothing in this Chapter is intended to interfere with the otherwise lawful, ordinary, and customary use of public or private property or to supersede other County ordinances regulating the use of public property, including, but not limited to Chapters 14.04, 14.08, 14.16 and 14.20 of this Code, nor shall this Chapter be interpreted to permit activity otherwise prohibited by this Code or any other law.

Sec. 14.32.020 Definitions

The following words shall have the following meanings, when used in this Chapter, unless the context clearly indicates otherwise:

“Camp facilities” means tents, tent-like shelters, tarpaulins, huts, or temporary or permanent structures, when placed on public or private property for the purpose of camping or when used on public or private property to camp. Camp facilities also include recreational or motor vehicles used as camp facilities.

“Camp paraphernalia” means bedrolls, blankets, tarpaulins, cots, beds, sleeping bags, tents, hammocks, mattresses, sleeping pads, portable stoves, barbecues, grills, cooking pots, or similar equipment when placed on public or private property for the purpose of camping or when used to camp. Camp paraphernalia also includes other personal effects and property, when used or stored with camp paraphernalia as described herein.

“Camp site” means the physical area on public or private property occupied by camp facilities and/or at which camp paraphernalia is stored or used for purposes of camping.

“Camping” or “to camp” means the establishment, occupation, operation or maintenance of a camp site and/or the activity of living temporarily in the outdoors, on public or private property, either in the open air or using camp facilities and camp paraphernalia, including the erecting, placement, pitching, storing or using, as applicable, of camp facilities or camp paraphernalia for such purposes.

“Establish” means setting up or moving camp facilities, camp paraphernalia or other equipment, supplies or materials onto public or private property to camp or make ready to camp.

“Floodway” means the area designated as “floodway” on the Flood Boundary Floodway Map issued by the Federal Emergency Management Authority (“FEMA”) for the County of Mendocino, regardless of ownership, and any other area within one hundred and fifty feet (150') of the top of the bank of any creek, stream, river, pond, lake, other body of water, or drainage facility, whether naturally occurring or manmade, the purpose of which is to channel water to any creek, stream, river, pond, lake or other body of water.

“Maintain” means keeping, storing, staging, or permitting camp facilities, camp paraphernalia or other equipment, supplies or materials to remain on public or private property to camp or make ready to camp.

“MCC” or “Code” means Mendocino County Code.

“Motor vehicle” means a self-propelled car, truck, van, or other motorized vehicle that can carry two (2) or more persons within an enclosed or enclosable portion thereof.

“Occupy” means to be physically present and/or reside at a camp site.

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

“Permanent” means when used in reference to a camp site, camp facilities, camp paraphernalia, or other equipment, supplies or materials: any camp facility, camp paraphernalia or other equipment, supplies or materials that cannot be broken down, packed up, and removed from a camp site as readily as a tent or tent-like structure, as commonly used for temporary recreational camping.

“Private property” means real property that is not public property, including, but not limited to, streets, sidewalks, roads, and improved or unimproved land.

“Public park” means any real property owned or leased or otherwise controlled by the County of Mendocino and which may legally be used for public recreation purposes, including camping. The term "park" is interchangeably used herein with the term "County park."

“Public property” means all real property owned, controlled, or managed by the County of Mendocino including, but not limited to, improved or unimproved land, roads, streets, sidewalks, and alleyways. "Public property" shall also include property owned by the State of California to the extent the State has provided its express or implied consent to the County's exercise of jurisdiction or has failed to regulate the use of its property.

“Recreational or motor vehicles used as camp facilities” means recreational or motor vehicles when placed on public or private property to camp.

“Recreational vehicle” means as defined in California Health and Safety Code sections 18009.3 and 18010.

“Recreational vehicle park or mobile home park” means any area of land within the County licensed pursuant to the California Health and Safety Code as a mobile home park, as defined in California Health and Safety Code section 18214, or a special occupancy park as defined in California Health and Safety Code section 18862.43, which has a currently effective County business license, and in which space is rented or held out for camping.

“Safe camping and/or safe parking facility” means an officially designated location where individuals who lack access to shelter may temporarily camp using camp facilities or recreational or motor vehicles used as camp facilities. Nothing herein shall be construed to permit or allow any other violation of this code unless consistent with adopted rules of operation for such facility.

“Sidewalk” means any area of public property adjacent to a street, or within a parking lot, whether improved or unimproved, and commonly intended or designed for pedestrian use, or other non-vehicular activity.

“Store” means to put aside, accumulate, stage, position for immediate or future use, to put for safekeeping, to place or leave in a location.

“Street” means a street, alley, way, road, roadway, highway, right-of-way, or place of whatever nature, publicly or privately maintained for purposes of vehicular travel.

Sec. 14.32.030 Unlawful Camping

- (A) Except as provided in the MCC, it is unlawful and a public nuisance for any person to camp, or to establish, maintain, operate or occupy a camp site or camp facilities, including a recreational vehicle or motor vehicle used as camp facilities, or store or use camp paraphernalia in or upon the following areas, at any time, unless expressly authorized by the MCC:
 - (1) Any public park;
 - (2) Any sidewalk;
 - (3) Any street or road;
 - (4) Any other public property not specifically mentioned in this Section;
 - (5) Any floodway;
 - (6) Any private property;
 - (7) Any beach contiguous to the Pacific Ocean;
 - (8) All that portion of the unincorporated area of Mendocino County designated as the Mendocino Historical Preservation District as described in section 20.760.01 subdivision (A) of the Mendocino County Code;
 - (9) The public right-of-way along Heeser Drive in the Town of Mendocino to the extent not covered by the preceding subsections;
 - (10) The public right-of-way on the frontage road, CR 500B, known as Brewery Gulch Road southerly of the Town of Mendocino, between mile post 0.23 and mile post 0.27;
 - (11) Any public property between US 101 and the Russian River from the Mendocino County line north to the Russian River Bridge south of Hopland.
- (B) The prohibitions on camping identified in MCC section 14.32.030(A), (C) and (D) do not apply to:
 - (1) Camping on private residential property by friends or family of the property owner or person in lawful possession of the property, so long as the owner or lawful occupant consents, that the camping is allowed under the MCC, that it is not in a floodway, and the camping does not otherwise create a public or private nuisance; however, nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant permission to anyone to camp on their property when such conduct would violate the MCC or any other provision of law;
 - (2) Mobile home parks and special occupancy parks, licensed campgrounds, recreational vehicle parks, governmentally controlled campgrounds or County parks for which camping is specifically an authorized public use, or other locations where camping is specifically allowed under the MCC or State law;
 - (3) Camping on public or private property in connection with a special event, when authorized pursuant to any applicable County ordinance.

- (4) Recreational or motor vehicles, except as stated in Section 14.32.030(A)(8)-(11) or (C), used as camp facilities that are legally parked occupying a space equal to the dimensions of the vehicle, and do not remain parked longer than the posted time limit, if any, or twelve (12) hours, whichever is less.
- (5) Camping or parking of a recreational or motor vehicle, in a public park or areas therein as are expressly posted by the Park Authority, as defined in MCC Chapter 14.28, for such purpose, but only for a maximum of fourteen (14) nights; this includes but is not limited to Indian Creek Campground, in the vicinity of Philo.
- (6) Camping in any public park or upon any ocean beach when authorized by this Code and/or State regulations.
- (C) The establishment, maintenance, operation, or occupation of a camp or camp facilities, or storage or use of camp paraphernalia, outside a vehicle is prohibited unless specifically permitted by the MCC, even when the prohibition on camping does not otherwise apply pursuant to MCC section 14.32.030(B)(4).
- (D) Establishment, maintenance, operation or occupation of permanent camp sites or camp facilities or camp paraphernalia for camping and/or attaching permanent structures to trees or other on-site fixtures and the associated use or installation of building materials, pallets, ropes, wire, fencing or similar materials is prohibited.

Sec. 14.32.040 Homeless Exemption to Unlawful Camping

- (A) The involuntary sitting, lying or sleeping of a homeless person with no reasonable access to alternative shelter shall not be deemed to be a violation of MCC sections 14.32.030(A)(2) or (4), so long as:
 - (1) The person does not establish, maintain, operate or occupy a camp facility between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.; and
 - (2) The person does not establish, maintain, operate or occupy a camp site or camp facilities, or use camp paraphernalia within an area larger than sixty-four (64) square feet per person; and
 - (3) The activities of the person do not preclude the ordinary and/or customary use of any sidewalk or other public property.
- (B) It shall be prima facie evidence that a person has reasonable access to an alternative shelter when:
 - (1) The person is informed of a location of a homeless shelter or safe camping or safe parking facility, currently in operation within the County that provides reasonable accommodations for the person; and
 - (2) Such shelter is actually available to the person; and
 - (3) Such shelter is reasonably accessible from the person's current location; and
 - (4) The shelter does not require the person to engage in religious services objectionable to that person; and

- (5) The person voluntarily refuses to utilize or sleep in such shelter.

Sec. 14.32.050 Storage of Personal Property on Public or Private Property

It is unlawful and a public nuisance for any person to store or maintain camp paraphernalia, except as otherwise permitted at a particular location, in the following areas:

- (A) Any public property;
- (B) Any floodway; or
- (C) Outside a structure on any private property without the consent of the owner.

Sec. 14.32.060 Enforcement

- (A) Whenever any person commits any act that is declared by this Chapter to be a misdemeanor, he or she may be arrested by a peace officer legally empowered to enforce laws adopted by County ordinances pertaining to County parks. If such arrested person does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedure set forth in Sections 853.6 et seq., of the California Penal Code, which provide for the issuance and enforcement of citations for misdemeanors.
- (B) If personal service on the individual found to be in violation of this Chapter is not possible, service of the citation will be valid and proper if the notice of citation is firmly affixed to a conspicuous object in the camp site, or to a vehicle or structure.

Sec. 14.32.070 Violation and Penalties

A first offense of any violation of this Chapter shall be deemed an infraction and punished as prescribed in Government Code Section 25132. Any second or subsequent violations of this Chapter shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the County jail for not more than six (6) months, or both. Every day any violation of this Chapter continues shall constitute a separate offense. "The section is not the exclusive remedy for violation of this Chapter. This Chapter may be enforced by any other legally available remedy, such as through civil penalties pursuant to MCC Chapter 1.08."

Sec. 14.32.080 Severability

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Chapter.

SECTION 3. Chapter 14.28 of the Mendocino County Code is amended to read as follows:

~~"USE OF COUNTY PARKS AND CAMPING PROHIBITION ON PUBLIC AND PRIVATE PROPERTY"~~

Sec. 14.28.010 - Purpose.

This Chapter is enacted for the purpose of establishing general regulations governing the use of County parks by members of the public ~~and to prohibit unauthorized camping on public and private property. The public areas within the County parks~~ should be readily accessible and available to residents and the public at large. ~~Private property within the County parks~~ should be reserved for lawful use ~~as approved of by the owner or person in lawful possession thereof.~~ The unauthorized use of ~~public and private property within the County parks~~

for camping purposes or storage of personal property interferes with the rights of others to use ~~the areas~~ County Parks for their intended purpose. Such activity frequently lacks adequate provision for fire safety, sanitation, and refuse disposal and therefore constitutes a public health and safety hazard and adversely impacts the environment. The purpose of this Chapter is to maintain ~~public areas within the~~ County parks in a clean, sanitary and accessible condition; ~~to limit access to private property for camping purposes except as approved by the owner or person in lawful possession thereof;~~ and to adequately protect the health, safety and public welfare of the community. Nothing in this Chapter is intended to interfere with the otherwise lawful and ordinary use of ~~public or private property~~ County Parks or to supersede other County ordinances regulating the use of ~~public property~~ County Parks, including, but not limited to, Chapters 14.04, 14.08, 14.16 and 14.20 of this Code.

This Chapter also authorizes the Mendocino County ~~Director of General Services~~ Chief Executive Officer or his/her authorized representative to provide sanitary facilities in County parks and on other real property.

Sec. 14.28.020 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- ~~(A)~~ (A) "Public property" means ~~all real property owned, controlled, or managed by the County of Mendocino including, but not limited to, improved or unimproved land, roads, streets, sidewalks, alleyways, and as specifically set forth in Section 14.28.050 of this Chapter. "Public property" shall also include property owned by the State of California to the extent the State has provided its express or implied consent to the County's exercise of jurisdiction or has failed to effectively regulate the use of its property.~~
- ~~(B)~~ "Park" means ~~any real property owned or leased or otherwise controlled by the County of Mendocino and which may legally be used for public recreation purposes, including camping. The term "park" is interchangeably used herein with the term "County park."~~
- ~~(C)~~ "Camping" or "camp" means ~~The occupation of a camp site and/or the activity of living temporarily in the outdoors, on public or private property, either in the open air or using camp facilities and camp paraphernalia, including the erecting, placement, pitching, storing or using, as applicable, of camp facilities or camp paraphernalia for such purposes, including but not limited to the arranging of bedding for the purpose of, or in such a way as will permit, remaining overnight, beyond the ordinary and/or customary practice and/or generally permitted activity for the area~~ the activity of living temporarily in the outdoors including the erecting of a tent or shelter, or the arranging of bedding, for the purpose of, or in such a way as will permit, remaining overnight.
- ~~(B)~~ (A) "Camp facilities" means tents, tent-like shelters, tarpaulins, huts, or temporary or permanent structures, when placed on public or private property for the purpose of camping or when used on public or private property to camp. Camp facilities also include recreational or motor vehicles used as camp facilities. ~~include, but are not limited to, tents, huts, motor vehicles, recreational vehicles, vehicle camping outfits or temporary shelter or structures.~~
- ~~(C)~~ (B) "Camp paraphernalia" means bedrolls, blankets, tarpaulins, cots, beds, sleeping bags, tents, hammocks, mattresses, sleeping pads, portable stoves, barbecues, grills, cooking pots, or similar equipment when placed on public or private property for the purpose of camping or when used to camp. Camp paraphernalia also includes other personal effects and property, when used or stored with camp paraphernalia as described herein. ~~includes, but is not limited to, bedrolls, blankets,~~

~~tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment. "Camp paraphernalia" also includes other personal effects, when used or stored with camp paraphernalia as described above.~~

- ~~(F) "Trailer" means any vehicle as defined in Health and Safety Code Sections 18009.3 and 18010 which is a vehicle other than a motor vehicle, used for human habitation and for carrying persons or property on its structure and which can be drawn by a motor vehicle. "Trailer" includes such vehicles commonly referred to as travel trailer, motor home, campers, park trailer, and used for travel, recreational or seasonal use.~~
- (C) "Camping" or "to camp" means the establishment, occupation, operation or maintenance of a camp site and/or the activity of living temporarily in the outdoors, on public or private property, either in the open air or using camp facilities and camp paraphernalia, including the erecting, placement, pitching, storing or using, as applicable, of camp facilities or camp paraphernalia for such purposes.
- (D) "Firearm" means any item defined by Section 12001 of the California Penal Code or any rifle, shotgun, BB gun, air gun, pellet gun, cannon, or any other weapon of similar nature designed to be used as a weapon, from which is expelled projectile by the force of any explosion or other form of combustion.
- (E) "Park" means any real property owned or leased or otherwise controlled by the County of Mendocino and which may legally be used for public recreation purposes, including camping. The term "park" is interchangeably used herein with the term "County park."
- (F) "Park Authority" means the Mendocino County Chief Executive Officer or his/her authorized representative.
- (G) "Private property" means real property that is not public property, including, but not limited to, streets, sidewalks, roads, and improved or unimproved land.
- (H) "Public property" means all real property owned, controlled, or managed by the County of Mendocino including, but not limited to, improved or unimproved land, roads, streets, sidewalks, and alleyways. "Public property" shall also include property owned by the State of California to the extent the State has provided its express or implied consent to the County's exercise of jurisdiction or has failed to effectively regulate the use of its property.
- (I) "Recreational Vehicle" means any vehicle as defined in Health and Safety Code Sections 18009.3 and 18010 which is a vehicle other than a motor vehicle, used for human habitation and for carrying persons or property on its structure and which can be drawn by a motor vehicle. "Trailer" includes such vehicles commonly referred to as travel trailer, motor home, campers, park trailer, and used for travel, recreational or seasonal use.
- ~~(E)(J)~~ "Sanitary facility" means a toilet or other facility designed for the collection of human waste and refers to both "chemical toilet" buildings and to conventional "restroom" facilities with running water. "Sanitary stop" means an area in which the County of Mendocino maintains a sanitary facility or trash collection facility pursuant to any legal authority, including easements or licenses from private landowners.
- (K) "Store" or "storage" means to put aside, accumulate, stage, position for immediate or future use, to put for safekeeping, to place or leave in a location.
- ~~(I) "Park Authority" means the Mendocino County Director of General Services or his authorized representative.~~

~~(F)~~(L) "Structure" means that which is built or constructed and refers to a building of any kind and to any piece of work artificially built up or composed of parts joined together in some definite manner that it does not qualify as a residential dwelling.

~~(K)~~ "Establish" means ~~setting up or moving camp facilities, camp paraphernalia or other equipment, supplies or materials onto public or private property to camp or make ready to camp, setting up or moving equipment, supplies or materials on to public or private property to "camp" or operate camp facilities.~~

~~(L)~~ "Maintain" means ~~keeping, storing, staging or permitting camp facilities, camp paraphernalia or other equipment, supplies or materials to remain on public or private property to camp or make ready to camp, keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.~~

~~(M)~~ "Operate" means ~~participating or assisting in establishing or maintaining a camp or camp facility, participating or assisting in establishing or maintaining a camp or camp facility.~~

~~(N)~~ "Store" or "storage" means ~~to put aside, accumulate, stage, position for immediate or future use, to put for safekeeping, to place or leave in a location, to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.~~

~~(O)~~ "Private property" means ~~real property that is not public property, including, but not limited to, streets, sidewalks, and improved or unimproved land, all private property including, but not limited to, improved or unimproved land, roads, streets, sidewalks and alleyways.~~

Sec. 14.28.030 Conduct Prohibited in County Parks.

It is prohibited, unlawful, and a misdemeanor for any person to do any of the following acts in, on, or into any portion of a County park:

- (A) Discharge any firearm as described in Section 14.28.020(C) of this Chapter.
- (B) Make a fire in any place except where specifically designated for such purpose by the Park Authority.
- (C) Climb upon any shelter, building, sanitary facility, table, or other structure.
- (D) Bring, land, or cause to descend or alight any airplane, dirigible balloon, parachute, or other apparatus designed or used for aviation without the express permission of the Park Authority in advance.
- (E) Place, or cause to be placed, any litter, broken glass, ashes, garbage, trash, rubbish, waste, or filth of any kind except in receptacles provided for such purposes by the Park Authority. Such refuse or trash placed in said receptacles shall be only that generated in connection with normal activities conducted in any park area or recreation facility and associated with the proper usage thereof.
- (F) Take up or replace any soil, earth, structure, pavement, tree, shrub, plant, grass, flower, or other plant without the express permission of the Park Authority.
- (G) Disturb, pick, dig up, cut, mutilate, destroy, injure, move, molest, burn, or carry away any tree or plant or portion thereof.
- (H) Bring, or cause to be brought, into any park for the purpose of sale or barter, or have for sale or sell, or exchange, or offer for exchange, any goods, wares, merchandise, or other property without first having obtained a written permit, concession, license, or lease to do so from the Park Authority.

- (I) Post or affix any handbill, dodger, circular, booklet, card, pamphlet, sheet, or written or printed notice, or cause the same to be posted or affixed, to any physical object within any park without the prior written permission of the Park Authority.
- (J) Molest, hunt, take, injure, trap, net, poison, harm, or kill any animal or fish of any kind, or attempt to do so, provided, however, that this Section shall not apply to the taking of fish for noncommercial purposes.
- (K) Permit any dog within his or her possession, ownership, harbor, or control to be in a park except upon a leash no longer than six (6) feet.
- (L) Ride or keep a horse except within an area expressly designated or such purpose by the Park Authority.
- (M) Disturb, injure, or destroy any property owned, leased, or maintained by the County of Mendocino.
- (N) No person under the age of eighteen (18) shall camp within a County park unless accompanied by an adult or with the written consent of a parent or legal guardian.

Sec. 14.28.040 Vehicles and Traffic.

All vehicles and pedestrian traffic in any park shall be subject to the provisions of the California Vehicle Code, which may be enforced by the California Highway Patrol and by the Mendocino County Sheriff. It is prohibited, unlawful, and a misdemeanor for any person to do any of the following acts in or on any portion of a County park:

- (A) Operate any vehicle except upon such roads or rights-of-way as are expressly designated and posted by the Park Authority for such operation.
- (B) Operate any vehicle except in a safe and prudent manner and at a speed not exceeding twenty-five (25) miles per hour unless otherwise posted by the Park Authority.
- (C) Park any vehicle in any manner or at any location other than the manner and location designated for vehicle parking by the Park Authority;
- (D) Operate or park any vehicle between the hours of 12:00 midnight and sunrise without permission of the Park Authority.

Sec. 14.28.050 Camping.

The ~~following camping~~ regulations and prohibitions in Mendocino County Code Chapter 14.32 shall apply to camping and the use of trailers-recreational vehicles in County parks, ~~and on public and private property.~~

- ~~(A) It is prohibited and unlawful for any person to camp, build any structure, dwell in, inhabit any campsite area or engage in camping, or store any camp paraphernalia and related personal property, in any County park or on public property for any period of time unless expressly authorized by this Section or Chapter 6.16 of this Code. The description of any park referred to in this Chapter shall be more particularly described by resolution of the Board of Supervisors and shall be available for public inspection at the office of the Clerk of the Board of Supervisors, Administration Center, 501 Low Gap Road, Rm. 1090, Ukiah, California.~~
- ~~(B) It is further unlawful to camp in, build any structure, dwell in, inhabit any campsite area, or store any camp paraphernalia and related personal property on private property other than with the implied or express consent of the owner or person in lawful possession thereof; however, nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant~~

~~permission to anyone to camp on their property when such conduct would violate this Chapter, Chapter 6.16 of this Code or any other provision of law.~~

~~(C) Except as provided in subsections (E) and (F), it is prohibited and unlawful for any person or persons to park a vehicle, or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it for more than one (1) day on any public property other than a licensed campground, recreational vehicle park, mobile home park or in a governmentally-controlled campground or County park for which camping is specifically an authorized public use.~~

~~(D) It is prohibited and unlawful for any person or persons to park a vehicle, or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it on any private property without the implied or express consent of the owner or person in lawful possession thereof. Nothing herein shall authorize a private property owner to operate an unauthorized campground, trailer park or recreational vehicle park or grant permission to anyone to park vehicles on their property when such conduct would violate this Chapter, Chapter 6.16 of this Code or any other provision of law.~~

~~(E) Camping or parking of a vehicle or trailer for purposes of camping in, sleeping in, dwelling in or otherwise inhabiting it, is specifically prohibited and unlawful between the hours of 10:00 p.m. and 6:00 a.m. in:~~

~~(1) South Kibesillah Gulch, in the vicinity of Ten Mile River and Westport;~~

~~(2) Seaside Beach, in the vicinity of Ten Mile River and Fort Bragg;~~

~~(3) McKee County Park, in the vicinity of Potter Valley;~~

~~(4) Mill Creek County Park, in the vicinity of Talmage Dam;~~

~~(5) Bower Park, in the vicinity of Gualala;~~

~~(6) Any public property between US 101 and the Russian River from the Mendocino County line north, to the Russian River Bridge;~~

~~(7) Any public property located within a radius of six hundred (600) feet from the center of span of the Russian River Bridge on Talmage Road (State Route 222);~~

~~(8) Any public property located within a radius of two hundred fifty (250) feet from the center of span of the Ackerman Creek Bridge on North State Street (County Route 104);~~

~~(9) Any public property located within a radius of four hundred (400) feet from the center of span of the West Fork of the Russian River Bridge on Lake Mendocino Drive (County Route 227B);~~

~~(10) All that portion of the unincorporated area of Mendocino County designated as the Mendocino Historical Preservation District, as described in section 20.760.010, subdivision (A) of the Mendocino County Code;~~

~~(11) In the public right-of-way along Heeser Drive in the Town of Mendocino, to the extent not covered by the preceding paragraph;~~

~~(12) North of the City of Ukiah in the public right-of-way along both sides of Lover's Lane, from its intersection with KUKI Road to its terminus near the western foothills.~~

~~(F) Camping, or parking of a trailer, is permitted in the following parks in such areas therein as are expressly posted by the Park Authority for such purpose but only for a maximum of fourteen (14) nights:~~

~~(1) Indian Creek, in the vicinity of Philo.~~

Sec. 14.28.051 Added Regulations—Mill Creek Park.

In addition to the regulations set forth in this Chapter, Mill Creek County Park, including the picnic area, dams and ponds shall be closed one (1) hour after sunset and shall reopen at sunrise.

Sec. 14.28.055 Fees.

Every person using any County park shall pay such fee as is required by resolution of the Board of Supervisors; provided, however, that such resolution be adopted pursuant to public hearing which has been noticed in a newspaper of general circulation for one time at least ten (10) days in advance of the hearing. In order for a fee to be validly collected at any park, the aforesaid resolution shall be posted at the entrance of such park.

Sec. 14.28.060 Sanitary Facilities.

Sanitary facilities shall be provided and maintained by the Park Authority within all County parks and sanitary stops maintained by it. Such maintenance shall include the pumping of chemical toilets. The Park Authority shall determine the particular location of such chemical toilets, buildings and all matters relating to their maintenance. To the extent authorized by resolution of the Board of Supervisors, the Park Authority may provide sanitary facilities on a loan basis to other governmental agencies, which may need such facilities and may maintain such facilities depending upon the agreement negotiated with the respective governmental agency.

Sec. 14.28.070 Abatement of Nuisances.

- (A) Any structure found to be involved in or which constitutes a violation of this Chapter shall be considered a dangerous building and shall be dealt with in accordance with the nuisance abatement sections of this Code, or other applicable law.
- (B) Any abandoned vehicle involved in a violation of this Chapter shall be dealt with in accordance with the Vehicle Code, or other applicable law.
- (C) Abatement of a vehicle or structure found to be in violation of this Chapter may be undertaken by County employees or agents twenty-four (24) hours after service of the citation.

Sec. 14.28.080 Enforcement.

- (A) Whenever any person commits any act that is declared by this Chapter to be a misdemeanor, he or she may be arrested by a peace officer legally empowered to enforce laws adopted by County ordinances pertaining to County parks. If such arrested person does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedure set forth in Sections 853.6 *et seq.*, of the California Penal Code, which provide for the issuance and enforcement of citations for misdemeanors.
- (B) If personal service on the individual found to be in violation of this Chapter is not possible, service of the citation will be valid and proper if the notice of citation is firmly affixed to a conspicuous object in the campsite, or to a vehicle or structure. ~~shall be considered proper service of the citation.~~

Sec. 14.28.090 Violation and Penalties.

A first offense of any violation of this Chapter, which is not specifically declared a misdemeanor, shall be deemed an infraction and punished as prescribed in Government Code Section 25132. Any second or subsequent violations of this Chapter shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the County jail for not more than six (6) months, or both. Every day any violation of this Chapter ~~shall continue~~s shall constitute a separate offense.

Sec. 14.28.100 ~~Annual Review.~~

~~This Board will review the implementation and enforcement of this Chapter six (6) months from the date of adoption and annually thereafter.~~ [Intentionally left blank]

Sec. 14.28.110 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Chapter or the application thereof to any person, establishment or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Chapter.

SECTION 4. If any provision, word, phrase, section or subsection of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision, word, phrase, section or subsection to other persons or circumstances shall not be affected thereby. To this end, provisions of this ordinance are severable.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the Ordinance passed and adopted
and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
Acting County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

