



The City Council adopted Resolution No. 2022-037, finding a proclaimed state of emergency exists in the jurisdiction of the City related to the COVID-19 virus pandemic and that conditions of that emergency pose a threat to meeting attendees' health and safety such that City legislative body meetings may be held via teleconference pursuant to Government Code section 54953(e) so long as the City (1) posts notice and agendas as otherwise provided by the Brown Act and applicable law, (2) allows members of the public to access the meeting via call-in line or internet-based service line, (3) provides details on the agenda on how to access the meeting and give public comment, (4) provides an opportunity to comment pursuant to Government Code section 54954.3 and allows a reasonable amount of time during public comment for a person to register, login, and comment, and (5) monitors the call-in line and/or internet-based service line to ensure no disruption hinders access or ability to comment, if there is, take no action until public access is restored. The City is not required to provide a location to attend in-person. The City is complying with these requirements and taking all reasonable steps to ensure that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. The public may participate and provide public comment in person or via Zoom Meeting.

One Tap Mobile: +16699006833,,960028798592# US (San Jose)

Dial by your location: +1 669 900 6833 US (San Jose)

Meeting ID: 960 2879 8592

Weblink: <https://zoom.us/j/96028798592>

Written comments that are received by 5:00 PM. on the Monday before the Planning Commission meeting will be disseminated to the Commission and made available to the public for review on the city's website. Please provide the agenda item number in the subject line of your email or letter. Public comments will no longer be read into the record. Comments must be sent to pcpubliccomments@ci.rio-vista.ca.us. If you do not have access to a computer, please contact Krystine Ball at 707-374-6447, to make alternative arrangements to submit public comment.

RIO VISTA PLANNING COMMISSION

**CHAIRMAN TOM DONNELLY
VICE CHAIRMAN EMMETTE HOLTSLANDER
COMMISSIONER LISA DUKE
COMMISSIONER KEVIN MCNAMARA
COMMISSIONER NOEL O'BRIEN
COMMISSIONER CLINTON SCHOLTING
COMMISSIONER EMILIO TORRES**

REGULAR MEETING-BY TELECONFERENCE AND IN PERSON

**AGENDA
WEDNESDAY, AUGUST 10, 2022**

6:00 PM – REGULAR MEETING

**CITY HALL COUNCIL CHAMBERS
ONE MAIN STREET
RIO VISTA, CALIFORNIA 94571**

- 1. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE**
- 2. PUBLIC COMMENT** – See instructions at top of this agenda page
- 3. DISCLOSURE OF EX PARTE COMMUNICATIONS**
Planning Commissioners should disclose any communications they have had on the agenda items at this time.
- 4. APPROVAL OF MINUTES:**
 - 4.1** – Approve the minutes of July 27, 2022.
- 5. ACTION ITEMS**
 - 5.1 CAMPING ORDINANCE** – Continued Discussion of Proposed Amendments to Chapters 12.16 and 12.20 of the Rio Vista Municipal Code Relating to Camping and Storage of Personal Property on Public Streets and in Public Areas and Designation of Certain Public Property Where Camping by Necessity May Occur

6. DISCUSSION ITEMS - None

7. ADJOURNMENT

Disclosable public records related to an open session item on a meeting agenda distributed by the City of Rio Vista to the Rio Vista Planning Commission are available on the city's website & at City Hall for public review at 72 hours prior to a regular meeting and 24 hours prior to a special meeting or, in the event information is delivered to the Commission less than 72 or 24 hours prior to an open meeting, as soon as it is so delivered. To arrange for alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting contact the Commission Clerk 48 hours in advance of the meeting date by calling (707) 374-6447. Pursuant to applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (including any action regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

CERTIFICATION OF POSTING – I, Krystine Ball, Planning Commission Clerk, for the City of Rio Vista, declare that the foregoing agenda for the August 10, 2022, Regular Meeting of the Rio Vista Planning Commission was posted and available for review on August 4, 2022 on the city's website and at City Hall, One Main Street, Rio Vista, California, in accordance with Government Code §54954.2(a).

Krystine Ball

Krystine Ball, Planning Commission Clerk



**CITY OF RIO VISTA
PLANNING COMMISSION
STAFF REPORT**

AGENDA ITEM # 5.1

MEETING DATE: August 10, 2022

PREPARED BY: Mona Ebrahimi, City Attorney
Paul Junker, Contract Planner

SUBJECT: Continued Discussion of Proposed Amendments to Chapters 12.16 and 12.20 of the Rio Vista Municipal Code Relating to Camping and Storage of Personal Property on Public Streets and in Public Areas and Designation of Certain Public Property Where Camping by Necessity May Occur

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution 2022-06, thereby recommending that the City Council amend Chapters 12.16 and 12.20 of the Rio Vista Municipal Code relating to Camping and Storage of Personal Property on Public Streets and in Public Areas and thereby recommending that the City Council resolve to designate certain public property where Camping by Necessity may occur.

BACKGROUND

On July 27, 2022 the Planning Commission conducted a public hearing to consider a resolution that would have made recommendations to the City Council on Municipal Code amendments to address camping and storage of personal property on public lands and designation of a site where Camping by Necessity would be allowed. During the July 27th meeting the Planning Commission identified a number of concerns and questions and, following discussions, continued the hearing on this item to its August 10, 2022 meeting.

Staff is providing responses to the Commission's questions with the expectation that some level of understanding of the operations will assist with identifying an appropriate location. The operations issues identified by the Commission are not currently under review and staff is not seeking Commission input on operational guidelines at this time.

Staff's recommendation on the proposed Municipal Code amendments is unchanged. Additional information regarding potential sites is provided herein and staff recommends that the Planning Commission identify what it believes to be the most appropriate Camping by Necessity location and provide its site recommendation to the City Council.

The original packet for this item, including the staff report, draft Planning Commission resolution and proposed Municipal Code amendments may be found at:

https://riovista-ca.granicus.com/GeneratedAgendaViewer.php?view_id=1&clip_id=805

DISCUSSION

The Planning Commission's comments on July 27th can be generally characterized as Operational Questions (how the facility will be operated) and General Comments (primarily related to location).

Staff asks that the Planning Commission keep in mind that this discussion is specifically about location – the designation of a site where Camping by Necessity is allowed. Operation guidelines will be developed by staff prior commencing any operations and such guidelines will be adjusted once the City understands the actual demand for the facility.

Provided below are the questions staff recorded at the July 27th meeting and our best responses that can be provided at this time. Some of the issues identified by the Planning Commission will require either further investigation or ongoing monitoring and adjustments once the facility is operational.

Operational Questions

Are vehicles allowed in the camping site? The Commission recommended that no vehicles be allowed.

- It is not yet know how many individuals requiring a secure camping location will own and live out of vehicles. It is likely that some accommodation for individuals living out of vehicles will be provided in a separated area of the facility.

What qualifies as a “camper of necessity?” Will campers just use a free camping location?

- The City does not have a clear test to determine eligibility to use the Camping by Necessity site. If it appears that people are using the facility for recreational purposes, rather than as a secure and safe location for transient persons, then the City may be required to develop criteria to determine eligibility to use the site.

Would there be a restriction on fires, use of propane stoves, etc.?

- At this time staff does not anticipate open fires would be allowed. Use of fuel stoves might be allowed in designated areas.

Is there a limit on the number of days a camper can stay at the facility?

- Number of days an individual can stay in the Camping by Necessity site will not be limited.

Will this result in waste, litter and dumping that the City will need to maintain?

- The City will provide regular maintenance, including at a minimum removal of trash from the camp. Regulations will be posted and individuals known to violate the regulations will not be allowed to stay at the camp.

- It is anticipated some level of monitoring will be required at the facility but that this would be less than full-time onsite City staff. The City will likely seek a partnership with a local service organization or social services provider to assist with monitoring the facility.

Would there be a limit on the number of campers and what happens if the camp site is full?

- There would be a designed for a certain number of campers that could be accommodated. If that number of individuals is exceeded the City will need to consider increasing capacity at the site or creating additional facilities.

General Comments

Recommendation to look at existing Camping by Necessity sites for lessons learned, understanding of how to successfully run the facility.

- Staff has conducted initial research and has not found documentation on existing Camping by Necessity facilities. Staff will continue to search for good examples/lessons learned by other jurisdictions.

Coordinate the Camping by Necessity site with County social services to support transition out of homelessness.

- Providers of support services for homeless individuals will be asked to make services available through referral at the camp or possibly provide services directly to individuals at the site.
- The City may also work with the County to provide food through the SB 1838 food recovery program.

Request that staff look further for other site options not involving the Army Base property.

- Staff has again reviewed potential sites and has determined that there are not feasible options outside the Army Base site. The two initial criteria of “located in the City” and “owned or controlled by the City” substantially limit sites. A second review of City properties did not identify new candidate sites.

Will the proposed site be highly visible from the Marina and The Point? Is there a less impactful location closer to Beach Drive? Move the site away from water and Marina – easier visibility for Police, less impact on Waterfront and Marina.

- Staff has reviewed the Army Base property and is now presenting three site options for Commission consideration. These options are described later in this report.

Is the City exposing itself to liability by allowing homeless people camping near the old Army Base buildings and near the River?

- Areas where individuals camping by necessity are allowed to congregate will be posted and restricted areas, such as the old Army Base buildings and riverfront will be fenced and no trespassing signs will be posted. Individuals entering these areas will not be allowed to stay in the Camping by Necessity area. While

individuals can trespass, that condition exists today and the City's liability risk is not expected to increase because of this facility.

ARMY BASE PROPERTY – POTENTIAL SITES

Staff has reviewed the existing and anticipated land uses on the Army Base property and has prepared a diagram of sites that could accommodate a Camping by Necessity facility.



Site A was initially proposed for the facility. This land is encumbered by a PG&E easement that substantially limits the amount of development that can occur. The Commission noted the proximity to the Marina and expressed concerns this camping site could result in visual impacts to the Marina.

Site B is currently leased to Lindsay Transportation and this area is used for storage and testing of highway barrier systems. This site is not considered currently available but could be an option in the future.

Site C is currently vacant and available. The Coast Guard facility is located approximately 450 feet south of this location and the most sensitive uses at the Coast Guard facility, apartments and a small play area, are approximately 700 feet south of this site.

Between Site C and the Coast Guard facility is an open area that staff is not recommending as a Camping by Necessity site. Its location directly adjacent to the Coast Guard facility is problematic and the State has identified this area for a potential fish hatchery use.

STAFF RECOMMENDATION

Staff considers either Site A or Site C to be viable locations for the Camping by Necessity facility. Both sites meet the criteria originally established for the review of sites.

Site A is somewhat closer to Downtown and services and is encumbered by an easement that restricts site development. Unfortunately, its proximity to the Marina may result in use conflicts.

Site C is vacant and available but is somewhat further from Downtown and somewhat closer to the Coast Guard facility. There is also the possibility the State will request to use Site C land for a fisheries project.

Staff requests the Planning Commission make a recommendation to the City Council on which site it considers most appropriate for the Camping by Necessity facility.

**PLANNING COMMISSION
RESOLUTION NO. 2022-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO VISTA
RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTERS 12.16 AND 12.20
OF THE RIO VISTA MUNICIPAL CODE RELATING TO CAMPING AND STORAGE
OF PERSONAL PROPERTY ON PUBLIC STREETS AND IN PUBLIC AREAS AND
ADOPT A RESOLUTION DESIGNATING CERTAIN PUBLIC PROPERTY WHERE
CAMPING BY NECESSITY MAY OCCUR**

WHEREAS, in order to maintain the safe and orderly functioning of the City, it is essential that public streets and public areas within the City be readily accessible and available to residents, guests, visitors, and the public at large for their intended use, to the maximum extent possible; and

WHEREAS, the use of public streets and public areas for camping purposes or storage of personal property is a risk to the environment due to degradation and environmental impacts from both the over-concentrated use of space not designed for such volume and intensity and from the incompatible use of such spaces not designed or intended for such use (e.g., cooking and residential-type actions in recreational areas); and

WHEREAS, public streets and public areas for camping purposes or storage of personal property also interferes with the rights of others to use the areas for which they are intended; and

WHEREAS, clear regulations related to the use of public streets and public areas for camping purposes or storage of personal property are essential to protect the environment, public health, safety, and general welfare; and

WHEREAS, the City wishes to update and amend the Rio Vista Municipal Code related to camping and storage of personal property on public streets and in public areas in order to protect the environment, public health, safety, and welfare, as well as the aesthetic appearance of the City and to preserve property values ("proposed Ordinance"); and

WHEREAS, the proposed Ordinance will permit "Camping by Necessity," as defined in those regulations, as a permitted use on certain public property designated by the City Council by resolution; and

WHEREAS, the Planning Commission has identified certain criteria to identify areas of public property where Camping by Necessity may be a permitted use and, using those criteria, staff has identified a suitable site where Camping by Necessity may be a permitted use ("proposed Resolution"); and

WHEREAS, the proposed Ordinance and proposed Resolution are exempt from review under the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), pursuant to CEQA Guidelines section 15308 (Actions by

Regulatory Agencies for the Protection of the Environment) where these camping and storage of personal property on public areas regulations are promulgated in order to assure the maintenance, restoration, enhancement and protection of the environment, particularly the public health, safety, and general welfare, by regulating over-concentrated use of public areas, regulating incompatible uses of public areas.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF RIO VISTA that after hearing testimony, considering the evidence presented, and deliberating the matters presented, the Planning Commission finds, and recommends to the City Council as follows:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.
2. The Planning Commission received and considered all public comment and testimony regarding the proposed Ordinance.
3. The proposed Ordinance substantially meets the purpose, intent, and standards of the City of Rio Vista.
4. The proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15308.
5. The Planning Commission hereby recommends that the City Council adopt the draft City Council Ordinance attached hereto and incorporated herein by reference relating to camping and storage of personal property on public streets and in public areas.
6. The Planning Commission considered the following criteria to identify areas of public property where Camping by Necessity may be a permitted use:
 - a. Use of the site for Camping by Necessity will not definitively preclude use the site for its other intended purposes.
 - b. Use of the site for Camping by Necessity can be effectively monitored and managed by existing City services to protect and preserve the public health and safety. Criteria include:
 - i. Visibility for law enforcement;
 - ii. Separation from sensitive biological resources; and
 - iii. Access to sanitation facilities (minimally portable restrooms).
 - c. Use of the site for Camping by Necessity will not impede the movement of, or create hazards for, pedestrians, bicyclists, and automobiles.
 - d. The site is located in proximity to social, health and other community services.
 - e. The site is not within 1,000 feet of a school or youth-oriented facility.
 - f. The City can set boundaries to delineate the specific space for Camping by Necessity and minimize adverse impacts on adjacent land uses.

7. The Planning Commission hereby finds that the area shown in **Exhibit A**, attached hereto and incorporated herein by reference, is an area of public property that meets the above criteria and is within the City's control.
8. The Planning Commission received and considered all public comment and testimony regarding the proposed Resolution.
9. The proposed Resolution substantially meets the purpose, intent, and standards of the City of Rio Vista.
10. The proposed site in the proposed Resolution is allowed under the applicable General Plan designation and Zoning Code and is therefore consistent with the General Plan and Zoning Code. Specifically:
 - a. The proposed site is designated as "Army Base Reuse Plan" in the City General Plan, which contemplates a "range of public recreation, educational facilities, and institutional uses," including short-term, multifamily residential use ancillary to other public uses. Camping by Necessity fits within this designation because it is short-term use of public recreational space when persons Camping by Necessity use the space to sleep and exist until they achieve another situation and because it is ancillary to other public uses, namely anticipated public social and health services. Further, designation of the site as suitable for "Camping by Necessity" is within the spirit of the "Army Base Reuse Plan" because it is to the public's benefit that such a site be definitively established for persons Camping by Necessity and the site will not require a permanent commitment of the land or improvements that would hinder the immediate use of the balance of the site, or the future development of the entire property. Therefore, the resolution is consistent with the General Plan.
 - b. The proposed site is zoned "Open Area Resort" ("OAR"). (Rio Vista Municipal Code, § 17.36.010 et seq.) Public parks is a permitted use in the OAR zone. (*Ibid.*) Camping by Necessity is analogous to use as a "public park" because it is a temporary use that uses open space with no permanent commitment of the land or improvements that would hinder the immediate use of the balance of the site, or the future development of the entire property. The site is generally undeveloped at this time and at the time any party wants to further develop it, designation of the site at this time will not hinder that development. Therefore, the resolution is consistent with the Zoning Code.
11. The proposed Resolution is exempt from CEQA pursuant to CEQA Guidelines section 15308.
12. The Planning Commission recommends that the City Council adopt draft Resolution attached hereto and incorporated herein by reference, designating the area as a space where Camping by Necessity may occur.

PASSED AND ADOPTED this ____ day of _____, 2022 at a Special Meeting of the Rio Vista Planning Commission by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary to the Planning Commission

ORDINANCE NO. __-2022

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO VISTA
TO AMEND CHAPTERS 12.16 AND 12.20 OF THE RIO VISTA
MUNICIPAL CODE RELATING TO CAMPING AND STORAGE OF
PERSONAL PROPERTY ON PUBLIC STREETS AND IN PUBLIC
AREAS**

WHEREAS, in order to maintain the safe and orderly functioning of the City, it is essential that public streets and public areas within the City be readily accessible and available to residents, guests, visitors, and the public at large for their intended use, to the maximum extent possible; and

WHEREAS, the use of public streets and public areas for camping purposes or storage of personal property is a risk to the environment due to degradation and environmental impacts from both the over-concentrated use of space not designed for such volume and intensity and from the incompatible use of such spaces not designed or intended for such use (e.g., cooking and residential-type actions in recreational areas); and

WHEREAS, public streets and public areas for camping purposes or storage of personal property also interferes with the rights of others to use the areas for which they are intended; and

WHEREAS, clear regulations related to the use of public streets and public areas for camping purposes or storage of personal property are essential to protect the environment, public health, safety, and general welfare; and

WHEREAS, the City wishes to update and amend the Rio Vista Municipal Code related to camping and storage of personal property on public streets and in public areas in order to protect the environment, public health, safety, and welfare, as well as the aesthetic appearance of the City and to preserve property values; and

WHEREAS, the proposed Ordinance is exempt from review under the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) where these camping and storage of personal property on public areas regulations are promulgated in order to assure the maintenance, restoration, enhancement and protection of the environment, particularly the public health, safety, and general welfare, by regulating over-concentrated use of public areas, regulating incompatible uses of public areas.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO VISTA HEREBY
ORDAINS AS FOLLOWS:**

Section 1. Purpose and Authority. The purpose of this Ordinance is to revise regulations related to camping and storage of personal property in public areas within

the City to protect the public health, safety and welfare, as well as the aesthetic appearance of the City and to preserve property values.

Section 2. Enactment. Chapters 12.16 and 12.20 of the Rio Vista Municipal Code are hereby amended as follows:

CHAPTER 12.16 PARKS AND RECREATION AREAS

12.16.00 Purpose.

The purpose of this Chapter is to provide for regulations related to parks and recreation areas within the City to provide enjoyment to the public while also protecting the public health, safety and welfare, as well as the aesthetic appearance of the City. City owned property should be readily accessible and available to residents, employees, 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 their intended purposes and is deleterious to public peace, health, safety, and welfare. The use of these areas for camping obstructs the intended uses for the public at large, employees and citizens, contributes to blight, and can cause damage to public property. This Chapter is intended to avoid unsafe and potentially disorderly conditions, unsanitary and unhealthful conditions, and the degradation or destruction of public property.

12.16.010 Boat launching fee.

A. Fee. Fees for each launching of a boat or other watercraft at the City-owned launching ramp located adjacent to the Rio Vista City Hall at One Main Street shall be established by resolution of the City Council, and may be amended from time to time, as deemed appropriate by the City Council.

B. Exemptions. Boats or other watercraft owned or operated by the United States government, the State of California, or Solano County, California shall be exempt from payment of the launching fee.

C. Collection. The finance department of the City shall be responsible for implementing this section and for establishing the method of collection of the fees.

D. Penalty. Each launching of a boat or other watercraft at the City-owned launching ramp without payment of the required launching fee shall be considered an infraction. Each infraction described in this section shall be punishable by a fine not to exceed fifty dollars (\$50.00).

12.16.020 Prohibited swimming, jumping and diving.

It is unlawful for any person to swim, jump or dive into the Sacramento River from any point or points on, above, or attached to property owned or leased by the City, including, but not specifically limited to, any and all City docks, launching ramps, sea walls, river

banks, beaches and any other type of property or facility bordering on or adjacent to the Sacramento River. The penalty for violating this section shall be a fine of not to exceed one hundred dollars (\$100.00).

12.16.030 Parks—Use during hours of dark prohibited.

A. Subject to the exceptions set forth in subsection B of this section, the presence of any person in any City park or recreation area at any time during the hours of darkness is prohibited.

B. Exceptions.

1. Persons lawfully fishing at the park known as the “fishing access” located south of the Rio Vista Bridge between Front Street and the Sacramento River are excepted from the prohibition set forth in subsection A of this section.

2. Persons lawfully fishing in the park located at City Hall or launching a boat at the facilities located next to City Hall are excepted from the prohibition set forth in subsection A of this section.

3. Special arrangements for use of City park or recreational areas during the hours of darkness may be made through the office of the City Clerk.

4. Camping by Necessity in City park or recreational areas pursuant chapters 12.16 and 12.20 of this code.

12.16.040 Prohibited uses in parks.

Except in areas specifically designated and set aside for such activities or as set forth in Chapter 12.20, no person may engage in any of the following activities:

A. Camping;

B. Drive, chip, or in any manner play or practice golf or hit golf balls;

C. Play baseball with any hardballs or softballs, in any City park except Egbert Field and then only in areas of Egbert Field approved for such activities by the Director of Public Works;

D. Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb, or property of any person.

This section shall not be construed to prohibit playing catch with hardballs or softballs, provided that such activities are not conducted in a manner that violates subsection D of this section.

12.16.050 Camping in parks.

A. For the purpose of this chapter, “camping” or “camp” is defined as residing in or using parks, recreation areas or other City property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or using any tents or

storing personal property (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, furniture, televisions, backpacks, kitchen utensils, cookware and similar material). These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person is using public property as a living accommodation for one or more nights by camping thereon. "Camping" includes, but is not limited to, utilizing public property and building entrances, alcoves, loading docks, stairs, or other ingress/egress areas to public property. The activities listed in above constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation, regardless of the intent of the participants or the nature of any other activities in which they may be engaging.

B. "Camping by Necessity" shall mean camping at a time when there is no "available shelter", as defined in Section 12.20.020.

C. No person shall camp in the parks, except in areas specifically designated by the City Council for such activities by resolution.

D. The restrictions contained within this chapter are in addition to those restrictions contained within Chapter 12.20. In the event any regulation contained within this chapter conflicts with any other regulation contained within this Code, the more stringent regulation shall apply.

12.16.060 Storage in parks.

A. In parks, the storage of construction materials, tools, lumber, paint, tarps, bedding, luggage, pillows, sleeping bags, food, clothing, literature, papers, and all other similar property is prohibited, except where in conjunction with camping in areas specifically designated by the City Council for such activities and in accordance with this Chapter and Chapter 12.20.. For purposes of this Chapter, "store" means to put aside or accumulate for use when needed, to put for safekeeping, to place, or to leave in a location for future or long-term use.

B. Notwithstanding subsection A above, a person in the parks may have literature, papers, food, clothing, blankets, and a reasonable cover to protect such property, occupying up to three cubic feet of space, as long as such property is attended at all times while in the park (the term "attended" is defined as a person being within three feet of his or her property) and not stored.

12.16.070 Fires in parks.

A. No person shall start or maintain, in any park, any outdoor fire, except in areas and facilities designated and installed for fire use. Fires shall be limited to fires in camp lanterns or bar-b-ques.

B. No person starting or maintaining any fire in a park shall leave the area where the fire is located without first completely extinguishing such fire. A failure to do so may result in criminal penalties.

12.16.080 Dog parks.

In addition to the regulations established in Sections 12.16.010 through 12.16.070, the following regulations shall apply to the use of dog parks within the City:

A. No owner or handler of a dog shall permit such dog to be without a leash in any park and recreation facility except as provided in this section.

B. Each dog owner or handler assumes all liability and risk related to use of the dog park, including all injuries and damages caused by their respective dogs. The City shall not be liable for any injury or damage caused by any dog brought to the dog park.

C. Each dog owner or handler may bring up to two dogs each per visit to the dog park.

D. For the safety of the people at the dog park, as well as the dogs, it is prohibited to bring the following dogs to the dog park at any time:

1. Aggressive dogs. For purposes of this section, an “aggressive dog” means:

a. Any dog which has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of any person or domestic animal or fowl;

b. Any dog which engages in, or is found to have been trained to engage in, exhibitions of dog fighting; or

c. Any dog at large found to attack, menace, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic animal or fowl.

E. The following dogs are also prohibited in any public park within the City:

1. Dogs younger than four months old.

2. Female dogs in heat.

F. All users of the dog park must comply with the following rules of conduct in the dog park area:

1. All dogs must be on a leash when entering and exiting the dog park area.

2. All dogs must wear a collar with identification and current dog license and rabies tags.

3. All dogs must be under their owner’s or handler’s control at all times.

4. Dog owners or handlers must keep their dogs in their view at all times. Dogs shall not be left unattended.

5. Dog owners or handlers must have visible pet waste disposal materials at all times.
 6. Dog owners or handlers must pick up and properly dispose their dog's waste in one of the provided trash receptacles.
 7. Dog owners or handlers must immediately fill in any holes dug by their respective dogs.
 8. All children under the age of sixteen (16) must be accompanied by an adult inside the dog park area.
 9. It is prohibited to smoke in the dog park area.
 10. It is prohibited to bring dog food or raw hide to the dog park area.
- G. The violation of any provision of this chapter is punishable by temporary or permanent exclusion from the use of the dog park. In addition, a violation may result in any fines authorized by Section 12.16.100.

12.16.090 Skateboard parks.

In addition to the regulations established in Sections 12.16.010 through 12.16.080, the following regulations shall apply to the use of skateboard parks within the City:

- A. Each user of the skateboard park assumes all liability and risk related to its use, including all injuries and damages caused by its use. The City shall not be liable for any injury or damage resulting from use of the skateboard park.
- B. The following items are prohibited at the skateboard park:
 1. Glass containers. Users may only bring aluminum cans and plastic bottles.
 2. Alcohol, tobacco, or any other drugs.
 3. Litter.
 4. Additional obstacles such as ramps and jumps.
- C. All users of the skateboard park must comply with the following rules of conduct:
 1. Using abusive, threatening, or obscene language is prohibited.
 2. Graffiti and tagging are prohibited.
 3. Excessive noise to the point of disturbing nearby residents is prohibited.
 4. No person shall, by use of a radio, tape, record, amplifiers, amplifying equipment, microphone or other electronic or mechanical device, produce or allow to be produced a noise level which disturbs a reasonable person's peace and quiet and in no event shall the noise level exceed the noise limits set forth in this code, unless a special event permit is obtained first.

5. All trash must be disposed in designated trash receptacles.

6. The violation of any provision of this chapter is punishable by temporary or permanent exclusion from the use of the skateboard park. In addition, a violation may result in any fines authorized by Section 12.16.100.

12.16.100 Violations—Penalties.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise failing to comply with the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars (\$100.00). This chapter may be enforced through the issuance of administrative citations, as provided by Chapter 1.16 of the code.

Chapter 12.20 CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS

12.20.010 Purpose.

A. The public streets and areas within the City 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. The purpose of this chapter is to maintain public streets and areas within the City in a clean and accessible condition to the extent possible while respecting the constitutional rights of individuals.

B. In the event any regulation contained within this chapter conflicts with any other regulation contained within this code, including, but not limited to, those regulations contained within Chapter 12.16, the more stringent regulation shall apply.

12.20.020 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.

"Available Shelter" means a bed or other living accommodations that are practically accessible to a particular individual. To be practically accessible, the available shelter must either be affordable or, in the case of an indigent individual, free of charge. Practically available shelter must be physically accessible in terms of transportation and must allow for the admission of the individual. The term "available shelter" does not include, for example: (1) shelter where an individual cannot stay because the individual has exceeded a shelter's maximum stay rule; (2) shelter that is unavailable due to the individual's gender, religious affiliation, criminal convictions, or pets; (3) shelter space that cannot reasonably accommodate the individual's mental or physical needs or disabilities; (4) shelter space that does not permit a minor child to be housed in the same facility with at least one parent or legal guardian, assuming the individual(s) seeking such shelter are at least one parent or legal guardian with a minor

child; (5) shelter space that would require an individual to attend or participate in religious activities or programs as a condition of utilizing the shelter space where the individual declines to do so; and (6) shelter space in which the location is at capacity or where the individual does not otherwise satisfy the location's criteria for admission or is located outside of City limits. Shelter need not be permanent to be available.

"Camp facilities" means tents, huts, or temporary shelters which can be easily erected and dismantled without construction or specialized tools.

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City designated cooking facilities and similar equipment.

"Camping by Necessity" means camping at a time when there is not "available shelter" as that term is defined.

"Park" means any public park or recreation or playground area, including Class I Bike Trails and paseos, or building or facility thereon within the City of Rio Vista, owned and maintained by the City as a public park or recreation or playground area, whether or not such areas have been formally dedicated to such purpose.

"Shelter" means a building intended for housing of persons in an individual or group setting and has a roof, walls, and living facilities (e.g., bathroom, kitchen, sleeping quarters).

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

"Street" includes both "street, public" and "street, private" as defined in Section 17.02.040 of this code.

12.20.030 Unlawful camping.

A. It is unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia on any City property except as otherwise provided herein or mandated by applicable law:

B. Exemption for Camping by Necessity. Where the City has determined that there is no Available Shelter in the City practically available to a person, he or she may camp, occupy camp facilities, and use camp paraphernalia in the public areas designated by the City Council by resolution, at least until such shelter space becomes practically available. Notwithstanding this subsection, in no event may any person violate any federal, state, or local law while camping including, but not limited to, those regarding fires, possession of banned substances, and criminal activity and shall comply with the following:

1. The use of public utilities not designated for public use is prohibited.
2. Camping inside or under public buildings is prohibited unless designated by City Council resolution as an available shelter location.

3. At no time shall any person obstruct access to a street, sidewalk, park playground, public utility, public property, or other public right-of-way open for pedestrian travel or governmental use by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property in a manner that does not allow for passage as required by the Americans with Disabilities Act of 1990, as amended from time to time; or, by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable, entrance, exit, driveway or loading dock; or, by creating any barrier with string, wire, rope or chain, or other attachments or appurtenances upon City-owned buildings, trees, light poles, fences, equipment, or other public facilities or structures.

C. Exemption for Emergency. The provisions of this Chapter shall not apply in the event of an emergency reasonably affecting the person who is attempting to camp, including a City-declared emergency or natural disaster, such as a fire or earthquake, nor to camping in public areas legally established and clearly designated for camping purposes.

12.20.040 Storage of personal property in public places.

It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any City property, except as otherwise provided herein.

12.20.050 Notice and Violations—Penalties.

A. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise failing to comply with the provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars (\$100.00). This chapter may be enforced through the issuance of administrative citations, as provided by Chapter 1.16 of this code.

B. Prior to any violation, the City shall provide occupants of a camp facility notice of intent to remove the encampment at least forty-eight (48) hours in advance of any action to remove the camp facility for a violation of this code. Notice shall be in writing and the City shall make reasonable efforts to personally serve the occupant(s) of the camp facility who are present when the City attempts to serve notice. In addition, the City shall post the notice on or near the camp facility so as to reasonably communicate the notice to persons living at the camp facility, but not present during the attempt to serve notice. The notice shall contain the following information:

1. The location of the camp facility;
2. The date and time notice was served or posted;
3. A statement that the camp facility violates this Chapter;
4. An advisement that the City will remove the camp facility within forty-eight (48) hours after the date and time of the notice;
5. Information about any available shelter and available shelter location, as defined in this Chapter; housing or shelter and homeless services available

and day use and gathering locations for occupants of the camp facility and the phone number and address to contact in order to obtain the housing or shelter or other health and human services;

6. An advisement that any personal property remaining at the camp facility site when the City returns to remove the camp facility will be impounded for not less than sixty (60) days and will be discarded thereafter if not claimed; and

7. The address, phone number and operating hours of the location where the personal property will be stored and may be retrieved and that the City will charge no fee for storage or retrieval.

Section 3. Severability.

The provisions of this Ordinance are hereby declared to be severable if any provision, clause, word, sentence or paragraph of sections, or the application thereof to any person, establishment, or circumstances, shall be held invalid. Such invalidity shall not result in the invalidity of the entire Ordinance which can be given effect without the invalid provision or application. The Rio Vista City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish a summary of the Ordinance within fifteen (15) days after passage in a newspaper of general circulation published in the City of Rio Vista.

I, **PAMELA CARONOGAN, INTERIM CITY CLERK OF THE CITY OF RIO VISTA,** **HEREBY CERTIFY** this Ordinance was introduced at a regular meeting of the Rio Vista City Council on _____, **2022** and **PASSED and ADOPTED** by the City Council of the City of Rio Vista at a regular meeting on _____, **2022**.

AYES:

NOES:

ABSENT:

ABSTAIN:

Ronald Kott, Mayor

ATTEST:

Pamela Caronongan, Interim City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney