

CHAPTER 7.20 LOITERING AND CAMPING

§ 7.20.010. Purpose and intent.

It is the purpose and intent of the City Council through the adoption of this chapter, to provide enforcement tools to protect public and private property from acts of loitering, camping on public property, sleeping on or in public facilities, parking overnight without authorization or as otherwise permitted in this code, and aggressive solicitation. It is further the intent of the City Council, through the adoption of this chapter, that all those who callously disregard property rights of others, the law enforcement agencies of the City, both the law enforcement services division and the City Attorney's office, will strictly enforce the law and severely prosecute those persons engaging in the violation of any portion of this chapter.

(Ord. 560 § 3, 2019)

§ 7.20.020. Definitions.

As used in this chapter:

"Camp" means to pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

"Camp facilities" includes, but is not limited to, tents, huts or temporary shelters.

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

"Loitering" means to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered.

"Public property" means property owned or leased by a public entity.

(Ord. 560 § 3, 2019)

§ 7.20.030. Obstructing free passage.

It is unlawful for any person, after being warned by a law enforcement officer or where a sign or signs have been posted giving notice of this section, to loiter, stand, sit or lie in or on any public property or on any portion of private property used for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians, or to block, obstruct, or prevent the free access to the entrance of any building open to the public.

(Ord. 560 § 3, 2019)

§ 7.20.040. Sitting or lying down on public sidewalks in commercial zones prohibited.

A. No person is permitted to sit or lie down on a public sidewalk, or upon a blanket, stool, or any other object placed on a public sidewalk, between the hours of 7:00 a.m. and 9:00 p.m. in the following areas:

1. General commercial district.
2. Neighborhood commercial district.

3. Office/professional district.
 4. In those areas of the town center district zoned:
 - a. Commercial;
 - b. Civic center;
 - c. Institutional;
 - d. Residential/office/commercial.
- B. Exceptions. The prohibition in subsection A of this section does not apply to any person:
1. Sitting or lying down on a public sidewalk due to a medical emergency;
 2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
 3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;
 4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner; or
 5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.
- C. No person may be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- (Ord. 560 § 3, 2019)

§ 7.20.050. Loitering in and around transportation facilities prohibited.

- A. It is unlawful for any person to enter any premises, to remain on any premises after being directed by law enforcement officer, owner, occupant, or agent to leave, or to resume loitering within 48 hours after being directed to leave a premises, unless such person has a purpose legitimately connected with the business or activity of the legal occupant of the premises or a bona fide intent to exercise a constitutional right, and to undertake any lawful expressions of opinion.
- B. For purposes of this section, "premises" means any bus depot, transit station, trolley station or on the grounds of a common carrier, or in a place open to the public immediately adjacent to any bus depot, transit station, trolley station, or common carrier, including any ancillary food service premises maintained primarily for the convenience of the customers of said carrier, except those parts of such depot, station, or grounds thereof that are occupied by a business other than that of a common carrier or ancillary food service.
- (Ord. 560 § 3, 2019)

§ 7.20.060. Unlawful camping.

To the fullest extent provided by law, it is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia during the following times and in the following areas, except as otherwise provided:

- A. At any time within 1,000 feet of any waterbody, except pursuant to a permit authorizing such camping at a campground;
- B. In any public park when that park is closed;
- C. On any sidewalk or street in such a manner that obstructs the flow of traffic in a manner that results in a violation of the Americans with Disabilities Act, forces pedestrian traffic into a street or other area where vehicles travel, forces vehicular traffic to veer from its ordinary course of travel, or prevents the free access to the entrance of any building open to the public;
- D. In any other public lot, area, or place, between the hours of 7:00 a.m. and 11:00 p.m.
(Ord. 560 § 3, 2019)

§ 7.20.070. Prohibited activities on public property.

- A. It is unlawful for any person to undertake the following activities on any public property, except in areas designated or authorized by the City for such activities through a sign, permit, or the provision of a facility intended to be used for such activity:
 - 1. Store personal property, including camp facilities and camp paraphernalia;
 - 2. Cook;
 - 3. Use, allow, or facilitate the burning of an open flame;
 - 4. Launder clothing, bedding, or other similar items;
 - 5. Bathe;
 - 6. Urinate;
 - 7. Defecate;
 - 8. Dispose of trash.
- B. It is the intention of the City Council in adopting these prohibitions to protect the public from fire threats and unsanitary conditions and to protect the environment, including water courses and the stormwater conveyance system, from pollution.
(Ord. 560 § 3, 2019)

§ 7.20.080. Public urination or defecation.

It is unlawful for any person to urinate or defecate on any street, sidewalk, alley, plaza, park, beach, public building, or public facility, or any place open to the public or exposed to public view.
(Ord. 560 § 3, 2019)

§ 7.20.090. Private property.

It is unlawful for any person to camp, lodge, sleep, or stay overnight in or on any private property without permission of the owner or lessee of such property and in compliance with the zoning code.

Editor's Note: Sections 7.20.110—7.20.160 are added by Ordinance 610 and are related to the San Diego River Corridor.

(Ord. 560 § 3, 2019)

§ 7.20.100. San Diego River Corridor.

(Ord. 610 § 1, 2023)

§ 7.20.110. Declaration of purpose.

The City Council of the City of Santee intends to mitigate the threat of fire, flooding, water pollution, habitat destruction and other potential causes of destruction and damage to and interference with the San Diego River Corridor, in order to protect the health, safety, and welfare of the public, by placing reasonable time, place and manner restrictions on activities associated with fire ignition, flood risk creation, habitat destruction and water pollution in the San Diego River Corridor.

(Ord. 610 § 1, 2023)

§ 7.20.120. Definitions.

When used in this chapter, the following words and phrases have the following meanings:

"Fire Prevention Official" means the fire chief, a deputy fire chief, the fire marshal, fire prevention officer or code enforcement officer.

"Competent Ignition Source" or "Ignition Source" means any source that is capable of kindling a fire. It may be in the form of a mechanical or electrical spark, glowing ember, open flame, chemical reaction, friction or similar action that is capable of kindling a fire.

"San Diego River Corridor" means the following areas:

AREA 1:**SAN DIEGO RIVER - WESTERN CITY LIMITS TO CUYAMACA STREET**

1. All portions of the State ("Caltrans") right-of-way adjacent to the San Diego River and Forester Creek confluence, including Assessor's Parcel Numbers ("APN") 383-071-09 and APN 383-071-08.
2. APN 383-071-08.
3. APN 383-071-04.
4. All portions of the City of Santee right-of-way underneath the Carlton Hills Boulevard Bridge crossing the San Diego River.
5. APN 383-070-62, excluding the City of Santee installed barbeques at designated picnic table areas within the Mast Park boundary north of the San Diego River Trail.

AREA 1:**SAN DIEGO RIVER - WESTERN CITY LIMITS TO CUYAMACA STREET**

6. APN 381-040-24, excluding the City of Santee installed barbeques at designated picnic table areas and the disc golf concessions area within the Mast Park boundary north of the San Diego River Trail.
7. APN 381-040-42.
8. All portions of the City of Santee right-of-way underneath the Cuyamaca Street Bridge crossing the San Diego River.

AREA 2:**SAN DIEGO RIVER - CUYAMACA STREET TO MAGNOLIA AVENUE**

1. All portions of the City of Santee right-of-way underneath the Cuyamaca Street Bridge crossing the San Diego River.
2. APN 381-050-77.
3. APN 381-050-55.
4. APN 381-050-61.
5. APN 381-050-57.
6. APN 381-050-60.
7. APN 381-050-79.
8. A three segmented portion of the City of Santee right-of-way on Cottonwood Avenue from APN 381-760-77 to the southern terminus adjacent to APN 381-050-77 and APN 381-160-80. The right-of-way from above said portion of Cottonwood Avenue right-of-way easterly to the Magnolia Avenue Bridge crossing the San Diego River. The right-of-way over and along Chubb Lane from the San Diego River confluence to Magnolia Avenue.
9. APN 381-760-77.
10. APN 381-160-82.
11. APN 381-160-80.
12. All portions of the City of Santee right-of-way underneath the Magnolia Avenue Bridge crossing the San Diego River.

AREA 3:**SAN DIEGO RIVER - MAGNOLIA AVENUE TO EASTERN CITY LIMITS**

1. All portions of the City of Santee right-of-way underneath the Magnolia Avenue Bridge crossing the San Diego River.
2. APN 381-160-79.
3. APN 381-160-42.

AREA 3:**SAN DIEGO RIVER - MAGNOLIA AVENUE TO EASTERN CITY LIMITS**

4. APN 381-050-72.
5. The north easterly portion of APN 773-811-66. Adjacent to APN 381-050-72, APN 381-160-42 and north of the retaining wall at the northern easterly portion of APN 773-811-66 adjacent to the San Diego River.
6. APN 381-160-35.
7. APN 381-160-19.
8. APN 381-160-69.
9. APN 381-171-04.
10. APN 381-171-07.

AREA 4:**FORESTER CREEK – SAN DIEGO RIVER CONFLUENCE TO SOUTHERN CITY LIMITS**

1. All portions of the State ("Caltrans") right-of-way adjacent to the north side of Mission Gorge Road from the San Diego River and Forester Creek confluence to APN 383-153-12 and south of the residential properties along the southern side of Gorge Avenue.
2. APN 383-153-12.
3. All portions of the City of Santee right-of-way underneath the Mission Gorge Road Bridge crossing the Forester Creek Channel.
4. APN 383-124-19.
5. All portions of the City of Santee right-of-way along the Forester Creek Channel from Mission Gorge Road to the State Route 52 overcrossing.
6. All portions of the State ("Caltrans") right-of-way underneath the SR-52 bridges crossing the Forester Creek Channel.
7. APN 383-124-20.
8. APN 383-124-55.
9. APN 383-124-58.
10. APN 383-124-62.
11. APN 384-011-18.
12. APN 384-011-17.
13. All portions of the City of Santee right-of-way along the Forester Creek Channel from the State Route 52 overcrossing to the Olive Lane Bridge adjacent to APN 384-020-60 and APN 384-311-23.
14. APN 384-011-19.

AREA 4:
**FORESTER CREEK – SAN DIEGO RIVER CONFLUENCE TO SOUTHERN CITY
LIMITS**

15. APN 384-012-14.
16. APN 384-012-54.
17. APN 384-012-15.
18. APN 384-012-47.
19. APN 384-012-56.
20. APN 384-012-21.
21. APN 384-012-57.
22. APN 384-020-60.
23. All portions of the City of Santee right-of-way underneath the Olive Lane Bridge crossing the Forester Creek Channel.
24. APN 384-311-23.
25. APN 384-311-43.
26. APN 384-311-44.
27. APN 384-311-45.
28. All portions of the City of Santee right-of-way located at the north east side of Prospect Avenue at the Pathway Street intersection. Adjacent to APN's 384-311-45 and 384-311-51.
29. APN 384-311-51.
30. All portions of the City of Santee right-of-way underneath the Prospect Avenue Bridge crossing the Forester Creek Channel.

The San Diego River Corridor is also depicted in Exhibit "A."¹

The San Diego River Corridor as described and depicted herein is also a "waterbody" as used in Section 7.20.060 of this Code.

(Ord. 610 § 1, 2023)

§ 7.20.130. Prohibited activities.

- A. It is unlawful and a public nuisance for any person, other than as directed by a Fire Prevention Official, to use a Competent Ignition Source to cause or intend to cause a fire within the San Diego River Corridor. Unlawful activities include, but are not limited to, arson, burning of debris or wire, campfires, cooking, or use of explosives or fireworks.
- B. It is unlawful and a public nuisance for any person using or possessing a Competent Ignition Source to camp or use camp paraphernalia in the San Diego River Corridor.

1. Exhibit "A" of Ordinance 610 is on file with the City Clerk, and is available at 10601 Magnolia Avenue, Santee, California 92071.

- C. It is unlawful and a public nuisance for any person to camp or use camp paraphernalia within the San Diego River Corridor in a manner that obstructs or could obstruct the flow of water within the San Diego River Corridor.
- D. It is unlawful and a public nuisance for any person to camp or use camp paraphernalia within the San Diego River Corridor in a manner that causes or threatens to cause a discharge of any pollutant or waste within the San Diego River Corridor.
- E. It is unlawful and a public nuisance for any person to camp or use camp paraphernalia within the San Diego River Corridor in a manner that causes or threatens to cause damage to any threatened or endangered species or critical habitat.

(Ord. 610 § 1, 2023)

§ 7.20.140. Abatement.

- A. A violation of Section 7.20.130 may be abated in any manner permitted by the Municipal Code or State or Federal law.
- B. Because of the extreme risk of fires, flooding, water pollution or habitat destruction to health and public safety, a violation of Section 7.20.130 may be abated immediately in accordance with the following procedures:
 - 1. The Fire Prevention Official may make a determination that (1) an activity in the San Diego River Corridor constitutes an activity prohibited by Section 7.20.130; and (2) such activity creates an immediate threat to the health, safety or welfare of persons or property in the San Diego River Corridor.
 - 2. If the Fire Prevention Official makes the above determinations, then a directive will be issued to proceed with any abatement required to alleviate the immediately dangerous conditions.
 - 3. After any abatement activity for a violation or violations of Section 7.20.130, the City will provide notice of such abatement to any responsible parties and a post-abatement hearing in accordance with Section 1.14.030.

(Ord. 610 § 1, 2023)

§ 7.20.150. Interference with abatement.

No person shall willfully prevent, delay, resist, obstruct, or otherwise interfere with a City official, employee, contractor, or volunteer in their execution of an abatement pursuant to this Chapter.

(Ord. 610 § 1, 2023)

§ 7.20.160. Violation—Penalty.

- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapters 1.04, 1.08, 1.10, and 1.12.
- B. Violations of this chapter are hereby declared to be a public nuisance.

- C. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the City from any other available remedy.
(Ord. 610 § 1, 2023)