

TO: MAYOR AND CITY COUNCIL

FROM: JON RADERMACHER, City Administrator

SUBJECT: Storing of Personal Property on City Land

MEETING DATE: May 20, 2025

BACKGROUND

Staff have received complaints about persons storing personal property, vehicles, equipment, camping gears, bicycles, etc. on City property, outside of city parks, for extended periods of time. While these are not widespread issues, they do create concerns, and our ordinances are not clear as to the remedies for action by the City. Cities do have authority to remove items of personal effects from City Property if it kept there for an extended period of time, and we would like to have direction on whether to craft this ordinance. This would not be intended to prohibit the access and use of City Parks and Public Facilities, but primarily focused on City-owned property that doesn't have a current public use or improvements.

STAFF RECOMMENDATION

Council to provide input and direction to the drafting of an ordinance, a suggested process could be to have staff work with the City Attorney to draft the framework of an ordinance, refer a committee(s) for review and input, then present to the Council for discuss and ultimately final approval

REQUESTED COUNCIL ACTION

No action, just discussion at this time.

STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY

DEFINITIONS:

Unless the context otherwise requires, the definitions contained in this section shall govern the meaning of words and phrases used in this article.

CAMP: To pitch or occupy camp facilities; to use camp paraphernalia.

CAMP FACILITIES: Shall include, but not be limited to, tents, huts or temporary shelters.

CAMP PARAPHERNALIA: Shall include, but not be limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity provided cooking facilities and similar equipment.

CITY OWNED PARKING LOT/STRUCTURE: A city owned parking area designed for vehicle parking for general public.

PARK: A public park as designated in section 96.02 of this code.

STORAGE: To leave in a location for later retrieval; to put aside for use when needed

TRASH: Waste material or things that appear no longer wanted, needed or usable; including but not limited to empty containers/packages, loose papers, damaged fabrics or clothing, nonfunctioning items.

UNLAWFUL STORAGE ON CITY PROPERTY:

No person shall store personal property, including, without limitation, camp facilities and camp paraphernalia, in the following areas:

- A. Any park.
- B. Any street.
- C. Any city owned parking structure.
- D. Any other city owned or operated property.

If property is placed in a location for more than 24 hours or to interfere with regular maintenance activities, that shall be evidence that the property has been stored in violation of this section.

UNLAWFUL CAMPING:

No person shall camp, occupy camp facilities or use camp paraphernalia in the following areas:

- A. Any street.
- B. Any city owned parking lot or structure.
- C. Any other city owned or operated property.

NOTICE OF VIOLATION:

Any property found to be in violation shall have a notice of violation posted on or adjacent to the property. If not removed within 24 hours, the property shall be considered to be unclaimed property.

REMOVAL OF UNCLAIMED PROPERTY

Any property that is considered unclaimed property stored on City Property, shall be collected and placed into storage for 60 days to allow the owner to reclaim. If the property remains unclaimed it shall be disposed of as provided by Section 33 of this code.

Item that are trash as defined by this section shall not be retained as unclaimed property and will be disposed of in the same manner as the City disposes of other trash it collects.

**4-11-3 REGULATION AND IMPOUNDMENT OF STORED PERSONAL PROPERTY;
DISCARD OF CERTAIN STORED PERSONAL PROPERTY:**

A. No person shall store any unattended personal property in a public area, and in such case, the property shall be recognized as abandoned property. Abandoned property may be seized immediately without notice and destroyed as authorized by law.

B. No person shall store any attended excess personal property in a public area. With pre-removal notice as specified in Section 4-11-4(a), the city may impound any attended excess personal property stored in a public area. Post-removal notice shall be provided as set forth in Subsection 4-11-4(b).

C. No person shall store any personal property in a public area in such a manner as to obstruct city operations, including a street or sidewalk maintenance or cleaning. Without prior notice, the city may temporarily move personal property which is obstructing city operations in a public area, including a street or sidewalk maintenance or cleaning, during the time necessary to conduct the city operations. The city may also impound personal property that is obstructing city operations in a public area, pursuant to Sections 4-11-3(a) or 4-11-3(b).

D. No person shall store any personal property in a public area in such a manner that it does not allow for passage as provided by the Americans with Disabilities Act of 1990, as amended. Without prior notice, the city may move and may immediately impound any personal property stored in a public area in such manner that it does not allow for the passage as required by the Americans with Disabilities Act of 1990. Post-removal notice shall be provided as set forth in Section 4-11-4(b). A violation of this section is governed by Section 4-10-1(f) of this Code.

E. No person shall store any personal Property within:

1. Twenty-five (25) feet of any operational or utilizable driveway or loading dock;
2. Twenty-five (25) feet of any operational or utilizable building entrance or exit;
3. Ten (10) feet of any fire hydrant, fire plug, or other fire department connection;
4. Ten (10) feet of any utility meter, utility connection or street light;
5. One thousand (1,000) feet of a property designated as sensitive use pursuant to Section 4-10-1(c)(1);

6. Five hundred (500) feet of a bridge or pedestrian bridge; or

7. An area with posted signage pursuant to a Resolution adopted by Lemoore City Council. Without prior notice, the city may move or may immediately impound any personal property store in a public area in violation of this section. Post-removal notice shall be provided as set forth in Section 4-10-1(f) of this Code.

F. No person shall store any personal property in a public area that has a clearly posted closure time. Any personal property located after that posted closure time, and without prior notice, the city may remove and impound personal property stored in a public area provided the personal property is removed and impounded after the posted closure time.

G. No person shall store any personal property in a public area if the personal property constitutes an immediate threat to the health or safety of the public. Without prior notice, the city may remove and may discard any personal property stored in a public area if the personal property poses an immediate threat to the health or safety of the public.

H. No person shall store any personal property in a public area if the personal property constitutes evidence of a crime or contraband. Without prior notice, the city

may remove and discard any personal property that constitutes evidence of a crime or contraband, as permissible by law.

I. No person shall store any personal property in such a manner that obstructs or interferes with any activity in a public area for which the city has issued a permit. Without prior notice, the city may move any personal property stored in a public area in violation of this section. With pre-removal notice as specified in Section 4-11-4(a), the city may impound any personal property stored in violation of this section. Post removal notice shall be provided as set forth in Section 4-11-4(b). A violation of this section is governed by Section 4-10-1(f) of this code.

J. No person shall store any personal property in such a manner as to obstruct any portion of a street or other public right-of-way open to use by motor vehicles, a designated bike lane or bike path, or other public right-of-way open exclusively to use bicycles. Without prior notice, the city may move and may immediately impound any personal property in violation of this section. Post-removal notice shall be provided as set forth in Section 4-11-4(b). A violation of this section is governed by Section 4-10-1(f) of this Code.

K. No person shall store any personal property in violation of Section 4-10-1(c) of this Code. The city may move and may immediately impound any personal property in violation of this section. Pre-removal notice and post-removal will be provided by erecting signage providing notice that storage of personal property is a violation of 4-10-1, which may result in removal or impoundment of personal property. This signage must also provide information on retrieval of personal property and provide notice that the personal property may be discarded, if not claimed within 90 days. A violation of this section is governed by Section 4-10-1(f) of this code.

L. No person shall store any personal property in violation of Section 4-10-1(e) of this Code. With pre-removal notice as specified in Section 4-11-4(a) or posted signage, the city may impound any personal property in violation of this section. If the city has not posed signage, a post-removal notice shall be provided as set forth in Section 4-10-4(b). A violation of this section is governed by Section 4-10-1(f) of this Code.

4-11-4: NOTICE:

A. Pre-Removal Notice: Pre-removal notice shall be deemed provided if a written notice is provided to the person who is storing or claims ownership of the personal property or is posted conspicuously on or near the personal property or is posted conspicuously on or near the personal property and the actual removal commences no more than forty-eight (48) hours after the pre-removal notice is posted. The written notice shall contain the following:

1. A general description of the personal property to be removed.
2. The location from which the personal property will be removed.
3. The date and time the notice was posted.
4. A statement that the personal property has been stored in violation of Section 4-11-3.
5. A statement that the personal property may be impounded if not removed from public areas within twenty-four (24) hours.
6. A statement that moving personal property to another location in a public area shall not be considered removal of personal property from a public area.
7. The address where the removed public property will be located, including a telephone number and the internet website of the city through which a person may receive information as to impounded personal property as well as information as to voluntary storage location(s).
8. A statement that impounded personal property may be discarded if not claimed within sixty (60) days after impoundment.

B. Post-Removal Notice: Upon removal of stored personal property, written notice shall be conspicuously posted in the area from which the personal property was removed.

The written notice shall contain the following:

1. A general description of the personal property removed.
2. The date and approximate time the personal property was removed.
3. A statement that the personal property has been stored in violation of Section 4-11-3.
4. The address where the removed personal property will be located including a telephone number and internet website of the city through which a person may receive information as to the impounded personal property.
5. A statement that impounded personal property may be discarded if not claimed within sixty (60) days after impoundment.

4-11-5: STORAGE AND DISPOSAL:

A. Except as specified herein, the city shall move personal property to a place of storage.

B. Except as specified herein, the city shall store impounded personal property for sixty (60) days, after which time, if not claimed, may be discarded or destroyed. The city shall not be required to undertake any search for, or return, any impounded personal property stored for longer than sixty (60) days.

C. The city shall maintain a record of the state any impounded personal property was discarded.

4-11-6: REPOSSESSION:

The owner of impounded personal property may repossess the personal property prior to its disposal upon submitting satisfactory proof of ownership. A person may establish proof of ownership by, among methods, describing the location from and date when the personal property was impounded from a public area, and providing a reasonably specific and detailed description of the personal property. Valid, governmental-issued identification is not required to claim impounded personal property.

4-10-1: SITTING, LYING, OR SLEEPING OR STORING, USING OR MAINTAINING OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT OF WAY:

A. Sitting, Lying Or Sleeping: These activities are prohibited in the public right-of-way when the intent is to occupy the space beyond what is considered normal and reasonable use. This means that temporary, short-term use such as resting briefly on a bench or sitting for a moment is permitted. However, using the area for extended periods in a manner that obstructs or impedes the normal flow of pedestrians or traffic is not allowed.

B. Storing, Using, Maintaining, Or Placing Personal Property: The storage, use, maintenance, or placement of personal property in the public right-of-way is prohibited when it extends beyond normal and reasonable use. This means that personal property should not be left unattended, stored, or arranged in a way that obstructs public access or creates a hazard. Unattended property may be considered abandoned. Normal, brief use of personal items that does not impede public access or safety is permitted.

C. No person shall obstruct a street, sidewalk, alleyway or other public right-of-way:

1. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property in a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, as amended;

2. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable driveway or loading zone;

3. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within twenty-five (25) feet of any operational or utilizable building entrance or exit;

4. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of any fire hydrant, fire plug, or other fire department connection;

5. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within ten (10) feet of a utility meter, utility connection or street light;

6. By sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the city has issued a permit.

D. No person shall obstruct any portion of any street or other public right-of-way to use by motor vehicles, or any portion of a bike lane, bike path, or other public right-of-way open to use by bicycles, by sitting, lying or sleeping, or by storing, using, maintaining, or placing personal property, anywhere within the street, alley, bike lane, bike path, or other public right-of-way as specified.

E. Except as limited by subsection (d), no person shall:

1. Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 1,000 feet) of a property designated as sensitive use. For a property to be designated as "sensitive use," the property must be a school (public or private), childcare facility, public park, public library, warming center, cooling center, or City-permitted shelter for the unhoused;

2. Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way within the distance stated on the posted signage (up to a maximum of 500 feet) of a bridge or pedestrian bridge where the City Council determines, by Resolution, that the public health, safety or welfare is served by the prohibition, including, without limitation, by finding that sleeping or lodging within stated proximity to the designated area is unhealthy, unsafe or incompatible with safe passage;

3. Sit, lie, sleep, or store, use, maintain, or place personal property in or upon any street, alley, sidewalk, or other public right-of-way that has been posted with signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or placing personal property. In order to designate a section of street, sidewalk, or other public right-of-way as prohibited under this subdivision, the City Council shall determine, in a designating resolution, and based on specific documentation, that the circumstances of continued sitting, sleeping, lying or storing or personal property, or otherwise obstructing the public right-of-way.

F. No person shall be found to be in violation of any prohibition set forth in Subsection (c) unless and until (i) the City Council has taken action by resolution to designate specified areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, otherwise obstructing the public right-of-way; (ii) the City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise

obstructing the public right-of-way will be allowed; and (iii) at least fourteen (14) calendar days have passed from the date on which the signage is posted at the designated area or areas.

G. The City shall adhere to State law as it pertains to mobile and sidewalk vendors.

Beverly Hills CA

ARTICLE 15. CAMPING OR STORING PERSONAL PROPERTY ON PUBLIC PROPERTY

5-6-1501: DEFINITIONS:

Unless the context otherwise requires, the definitions contained in this section shall govern the meaning of words and phrases used in this article.

CAMP: To pitch or occupy camp facilities; to use camp paraphernalia.

CAMP FACILITIES: Shall include, but not be limited to, tents, huts or temporary shelters.

CAMP PARAPHERNALIA: Shall include, but not be limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity provided cooking facilities and similar equipment.

CITY OWNED PARKING STRUCTURE: A city owned parking structure designated in subsection 5-6-1308B of this chapter.

PARK: A public park designated in section 8-1-101 of this code.

STORE: To put aside for use when needed; to put for safekeeping; to leave in a location for later retrieval. (Ord. 07-O-2538, eff. 12-21-2007)

5-6-1502: UNLAWFUL CAMPING:

No person shall camp, occupy camp facilities or use camp paraphernalia in the following areas:

- A. Any park.
- B. Any street.
- C. Any city owned parking structure.
- D. Any other city owned or operated property. (Ord. 07-O-2538, eff. 12-21-2007)

5-6-1503: UNLAWFUL STORAGE OF PERSONAL PROPERTY:

No person shall store personal property, including, without limitation, camp facilities and camp paraphernalia, in the following areas:

- A. Any park.
- B. Any street.
- C. Any city owned parking structure.
- D. Any other city owned or operated property.

If property is placed in a location for such a length of time as to cause visible damage to grass or other landscaping, or to interfere with regular maintenance activities, then such damage or interference shall be evidence that the property has been stored in violation of this section. (Ord. 07-O-2538, eff. 12-21-2007)